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## Institutional Frame Of The EU-Uzbekistan Relations

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### ABSTRACT

The European Union-Uzbekistan relations have been instituted on that basis of recognition of mutual and equal interests. On the 31st of December 1991 the European Communities and the twelve member states stated their affirmation of the state independence by the Republic of Uzbekistan in their “Joint Declaration of the Twelve” [1]. Diplomatic relations were established on 16 November 1994, and the Republic of Uzbekistan’s Mission to the European Communities commenced its activity in Brussels on the 6th of May 1995.

### KEYWORDS

United Kingdom, Policy Strategy, Diplomatic, Security Policy, Cooperation Council, European Union

### INTRODUCTION

One more specific feature of those relations is mutual recognition and establishment of diplomatic relations between the European Community and new independent state of Central Asia occurred simultaneously, in parallel but separately, with the mutual recognition and establishment of diplomatic relations between each member states of the European Community and Uzbekistan.

Uzbekistan established diplomatic relations with Kingdom of Denmark on 25 January 1992, with the United Kingdom of Great Britain and Northern Ireland on 18 February 1992, with the Republic of Finland on 26 February 1992, with the Republic of France on 1 March 1992, with Federative Republic of Germany on 6 March 1992, with the Kingdom of Belgium on 10 March 1992, with the Republic of Greece on 16 March

1992, with the Kingdom of Spain on 17 March 1992, with the Republic of Italy on 24 March 1992, with the Republic of Austria on 25 March 1992, with Grand Duchy of Luxembourg on 10 July 1992, with the Republic of Portugal on 12 August 1992, with the Kingdom of the Netherlands on 24 November 1992, with the Republic of Ireland on 7 November 1997.

It is important to keep in mind here that it is not necessary to establish mutual diplomatic relations at the same time with the diplomatically presence in the form of opening diplomatic establishments, and usually latter one depends on procedural, material and financial issues.

At the time of the European Union's recognition in the international arena as a major economic and financial entity, the necessity of uplifting Uzbekistan's political, economic, trade and cultural relations with this organisation and its member states to a new stage requires to elaborate a thorough analysis of bilateral relations.

The European Union's history and the present condition are closely intertwined with integration processes in Europe. Incorporating in itself geographical, political, economic, cultural and linguistic varieties, the organisation called the European Union, according to its political nature and legal status, as the former president of the European Union Commission Jacques Delor put it, reminds a "flying object non-identified" for science [2]. Its political and legal nature is considerably intricate.

Along with elements of federation and confederation, the European Union incorporates at the same time nearly all the

components of an international organisation as well. The institutional system of the organisation is one of those ingredients: the presence of permanent bodies and institutions and the complex interrelations among those bodies and institutions regulated by certain codes of law. The European Union, thus, is widely studied as a regional international organisation and institutional system [3]. The membership of the European Union is granted under certain requirements and conditions. Those conditions and requirements are known to the academic circles as Copenhagen and Madrid criteria [4].

The European Union contains aspects distinct from those of international organisations as well as States and State-like structures. Integration processes developing with rapid pace in Europe have been presenting us with novel characteristics with regard to the political and legal nature of the organisation. In other words, it is more than ordinary international organization. In our opinion, European Union is an example of an evolving State-like structure of an international organisation that incorporates elements of confederacy. At the same time, the European Union as an international organisation and institutional system possesses all the organisational and legal components.

The EU relations with Uzbekistan appear in two formats: interregional (the European Union and Central Asia) and bilateral format (the European Union and Uzbekistan). Both formats of mutual relations have positive and negative aspects. These relations have significantly developed and revealed closeness of values, economic and security interests. The growing dynamics of bilateral relations also confirmed that there is a significant potential

for strategic cooperation between parties. Particularly, many challenges facing the globalized world affect Europe and Central Asia alike, and warrant a common response. Security questions and regional economic development require close cooperation of the EU with Uzbekistan, taking into account its geographical location, in particular with respect to Afghanistan. This applies to developments in the areas of border management, migration, the fight against organized crime and international terrorism, as well as human, drugs, and arms trafficking.

As far as interregional format (the European Union and Central Asia) is concerned, strategic interests of the EU in Central Asia have already been outlined in the EU Commission's "Communication with the newly independent states of Central Asia" (Communication/UE/Commission européenne/Documents COM/95/0206) in 1995. However, the relations of the EU with the countries of the region have never been linear. The studies of evolution of the relationship between the EU and Central Asia show that EU had to change its strategy, position and policy a number of times. Lack of information about the region in general, and countries of the region in particular, immaturity of common external policy and institutional arrangements at that time could be seen as the main reasons for that. Moreover, pertinent transformations in the region are undoubtedly pushing the EU to modify its strategic priorities in the region.

In the beginning, the EU chose to implement a common foreign policy strategy towards all countries of the region and it continued until the mid-1990s. Later, the Union tried to conduct separate policies to each country. Starting from 2000, the EU chose a regional

approach in its external policy: Caucasus, Central Asia and Eastern neighboring newly independent states separated from each other in accordance with their regional belonging, and distinct strategies for different regions have been established. The relations of the EU with countries of the region have been developed in multilateral as well as bilateral formats at separate country-oriented and common regional level.

Later, Council of the EU, in its document entitled "The European Union and Central Asia: Strategy for a New Partnership", adopted 23 June 2007, made the European Union's strategic interests in the region even clearer. Adopted by the European Council on June 21-22, 2007 the first Strategy is an overall framework for EU relations with Central Asia aimed at strategically strengthening relations in all areas of cooperation. This document states that the European Union does not support the single isolated from each other steps toward Central Asia, but supports the task-oriented and long-term programme on rapprochement with Central Asia under international politics.

The necessity of raising the relations between the European Union and Central Asia to a new level is felt by the leaders of the two sides, and the EU's new initiatives are evident.

In the EU Global Strategy for Foreign and Security Policy, entitled "Shared Vision, Common Action: A Stronger Europe", announced and elaborated by the High Representative Federica Mogherini in 2016, has been emphasized that "The EU internal and external security are ever more intertwined: its security at home depends on peace beyond European borders. ... It is in the interests of our

citizens to invest in the resilience of states and societies to the east stretching into Central Asia, and to the south down to Central Africa. ...In Central and South Asia, we will deepen cooperation on counter-terrorism, anti-trafficking and migration, as well as enhance transport, trade and energy connectivity". In the EU Global Strategy, the High Representative Federica Mogherini paid a specific attention to EU-Central Asia relations and defines the priority of the inter-regional cooperation such as fight on counter-terrorism, anti-trafficking and migration, as well as enhance transport, trade and energy connectivity.

As a next step, the EU Foreign Affairs Council adopted conclusions on the EU newest strategy for the region on June 19, 2017. The Council therefore asked the High Representative and the Commission to come forward with a proposal for a new Strategy by the end of 2019 in accordance with the EU Global Strategy. According to Council's statement, alongside high-level political dialogue support to education, intercultural dialogues, cooperation between civil society entities, people-to-people contacts between the EU and Central Asia should be emphasized in the new strategy. Secondly, HR/VP Federica Mogherini paid a first visit Uzbekistan in November, 2017 to participate in the European Union-Central Asia Foreign Ministers' Meeting "EU and Central Asia: Working for a Safer and More Prosperous Future Together" during which she officially called CA partners for a partnership for change, for development and for security.

Hence, historical conditions themselves required a more constructive and comprehensive discourse on the history,

current status and future prospects of the EU-CA relationships. Indeed, in order to effectively solve the issues at hand and set a right path for the future development of cooperation, we need to look back to the history and carefully re-assess it. Past twenty-seven years have been the period of test in the relationship between the EU and CA countries. Thus, at this stage, it is very essential to review and evaluate the results, and to establish an agenda for further strengthening the relations.

Finally, 10 years after the adoption of the first Central Asia strategy (2007), the EU Foreign Affairs Council adopted conclusions on the EU newest strategy for the region on June 19, 2017. Finally, On 17 June 2019, the Council adopted conclusions on a new EU strategy on Central Asia, adapting the EU policy to new opportunities which have emerged in the region [5].

Coming back to bilateral format of relations, it should be noted that the EU-Uzbekistan relationship has not reached its peak yet. Within the framework of current relationships there are many unutilized spaces. Prospects of the future cooperation will depend on the effective utilization of those empty spaces. Unfortunately, over the past years, the number of opportunities were missed in bilateral relations also. One of the main reasons for this is that, from the scientific perspectives, the problems, development trends and prospects of mutual relations were not studied well. In Europe, the research and institutions of Central Asia are poorly developed, and in Central Asia, particularly in Uzbekistan, the European research field is underdeveloped.

Relations between the European Union and the Republic of Uzbekistan have their own

peculiar institutional system. Formation of those institutions preserves the stable continuity of mutual relations and serves to prevent in a fair and immediate manner the minor problems to arise on a constant basis.

To our mind, the institutional system of bilateral and multilateral mutual relations includes diplomatic, conventional and unilateral national institutions. It is known that diplomatic institutions are structures organised at the highest level with the goal of carrying out diplomatic missions. Cooperation Council and Committees created within the framework of the Partnership and Cooperation Agreement signed in 1996 [6] can be used as an example to define conventional institutions. Where as national institutions can take the form of specialised institutions or bodies established with the objective of founding and developing the mutual relations at various levels and for other tasks relevant to the subject matter.

Diplomatic institutions incorporate both sides' diplomatic missions of any classification. The Embassy of the Republic of Uzbekistan to the Kingdom of Belgium, for one, is simultaneously tasked to perform the duties of Uzbekistan's Mission to the European Union. According to the 1966 Luxembourg Accord on rules concerning accreditation at the Communities [7], the chief of Mission of the Republic of Uzbekistan to the European Union (Communities) hands his Letters of Credence to both the Chairman of the Council and the President of the Commission separately.

The House of Europe set up in Tashkent in 2002 was temporarily tasked to perform the duties of the European Communities' mission to Uzbekistan [8]. On the base of the House of

Europe the EU opened its permanent diplomatic representation in Tashkent in 2011.

Institutions responsible for relations of the European Union with the Republic of Uzbekistan include the Presidency of the European Council, European Union Council, General Affairs Council of the EU that convenes at least once every month, Commission of the European Union, the European Parliament, and other major institutions and auxiliary bodies.

High Representative, created under Amsterdam Treaty, is Secretary General of the Council tasked to high representation in international relations within the sphere of Common Foreign and Security Policy that acts on behalf of the Union. Council Joint Action 2005/588/CFSP dated 28 July 2005 set up the institution of the EU Special representative (EUSR) for Central Asia under the European Union's High Representative [9]. The first appointment of the EUSR for Central Asia started in 2005 and was held by Mr. Jan Kubis until 2006, a Slovak diplomat and former OSCE Secretary General. The role of European Union Special Representative for Central Asia is of paramount importance for advancing the EU's relations with Central Asia, a region of strategic significance for the EU, as well as for the implementation of the 2019 EU's Central Asia Strategy. On 21 June 2021, the Council of the European Union appointed Terhi Hakala as the new EU Special Representative for Central Asia, a position she will hold from July 2021 to February 2023, with the possibility of extension through an EU Council decision[10].

The political aspects of European Union-Uzbekistan relations are largely managed by the Council of the European Union and its specialised bodies. The European



Commissioner for External Relations is also liable for foreign economic relations of the Union.

Conventional institutional system includes all institutions or other bodies established on the basis of mutual consensus within bilateral or multilateral agreements among parties. As pointed out above, PCAs are the main bonds in bilateral relations of the EU and Uzbekistan. Since the enforcement of PCA starting July 1, 1999, there has been formed a number of institutions that are responsible for implementation and monitoring of this agreement.

The PCA's XI Chapter ("Institutional, General and Final Disposition"), articles 78-85 and 89 speaks about bringing solutions to issues related to institutions [11]. In particular, articles 78-79 give directions on formation and duties of the Cooperation Council (CC). According to these articles, the Cooperation Council "is an administrating body for realization of the agreement". The CC oversees all international issues and issues within its mission, and gives directions where necessary. The CC's actions are supervised by internal Regulation of the Cooperation Council of the Republic of Uzbekistan, on one side, and European Union and its member countries, on another side, signed on September 13, 1999 [12].

Article 80 of PCA stipulates about forming of the Cooperation Committee under the Cooperation Council. The Cooperation committee is responsible for preparing for Cooperation Council meetings, effectiveness of the Cooperation Council, and other related issues.

Another important institution mentioned in PCA with Uzbekistan is Inter-Parliamentary Cooperation Committee. The articles 83-85 of the Agreement are dedicated to explaining this committee's formation, mandate, duties and responsibilities. The committee comprises of the members of the European Parliament and Parliament (Oliy Majlis) of the Republic of Uzbekistan. Its meeting can be organized as the committee itself decides.

The Inter-Parliamentary Committee has an authority to request reports on activities of the Cooperation Committee and give its recommendations accordingly. The Cooperation Committee is obliged to provide with the requested information. The Committee can organize meetings at any time as necessary. Each party takes turns to appoint a head to the Inter-Parliamentary Committee.

To sum up, the PCA provides for several institutions, made up of European and Uzbek officials, to ensure implementation and monitoring:

- The Cooperation Council of ministerial level meets once a year in Brussels and supervises implementation.
- The Cooperation Committee of senior officials meets once a year either in Brussels or Tashkent and assists the Council.
- Two Cooperation Subcommittees of experts provide technical assistance, meeting once a year in Brussels or Tashkent. These are the subcommittees for Justice and Home Affairs, Human Rights and related issues (JHA Subcommittee) and Trade, Investment, Energy and Transport (TIET Subcommittee).

- There is also an annual Human Rights Dialogue between the EU and Uzbekistan which meets back-to-back with the JHA Subcommittee.
- The Parliamentary Cooperation Committee of members of the Uzbek Parliament and the European Parliament maintain political relations by meeting once a year in Brussels.

It can be inferred therefore that the institutional system of relations between the European Union and Uzbekistan has been forming for the past years. The institutional system of bilateral relations is shaped according to the rules and treaties within international law on diplomatic activities.

## CONCLUSIONS

The following theoretical outcomes were reached as the result of exploring the institutional frame of mutual relations between the European Union and the Republic of Uzbekistan.

1. The European Union as an international regional organisation is a structure of intricate political and legal nature. At the same time, the European Union possesses aspects different from those of both traditional international organisations, and States and state-like entities. At the present moment, it constitutes a peculiar sample of a state-like international organisation incorporating confederative features that has gradually been developing an image of a federal state. Consequently, the mutual relations of the Republic of Uzbekistan with the European Union

2. Diplomatic relations between the European Union and the Republic of Uzbekistan have properties specific to them only and differ from those among States. Extraordinary and Plenipotentiary Ambassador of the Republic of Uzbekistan to the Kingdom of Belgium serves at the same time as Chief of Mission of the Republic of Uzbekistan to the European Communities. A thorough analysis of institutional system of diplomatic relations between the European Union and Uzbekistan demonstrates that legal bases of status and activities of the Mission and Chief of Mission of the Republic of Uzbekistan to the European Communities have not been clearly indicated in the national legislation in force.
3. The European Union and Uzbekistan relations have their specific institutional system. Formation of those institutions preserves the stable continuity of mutual relations and serves to prevent in a fair and immediate manner the minor problems to arise on a constant basis. They can conditionally be divided into diplomatic, unilateral-national and conventional institutions or bodies referred to in bi- and multilateral agreements.

The following practical recommendations and proposals are being put forward on the basis of analysing the institutional bases of mutual relations between the European Union and the Republic of Uzbekistan and on the basis of academic conclusions reached as the result of

research on the topic. In particular, in the sphere of law-making and the perfection of national legislation:

- Official status and normative-legal bases of activities of the Republic of Uzbekistan's Mission to the European Communities ought to be worked out and perfected. To this end, it is proposed to establish diplomatic ranks and grades of Missions of this type and their Chiefs by introducing amendments and addenda to relevant laws. Particularly, the title of the Law of the Republic of Uzbekistan, dated 3 July 1992, "On Procedures of Appointing and Recalling the Chiefs of Diplomatic Representations of the Republic of Uzbekistan in Foreign Countries" ought to be renamed into a law "On Procedures of Appointing and Recalling the Chiefs of Diplomatic Representations of the Republic of Uzbekistan in Foreign Countries and to International Organisations" with relevant amendments introduced to the law, or there ought to be adopted a new law "On Missions and Representations of the Republic of Uzbekistan to International Organisations".

In the realm of further developing the institutional system of mutual relations:

- Before the European Union, creating a separate Mission (from the embassy to Kingdom of Belgium) – diplomatic representation of the Republic of Uzbekistan and maintaining it on the basis of independent financial sources, widening the scope of competences of

that Mission, and in parallel to this, broadening the European Department within the Ministry of Foreign Affairs of the Republic of Uzbekistan, consolidating the Department's material and technical base;

- It is recommended to shape a system of bilateral and multilateral supreme communication at the level of Heads of states and governments at least once in two years on the permanent basis with the participation of Heads of states and governments of the European Union Member States, Central Asian Heads of State and government, and high-level officials of the European Union.

## REFERENCES

1. Bulletin de CE, n 1-2/ 1992. – P. 76.
2. Delor J. Une vision ambitieuse pour la Grande Europe. Futuribles (Analyse et prospective). – Paris, Janvier 2003. – N° 282. – P.6.
3. Nguen Quoc Dinh., Daillet P., Pelle A. Droit international Public. – Paris: L.G.D.J., 5-ed., 2002. – P. 551-617; Sands Ph. and Klein P. Bowett's Law of International Institutions. – London: Sweet and Maxwell, 5th Edition, 2001. – P. 171-187; Lori F. Damrosch, Henkin L. International Law: Cases and Materials, et.al. – St. Paul, Minn.: American casebook series, west group, 4th Edition, 2001. – 1658 p.; Malcolm D. Evans. International Law. – London: Oxford University Press, 2003. – 841 p., and others.
4. Yunusov, Kh. European Union Law. Manual-textbook. - Tashkent: UWED, 2006. - P. 23-30.



5. Council Conclusions on the New Strategy on Central Asia. Official Document of the Council of the European Union/Brussels, 17 June 2019\_ (OR. En) 10221/19\_COEST 139 (English). Le text derived from the official source: <https://www.consilium.europa.eu/media/39778/st10221-en19.pdf>
6. “Partnership and Cooperation Agreement came into force on July 1”, 1999: [http://ec.europa.eu/external\\_relations/ceeca/pca/pca\\_uzbekistan.pdf](http://ec.europa.eu/external_relations/ceeca/pca/pca_uzbekistan.pdf).  
Currently, Uzbekistan and the European Union is negotiating the Enhanced Partnership and Cooperation Agreement (EPCA), which will replace the partnership and cooperation agreement that has been in force since 1999.
7. Accord de Luxembourg, 29 janvier 1966, Bull. des Communautés Européennes, n 3/66. – P. 9, point 5.,; Protocol on the Privileges and Immunities of the European Communities //EC Legislation 2006-2007. – New York: Oxford University Press, 17-ed., 2007. – P. 166.
8. European Commission. Bulletin No.1. House of Europe: Tashkent, October 2002.
9. Council Joint Action 2005/588/CFSP of 25/07/2005 Appointing a Special Representative of the EU for Central Asia Official Journal L 199/100 of 27/07/2005: Special representatives of the European Union Extension of mandates– New representative for Central Asia: [http://ue.ue.int//uedocs/cms\\_Data/docs/pressdata/en/misc/8587.pdf](http://ue.ue.int//uedocs/cms_Data/docs/pressdata/en/misc/8587.pdf).
10. <https://eias.org/op-ed/a-new-eu-special-representative-for-central-asia-towards-enhanced-cooperation/>
11. “Partnership and Cooperation Agreement came into force on July 1”, 1999: [http://ec.europa.eu/external\\_relations/ceeca/pca/pca\\_uzbekistan.pdf](http://ec.europa.eu/external_relations/ceeca/pca/pca_uzbekistan.pdf).
12. For the text of the Internal Regulation, see: Règlement intérieur du Conseil de coopération entre les communautés européennes et leurs Etats membres, d'une part, et la République d'Ouzbékistan, d'autre part, en date du 13 septembre 1999 - Règlement intérieur du comité de coopération. Journal officiel n° L 265 du 13/10/1999 p. 0031-0035, <https://eur-lex.europa.eu/legal-content/FR/ALL/?uri=OJ:L:1999:265:TOC>,