

AMBASSADOR HRISTEA SPEAKS ABOUT EU-KAZAKHSTAN RELATIONS



*Ambassador
Traian Hristea,
Head of the
Delegation of the
European Union to
the Republic of
Kazakhstan.*

In a recent [interview](#) Ambassador, Hristea was very positive about the progress of EU-Kazakhstan relations. Kazakhstan is transforming itself into an important partner of the EU, he says, and one the EU can cooperate with in new ways to promote joint engagement in Central Asia.

Since 1993 the European Union has developed into Kazakhstan's biggest foreign investor and trading partner, he points out, and in December 2015 the two sides signed a unique Enhanced Partnership and Cooperation Agreement (EPCA), which frames the EU's relations with Kazakhstan. The EPCA provides a reinforced and updated legal framework for the further development of bilateral relations at political, economic, social, cultural and people-to-people exchange level, and enhances concrete cooperation in 29 key policy areas. The trade and business chapters, he adds, will ensure in particular a better regulatory environment for European and Kazakh economic operators.

Rule of Law is a crucial topic in the framework of EU relations with Kazakhstan and Central Asia in general, and the ambassador notes that while all partner countries are reforming their legal and judiciary systems the pace of modernisation continues to be slow and considerable work remains to be done. He concludes by saying he has big expectations for the next Ministerial

Conference which will take place in Brussels on 7 December. "I believe this will be an important occasion to focus on areas of the rule of law which can help attract further investments in the region thus stimulating its economic growth and the creation of an open society" he says.

RECENT EVENTS

TRAINING NEEDS ASSESSMENT FOR REGIONAL JUDICIAL TRAINING

A regional training programme for judges is being developed to address three indicators for improving the quality of court decisions in Central Asia. The purpose of the TNA is to i) validate the conclusions and recommendations of the Phase I Report, which identified the three indicators; ii) ensure the support of institutional partners for the programme; and iii) define the content of the training methodology, which will follow.

The TNA was completed and delivered in February 2017.

SENIOR EXPERT MEETING REVIEWS PROGRESS, CONSIDERS STRATEGIC PRIORITIES

Under the auspices of the EU-Central Asia Rule of Law Platform, the European Union held a Senior Expert Meeting in Astana, on 27 March 2017. This gathered senior experts from Central Asia and from the European Union who reviewed the achievements of the EU-Central Asia Rule of Law Initiative and considered strategic priorities to support Central Asia's economic development.

EU Ambassador to Kazakhstan, Mr. Traian Hristea, underlined the key role administrative and commercial laws and a well-functioning justice system play in ensuring investment and private sector development in Central Asia. High-level

The Rule of Law Platform:

The Rule of Law Platform acts as a coordination mechanism to facilitate policy dialogue and promote the measures needed to encourage and support legal and governance reforms in each of the Central Asian countries.

representatives from Kazakhstan, the Kyrgyz Republic, Tajikistan, Turkmenistan and Uzbekistan also presented their government legal and judicial priorities as a basis for sustainable economic development.

Strategic priorities were discussed with experts and representatives from Germany, France, Finland, Latvia, the European Commission, the European External Action Service and specialized organisations. The meeting also considered priorities for the Fifth EU-Central Asia Ministerial Conference on the Rule of Law, which will take place in Brussels, Belgium on 7 December 2017, chaired by Estonia, which will hold the Presidency of the EU Council.

Fostering equal access to justice for all citizens and developing the economic legislative and regulatory environment for business will enable the creation of a level-playing field for business activities and foreign investors. The Platform has actively promoted better economic governance, by means of new legislation and training in diverse areas such as investment promotion, enforcement of contracts and property rights.

Contact us:

We welcome your feedback and ideas for this newsletter.

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ROUND-TABLES ON THE STATUS AND ROLE OF JUDICIAL OFFICERS

In the week 24-28 April 2017, three round-tables “on the status and role of judicial officers” were jointly organised by the EU-Central Asia Rule of Law Platform and the Ministry of Justice of the Republic of Tajikistan. These explored European best practices in the field of enforcement, and provided training to 168 Tajik judicial officers, i.e. two thirds of members of the country’s profession.

Senior officers from the International Union of Judicial Officers including its President and experts from Estonia, France and Latvia presented best practices governing the organisation of their profession, enforcement proceedings and mechanisms applicable to monetary or non-monetary claims. All followed the guidelines of the European Commission on the Efficiency of Justice (CEPEJ).

To ensure sustainability of the Platform’s action, the President of the International Union of Judicial Officers offered the Ministry to Justice of Tajikistan the possibility to join the Union.

A [communiqué](#) was endorsed at the outset of the round-table in Dushanbe.

REGIONAL SEMINAR ON STATES AND INTERNATIONAL ARBITRATION

The EU - Central Asia Rule of Law Platform, jointly with the Ministry of Justice of Uzbekistan, organised for the first time since the start of the project a regional seminar on “States and international arbitration”, in Tashkent, on 19 May 2017.

The seminar was attended by 80, including representatives of the Ministries of Justice of Kazakhstan, the Kyrgyz Republic and Uzbekistan, and other ministries and state agencies of Uzbekistan, arbitrators, lawyers and academics.

The seminar also comprised a third meeting of the working group on Investor-State Dispute Settlement (ISDS) set up by the Platform, which already met in Bishkek in September, and in Dushanbe, in October 2016.

The working group, including Kazakh, Kyrgyz, Uzbek and European specialists discussed current arbitration procedures involving states and private investors in light of Belgian, Dutch, French, Kazakh, Kyrgyz, Latvian and Uzbek practices. The issues of third-party financing and fraud in international arbitration were presented, as were the benefits brought by the Permanent Court of Arbitration in The Hague. A project to establish a multilateral investment court was discussed and a set of [recommendations](#) was adopted.

ROUND-TABLE ON THE ATTORNEY-CLIENT PRIVILEGE

On 22 May 2017, the EU-Central Asia Rule of Law Platform organised in cooperation with the Almaty and Paris Bars a round table for 45 lawyers “On the Attorney-Client privilege” (ACP).

The objective of this was to gather European and Kazakhstani lawyers and provide exposure to European best practices. The focus was on how to protect attorneys during the implementation of their activities and to preserve the confidentiality of the attorney-client relationship. Experts from Ireland, France, Germany and Kazakhstan engaged in a dialogue, drawing on relevant case law from the European Court of Human Rights.

It was agreed that statutory safeguards to protect ACP within the custodial setting need to be developed, and in particular in prison settings.

The basic principle is one of confidentiality: attorney-client interaction should be within sight, but out of sound, of prison officers.

NEW EDITION OF ADMINISTRATIVE LAW IN CENTRAL ASIA ONLINE

The third edition of the Study “Developing administrative law in Central Asia”, is now available in English and Russian on the Platform website. In Central Asia, as in most former Soviet Republics, laws of administrative procedure lay the foundation for legal action by administrative agencies. Administrative court rules give the citizen recourse to the courts in cases in which administrative complaints have been made to public authorities and have been ignored.

The study describes the current state, the progress made and some of the challenges that remain to be addressed in the region. For example, with the help of GIZ and the EU’s Rule of Law Platform, a Law “On the principles of administration and administrative procedures”, was enacted in the Kyrgyz Republic in 2015. The Code on Administrative Court Procedure is currently being enacted.

In Kazakhstan, two working groups have prepared drafts laws on administrative procedure and administrative court procedure. The reform of administrative justice is also gaining momentum in Turkmenistan and Uzbekistan.

Upcoming activities:

- ✓ A regional Judicial Training Programme for judges of five countries, Ashgabat, 21-22 December 2017