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**THE INSTRUMENTS OF EU'S NORMATIVE AND DEVELOPMENT
POLITICS TOWARDS CENTRAL ASIAN COUNTRIES**

(ES normatyvinės ir vystymo politikos instrumentai Centrinės Azijos šalyse)

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Santrauka

Europos Sąjunga pabrėžia, jog žmogaus teisių, teisės viršenybės ir demokratijos rėmimas yra vienas iš pagrindinių ES užsienio politikos tikslų. Šis tikslas yra įtvirtintas oficialiuose ES dokumentuose, tokiuose kaip Europos Vystymosi Konsensusas (2005) bei Europos Centrinės Azijos strategija.

Šiame darbe analizuojamas ES vertybių sklaidos rėmimas Centrinės Azijos šalyse – Kazachstane, Kirgizijoje, Tadžikistane ir Uzbekistane. Turkmėnijos atvejo, dėl šalies izoliacijos, į tyrimą įtraukti nebuvo įmanoma.

Siekiant nustatyti ES vertybių sklaidos rėmimo lygį darbe nuspręsta nagrinėti ES instrumentus, tokius kaip EIDHR, žmogaus teisių dialogas bei pilietinės visuomenės seminarai.

Europos Sąjunga patvirtino Centrinės Azijos Strategiją 2007m. Šiuo dokumentu buvo išplėtoti santykiai tarp Europos Sąjungos ir Centrinės Azijos. Dėl šios priežasties darbe analizuojamas abiejų pusių bendradarbiavimas prieš ir po Strategijos patvirtinimo.

Problemos žmogaus teisių ir teisės viršenybės užtikrinimo srityje tarp ES ir Kazachstano yra analizuojamos kaip atvejo studija.

Darbo pabaigoje pateikiamas ES vertybių sklaidos rėmimo įvertinimas bei pateikiamos perspektyvos Europos Sąjungos ir Centrinės Azijos šalių bendradarbiavimui žmogaus teisių ir teisės viršenybės srityse.

Summary

The European Union is stated that promoting human rights, rule of law and democracy is one of the main objectives of the EU foreign policy. It was endorsed in the EU official document such as European Consensus on Development (2005) and also EU Strategy towards Central Asia.

The thesis analyses the promotion of the EU value towards Central Asian countries, namely: Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan. Because of the isolation of Turkmenistan, it was impossible to include the country in the research paper.

In order to analyze the promotion level, it was decided to scrutinize the EU instruments such as EIDHR, human rights dialogue and civil society seminars.

The European Union adopted the Strategy towards Central Asian countries in 2007 and this document expands the relation between European Union and Central Asia. Therefore, the thesis analyses the corporation of the both sides before and after the adaptation of the Strategy. Issues of cooperation in terms of the human rights and rule of law between the European Union and Kazakhstan are analyzed as a case study.

At the conclusion, the promotion of the values assessed and the conclusion outlined for the corporation in the field of human rights and the rule of law between European Union and Central Asian countries.

Abbreviations

CA	Central Asia
CFSP	Common Foreign and Security Policy (of the European Union)
CIS	Commonwealth of Independent States
DCI	Development Cooperation Instrument
ENP	European Union Neighbourhood Policy
EU	European Union
IR	International Relations
NATO	North Atlantic Treaty Organisation
NGO	Non-governmental organisation
OSCE	Organisation for Security and Co-operation in Europe
PCA	Partnership and Cooperation Agreement
SCO	Shanghai Cooperation Organisation
The Strategy	“ The European Union and Central Asia: Strategy for a New Partnership” of June 2007
TACIS	Technical Assistance to Commonwealth of Independent States
TRACECA	Transport Corridor Europe Caucasus Asia
UN	United Nations
USA	United States (of America)
USSR	Union of Soviet Socialist Republics

Introduction

“EU partnership and dialogue with third countries will promote the common values of: respect for human rights, fundamental freedoms, peace, democracy, good governance, gender equality, the rule of law, solidarity and justice. The EU is strongly committed to effective multilateralism whereby all the world’s nations share responsibility for development.”

(European Consensus on Development 1996)

“As the statement from the European Consensus on Development illustrates, in the post-Cold War era the EU has increasingly claimed that its relations with the rest of the world are informed by the normative principles of peace, freedom, democracy, human rights, rule of law, equality, social solidarity, sustainable development and good governance.”¹

The European Union promoting democracy, human rights, good governance and rule of law in third countries, including Central Asia.

The introduction of the European Union and Central Asia: “Strategy for a New Partnership” of June 2007 begins with the words *“Central Asia has centuries-old tradition of bringing Asia and Europe together. It lies at a strategically important intersection between the two continents”*²- (p.3).

The Central Asia is the region which stretches from Caspian Sea till China and located in the heart of Eurasia. The Central Asia is comprise the five countries, namely Kazakhstan, Kyrgyzstan, Turkmenistan, Uzbekistan and Tajikistan.

Nowadays, the all description of the Central Asia countries includes former Soviet Republics of Kazakhstan, Kyrgyzstan, Uzbekistan, Turkmenistan and Tajikistan. However,

¹ Ian Manners (2008) “The normative power of the European Union in the Globalised world” Routledge research p.23

² Council of the European Union, European Union and Central Asia: Strategy for a New Partnership, European Communities, 2007,
http://www.consilium.europa.eu/uedocs/cms_data/librairie/PDF/EU_CtrlAsia_EN-RU.pdf Accessed 27.03.2014

some scholars add sometimes (depending on the scholar) Afghanistan, Mongolia, Eastern Iran, Pashtun regions of Pakistan and Xinjiang and Tibet Autonomous regions of China.³

In terms of population, Central Asia (defined as being former Soviet Central Asia) has a population of 64.7 million people (2012), Uzbekistan (the most populous) has a population of 29.5 million, followed by Kazakhstan (16.6 million), Kyrgyzstan (5.5 million), Tajikistan (7.6 million), and Turkmenistan (5.1 million).⁴

Historically, the Central Asia was located in the crossroads of the Great Silk road which connected Europe to Asia for several centuries .

The European Union and Central Asia become neighbors through enlargement of the European Union. The Central Asia is the five former Soviet Union countries, which was always the area of interest of Russia and China, not the part of European Neighborhood Policy or the Eastern Partnership.

The European Union starts to interested in Central Asia late. The geopolitical importance of the Central Asia has been growing because of the location at the crossroads of Europe and Asia and energy resource as gas and oil.“But it has become inevitable that for the EU it was impossible to adhere further to such position in the region that became more expressed on a background of changes in the geopolitical balance towards other world powers for the last years.”⁵

The EU is privileged in having international relations with the Central Asian republics. Since EU enlargement has come closer to the borders of the former USSR (region of vast energy resource supplies), a new strategy of rapprochement was adopted. ⁶

The EU repeatedly stated that promoting democracy and human rights as one of the main priorities of the foreign and development policy. There are factors are especially relevant in Central Asian countries where countries such as Kazakhstan and Kyrgyzstan have long lasting

³ Map of Central Asia,2011 <http://bektour.uz/mapscis> Accessed 27.03.2014

⁴ Central Asia http://en.wikipedia.org/wiki/Central_Asia Accessed 01.05.2014

⁵ C. Graubner, 'EU Strategy on Central Asia: Realpolitik after all', issue of the Central Asia Caucasus Institute Analyst, 05/14/2008, p.2, Accessed 01.05.2014, <<http://www.cacianalyst.org/?q=node/4859>>

⁶ Katharina Hoffman "The EU in Central Asia: Successful good governance promotion?" Third World Quarterly, Vol. 31, No. 1, 2010, pp 87–103

authoritarian regimes, Tajikistan and Turkmenistan have a super presidential system and only Kyrgyzstan is a partially free country.

There is a limited number of works about regional cooperation between the European Union and Central Asia in any field and several research was done on the promotion of the EU value in Central Asia. The research paper investigates the EU value promotion from the 1990 until now. Furthermore, it identifies the main problems in the promotion towards Central Asian countries. Taking into consideration the above mentioned, the issue could be considered important in the field of international relations and could help to develop this topic at a new level.

Research Questions and Aim

EU attempt to show itself as a normative actor globally, yet as a realist power, EU sacrifices its norm for interests. As a fertile ground for democratization, Central Asia might be a difficult test for the EU, EU policies are contradicted between policy of statement and policy of implementation.⁷

The **object** of the research paper is promotion of the human rights issue and rule of law of the European Union towards Central Asian countries.

In this connection, the **aim** of this research is to analyze the promotion of norms of the European Union policy (New partnership program) towards Central Asian countries.

According to the aim following research questions were defined :

1. How does the EU value promotion applied towards Central Asian countries?
2. What are the main instruments to promote the European Union values, such as human rights and the rule of law towards Central Asia?
3. How does the implementation occur in Central Asia, except Turkmenistan?

⁷ Gordon Crawford "EU Human rights and Democracy Promotion in Central Asia: From Lofty principles to Lowly Self-Interests" Perspectives on European Politics and Society Vol.9, No.2, 172-191, June 2008

4. What is the main problem in the realization of the EU values, such as human rights and the rule of law?

In the first part of the research paper I defined the aims and question of the whole research paper. The previous research on this topic is reviewed in this part. The second part deals with the theoretical background and methodology which was used in the research paper. The third part aims to outline the cooperation between Central Asia and European Union before the Strategy. In addition, the main priorities and factors that influence acceptance of the Strategy will be analyzed in this chapter. In the last empirical part I will analyze main instruments of the EU used for the promotion of values, such as human rights dialogue, civil society seminar and EIDHR. The last part contains the conclusion.

Literature review

The chosen topic is relatively new in the field of IR and European Studies. At present, there are not so many significant works in the available literature dedicated to studying of mutual relations (cooperation) between the EU and Central Asian countries. Several books and articles were reviewed in order to find appropriate and useful information in my research paper. Several researches writes about the exportation of EU values to post-soviet Central Asia, and I reviewed their books and articles in order to find appropriate and useful information that I used in my research paper.

1. Gordon Crowford “EU human rights and democracy promotion in Central Asia: From Lofty principles to Lowly self-interests” (2007)– This article conducts the analysis and provides with information about the foreign relations policy of the EU in the field of democracy promotion and human rights in terms of a case study of Central Asia.

Generally, it is directed to the issues of interoperation between the work of base self-interests in practice and the expression of fine-sounding principles in policy statements. The EU in its turn, intends to demonstrate itself as a normative actor in the world arena, but still it acts on the position of a realist power. And it is well known that the norms here are sacrificed to interests. As for EU policy, the Central Asia can be a challenging test, which has a lack of

understanding of the democratisation concept , yet it is considered to be the relevant one as controversy between policy accomplishment and policy statements are untrodden.

2. Cristian Nitoiu (2009) “The European Union and Democracy Promotion: A Critical Assessment” – The given literature provides with deeply interesting research works about the paths the EU promotes the democratization issues within various areas of the world. Most of the article writers of this volume are closely connected with FRIDE (Fundación para las Relaciones Internationles y el Diálogo Exterior, an independent European organisation for global action), the Madrid based think tank and it makes this literature highly consequential, well connected and logical. The regions studied range from ones which have been drawn a significant attention by scholarship over the last years— Eastern and Central Europe, the Balkan states or the Eastern Neighborhood—to other one which are overlooked very often by European Union students from Morocco, Central Asia, Nigeria.

3. Boonstraos J, Senior Researcher FRIDE (2010) - “The EU’s Interests in Central Asia: Integrating Energy, Security and Values Into Coherent Policy” – This material presents a brief review of the European Union policy towards Central Asian region, paying a great attention to the connection between values security and energy. At the conclusion part, this article’s authors argue that the European Union’s policy towards Central Asia is overstretched and it is necessary to embed further in this area by means of increasingly fostering local ownership.

4. Katharina Hoffman (2010) “ The EU in Central Asia: Successful good governance promotion?” - In the last few years a revaluation of economic interests and security has led to active cooperation by the EU with Central Asian states. A new strategy of partnership for Central Asian countries was adopted by the European Union as a new foreign policy instrument in 2007. This strategy is targeted to unite the both policy ambitions that are governance-related and interest-based ones. But still, in spite of the fact it was adopted two years ago, the activities related to fulfilling of a good governance initiatives that are not strong yet. It also discusses the challenges and future visions for promotion of good governance in Central Asian states.

5. Alexander Warkotsch (2006) “The European Union and Democracy promotion in Bad Neighborhoods – The case of Central Asia ” - In the course of discussion of ‘The European Union’s Role in Promoting Human Rights and Democratisation in Third Countries’, the European Commission, announced that it wishes to be evaluated regarding its operating activities in meeting the policy aims of the European Union (in this direction). The given article tends to conduct exactly that with the help of a case study of 5 Central Asian republics of Uzbekistan, Tajikistan, Kyrgyzstan, Kazakhstan, Turkmenistan.

Chapter I. Theoretical and Methodical Framework

Theoretical approach

In order to make a complete analysis to the influence and promotion of European Union value in the Central Asia, it is crucial to discuss the theoretical framework of regional cooperation. It was decided to apply two theories as the normative power and neorealism, which can explain research topic better than others.

1.1 The EU's Normative power

In the last years there have been discussions about the European Union as a new type of actor in the international arena because of its successful integration process and, also, for the way the European Union positions itself for the rest of the world. The topic was very popular when a new period of the European Union integration started after 1990. Until now the initiatives of the European Union on solving international conflicts all around the world are widely discussed.

The European Union is recognized all around the world for the “civilian power” which is based more on economic power than on military power. However, the foreign policy of the EU is also based on the normative power, where core norms such as human rights and democracy are important. The term “Normative power” in regards to the foreign policy of the European Union was first used by Ian Manner.

Ian Manners was not the first scientist who conducted research on normative of the EU. The idea of normative power was discussed before in the work of Carr, Duchene and Galtung. Carr differentiates between economic power, military power and power over opinion, Duchene states the beliefs about the founding fathers, while getting says that “ideological power is the power of the ideas.” (Manners 2002 p. 239).

According to the Duchene:

“Europe as a whole could well become the first example in history of a major center of the balance of power becoming in the era of its decline not a colonized victim, but the example of a new stage in political civilization” (Manners:2006, 186)

Manners stated that according to the Duchene it is easy to describe the EU as “civilian power” and then the EU is taking the responsibility to “civilizing” the rest of the world. However, even the use of the word is problematic, because it already interferes the relation of the EU with the rest of the world. According to the postcolonial theory “civilization” is part of “Eurocentric strategies of narrativizing history, so that Europe can congratulate itself for progress” which already could be the accepted as the “culture of the capitalism”. According to the Manners, it is difficult to admit the “civilian power” as the “style of the action” or “domestication” (Manners:2006, 186)

Manners assure, that distinctive feature of this normative power towards “Civilian Power Europe” and “Military Power Europe” is the “ideational impact of the EU’s international identity”, which is able to “shape conceptions of “normal in international relations” (2002: 239).

The EU identified five main values, such as peace, liberty, democracy, the rule of law and respect for human rights and agreed to promote them internally and externally. (Manners 2002: 242-243). Four minor norms were also identified: social solidarity, anti-discrimination, sustainable development and good governance. Manners stated that these norms differ from the other due to the “political entities” and “incline it to act in a normative way”. Particular emphasis is given to the EU’s historical context, hybrid polity and political-legal constitution (2002: 240).

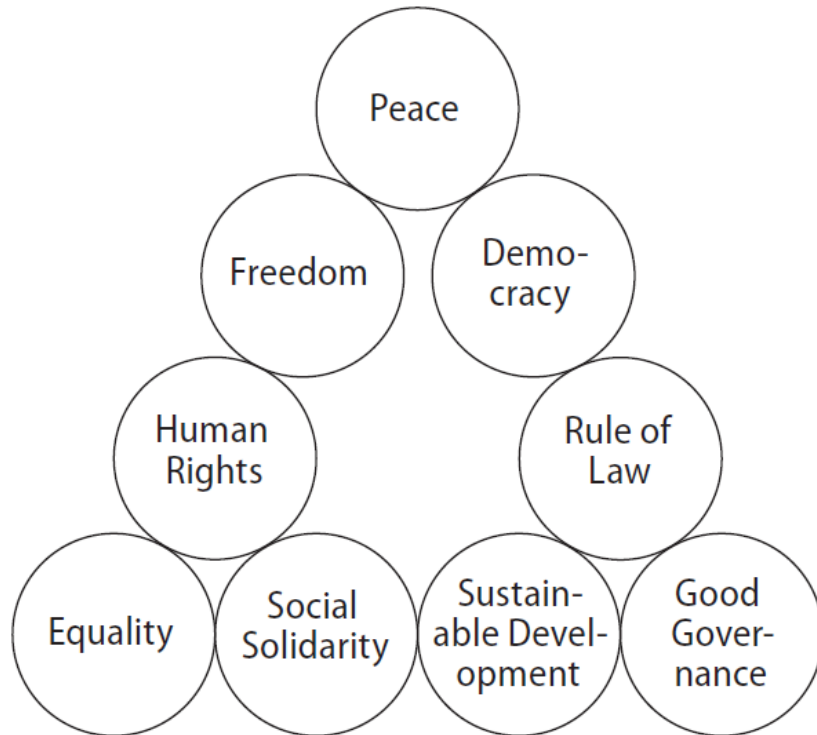


Figure 1. The EU normative constitution (Source : Manners (2005 b))

Manners claims that the European Union will maintain promoting EU values in the future (Manners 2008:45).

Manners stated that the principle of human rights promotion is enshrined in the speech of the EU leaders and EU legislation. (2008a:48). Also, Diez stated that values are important part of the identity of the EU members. (2005: 635)

Article 2 of the Treaty on the European Union (TEU) depicts the EU's commitment to Manners' NPE, stating:

“The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the member states in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail” (Manners 2009 b :793).

Manners stated that promotion of the principle should be promoted through argumentation rather than forcing or money motivation (Manners 2009 b :793).

According to Manners, mutual understanding and dialogue, which is generally shown in communicating with third parties, is the most efficient way to promote EU principles, including “through accession procedures, stabilization and/or association agreements, the European Neighborhood Policy, African, Caribbean and Pacific relations (Manners (2009a: 3). The EU’ member states pointed these values as the mandatory obligations in the agreements.(Dunne 2008: 22).

The European Union in the document of The EU and Central Asia: Strategy for New Partnership is also mentioned human rights, rule of law, good governance and democratization is one of the important priorities. How does the European Union Normative power concept apply in the case of Central Asia? The manners NEP thesis has faced problems with the promotion of human right values. The EU suffers from a gap between rhetoric and practice with regard to human rights standards within the Union. The promotion of value problematic because of EU external policy dominated by member states which have their own interest. However, it is also impossible to argue that it couldn’t apply at all. The instruments which have been used for implement this value is also doesn’t achieve the goals of external policy.

1.2 Neorealism

Neorealism or structural realism - theory of international relations which became popular after the publication of the book by Kenneth Waltz "Theory of international politics" in 1979.

Neorealism – or structural realism – is a theory of international politics. The theory is usually associated with Kenneth Waltz (1924–2013) and his 1979 book bearing the obvious name Theory of International Politics. That book endeavored to construct a very general framework for explaining recurring patterns of state behavior and state interaction in the international system.(Jakobsen 2013:1)

Neorealism represented by Waltz avoids the frequent use of essentialist concepts such as "human nature" to explain world politics. Instead, the ideologues of neorealism develop a theory that privileges structural constraints borne by agent's strategy and motivation to the state.

Waltz claims that the world is dominated by the anarchy among states. Moreover, it is believed that this kind of anarchy is unlike the internal form. Take for example cases at the local level, where the main characters can address to the "supreme judge" - the ruling government, however, in the international arena there is no valid source of dominating power. Generally, it is believed that anarchism in international politics (i.e., lack of central motor) obliges nation-states to take actions on behalf of their safety and well-being first, since it is a primary condition to accomplish different aims. *“Domestic systems are centralized and hierarchies. The parts of international-political systems stand in relation of coordination. International systems are decentralized and anarchic”*. (Waltz 1979 : 93)

While Manners state that values are the pivotal factor in the external policy of EU, neorealism contradicts by claiming that values cannot have an effect on the structure of the world system. This system, neorealists believe, is considered in the anarchic way, where each state acts according to its objectives. (Jorgensen 2006: 51). *“The survival motive is taken as the ground of action in a world where the security of states is not assured, rather than as a realistic description of the impulse that lies behind every act of state. The assumption acts exclusively to ensure its survival”* (Waltz 1979 : 93)

Hyde-Price argued that the EU’s foreign policy will be mostly directed towards the objective decision-making process that ensures “political and strategic security, and economic well-being of its member states” (2008: 32).

The EU’s foreign policy is not only concerned about human rights issues, but also works on the international system’s structural dynamics (Waltz 2004: 5).

Zielonka, for his part, says that the EU actions are like an imperial power’s in its endeavors to “impose domestic constraints on other actors through various forms of economic and political domination”, for instance, by compelling other states to implement regulatory measures that would assist businesses in Europe (2008: 480-481).

Furthermore, Hyde-Price asserts that the EU possesses a hefty interest to enable and support stability and security in its outside surroundings, and thus the EU’s “external policy co-

operation constitutes a collective attempt at milieu-shaping” (2006: 226). Despite the fact that Hyde-Price approves that values and ethics are maintained in foreign policies, this basis is claimed to be “second-order” matters: they are ordered lower than the national security and other essential national interests in importance” (2006: 222-223)

1.3 Research Methodology

Qualitative Research Method

Qualitative research is the best way to analyze object-specific details and the context associated with the phenomenon. “*Qualitative research is a powerful tool for learning more about our lives and the sociohistorical context in which we live.*”⁸

The following qualitative social research methods were applied: case study, and qualitative interviewing (semi-structured). In addition to the interviews, I took information from the EU official website, the official website of the EU delegations in Central Asian countries, newspapers, official statement of the EU.

Document study

According to the research, the official documents of the EU, documents from the website of the international organization analyzed. Namely: The European Union and Central Asia: The New Partnership in Action and Partnership and Cooperation agreement with all countries except Turkmenistan.

Case study: Kazakhstan

In this research, Kazakhstan, which is one of the states (elements) within Central Asia, was taken as a case study. Relations between the EU and Kazakhstan were studied and analyzed more comprehensively in terms of human rights. The reason why I chose Kazakhstan is to explain the EU double standard policy in regards to the promotion of the particular values. Furthermore, due to the relative development with other countries, the cooperation between the

⁸ S.B. Merriam and Associates, *Qualitative Research in Practice: Examples for Discussion & Analysis*, Jossey-Bass, San Francisco, CA, 2002, p.xv, in P. Liamputtong, and D. Ezzy, *Qualitative Research Methods*, 2nd edn., Oxford: Oxford University Press, 2006

EU and Kazakhstan is expanding. However, situation with the human rights and rule of law is under the question.

Interviews

In this research semi-structured interviews will be used as the main data collection method. This method was chosen because it is simple, efficient and practical way of getting data. Interviewing gives a better insight on the issue under research. Interviews with the concerned experts for this research were conducted by phone and Skype in the last week of November. Every interview lasted for more than one hour. I sent all questions in advance by email. In order to obtain unbiased and comprehensive data, interviews were conducted with representatives of the EU delegation in the field of human rights.

I was able to get interviews from respondents who are working in the EU Delegations in Kyrgyzstan, Tajikistan and Uzbekistan. The respondent who is working at the delegation of EU in Kazakhstan did not satisfy the format of my interview and it was not possible to conduct an interview with the respondent. Respondents asked not to declare their names. I also sent e-mails to the NGOs in three countries such as Kazakhstan, Kyrgyzstan and Tajikistan and, unfortunately, I only received an answer from two NGO in Kazakhstan. My research will be based on interviews with the officials of the EU delegations and NGO's from Kazakhstan.

I used respondents' answers in the chapter III in order to analyze the instruments of the EU, which are used for the promotion of the values. With the help of the interviews it was possible to get answers which I outlined as a research answers. The respondents from Kazakhstan answer for to question in Russian language and translation of the interviews is mine.

Respondent	Institution	Position	Place	Duration
Respondent from	The EU	Diplomat	Via Skype	20 minutes

Kyrgyzstan	Delegation in Kyrgyzstan			
Respondent from Uzbekistan	The EU Delegation in Uzbekistan	Diplomat	Via Skype	35 minutes
Respondent from Tajikistan	The EU Delegation in Tajikistan	Diplomat	Vis skype	55 minutes
Respondent from Kazakhstan	NGO	Worker	I received answer by email	2 days to get answer
Respondent from Kazakhstan	NGO	Worker	I received answer by email	3 days to get answer

Semi-structured interviews with the respondents are in Annex A and B. The great strength of qualitative interviewing is the validity of the data acquired.

Chapter II. The European Union Normative policy towards Central Asia

2.1 The issue of human rights, democracy and rule of law in Central Asia

The European Union maintains that the promotion of democracy and human rights is the main core of the EU external policy with third countries. The new independent countries, which appeared on the world map after dissolution of the Soviet Union, are not excluded from this policy. However, before examining the promotion of the EU value, it is worth to mention the situation in Central Asia with democratization and human rights, which is very complicated. Two decades after the collapse of the Soviet Union, Central Asia is still described as one of the most repressive regions in the world.

*“The overall human rights situation in Central Asia has not improved over the last decade. For instance, Kazakhstan, has not progressed in terms of human rights or democratic development regardless of the commitments it undertook in the run-up to its chairmanship of the Organisation for Security and Cooperation in Europe (OSCE) in 2010. Kyrgyzstan is a positive exception, as the country adopted new constitution and move to a parliamentary system. However, concern about ethnic clashes between the Kyrgyz and Uzbek nations in the south is still remain. Tajikistan is the poorest country in the region and faces instability and severe security challenges. The regime struggles to exercise control over the country and human rights violations are commonplace, ranging from offences committed by security forces to the curtailment of political and religious freedoms.. Uzbekistan’s human rights record is amongst the worst not only in Central Asia but also worldwide. Turkmenistan is extremely authoritarian and is considered one of the most closed countries in the world. Its human rights situation is problematic in all aspects, while the government remains unreceptive to any outside criticism”.*⁹

Except Kyrgyzstan other 4 countries have a long lasting authoritarian regime in Kazakhstan and Uzbekistan, super presidential system is in Turkmenistan and Tajikistan. The president of Kazakhstan Nursultan Nazarbayev and president of Uzbekistan Islam Karimov are

⁹ Axyonova Vera EU “Human Rights and Democratisation Assistance to Central Asia: In Need of Further Reform” p.1 –EUCAM, N22_january 2013

ruling countries from 1991. In Tajikistan Immonali Rahmonov is a president from 1994. Turkmenistan has its second president, however, not as a result of the election, but, because of the death of the president Saparmurat Niyazov. The situation is much better in Kyrgyzstan, which seems to be the only democratic country in the region. However, presidents are changing not because of the election, but as a result of revolutions. The revolutions, unfortunately, bring instability in the region for a long time. This is a whole picture of the situation in Central Asia, which clearly shows that after the dissolution of the Soviet Union transformation from communistic regime to democratic regime in Central Asia region completely failed. The next table clearly shows the situation with the freedom ratings, civil liberties, political rights, internet and press in Central Asia, based on the Freedom house ratings.

Table 1

The current state of Central Asian countries according to the Freedom house

Country	Status	Freedom Ratings	Civil Liberties	Political Rights	Internet	Press
Kazakhstan	Not Free	5.5	5	6	Partly free	Not Free
Kyrgyzstan	Partly Free	5.0	5	5	Partly free	Not Free
Uzbekistan	Not Free	7.0	7	7	Not Free	Not Free
Tajikistan	Not Free	6.0	6	6		Not Free
Turkmenistan	Not Free	7.0	7	7	Not Free	Not Free

Source: Freedomhouse.org ¹⁰

But, why the promotion of value in the Central Asian region is so important for the European Union?

Firstly, European Council announced in its declaration (June, 1991):

“ Democracy, pluralism, respect for human rights, institutions working

¹⁰ Report about Central Asia <http://www.freedomhouse.org/regions/central-and-eastern-europeeurasia> 2014, Accessed 22.02.2014

*Within a constitutional framework, and responsible governments appointed
Following periodic, fair elections, as well as the recognition of the legitimate
The importance of the individual in a society, are the essential prerequisites of
Sustained social and economic development”*

The European Union after the adoption of the Maastricht Treaty (1992) enlarge this approach from the one of the goal of cooperation development till the EU' Common Foreign Security. *“According to the Article 11 “the development and consolidation of ‘democracy and the rule of law, and respect for human rights and fundamental freedoms’ become objectives of the EU's Common Foreign and Security Policy (CFSP).”*¹¹

The European Union considers that promotion of the democracy and human rights is one of the fundamental objectives of both EU foreign and development policy.

Moreover, respect for human rights has become the main part of the EU"s discourse. For instance, the European Commission President, José Manuel Barroso, stated that *“in terms of normative power, I broadly agree: we are one of the most important, if not the most important, normative powers in the world”*¹²

Second, the European Union has its own interest in the economic relations with Central Asian countries. Development of trade with each country is impossible without stability in the whole region. Stability is impossible in the society that has problems with human rights and the rule of law. *“There can be no long-term stability without human rights and the rule of law, as well as the inclusion of people in decision-making. If you look at a crisis in the past, it usually has to do with inter-ethnicity, lacking rule of law, corruption and feelings of injustice. My argument is that we all like stability, but if you really want to obtain it you must engage in areas of rule of law and democracy and increased participation. The EU, through the rule of law platform and judicial reforms, does help with the improvement of human rights throughout the*

¹¹ Gordon Crawford (2008) EU human rights and democracy promotion in Central Asia: From Lofty principles to Lowly self-interests, *Perspectives on European Politics and Society*, 9:2, 172-191

¹² Ian Manners (2008) “The normative power of the European Union in the Globalised world” *Routledge research* p.23

*Central Asian region.*¹³ (Interview with Patricia Flor, EU Special Representative for Central Asia)

At the same time, it has to be mentioned that the attention to the human rights issue and rule of law which was given to Central Asia and neighborhood country is different. *At a high-level donors meeting in July, the EU pledged 118 million euros for Kyrgyzstan; but out of this amount, 55 million was part of on-going assistance and 51 million had already been agreed on the new Indicative Program on the EU assistance for Central Asia from 2011 onwards. The EU post-crisis assistance to Kyrgyzstan is dwarfed by the 637 million dollars that the EU Commission pledged for Georgia after the war with Russia. This figure shows the importance Brussels attaches to its neighborhood, which clearly does not include Central Asia.*¹⁴

The Strategy considers democracy, good governance, the rule of law and human rights as one of the seven priorities. The EU has done work in the area of constitutional reform support of civil society organizations in Kazakhstan, Kyrgyzstan and Tajikistan for the projects as development and monitoring of trade unions and electoral legislation. However, during the high level meetings the European Union and Central Asia rarely added the question of democratization to the agenda during the high level meetings between officials.¹⁵ The interest of the European Union in the energy resources of Central Asia always clashes with the problem of human rights in the region.

There are basic instruments which are used by the EU to implement the Strategy in terms of human rights in Central Asia such as: Common Foreign and Security Policy in Central Asia, European Democracy and human right, civil society seminar and human rights dialogue.

However, is it possible to apply this policy towards Central Asian countries where the situation with human rights, democratization is very complicated? Promotion of the values in the Central Asia could be a difficult test for the EU. “ *It is recognized that Central Asia provides less than fertile ground for the promotion of civil and political rights and democratic institutions and processes, given that the political regimes in the five republics span from, at*

¹³ "The European Union is not about imposing" Interview with Patricia Flor, EU Special Representative for Central Asia – Perspectives on Central Asia – No.2, July, 2013

¹⁵ Jos Boonstra (January 2014), Senior Researcher FRIDE “The EU’s Interests in Central Asia: Integrating Energy, Security and Values Into Coherent Policy” p.12

best, a flawed electoral democracy in Kazakhstan to deep-seated authoritarian rule in Uzbekistan and Turkmenistan”.¹⁶

In the following part in order to understand the success of promotion I will analyze the main instruments of the EU in the promotion of value.

2.2 The promotion of value until adoption of Strategy (2007)

The main activity of the European Union towards Central Asian countries in terms of value promotion started after the adaptation of the Strategy. However, it is worth to mention the activity of the European Union until 2007 in order to understand the whole process.

There are two main legal frameworks for cooperation between Central Asian countries and the European Union: Partnership and Cooperation agreement and European Strategy towards Central Asia. Before the adaptation of the Strategy the promotion of the value was outlined in the framework of the Partnership agreement.

Partnership and Cooperation agreement between each state and European Union is based on bilateral level. The Partnership agreement between the European Union and Kazakhstan, Kyrgyzstan, Uzbekistan was signed in 1995, entered into force in 1999. The Partnership program between the European Union and Tajikistan because of the Civil war entered into force in 2003.

The Partnership and Cooperation agreement consider trade, legislative approximation to EU laws and standards and improving the business and investment climate as the main priorities, however agreement also made a condition about a political dialogue, including human rights, constitutional reform and regional affairs, although the EU did not include document specifics of cooperation in these areas in the document.

Asian countries include respect for democracy and human rights as an essential element (Article 2), thus enabling the EU to suspend the agreement in the event of an alleged breach.

¹⁶ Gordon Crawford (2008) EU human rights and democracy promotion in Central Asia: From Lofty principles to Lowly self-interests, *Perspectives on European Politics and Society*, 9:2, 172-191,

It has to be mentioned that from the both sides an interest to discuss the issue of human rights and democratization was not so high. First of all, political dialogue between two parts in terms of human rights were rare and occurred only once a year. Second, it is hard to say that the cooperation with Central Asian countries was the priority of the external policy of the European Union.

In accordance with the PCAs which were signed in 1995, it is obvious that the Central Asian countries as Kyrgyzstan, Kazakhstan and Uzbekistan were striving to improve their mutual beneficial collaboration, but the enthusiasm of the states was not related, particularly at the highest levels in Europe. Besides, Collaboration Council talks are implemented in a very cautious way; delicate subjects are rarely discussed thoroughly. It has always been problematic to find senior-level administrative officials of the European Union to participate in Cooperation Council talks, when the Central Asia delegation is easily be formed by the foreign minister or the prime minister.¹⁷

From 2005 to 2007, almost all of the 20 statements regarding human rights, almost 20 CFSP statements were delivered regarding Central Asian states, with a ‘common position’ accepted after the Andijan massacre in Uzbekistan which took place in 2005, as well as a ‘joint action’ for Central Asia, conducted by appointment of a Special Representative.¹⁸

“Negative CFSP statements were delivered regarding democracy and human rights issues during the three-year period (2005–2007) in Tajikistan, Kyrgyzstan and Uzbekistan. Somehow curiously enough, Turkmenistan which is considered to be authoritarian and dictatorial, particularly under the absolute reign of Mr.Niyazov, the ex-President until December 2006, attracted no declarations like this. Analogously, economically wealthier state as Kazakhstan thanks to its immense oil and gas resources, has been the subject for a CFSP statement in the course of this period, in spite of the webpage of the European Union demonstrating decline of

¹⁷ International Crisis Group, ‘Central Asia: What Role for the European Union?’, Asia Report, No. 113, 10 April 2006, Osh & Brussels, p. 18.

¹⁸ Gordon Crawford (2008) EU human rights and democracy promotion in Central Asia: From Lofty principles to Lowly self-interests, Perspectives on European Politics and Society, 9:2, 172-191,

democracy in terms of ‘crackdowns on mass media, non-governmental authorities as well as opposition groups which were critical of government policies’¹⁹

Table 2

EIDHR in Central Asia for 2005-2006

	Number of projects for 2005-2006	Expenditure for the projects 2005-2006	Proportion of projects with other countries
Central Asia	74	6,479,965 (euro)	7,1 %
Other countries	954	288,121,920 (euro)	92,9 %
Total	1027	294,601,886 (euro)	100 %

Source: European Commission (2007b) The European Union: Furthering Human Rights and Democracy Across the Globe

As we can see from the table the assistance towards Central Asian countries was limited. However, I have to mention that it was just a beginning of the receipt of funds from the instruments, because from 1994 to 2004 Central Asian countries were not eligible to obtain financial support from EIDHR. Limited funds were one of the reasons of the unsuccessful value promotion until 2007.

The European Commission stated that its programs have been

“Most successful when addressing issues relating to an enabling regulatory environment for trade, business and investment”.²⁰ There has been some public financial support for the “good governance”. To sum up the normative policy towards Central Asia before the adaptation of Strategy, it could be stated that there had been human rights and democracy promotion up to 2007.

¹⁹ European Commission (2006b) The EU’s Relations with Kazakhstan – Overview. Available at http://ec.europa.eu/comm/external_relations/kazakhstan/intro/index.htm#recent p. 17

²⁰ Warkotsch A. (2006) “The European Union and Democracy promotion in Bad Neighborhoods – The case of Central Asia ” European Foreign Affairs Review 11: 509–525, 2006, p. 515

2.3 The European Union and Central Asia: The New Partnership in Action

In 2007 the European Union adopted new Strategy towards Central Asia, which extended relation at regional level. It has to be mentioned that the Strategy, which was adopted under German presidency was the first such document towards Central Asia. I could mention two main and important reasons which were the reasons for the adaptation of the Strategy towards Central Asia.

Firstly, the issue of energy security was about the reason for the EU decision to set up a closer relationship with Central Asia. It has become possible, during the presidency of Germany, which was pro-active for the adaptation of this document.²¹ After the gas dispute between Ukraine and Russia European Union was trying to reduce dependence from Russia. Three of the five Central Asian states have significant energy reserves. Kazakhstan has by far the largest – oil reserves in the global ten, gas in the top fifteen. Turkmenistan has large unexplored gas reserves. Uzbekistan is also a significant gas producer.

Secondly, following the 9/11, the importance of the Central Asia rises increasingly among the Western countries owing to its location. Starting *from 2002, all Central Asian states have offered overflight routes and other support to initial US-led and later NATO operations in Afghanistan. It is also worth noting that three Central Asian countries such as Kyrgyzstan, Tajikistan and Uzbekistan have provided airbases and hosted troops, including German troops in Uzbekistan (reportedly numbering about 300 in early 2006), and French forces in Tajikistan.*²²

The Strategy promotes development of cooperation and integration in the region in many important issues, which is highly significant and beneficial for the progress and stability of all countries of the region. *“The strategy represents the EU’s most ambitious project in the region*

²¹ International Crisis Group (2006, 10 April) Central Asia: What role for the European Union? Asia Report, 113. Available at <http://www.crisisgroup.org>

²² Institute for War and Peace Reporting (2004, 30 March) Will US Policy Backfire in Central Asia? Available at <http://archive.muslimuzbekistan.com/eng/ennews/2004/03/ennews30032004a.html#author>

and signals a significant upgrading of relations. It is designed to unfold over the coming years at both the regional level and through bilateral relations.” ²³

The European Council adopted the EU's new Central Asia Strategy in June 2007. According to the new Strategy, The EU distinguishes “good governance, the rule of law, human rights and democratization” as “key areas where the EU is willing to share experience and expertise”. However, before the adaptation of the document, it was outlined in the previous EU Strategy paper (2002-2006) which define the ‘over-arching objectives’ of EU cooperation with Central Asia as “to foster respect for democratic principles and human rights and to promote the transition towards a market economy”. ²⁴

The Strategy expanded the cooperation between the EU and Central Asia and became the first document from the EU in regards CA region.

The Strategy: Priorities for the Partnership between EU and CA

Security and stability were stated as the main interest of the European Union in the region in the EU Strategy for a New Partnership. The relation with each state based on regional and bilateral agreement.

The EU Members States and the EU Commission identified seven topics to collaborate with Central Asian countries.

- Human rights, rule of law, good governance and democratization
- Investing in the future: youth and education
- Economic development, trade and investment
- Strengthening energy and transport links

²³ N.J. Melvin (ed.), Engaging Central Asia: The European Union's New Strategy in the Heart of Eurasia, Brussels: Centre for European Policy Studies, 2008 p.5

²⁴ Council of the European Union, European Union and Central Asia: Strategy for a New Partnership, European Communities, 2007,
http://www.consilium.europa.eu/uedocs/cms_data/librairie/PDF/EU_CtrlAsia_EN-RU.pdf Accessed 27.03.2014
p.14

- Environmental sustainability and water
- Combating common threats and challenges
- Building bridges: intercultural dialogue²⁵

All of the priorities are important for both sides. Education is important for the development of all spheres and whole countries. Human rights and rule of law are two of the main problems and concerns of the region and economic reforms are vital for the guarantee of stability. Security issues due to the geopolitical location and proximity to Afghanistan. Water resources were the reasons of many conflicts between Central Asian countries and the importance of the issue is apparent.

The new policy towards Central Asia established structures for cooperation and an increased EU presence in the region. The European Union has a mission in every state except Turkmenistan. The European Union provides number of projects in order to achieve goals of Strategic Partnership. From the time of the adoption of Strategy a lot of projects implemented in every area of interest.

The EU foreign and development policy, consider promotion of the human rights and democracy as a main objective, which was also highlighted in the new regional Central Asia Strategy (2007) and the European Consensus on Development (2005).²⁶ But how does it apply in the case of Central Asian country? In the following chapter I would analyze the promotion of human right and the rule of law in Central Asia.

²⁵ Council of the European Union, European Union and Central Asia: Strategy for a New Partnership, European Communities, 2007, p.15

http://www.consilium.europa.eu/uedocs/cms_data/librairie/PDF/EU_CtrlAsia_EN-RU.pdf Accessed 27.03.2014

²⁶ Jos Boonstra (january 2014), Senior Researcher FRIDE "The EU's Interests in Central Asia: Integrating Energy, Security and Values Into Coherent Policy" p.12

Chapter III: The analysis of the main instruments promoting of the EU values towards CA

3.1 The analysis of the main instruments in terms of promoting human rights and the rule of law

There are several instruments for EU which can be used for promotion of human rights and democracy. Those are the Human right dialogue, operational is the EIDHR, Common foreign and security policy, human right clauses, mainstreaming human rights and democratization. Particularly, the EIDHR and Human right dialogue with the Civil society seminar will be analyzed as a main instrument of the EU.

European instrument for democracy and human rights (EIDHR)

The EIDHR was coined in 2006 as a financial instrument in the principle of the European Initiative for Democracy and Human Rights which was indicated in a program by the European Parliament. in 1994.²⁷ Compared with other initiatives, the EIDHR goals is supporting the civil society organizations. However, these programs directly engaged in Kazakhstan, Kyrgyzstan and Tajikistan under the titles of the Non-State Actors and Local Authorities in Development (NSA/LA), and the European Instrument for Democracy and Human Rights (EIDHR)

Meanwhile, Uzbekistan has advantages involved in the Institution Building and Partnership Program (IBPP). Additionally, Turkmenistan is out of the projects indicated above.²⁸

However, these programs directly engaged in Kazakhstan, Kyrgyzstan and Tajikistan under the titles of the Non-State Actors and Local Authorities in Development (NSA/LA), and the European Instrument for Democracy and Human Rights (EIDHR)

Central Asian republics received very little funding from EIDHR from 1994 to 2004, due to their non-inclusion as eligible countries, and have only recently become EIDHR recipients.

²⁷ The EU instrument EIDHR , 2013, <http://www.eidhr.eu/whatis-eidhr> Assessed 20.11.2013

²⁸ Axyonova Vera EU "Human Rights and Democratisation Assistance to Central Asia: In Need of Further Reform" p.1 –EUCAM, N22_january 2013

Table 3

The EU programs Assistance to Central Asia 2008-2011 (allocated amount in €)

	EIDHR (CBSS)	NSA/LA	IBPP
Kazakhstan	2,400,000	2,300,000	not active
Kyrgyzstan	2,700,000	1,950,000	not active
Tajikistan	1,800,000	1,850,000	not active
Turkmenistan	not active	not active	not active
Uzbekistan	not active	not active	2,200,000

Source: <http://www.eidhr.eu/whatis-eidhr> Accessed 15.11.2013

From the table it is obvious that not all Central Asian countries participate in these three programs. EIDHR and NSA/LA are implemented in Kazakhstan, Kyrgyzstan and Tajikistan. All these three countries do not participate in the IBPP, when Uzbekistan only receives assistance from this program. Turkmenistan is excluded from all these programs due to the prolonged self-isolation. In perspective of EU officials, it is particularly based on the participation of the EU in order to manage the NSA/LA and small grants of EIDHR as well as the nature of the regimes or conditions for state-independent NGOs..²⁹

Whether the instruments have effects on the development of the non-governmental sector in Central Asia is doubtful. The application procedure is complex and because of hard management procedure usually only a small number of NGO getting grants from the EU. Also, all documents and forms should be completed in the English language. This presents an additional challenge for local NGOs, because they cannot count on qualified English speakers among their staff and volunteers. “Application procedure is complicated for the majority part of NGO even with the training. The requirements of English language made it situation harder. If in case of Application we can help them as much we can, for the problem of Language they should

²⁹ Ahyonova Vera EU Human Rights and Democratisation Assistance to Central Asia: In Need of Further Reform p.2.- –EUCAM, N22_january 2013

solve by themselves. This explains why only small and same number of NGO gets grant from European Union” (Interview with the respondent from Kyrgyzstan 15.11.2013).

There is another concern about applying procedure. “One of the difficulties is the budget of the organization, because Value- added tax (Vat) should be always deducted. We have to include VAT to all the services, which we are going to provide. So, it should be assumed that VAT is the contribution of the organization or you have to get a certificate from the relevant authorities. But, our tax authorities don’t provide such information.

Although for the small number of the Kazakhstan and short time (2 years for the project is not enough, you need at least three years) for the performance, there is no doubt of the effectiveness of the grant. But, the distinction of the EU that they provide financial support to the fields where other donors doesn’t give money and EU always monitor the grant holders (meet with recipient, sub-granters and so on)

And I always had the feeling that in the selection of grant applications, there is one important fact, such as who is applying for that grant. Application of the same organization may be better, but the one that has already been the recipient win or the EU has any obligations to the organization.” (Interview with the respondent from Kazakhstan 01.05.2014)

Most of the projects is not the directly about human rights and democracy, almost all of the projects is socially –oriented projects.

As term of the poverty facilitation strategy, NSA/LA projects have been changed into education and social service provisions.

The requirements meet local reality and for this reason same NGO’s getting help from EU funding. The initiatives of the less - experienced organization are excluded. Finally, the EU assistance programs lack transparency. Information about the completed projects is extremely limited.

Lack of information indicated in the references for the conclusion of IBPP support, where as EIDHR programs were provided with summaries by the Commission's site. However, it is too complicated to find out the results engaged in monitoring and evaluation. Civil Society Seminars

and EU Human Rights Dialogues with the Central Asian states interrupt the projects of EIDHR. The Commission's DG DEVCO and the EU delegations carried on to regulate their prior proposals within EIDHR implementation due to support for the dialogue which insisted on practical and financial follow-ups.³⁰

This limits the potential of the EU assistance to have a greater impact on the development of civil society in Central Asia.

3.2 Human right dialogue and civil society seminar

As the result of the new Strategy towards CA was the establishment of a Human Rights Dialogue process. Before the annual official meetings, the European Union provides the civil society seminar with local NGO's of each country. The structure of the human right dialogue is standard, but not all five countries are cooperating in this filed. It was possible in Kazakhstan, Kyrgyzstan and Tajikistan.

According to the Strategy:

*“Structured human rights dialogues (HRDs) were introduced as part of the broader EU democratization policy towards Central Asian states after the adoption of the ‘EU and Central Asia: Strategy for a New Partnership’ in June 2007. The Strategy recognizes that human rights, rule of law, good governance and democratization underpin long-term political stability and economic development of Central Asia. The EU is working on establishing or upgrading Human Rights dialogues with all Central Asian countries.”*³¹

This strategy requires the EU to engage in human rights dialogues with Central Asian states. The dialogues are now an instrument of the EU's external policy and are designed to:

³⁰ Ahyonova Vera EU Human Rights and Democratisation Assistance to Central Asia: In Need of Further p.2.- – EUCAM, N22_january 2013

³¹ Council of the European Union, European Union and Central Asia: Strategy for a New Partnership, European Communities, 2007, http://www.consilium.europa.eu/uedocs/cms_data/librairie/PDF/EU_CtrlAsia_EN-RU.pdf Accessed 27.03.2014 p.15 Brussels: Centre for European Policy Studies, 2008 p.5

• *discuss questions of mutual interest and enhance cooperation on human rights, inter alia in multilateral arena such as the United Nations and the OSCE;*

• *raise the concerns felt by the EU on human rights in the countries concerned, gather information and launch initiatives to improve the relevant human rights situation.*³²

In any CA countries, human rights dialogues can manage to the development of programs and projects, so that countries can meet their international human rights obligations. The format and way in which human right dialogues are organized are the same in each country.

There have been several bilateral human rights dialogues between the EU and Central Asian countries. For instance, four rounds dialogue with Kyrgyzstan, five with Kazakhstan, Tajikistan and Turkmenistan, and seven with Uzbekistan. The main focus goes to eight to ten issues, including suppression of human rights activists and general view of human rights issues. Currently, the only two countries, namely Kyrgyzstan and Tajikistan, had relevance to the dialogue with the ruling government and the present human rights situation.³³

“We have a human rights strategy that is updated every 3 years, it is a confidential document. We organize civil society seminar - topic is affair trial, we gather together international NGO, international organization, EU member states, Turkey, USA, Japan. Above all main actors of this meeting is civil society we speak with them, we have one day or two day civil society seminar- at the end of this seminar we produce some recommendation, this recommendation is the fundamental because they will be hanging over to the Kyrgyz authority ,we will constitute the theme during the human right dialogue” (Interview with respondent from Kyrgyzstan 15.11.2013).

“We have delegated from EU countries in dealing with human rights issues and discussing with government whole day. We ask about their problem and giving them our recommendation. In addition to the human rights dialogue we have an instrument such as Individual cases, at the end of the dialogue we give some recommendation to the government or

³² Council of the European Union, European Union and Central Asia: Strategy for a New Partnership, European Communities, 2007, http://www.consilium.europa.eu/uedocs/cms_data/librairie/PDF/EU_CtrlAsia_EN-RU.pdf Accessed 27.03.2014 p.16

³³ Report about human rights dialogue Eu and CA http://www.eucentralasia.eu/uploads/tx_icticontent/EP-EUCAM-Report-Human-Rights-EU-CA.pdf Accessed 01.05.2014

some cases, we developed this individual case with member states, we have three member states such as France, Great Britain and Germany and as well with the cooperation with civil society.” (Interview with respondent from Uzbekistan 15.11.2013). As we can see the way of working and implementing the human right dialogue is the same. Kazakhstan, Kyrgyzstan and Tajikistan are countries which are open for cooperation. But, for example, in the case of Uzbekistan, the situation is different. The format of human rights dialogue does not always apply for Uzbekistan *“Our main instrument is the political dialogue. We developed trust base. We support reform in the field of human rights and the rule of law. As you may know Uzbek side also wants to provide the human right dialogue in equal condition with the possibility to criticize the European Union human rights issue”*. (Interview with the respondent from Uzbekistan 15.11.2013) Uzbekistan is the only country that wants to participate in such condition.

The result of human rights dialogue in every country is different. In many cases it remains without implementation.

“It is difficult to answer for these questions, because we just present some recommendation and try to control how government follow this recommendation.” (Respondent from Kyrgyzstan). *“One of the concern of EU in Tajikistan freedom of media, we discussed with authority to abolish to provision in the criminal court, I was long discussion with government around 2-3 years. Basically, we achieve the goal – journalist could not be in prison for the idea.”* (Interview with the respondent from Tajikistan 15.11.2013).

The most important part is the cooperation with NGO. *“Cooperation with NGO is really positive, because country compared to other states really open up and in the past space to NGO to speak up. We have 5000 NGO, not all of them active, we have good cooperation with 50-100 NGO, we finance some of them, we have weekly, sometimes daily sometimes weekly contact. It depends to our activity, to our concern, to their concern. They really free when they speak, and we meet them many times per month.”* (Interview with the respondent from Kyrgyzstan 15.11.2013)

The cooperation with NGO is also intensive in Tajikistan. *“We have developed good cooperation with NGO, we have regular meeting, concern of NGO will be discussed in our meeting with NGO, we have number of NGO which is coming from another region not only from*

Dushanbe.” There are 16 NGO, this is the good platform to NGO express their concern, at the end of seminar NGO developed number of recommendation, and EU lobby this recommendation. We have visitors coming. Last year it was lady Catherine Ashton, we discuss for 3 hours the main concern of NGO” (Respondent from Tajikistan 15.11.2013). The EU delegation in Kyrgyzstan and Tajikistan developed high level of cooperation with NGOs. For local NGOs this is a good platform to present their opinions and concerns. The situation is quite different in Uzbekistan. The number of local NGOs is limited. The cooperation with the EU Delegation regarding participation in the EU project could be important and help to develop and support their actions.

“It is always been a very sensitive issue. As you know, it is current situation had a negative influence to the cooperation. We try to keep contact with the NGO, to know what is going on. Registration in Uzbekistan is quite restrictive, we try to promote the relaxation condition to the NGO in Uzbekistan. To make the system of registration is more flexible. This is our main objective in the country and in the cooperation with NGO” (Interview with the respondent from Uzbekistan 15.11.2013)

To sum up, it has to be mentioned that the result of the human rights dialogue is doubtful. First of all, according to the answers of the respondents it is really hard to define concrete results of the dialogue. It is hard to say that it doesn't have any result. For instance, The civil society seminar, which took place in Kyrgyzstan in February 2012, came with the results recommending adoption and implementation of a law on "National Preventive Mechanism" (against torture)³⁴. The above mentioned law was adopted by the Kyrgyz Parliament in 7 June 2012. Simultaneously, a National Centre for the Prevention of Torture and a Coordination Council for the Prevention of Torture was founded.

Likewise, following the 2012 EU-Tajikistan civil society seminar on ‘Freedom from Torture or Cruel, Inhuman or Degrading Treatment or Punishment,’ Tajikistan also adopted law that regarded torture as a criminal offence and worked on a manual for judges and prosecutors concerning the cases related to torture and violence.

³⁴ Report about human rights dialogue Eu and CA http://www.eucentralasia.eu/uploads/tx_icticontent/EP-EUCAM-Report-Human-Rights-EU-CA.pdf Accessed 01.05.2014

in case of Tajikistan it was possible to improve the situation with mass-media. I could find just only this result, which is hard to assess as the successful promotion of the EU values. Also, other respondents couldn't answer this question. Furthermore, there is no official statement on the results of human rights dialogue between the European Union and Central Asia except the announcement about providing such dialogue. Secondly, the European Union only gives recommendations, but it cannot require concrete results from any country. This issue is the problem of Central Asian countries, it has to be of mutual interest from both sides to achieve development in this area.

3.3 Promotion of the rule of law in Central Asia

The Rule of Law Initiative is one of the pivotal projects of the Central Asia Strategy. It is planned to 'maintain current modernization of the legal sector, as part of a more complex plan to raise stability, development and respect for human rights'.³⁵ High-level political dialogue and specific technical assistance programs are two essential levels. Tasks on the regional level need to solve the problems belonging to five states, while the state-specific activity is adapted to the various cycles of development of each country's legal system.

"We have project is coming up, it is 13,5 euro – 3 million will be given to an NGO, the rest of the money will be financed Kyrgyz institution. I cannot be more clear because is the still in process" (Interview with the respondent from Kyrgyzstan 15.11.2013).

"We have huge project which is called the rule of law platform project in Central Asia. It is a regional project. This initiative comes from France and Germany. The project focuses on improvement of capacity of judges. We have several training for judges on various issues like administrative law, free trial. We organize 4 types of training. This activity is coming together with another project which is implemented by Venice commission. This project is usually

³⁵ The EU and Central Asia: Strategy for a New Partnership (Brussels, June 2007), http://www.consilium.europa.eu/uedocs/cms_data/librairie/PDF/EU_CtrlAsia_EN-RU.pdf

concentrated on the defense of advocate.” (Interview with the respondent from Tajikistan15.11.2013)

“EU delegation is responsible for the implementation of criminal justice reform. The delegation is responsible carrying out together with Uzbek authority. This is not an easy program. This is the sensitive issue. This is the first time when we really have significant program in the field of criminal Justice, of course, there are many difficulties, obviously from the Uzbek side we have some difficulties in implementing the program. This is the program we are not allowed to fail. The interest of both sides makes this program is successful. We draw the attention very clearly. We have regional instrument such as the European Initiative to the rule of law. Uzbekistan expressed its interest to participate in this program. We try to promote the participation in this important regional program.” (Interview with the respondent from Uzbekistan15.11.2013)

Obviously, the cooperation from both sides is increasing and we can see the high interest from Central Asian countries. The leaders of these realize that without reforms of law system, it is hard to talk about any development in political, economic and social life in the country. The rule of law is a less sensitive issue in relation of both sides and this is one of the reasons for intensive cooperation.

From the answers of the respondents implementation of the human right dialogue highly depends on internal situation of a country. After the ethnic conflict in 2010 Kyrgyzstan’s authorities understood that with the assistance of the European Union they could solve many issues regarding human rights, ethnic conflict where they did not have enough practice and specialists. In Tajikistan that shares a border with Afghanistan withdrawal of NATO military forces in 2014 could be a main threat to the stability of the country. In addition, both countries struggle with poverty and financial help from the European Union is important additional help for countries. Uzbekistan which is the most populous country in the region is not open for cooperation with the European Union. The lifting of sanctions on Uzbekistan in 2009 has not resulted in a more structured and productive relationship with Tashkent either. *“The effectiveness of the sanctions, and the process of lifting them, remains contested. Some argue that the sanctions served a purpose by inflicting damage to the regime’s international reputation, but that keeping the lines of communication open and engaging with wrongdoers is more*

beneficial in the long-run. Others criticize the lifting of the sanctions on the grounds that the announced conditions for this were not met through tangible reforms or an international inquiry. The EU, thereby sent a wrong signal to Tashkent."³⁶ European Union did not provide consistent policy towards Uzbekistan. In this situation, the European Union tries to find an issue where both sides can cooperate in order to achieve something.

Although there were the EU's own guidelines for HRDs, stating that "any decision to open a human rights dialogue will first require the definition of the practical aims which the Union seeks to achieve by entering into dialogue with the country concerned",³⁷ plans were not objective and specific towards Central Asian republics. Beside the basic goals structured in the European Commission's Factsheet on EU Human Rights Dialogues in Central Asia, no public EU document contains more particular objectives. The human rights dialogues can be prevented by the vague goals, which are not clearly focused and defined.

Another concern about Central Asian countries is not discussing the human right issue in another format, for example political dialogue. Same for the European Union, which is also has own economic interest in Central Asia. Putting this question on the agenda of political and economic dialogue could have a negative influence in the development of relations.

The main concern about these instruments that the commitment of Central Asian countries in many cases more in rhetorical level without any improvements. The Central Asian leaders are not comfortable to discuss this question, but they also understood that is the basic part of the EU normative approach. Commitment of leaders in developing relation with European Union remained in rhetorical level.

All human right dialogues with government in a close door format and it is very hard to find any information except statement. It has made it hard to understand the level of implementation. Close door format is also rising another problem. This is explained firstly by the impossibility of discussing 'hard' cases of human rights violations with Central Asian civil society representatives without putting them at risk, and secondly by the necessity to open up the

³⁶ By Jos Boonstra, Senior Researcher FRIDE - "The EU's Interests in Central Asia: Integrating Energy, Security and Values Into Coherent Policy"

³⁷ The Central Asia http://www.eucentralasia.eu/uploads/tx_icticontent/EUCAM-Brief-16.pdf Accessed 01.05.2014

general discussion first to be able to get to the ‘harder’ issues later, as insisting on ‘hard’ human rights-related issues from the very beginning might ‘kill’ the dialogue. This confirms that the EU has learned its lessons after the first civil society seminar with regard to the possible negative consequences of politicizing human rights in a public setting.³⁸

It is difficult to evaluate the human right instruments. There is no doubt that it has a positive result as a platform for local NGO, improvement rule of law. But, as an instrument have a limited power to promote EU value. Lack of planning and transparency, coordination between programs, political and economic factors made it difficult to achieve goals. All above mentioned factors have a negative influence on the implementation of human rights dialogue.

3.4 Case study –Kazakhstan

Kazakhstan is one of the stable country in the region, which has achieved considerable economic development in the past few years, and considered a middle-income country.

The European Union (EU) and Kazakhstan became important partners over the last decades. The European Union (EU) and Kazakhstan have been partners from the day the republic obtained its independence; their dialogue constantly expands. Kazakhstan assigns a special place in its foreign policy in cooperation with the EU, which occupies leading positions in world politics and the world economy. Today the European Union is the main trading partner of Kazakhstan: it accounts for 40 percent of Kazakhstan's exports. Kazakhstan is the largest trade partner of the EU in CA. The EU’s bilateral trade with Kazakhstan exceeds in volume the organizations combined trade with the four other Central Asian republics.³⁹

At the same time due to supplies from Kazakhstan Europe partially satisfies their needs in uranium and oil and more interested in the natural resources of this country. Intensification of the economic and political ties brought Kazakhstan and the European Union to a new level and both sides in 2011, the parties began the process to conclude a new agreement about Partnership and Cooperation Agreement (PCA) .

³⁸ Cristian Nitoiu “The European Union and Democracy Promotion: A Critical Assessment” (2012) pages 128-129

³⁹ R. Weitz, *Kazakhstan and the New International Politics of Eurasia, Silk Road Paper*, July 2008, Central Asia-Caucasus Institute, Silk Road Studies Program

Following some reforms in policy-making to increase democratic governance and the election and judicial systems, Kazakhstan became a chairman in OSCE in 2010. However, planned reforms were not thoroughly revised, therefore, failed to establish an ideal system of checks and balances. Nursultan Nazarbayev, who has ruled the country for over 20 years, was declared as "Leader of the Nation".

According to the Human rights watch:

Kazakhstan's poor human rights record continued to deteriorate in 2013, with authorities cracking down on free speech and dissent through misuse of overly broad laws. Authorities maintain strict controls on freedom of assembly and religion. Torture remains common in places of detention, even as authorities in July adopted a law on a National Preventive Mechanism on torture.⁴⁰

If we will go through all the aspect of the ratings, we will see that country did not succeed in terms of human rights records. According to the Freedomhouse.org

Freedom of expression

Starting in late 2012, there was a marked escalation in the government's crackdown on independent and opposition media. In December 2012, in rushed trials, courts banned the newspapers Vzglyad, Golos Respubliki, and their affiliated sites, and prohibited K+ and Stan.TV from broadcasting. In 2013, several newspapers including Pravda Kazakhstanana and Tribuna, were suspended for three months on technical grounds. In January, the Zhezkazgan youth newspaper was ordered to close.⁴¹

It is also remained same for the press in Kazakhstan.

Freedom of the press

⁴⁰ Report about Kazakhstan, 2013 <http://www.hrw.org/world-report/2014/country-chapters/kazakhstan?page=1>
Accessed 01.05.2014

⁴¹ Report about Kazakhstan, 2013 <http://www.hrw.org/world-report/2013/country-chapters/kazakhstan?page=2>

*The Kazakh government's media crackdown intensified in 2012, as nearly 40 opposition outlets were banned in December, and violent attacks on journalists increased. Throughout the year, journalists and media outlets remained subject to legal restrictions, prohibitive libel and defamation judgments, self-censorship, and harassment.*⁴²

Analyzing above mentioned, despite all actions of Kazakhstan to have an image of a fast developing country with democratic values, the situation has not changed over the decades. Kazakhstan incurs more obligations, however, has not provided any real reforms. The stability of the whole country is based on the will of one person, but not on the democratic society, rule of law and respect for human rights.

The European Union instruments for promoting human rights in Kazakhstan

From 2007 to 2012, EU was engaged with Kazakhstan with an estimated €56.70 million under the DCI, as well as €3.15 million under the NSA-LA thematic programs and **€2.36 million** through the EIHRD. Of the total €62.71 million, 91% of it went to state agencies using a project-oriented approach. The remaining **9%** went as grants and calls for proposals to civil society organizations.⁴³

The EU grant despite the limitation of the sources the cooperation between Central Asia and the European Union is important for the Kazakhstan. *“The EU Delegation to Kazakhstan is rendering a great support to non-governmental organizations in the field of human rights through allocation of grants, consultations and exchange of experience. For example, the support in the form of grants for such organizations as the Kazakhstan International Bureau for Human Rights (development and promotion of the "National Human Rights Plan"), Eurasia Foundation of Central Asia with the project "Strengthening the NGO Network to Effectively Advocate for Human Rights". These projects provide an opportunity to elaborate not only the legal aspects, but also to affect the sustainable development of NGOs in this field, since the development conditions of the third sector in this area leave much to be desired. Since, there is no educational support in Kazakhstan for now in the field of NGOs, seminars and trainings on*

⁴² Report about Kazakhstan, 2013, <http://www.freedomhouse.org/report/freedom-press/2013/kazakhstan#.U0Uz3CcjMRQ>

⁴³ Tika Tsertvazde and Jos Boonstra (2013) «Mapping EU development aid to Central Asia», FRIDE, p.4

development of civil society are still very needed and necessary. Efficiency and benefits depend on the coaches, but there are few of them who are indeed competent and professional.” (Interview with the respondent from Kazakhstan 01.05.2014). As we see from the above mentioned, the cooperation is important for Kazakhstan.

Table 4

Financial support for Kazakhstan from EU

2007-2013 Kazakhstan							
	2007	2008	2009	2010	2011	2012	2013
Development cooperation Instrument							
Support to strengthen the judiciary	3,5						
Support to the national programme on vocational education development	5						
Public sector reform an modernisation to support Kazakhstan policy to modernise its public administration				10			

Support to judicial reform				16,314			
Support to local development policies						12	
Total							3,15
Thematic programme							
Non-State Actors and Local Authorities in Development	0,6	0,75	0,75	0,45	0,3	0,3	
Total							3,15
Instruments							
EIDHR		0,56	0,6	0,6		0,6	
Total							2,36
Instruments for Stability: Elections					0,5		
Total							0,5
Grand total							62,71

Source: «Mapping EU development aid to Central Asia» (Tika Tsertvazde and Jos Boonstra) 2013, p. 4

The Human Rights and Democracy Promotion in Central Asia of funds available for democracy and human rights projects, less than 2.6 million over 2007–2013 and virtually nothing before, contrasts with the substantial funds that are expended in other sectoral areas.

The EU instrument budget funds are limited and it is one of the reasons that the promotion of the values is not visible for the society. Apart from limited resources, Kazakhstan has the same problem as any other country in terms of obtaining grants from the European Union.

Furthermore, the issue of the human rights in Kazakhstan was not the main core of the EU leaders discourse. It is obvious from the press report about the visit of the EU officials to Kazakhstan.

During to the visits of British prime Minister David Cameron UK business structure conducted trade and other deal the amount of which is estimated £700 million (US\$1.1 billion). British Prime Minister said that *he and President Nursultan Nazarbayev discussed human rights issues “at some length.”*⁴⁴

Furthermore, during the visit of the EU High Representative for Foreign Affairs and Security Policy Catherine Ashton on November 2012 in the statement any human rights concern wasn't mentioned.⁴⁵ Also, in June, during the visit of European Commission President Jose Manuel Barroso for the discussion of the European Union –Kazakhstan Partnership and Cooperation Agreement (PCA) did not raise publicly any specific human rights concerns.⁴⁶

According to neorealism, every state acts due to their own interests. It is clear, that the issue of the human rights was not discussed at the highest level, which means that neither Kazakhstan nor the EU officials want to put this issue on the agenda. According to the NGO member: “We are pessimistic about implementation of the obligations of agreement from Kazakhstan's side, because until now it was just an intention to fulfil them, but no real action.

“The current partnership and cooperation agreement is important for both sides, it is in receipt of the political and economic dividends, but no, in the end, not to improve human rights. Nearly one year have been postponed due to the negotiations with the European Parliament adopted resolutions on Zhanaozen and of human rights. And something was done during this period in Kazakhstan? On the contrary, the situation has deteriorated as civil activists harassed and persecuted, newspapers continue to close, the practice of torture, and the cases of political

⁴⁴ Report about Kazakhstan <http://www.hrw.org/europecentral-asia/kazakhstan> 2014 Accessed 21.04 2014

⁴⁵ Central Asia <http://www.hrw.org/europecentral-asia/kazakhstan> Assessed 21.04 2014

⁴⁶ Central Asia <http://www.hrw.org/europecentral-asia/kazakhstan> Assessed 21.04. 2014

prisoners have not been revised. In the EU, as officials and deputies, are well aware of the situation in Kazakhstan in compliance with the right to a fair trial. It would be wonderful if the agreement concluded Kazakhstan pledged to sign and ratify the European Convention on Human Rights, and our partners in the EU would help maximize Astana to implement it . This would be a great achievement and a real contribution to improving the overall situation ”. (Interview with Respondents from Kazakhstan 01.05.2014)

According to other human rights defender: *“The EU is aware of the bad human rights situation in Kazakhstan. It is obvious from the five resolutions which was adopted in the previous year. However, the resolution without sanction doesn’t have any effect to the Kazakhstan leaders”* (Interview with the respondent from Kazakhstan 01.05.2014).

According to the researcher Yermukanov *“Thus, it is almost certain that ‘energy interests (will) overshadow the human rights agenda”* (2007).⁴⁷

From the above examination, it is evident that, the energy needs of EU member states and the commercial interests of its corporate sector, especially the energy giants, are of a significantly higher order than desires to promote respect for human rights and democracy. In the case of the Kazakhstan European Union have a double standard in terms of promoting normative values. The EU’s democratization policy is high on rhetoric, but remains low on delivery. The European Union is motivated by his own interest and promotion of respect for human rights and the rule of law always clashes with this interest.

From the other hand, in relations with Kazakhstan of such developments can be avoided. This EU country opens up new trade and investment opportunities in Kazakhstan, but also the European Union stands for Kazakhstan extremely important market and supplier of new technology. In the future, the economic and political success of the Astana will treasure largely depend on whether Kazakhstan will be able to find an alternative trade relations with Russia and China. More clear EU position on the commitments in Kazakhstan the field of human rights and democracy can be beneficial to both parties. Political stability based on democratic principles will contribute to strengthen the position of Kazakhstan in the international arena, and the EU will gain a more reliable partner.

⁴⁷Yermukanov, M. (2007, 8 April) EU overlooks pitfalls of Central Asian strategy, Caucaz europenews. Available at http://www.caucaz.com/home_eng/breve_contenu.php?id%309

Conclusion

During the analysis of the implementing process in terms of human rights and during the assessment of various activities made throughout the implementation of Strategy after the report's publication, it is clear that positive changes may be predicted regarding matters of bilateral and regional relations. Simultaneously, the analysis illustrates that there is little or no success in some issues of primary importance, especially concerning human rights issues.

The research aim is to influence and promote the European Union value to Central Asian states. According to my research, I will state that the influence of the EU value promotion in Central Asia is limited. According to the aims of my research, the following conclusion is outlined:

1. Although European Union promotes democracy, human rights, good governance and rule of law in third countries, including Central Asia, the EU is focused mainly on its self-interest than to promote EU values. According to the principle of the neorealism, the own interest of the EU is more important than promotion of the values. The order of the energy needs of EU member states is the significantly higher than that of desire to promote respect for human rights and democracy. It is obviously known that the EU has twice higher standards for human rights issues. There is a huge gap between rhetoric and practice in promoting values. As a result, the Union has been criticized by third parties for having double standards. In case European Union would like to become the norm power for third countries, it would have structured, deeply before promoting its values highly in the world.

2. Promoting democracy and advocating human rights is not an easy task for the EU though. The EU does not possess such a big influence in the region. Oddly from the Eastern Partnership (EaP) countries, EU is not able to offer neither political, economic organizations not free visa trip to Central Asian countries. Furthermore, Central Asia does not play the most pivotal role in European plan. However, when it happens that Central Asia is an important player in some deals, EU meticulously plans its strategies in balance of promoting values and energy and security issues.

3. Furthermore, because of weak policy of the European Union efforts, the human rights issue with third countries is not successful. The application procedure for receiving a grant is not

easy and there are many NGOs which cannot apply primarily because of the obstacles to the English language and the complicated structure of the procedure. If a few NGOs receive grants, the profits of the grants for value promotion is again doubtful.

4. Human rights dialogues are held in a closed-door format and it is hard to make any analysis of these instruments. There is no official statement on the result of the human rights dialogue in each country. The civil society seminar is the important platform for the local NGO's. Mostly, the However, NGO's have able not participated in human rights dialogue with government, which could raise the effectiveness of these instruments.

5. The overall financial support, and especially within the frames of human rights as well as democracy, is restricted, often not well identified the target, and frequently targeted at receiving more measurable deliverables rather than conduction of deep rooting democratic transformations. Currently, this type of approach has brought to a condition where a range of programs in parliament, prison, judicial or reform only handles disadvantages exteriorly, failing to accomplish any long-term alterations. The priority is given more to the economic program, which means that a huge part of the investment is going to the oil and gas sector, where the European Union has its own interest.

7. Both sides should be interested in the improvement of the situation concerning human rights and the rule of law. Central Asia should be tempted by the prospect of stability and development, cultural and economic. Any substantial progress is unfeasible without the political involvement of the leaders of Central Asia, albeit sanctions, agreements and resolutions are in place.

The Central Asia Strategy of the European Union, 2007 didn't bring enough positive results within the advancement of democratic issues, the rule of law, human rights, and good governance issues in this area. The aforementioned Strategy is short of thoroughly identified aims, that make it more difficult to evaluate the involvement level of the European Union.

There is a net of close relationships between the issues of human rights, rule of law, good governance and democratization and socioeconomic development, security and stability. Countries of the region will benefit from investing the effort into resolving these issues. Specifically, the EU is a good showcase of good conduct of the rule of law, human rights, youth and education, provided their values prevail over their interest

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