

Role and Significance of the Treaty of the Eurasian Economic Union in the Development of the Unification of Legislation of the Kyrgyz Republic

Temirbek Nurmatov

Department of International Relations and Law, Diplomatic Academy of the Ministry of Foreign Affairs of the Kyrgyz Republic by K. Dikambayev, Bishkek, Kyrgyz Republic

Email address:

tenur@rambler.ru

To cite this article:

Temirbek Nurmatov. Role and Significance of the Treaty of the Eurasian Economic Union in the Development of the Unification of Legislation of the Kyrgyz Republic. *Science Development*. Vol. 3, No. 1, 2022, pp. 46-49. doi: 10.11648/j.scidev.20220301.16

Received: October 24, 2021; **Accepted:** December 11, 2021; **Published:** March 18, 2021

Abstract: The scientific article deals with the unification of the legislation of the Kyrgyz Republic in the light of its participation in the EEU Treaty. For full and equal participation in integration processes, efforts to bring the legislation of member states in line with the norms and principles within the EAEU are at the forefront. The Kyrgyz Republic, as one of the EAEU participants, is actively working to unify national legislation in accordance with the requirements of the integration association. Despite the fact that more than 7 years have passed since Kyrgyzstan became a member of the EAEU, problems remain. There is no freedom of trade and freedom of movement of goods, services, labor and capital between EEU members. A lot of barriers are created at the internal borders of EEU member countries. Businessmen from Kyrgyzstan cannot freely transfer goods to Kazakhstan and Russia. This is especially noticeable with the beginning of the pandemic from 2020. The EAEU as an integration association must show its effectiveness. Within the EAEU, the national interests of all member states must be taken into account. If this balance is not observed in the future, there will be a question of further participation of its members. Gradually, the EAEU as a regional international economic organization will lose its authority. For Kyrgyzstan, of course, it will be a difficult decision to leave the EEU. But, the state's trade and economic interests must come first. We must look for new markets for goods and access to the sea. In the near future, it is planned to build the China - Kyrgyzstan - Uzbekistan railroad. Perhaps this railroad will solve the closed nature of our economy.

Keywords: Unification, Integration, EAEU, Legislation, Customs Union, CIS, EAEU Customs Code

1. Introduction

The unification of legislation in modern conditions is an important element in the convergence of the legal systems of states. Law and economy are the engine of society and the state, the law must regulate the socio-economic changes occurring in this processes. Synchronous interaction of law (legal regulation) and economy gives the necessary prerequisites for the growth of the well-being of society and the state. In the context of globalization, arises the issue of unification of legal systems of states and other subjects of international law for close interaction between them.

2. Integration Within EAEU

Peoples and states adopted each other's experience in the

issues of society management, state organization, legal regulations, economic development and etc. They also introduced foreign practices of legal relations. This is the essence of convergence of legal norms of states. In this period, when the Kyrgyz Republic summarizes its 30-year development as a sovereign and independent state, it is necessary to summarize the intermediate results of the history and development of state building. In the legal sphere the Kyrgyz Republic has carried out 10 constitutional and legal reforms, accumulated a huge practice of drafting laws, formed a solid international treaty base on a bilateral and multilateral basis.

This array of legal framework requires a serious expert and analytical study. Competently verified legal framework is one of the important prerequisites for the successful development of the state and society as a whole. The strategic documents note that Kyrgyzstan will have to

implement this in conditions of remoteness from the main transport routes, adaptation to the new conditions of economic development within the EAEU, taking into account various challenges. Active targeted work should be carried out at all levels for the harmonious integration of Kyrgyzstan's economy within the EAEU.

3. Unification of the Legislation

The Kyrgyz Republic also contributes to the development of law unification norms, for example, "as the Interparliamentary Assembly of the CIS member states accumulates experience in lawmaking there are precedents for the use of its documents in international law outside the CIS. The Interparliamentary Assembly of CIS member states developed the Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms in the CIS Member States". As it states, "Unification of the law is a necessary and natural process of its development. It allows the law to ensure the property of consistency and organicity, simplifies the application of legal norms in resolving specific life situations. But at present in legal science there is no uniform understanding of the process of unification of law, its forms, methods, and ways are not sufficiently investigated".

Unification of the legislation of the states in the framework of the integration associations in the post-Soviet space requires a comprehensive study. Especially in conditions, when the process of formation of the legal system of transitional states is going on. History remembers that radical reforms were implemented through the introduction of best foreign practices. In recent years, Kyrgyzstan has adopted a package of bills to reform criminal legal norms, taking into account foreign experience. Unfortunately, as legal practice shows, many norms in the new codes were adopted with haste or without taking into account the specifics of our state. As a result, lawmakers will have to work to correct the situation in this direction.

Thus, the unification of the legislation of states has also negative consequences, if we do not take into account the practice of relations in society and the state.

4. Integration of the Kyrgyz Republic into the EAEU

4.1. Reasons for Integration

Historically, the arguments in favor of the integration of the Kyrgyz Republic into the EEA were the possibility of implementing important infrastructure projects and providing strategic goods at stable and more adequate prices, especially in the context of the formation of common energy markets (electricity, gas, oil and petroleum products) with the EAEU partners in the future.

4.2. Economic Integration

According to the WTO, as of October 1, 2018, 350

regional trade agreements were registered (for 2021) establishing a certain degree of economic integration – free trade zones, customs unions, and other forms of integration [1]. The Kyrgyz Republic has not become an exception in this regard, and every time it is actively involved in the activities of the EAEU as a regional integration association.

Thus, Article 5 of the CIS Free Trade Zone Agreement of 2011 [2] assumes that the parties provide each other with national treatment in accordance with Article III of the GATT 1994, and on the basis of this, the duty-free trade regime did not apply to minerals and petroleum products. The terms of delivery were the subject of bilateral agreements between the CIS countries. Fluctuations in hydrocarbon prices are painful and necessary for the development of the Kyrgyz economy. More than 90% of all fuels and lubricants are supplied to the republic from Russia - this is more than 1 million tons per year.

4.3. Money Transfers

Also important were the issues that were taken into account by the leadership of Kyrgyzstan before choosing in favor of integration - these are Kyrgyz citizens working in the territory of the Customs Union, and the volume of their money transfers sent to Kyrgyzstan. According to experts, this is about 1 million people, that is, every fifth resident of the country (92% of them go to work in Russia) [3].

Remittances from Kyrgyz citizens working in the EAEU countries are comparable to state budget revenues and actually provide domestic consumption in the country and cover from 50 to 75% of the republic's trade deficit [4].

5. Integration Support

According to the Center for Integration Studies of the Eurasian Development Bank, Kyrgyzstan has the highest level of public support for integration compared to the EAEU countries - 86% (in Kazakhstan - 80%, Russia - 78%, Belarus - 60%, Armenia - 56%). At the same time, in Kyrgyzstan, support for the country's participation in the EAEU is equally high among all age groups of the population. Also, according to the Gallup Institute (American Institute of Public Opinion), in Kyrgyzstan in 2015, 76% of respondents supported joining the Union. The active position of the country's business circles, which were involved in the work of the Interdepartmental Commission under the Government of the Kyrgyz Republic responsible for the accession negotiation process, played an important role in shaping Kyrgyzstan's position on this issue. joining the Customs Union. Thus, the issue of choosing integration in Kyrgyzstan was considered openly, with the participation of representatives of government agencies, business and based on an objective economic analysis [5].

6. Results from Integration

Kyrgyzstan received the main results of joining the EAEU from the freedom of movement of labor, goods and services.

The process of natural reproduction of the population in Kyrgyzstan repeatedly overlaps the natural migration decline. According to World Bank reports, Kyrgyzstan ranks first among more than two hundred countries in terms of the number of remittances from migrants in the structure of the recipient country's GDP, migrants' money accounts for a third of the republic's GDP. In this regard, there is an urgent need to form an effective legal policy in the field of regulating external migration, taking into account the new opportunities associated with membership in the EAEU [6].

Participating in the work of the EAEU, Kyrgyzstan notes that one of the visible achievements of Kyrgyzstan's participation in the Union is the liberalization of the labor market and the improvement of the situation of migrant workers. And also in creating conditions for ensuring equal rights and social guarantees of migrant workers in the integration association.

In many countries, there is a tendency to intensify the so-called "trade wars". In this regard, the EAEU member states need to abandon internal competition and work together on the world market. Only by strengthening and expanding integration, it is possible to obtain the existing economic potential of all participants. At the same time, it should be borne in mind that joint actions to activate trade and economic relations of the Eurasian Economic Union with third countries, including China, India and Singapore, are of key importance.

7. Further Development

7.1. Regional Production Chain

A breakthrough in the provision of services within the Union was the inclusion of tour operators and travel agencies in the single market for the provision of services. To create a single market for services, it is necessary to go further. Special actions require the development of projects that create regional production chains for the development of cooperative ties between integration partners. To finance such projects, it is necessary to strengthen the activities of the Eurasian Development Bank. It is important that there is an existing financial authority for the development of the EAEU aimed at strengthening integration projects [7].

Communication difficulties can be eliminated if the VEC is given additional competencies for the prompt resolution of disputes during the movement of goods. The Commission should be active and firm in solving problematic issues arising between the EAEU member States.

7.2. Bureaucracy

Attention should be paid to the problems of bureaucratization in the Union's bodies and it should be noted that decision-making within the Union should be fast, flexible and mobile. The work should be transparent and understandable, including for businesses that seek support from the Eurasian Economic Commission. The EEC should effectively resolve conflict situations and monitor the implementation of relevant obligations [8].

7.3. Institutional System

Strengthening the international legal model of the Eurasian Economic Union (EAEU) requires the existence and functioning of a highly effective institutional system. At the same time, from the point of view of the modern science of public international law, a characteristic and largely defining feature inherent in international intergovernmental organizations as one of the subjects of public international law is the existence of appropriate institutions, including bodies that, in accordance with international legal acts, usually constituent, powers within which they should act.

8. Analysis of International Legal Sources

Analysis of international legal sources, as well as scientific foreign and domestic literature allows us to conclude that the institutional system is a concept that characterizes the relationship of its essential elements as an international interstate EAEU, including its structure, the mechanism of interaction of bodies within the EAEU and beyond, as well as issues of competence and decision-making procedure. Based on this understanding, the institutional system is a legal category that most clearly reflects the specific elements of the internal content of the international EAEU or interstate integration association, whose competence includes issues of international legal regulation of interaction between the participating states.

9. Eurasian Economic Community

9.1. Agreement

In the post-Soviet space, whose geopolitical characteristics are now determined by the borders of the Commonwealth of Independent States, the process of economic integration is developing especially actively within the framework of the Eurasian Economic Community (EurAsEC). As noted earlier, after the signing of the agreement on the establishment of the Customs Union Commission by three EurAsEC members (the Republic of Belarus, the Republic of Kazakhstan and the Russian Federation) in 2007, work is underway to form a single customs space. noticeably increased. Thus, there is a dynamism of the integration process based on the idea of "accelerated integration" of the EurAsEC avant-garde [9].

The Eurasian Economic Union, established in accordance with the Treaty on the Union of May 29, 2014, is becoming an example of successful development and a guarantor of ensuring the common interests of the member states - the Republic of Armenia, the Republic of Belarus, the Republic of Kazakhstan, the Kyrgyz Republic and the Russian Federation.

9.2. Challenges and Impact on EAEU

However, the ongoing processes of globalism lead to the

fact that modern challenges and factors - changing conditions of the world economy, widespread digitalization of the economy - have a huge impact on the EAEU [10].

Thus, today the Union faces a choice:

- 1) Develop in accordance with the Treaty of the Union,
- 2) or in accordance with the trends of the modern global world.

It is important to note that the Union as an active and functioning economic and legal reality will develop in any case, however, the use of an original approach in a new external environment may not fully achieve the stated goals of the Union. At the same time, the choice of a progressive development scenario requires setting ambitious goals, forming proposals and developing the necessary solutions for the further development of integration. The practice of applying the Customs Code of the Customs Union, obtained during the activities of the Customs Union and the Common Economic Space, as well as the relevance of improving the procedure for customs operations and deeper implementation of information technologies determined the need to develop the Customs Code of the EAEU [11].

10. Conclusion

Thus, the purpose of unification is to ensure uniformity of legal regulation of similar or partially overlapping social relations. Also intermediate objectives of unification are: achieving its compactness, reducing the volume of normative material, simplification of the form of normative acts and law enforcement processes, prevention or elimination of unnecessary differentiation and differences in legal regulation.

And in order to achieve a successful result of unification of legal systems, it is important to provide for possible variants of regulated relations, their dynamics, trends and prospects for their change.

The Eurasian project, in our view, has come to be perceived as a key to modernizing the economy and a guarantee of progressive development in the long term. At the same time, the benefits of Kyrgyzstan's participation in it became even more noticeable as the integration processes within the association itself developed and deepened. The negotiation process with the Kyrgyz Republic was the first precedent of the country's accession to the Eurasian integration project and was organized on the platform of the supranational body of the Eurasian Economic Commission.

Customs regulation is becoming one of the most important components of the state's foreign economic activities, especially given the constant need to protect the trade and economic interests of integration countries.

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