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Speaker: Bill Bowring, University of London, U.K.

Chair: Justin Frosini, Adjunct Professor of Constitutional Law; Director of the Center for Constitutional Studies and Democratic Development; Assistant Professor of Public Law at the Luigi Bocconi University

“Constitutional Reset in Central Asia in the Context of the Eurasian Economic Union”

*Part of the Constitutional Development in Central Asia Series*

Professor Bill Bowring begins his talk with an overview of the Central Asian countries. The present boundaries of Central Asia are the result of the Soviet Union; therefore they do not necessarily align with the groups living there. The five states of Central Asia, namely Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, are very different in terms of geography, population, ethnicity and religion.

In Kazakhstan, nearly one-third of the 18 million-person country is ethnically Russian. Moreover, the elites all speak Russian. Though the Uighurs only represent 1.6 percent of the population, there is currently a separatist movement spanning Kazakhstan and China that is a cause of concern in both countries. Kyrgyzstan was until recently known as the “Switzerland of Central Asia” because of its tolerant and progressive policies. With a population of just over 6 million, it has a large Uzbek minority, along with a significant Russian population. Tajikistan, with a population of just over 8 million, also has a significant Uzbek minority. Next, Turkmenistan has a population of just over 5 million, and again has significant Uzbek and Russian ethnic groups. Finally, Uzbekistan has by far the largest population, with over 29 million people. The main minorities are Russian and Tajik, and as has been seen there are large Uzbek minorities in each of its neighbors and in Afghanistan, where the Uzbek leader, General Dostum, is one of the most powerful figures there for many years.

Bowring then provides a historical overview of the expansion of the Russian Empire beginning in the 19th century. While there was resistance, including an uprising by the Kazakhs from 1837-46, Russia ultimately prevailed. Its main opponent in Turkestan was the British Empire, but in 1865, the Russian Empire gained control of the region. Afghanistan, meanwhile, remained free of both Russians and Europeans, acting as a buffer between the two growing empires. Following the fall of Tashkent, Russia took over key areas in the region in rapid succession, including Khodjend, Dijkak and Samarkand. Russia’s ruling style was not concerned with assimilation; instead, it ruled from a distance and often left local laws in place, such as the Muslim religious courts.

Because of the common history of Russian rule in the region, what happens in Russia is important to the situation in Central Asia. For example, Professor Bowring mentions how Russia used self-determination as a justification to annex Crimea. In doing so, it opened a Pandora’s Box for the 150 ethnic and linguistic groups in Russia, and for those minority groups in Central Asia that are vying for independence. Not only do Central Asian countries share a common Soviet past, they also have experience with authoritarian regimes and precarious or non-existent rule of law.

Bowring then clarifies what constitutions he is referring to when talking about constitutional reform in the context of the EEU. In Kazakhstan, a new constitution was adopted in 1995 and has since

remained in place. Kyrgyzstan has more recently updated its constitution in 2010 following the overthrow of former President Kurmanbek Bakiyev. The constitution in Tajikistan was adopted in 1994 and amended in 1999 following the civil war to extend the President's term of office from five to seven years. Turkmenistan adopted its constitution in 1992. Its latest amendment in 2008 abolished the People's Council and expanded the elected Assembly. Lastly, the 1992 constitution adopted in Uzbekistan replaced the Constitution of the Republic of Uzbekistan of 1978.

This political background provides the context to the launch of the EEU in January 2015, which is considered to be the most impressive integrationist project initiated by Russia since the collapse of the USSR. It was created as a rival block against the U.S., EU and China and its current members are Armenia, Belarus, Kazakhstan, Kyrgyzstan and Russia. Russia's accession to the World Trade Organization in 2012 was an important stepping-stone for the creation of the free trade treaties stipulated in the EEU. Vietnam has recently signed a free trade agreement with the EEU, and India is being persuaded to do the same. Tajikistan is currently stalled in its accession due to a 2013 conflict with Kyrgyzstan, while Uzbekistan and Turkmenistan are resisting Russian influence in the area. Turkmenistan, meanwhile, has little economic interest in joining.

Bowring ends with a selection of academic comments on the EEU's development and prospects for success. One threat to Russia is the desire of Turkish President Recep Erdogan to re-establish Turkey as a more serious power in the region. Turkey is not only interested in Azerbaijan, but it is also interested in the Turkish speaking minorities in other regions, including Crimea and 5 ½ million Tatars in the Russian Federation. Nicu Popescu points out that Ukraine's ability to thwart a Russia-led Eurasian could lead to the EEU being a more reasonable interlocutor for the EU than Russia, since it is not driven by illusions of grandeur. David Tarr, meanwhile, asserts that while the EEU is attempting to achieve deep economic integration rapidly, the variety of measures and payments to poorer countries means that this endeavor may be more successful than past attempts.

Overall, the general academic consensus is that the EEU is mostly a political rather than economic union, but that it will last longer than the previous attempts.