

Integration in the Eurasian region: legal aspects of its development

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Abstract. The article analyzes the problems of the evolution of Eurasian integration in the post-Soviet space, the characteristic features of the process. Based on the consideration of international documents that form the basis of Eurasian economic integration, and the main organizational and legal forms of interaction between the states of the Eurasian region, the authors propose the periodization of the Eurasian integration process. Four stages are substantiated in the paper: I. Formation of integration processes within the Commonwealth of Independent States with the creation of various mechanisms of interaction between the states. II. Creation of the Eurasian Economic Community and continued integration on the basis of this international organization. III. Creation of the Customs Union of the Republic of Belarus, the Republic of Kazakhstan and the Russian Federation. IV. The creation of the Eurasian Economic Union – to date. The authors conclude that the integration of the former Soviet republics was carried out at various levels of cooperation, the logical result of which was the formation of the Eurasian Economic Union as the highest form of integration of the post-Soviet states at the moment. Further development of this international organization requires both a well-developed legal framework and the creation of appropriate economic, political and other objective prerequisites.

Keywords: regional integration, Eurasian integration, international organization, Commonwealth of Independent States, Eurasian Economic Community, Eurasian Economic Union.

1 Introduction

In international relations of the last decades, there has been an explosion of various forms of regionalist projects on a global scale. The modern world is characterized by a number of integration processes that are manifested in various fields of political, socio-economic, cultural and, of course, legal life [1]. “The widening and deepening of the European Union (EU) are the most pervasive example, but regionalism also became visible through the revitalization or expansion of many other regional projects around the world” [2]. Indeed, the number of regional integration initiatives is steadily increasing [3].

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The post-Soviet space has become fertile ground for the development of economic integration processes between the former Union's republics, and now sovereign states. "Eurasian space has features of a global region and it has a chance of becoming a part of the world integration system. Integration policy in this space can serve not as an internal mechanism of interaction among former Soviet republics, but as an instrument for building a qualitatively new space in which new participants of global Eurasian regionalization are emerging" [4]. "The attempt to work out a response to problems, appeared after the collapse of the Soviet Union, resulted in the development of the integration processes (both of the global and regional character) in the territory of the former Soviet Union seen as one of the most important elements needed to promote political stability and to stimulate economic growth" [5].

2 Methods

The methodological basis of the study consists of a number of general scientific approaches to the issues of integration, globalization, regional cooperation, supra-national legal systems. The development of scientific research was based on the principles of objectivity, historicism, pluralism, consistency, dialectics, determinism, complexity, and systematics. The specifics of the study of integration processes led to the use of a number of methods of cognition, namely: philosophical, general scientific and legal science. Institutional, comparative-historical and dialectical methods were also used during the work. They helped to comprehensively consider the research question.

3 Results

Many domestic and foreign scientists devoted their work to the study of the periodization of Eurasian integration. Each of them offers and justifies own vision of the beginning of economic integration in the post-Soviet space, which ultimately led to the formation of the Eurasian Economic Union, as well as its stages [6].

Some scholars distinguish six stages of Eurasian integration. At the same time, pointing out that as the criteria for comparing integration associations and the development of the integration process at each stage, there was a comparison of the legal basis of integration entities, their institutional structure, practical results of activities of an organization and reasons for the transition from one format of cooperation to another, the role of external factors [7]. Some researchers divide the Eurasian integration process into three stages [8], others point to its comprehensive chronology, linking it with the dates of key decisions [9].

Professor Glazyev takes economic factors and phased joint economic construction – "a free trade zone, a customs union, a single market, an economic and monetary union, and a political union" – as a basis for periodization [10]. M. Karliuk also defines four periods of Eurasian integration: "first stage (1992-1999); second stage (2000-2006); third stage (2007-2014); fourth stage (2015 and beyond)". He starts from the Agreement dated March 13, 1992 on the principles of customs policy, which envisaged the creation of a customs union, concluding that "the fourth integration stage takes place within the newly established international organization – the Eurasian Economic Union" [11].

4 Discussion

To determine the legitimacy of above-mentioned points of view on periodization, it is necessary to analyze the main milestones of the Eurasian integration process.

On December 8, 1991, the Treaty establishing the Commonwealth of Independent States (CIS) was signed by the leaders of Russia, Belarus, and Ukraine at a meeting in Minsk. Article 1 of the 1991 Treaty establishes that the USSR as a subject of International law and geopolitical reality ceased to exist. The full CIS legal formalization was completed on January 22, 1993 by the adoption of the CIS Charter. On September 24, 1993, the CIS member states signed the Treaty on the Establishment of the Economic Union. Some scholars, assessing the importance of this international document, state that it lies in the fact that the treaty first established and formed the concept of building economic relations between the states within the CIS [12]. In order to implement these provisions, on April 15, 1994, the CIS member states signed the Agreement on the establishment of the free trade area. Under certain conditions, the document could become a kind of catalyst capable of breathing life into the integration processes that were at zero point up to that moment [13]. Although this agreement was signed by all the CIS countries, it was not unanimously ratified by all parties, including Russia. With some regret, we have to admit that this did not happen, and, first, for political reasons [14].

Over time, closer relations began to develop between individual CIS member states, which moved to agreeing on common positions outside the Commonwealth. Such relationships, in general, can be described as “multi-speed integration”, which is especially indicative on the EU example with its cases of asymmetric integration, in particular, enhanced cooperation between member-states” [15, 16].

The intentions of the states to deepen cooperation in the economic sphere were realized through the signing of the Treaty on Customs Union between the three states on 20 January 1995: Belarus, Kazakhstan and Russia. The treaty of three states defined the integration core, which is currently the engine of integration processes in Eurasia [17]. On January 20, 1995, Kazakhstan joined the Treaty, and on March 29, 1996, Kyrgyzstan became a member of the Customs Union.

On October 10, 2000, the Treaty on foundation of the Eurasian Economic Community was signed [18]. From this moment we can talk about the emergence of a new international organization – the Eurasian Economic Community (EurAsEC). Thus, the new stage of Eurasian integration has started. Experts admit, that the Eurasia has become an integration organization, which “served in the future as a prototype of the Eurasian Economic Union” [19].

However, Belarus, Kazakhstan, and Russia continued to pursue closer economic cooperation. On October 6, 2007, they signed a Treaty on establishment of a single customs territory and the formation of a Customs Union. Thus, following the chronology of development of international legal and institutional ensuring of integration processes, the signing of this Treaty can be considered the beginning of the next stage.

The legal framework developed at the indicated integration stage within the framework of the EurAsEC and legal instruments were initially de jure aimed at the transition to the next integration level. Subsequently, participants of Eurasian integration concluded an agreement on the establishment of a new integration entity – the Eurasian Economic Union (EAEU),

On May 29, 2014, the member states concluded the Treaty on the Eurasian Economic Union, which was to become the legal basis for the formation of the new stage of economic integration which came to replace the EurAsEC. The treaty entered into force since January 1, 2015. Three initial member states were joined by Armenia and Kyrgyz Republic. As some researchers observe, “the creation of the EAEU was a natural consequence of the development and close interaction of the Eurasian states” [20]. Hence, “establishing the EAEU was a major achievement for its members after they had repeatedly endured two integration “false starts” in the 1990s and 2000s” [21].

The EAEU Treaty is built on international legal principles as the Union carries out its activities and participates in international relations on the rights of an international organization, granted relevant international legal personality by states-creators [22]. However, “Eurasian economic integration has more modest sovereignty enhancing goals, placing the EAEU well in line with new regionalism projects seen in other parts of the world” [23].

The creation of the EAEU “characterizes the new stage of integration. Moreover, the goal includes not only the development of the economy, but also ecology, morality, spirituality, culture and much more, no less important at the present stage of human development” [24]. “The signing and enactment of the EAEU Treaty are not the final words in the integration process. On the contrary, the Treaty outlines a plan to move towards the common markets that had not been created as of the beginning of 2015. They include a common market for drugs and medical products (enacted in May 2017); common market for electrical energy (planned for 2019); common financial markets (2022-2025); and a common market for oil, gas, and oil products (2024-2025)” [25]. There is also clear evidence that the EAEU represents a more serious phase of post-Soviet economic integration and that, for the time being, the commitment of member states ensures that the EAEU will be more than “ink on paper” [26].

5 Conclusion

The conducted research of the main stages of the development of Eurasian integration showed that the participants of integration processes have developed an international legal framework for regulation and development of integration processes in the Eurasian region. According to the criterion of historical and treaty development, we distinguish the following periods: I. Formation of integration processes within the CIS with the creation of various mechanisms of cooperation between states. II. Creation of EurAsEC and continuation of integration based on this international organization. III. Establishment of the Customs Union of the Republic of Belarus, the Republic of Kazakhstan and the Russian Federation. IV. The EAEU establishment – until present time.

Within the CIS, the first attempts were made to develop integration between the countries of the region. Despite the fact that economic integration between the CIS countries was implemented only in the form of a free trade area, it became the basis for all further integration developments within the Eurasian region.

The stage of EurAsEC functioning covers the period from the creation of this international organization to 2007, i.e. the signing of the Customs Union Treaty. This period is characterized by the development of an international legal framework and the conclusion of a number of international agreements, which were de jure aimed at creating the customs union and moving to the next stage of integration. The new stage in the development of Eurasian economic integration was the conclusion of the EAEU Treaty of May 29, 2014. The document de jure marked the transition to a higher stage of economic integration.

In general, the passage of time and the development of international relations in the Eurasian region showed that further integration is possible only at different levels of integration between separate states. The EAEU creation was a direct consequence and continuation of the integration process at the stage when the economies of the member states overcame a long systemic crisis and began to restore economic growth.

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