

Chapter 5

Development Aid in Central Asia: A “Chessboard” for Great Powers?



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5.1 Introduction

The Central Asian countries, after gaining their independence in the early 1990s, have rapidly become a focus for competing interests and donor influence. As a result, the region is referred to as an intercontinental corridor exposed to different influences, the impact of which ranges from its economic to security-building options and strategic alignments (Freire, 2010). As an intergovernmental organisation, the Organisation for Security and Co-operation in Europe (OSCE) tried to gain influence in the region when the Central Asian republics joined the organisation soon after their independence. The European Union (EU) also joined efforts towards promoting a democratisation agenda by including “democracy, rule of law and human rights” in its Partnership and Cooperation Agreements (PCAs) (The European Communities and their Member States and the Republic of Uzbekistan, 1992, Art. 2), which provide the framework for the EU’s bilateral relations with the republics of Central Asia.

The development assistance landscape of Central Asia, where international donors including the EU and OSCE provide development aid, is changing. The former Soviet Central Asian republics that have remained in Russia’s orbit are still economically and politically reliant on Russia to varying degrees. In addition to Russia’s traditional influence, Russia has recently showed a stronger presence in the region. During the visit of President Xi Jinping of China to Kazakhstan in September 2013, the Belt and Road Initiative was introduced, signalling that Beijing wanted to be a major player in Central Asia as well (Pantucci, 2016). As the economies and material strength

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of Russia and China grow, these emerging countries are increasingly “investing” in foreign aid.

This chapter focuses on OSCE and EU engagement in the Central Asian region and on an actor-centred comparative perspective that sheds light on the local context of each actors’ development assistance and how they understand and translate this into a development assistance strategy. The chapter starts from the premise that actors’ approaches to promoting the rule of law do not overlap, but rather run in parallel. This parallel can be described as parallels between the external spirits—the “Western spirit,” the “Eurasian spirit,” and the “Shanghai spirit.” It is also important to highlight the “Central Asian spirit,” as the Central Asian states are sovereign countries with leaders who build their foreign policies on the basis of the so-called multi-vector policy, which aims to balance relations with the major powers (Kazantsev et al., 2021). A similar multi-vector constellation can be used to describe the development assistance landscape of Central Asia and reflects the multi-parallel nature of development assistance.

The following questions provide the analytical framework for this chapter: (1) Do domestic political and rule of law institutions and the development policies of relevant actors in the field differ from each other, how so, and how this is translated into rule of law promotion strategies and (2) how do the EU and the OSCE seek to achieve their policy goals and avoid marginalisation in the midst of such power struggles in Central Asia?

Building on Schimmelfennig’s approach of comparing the development policies of major international donors (Schimmelfennig, 2012), this chapter breaks down the development policies of the EU, the OSCE, Russia, and China according to the contextual understanding, content, and approaches to promoting rule of law. Focusing on development assistance and, in particular, rule of law promotion initiatives in Central Asia will help build an understanding of the interests and objectives of actor engagement in development assistance.

5.2 Theoretical and Conceptual Framework

5.2.1 *Conceptual Framework*

For the purposes of the chapter, the first category of focus actors is referred to as International Organizations (IOs) and “Western spirits” and includes the EU and the OSCE as organizations providing development assistance in the Central Asian region. Despite some parallels between the EU and the OSCE, there are fundamental differences. The OSCE, for example, does not have an international legal personality. Despite sharing such differences, the logic of promoting rule of law that is embedded in EU and OSCE development assistance has essentially similar objectives. These shared objectives *inter alia* include promoting a market-based economy, society based on respect for democracy and human rights. As a proponent of rule-based

multi-lateralism, the OSCE, in which all the EU Member States participate, thus holds similar values (Russell, 2021). The EU describes the OSCE as “a Europe-wide organization expanding into Central Asia with a transatlantic link.” (European External Action Service, 2017).

The second category of actors that the chapter focuses on includes Russia and China, which are referred to as emerging actors or the “Eurasian” and “Shanghai spirits” in the development assistance landscape of the Central Asian region. An important point in this context is that there are major differences between Russia and China in their foreign policies and development aid agendas. The Russian Federation is an accession country to the Organization for Economic Co-operation and Development (OECD). Although Russia is not a member of the OECD’s Development Assistance Committee (DAC), Russia is on the list of countries that report to the OECD on its development assistance financing. China, on the other hand, is not a member of the OECD, and has been able to increase its aid delivery to other developing countries on its own terms.

The study of IOs and emerging donor development engagement in Central Asia is important in the context of the changing international development assistance landscape. International development assistance is increasingly divided between donor countries that are members of the OECD DAC and emerging donors that are not members of or cooperating donors with the DAC. Understanding and comparing the aid policies of IOs with those of emerging donors thus helps to shed light on the rapidly changing international aid landscape.

There are, at present, almost no studies on comparative analysis of rule of law promotion (Schimmelfennig, 2012). The chapter thus addresses a gap in the literature by providing a comparative analysis of the rule of law reform programmes of international organizations and donors in Central Asia.

5.2.2 Theoretical Framework

In considering the theoretical framework, it must first be noted that Central Asia is in many ways challenging terrain for international organizations. Promoting rule of law in the region can be difficult for external donors and organizations confronted with strong and idiosyncratic authoritarian regimes from one side and regional powers such as Russia and China on the other (Axyonova, 2014; Sharshenova & Crawford, 2017). Promoting the rule of law has always been a transnational and international endeavour in which states, international organizations, and non-governmental organizations seek to influence rule of law practices in other countries. The OSCE, which has been active in the promotion of rule of law and democracy in Central Asian since the early years of the states’ independence, has gradually reduced its attention to the region. The EU and other Western countries and organisations have been assigned additional political objectives that were once part of the OSCE’s mandate (Epkenhans, 2007).

The efforts of the so-called Western actors to promote the rule of law and democracy have been heavily criticised and described as ineffective. One of the reasons for these failed attempts to support democratic transition is seen to be the emergence of donors such as Russia and China, who undermine Western efforts through their hard and soft power (Tolstrup, 2009). The presence of Russia and China in Central Asia hinders Western efforts to build a democratic society. China has been found to indirectly undermine democratic transition by introducing “alternative development assistance and alternative normative framing of the nature of government, and an alternative development path, none of which place democracy at the core” (Sharshenova & Crawford, 2017).

The efficacy of the conditionality approach that donors attach to development assistance, for example in terms of respect for human rights, economic performance, and good governance, which is often used to promote democratic change in recipient countries, is questioned given the availability of alternative development assistance. Li argues that the impact of democratic change is weakened because conditionality only works when recipient countries do not have other alternative sources (Li, 2017). Generous Chinese financial investment has portrayed Western development assistance as weak, inadequate, and directly interfering in state affairs and violating the sovereignty of Central Asian states. Moreover, Russia and China, through the Shanghai Cooperation Organisation (SCO), are trying to create infrastructure in the semi-authoritarian states of Central Asia that will enable them to resist the European emphasis on transition to democracy. Studies have confirmed these findings and defined China as an alternative development model that competes with the Western model of combining liberal democracy and a market economy (Bader & Hackenesch, 2019). To examine such development models, Ahrens and Hoen rely on the Bertelsmann Foundation’s Transformation Index (Bertelsmann Stiftung, 2016) to show the high degree of similarity between the countries of Central Asia and China in terms of their political and economic realities (Ahrens & Hoen, 2019). Until recently, however, the general belief was that China was making a “peaceful return” and had no intention of influencing political structures, with no clear evidence of China’s influence on the political climate of recipient countries. However, since President Xi took office, there have been signs of a fundamental shift in Chinese foreign policy. The Chinese government announced a strategic shift in foreign policy goals and China’s willingness to share the experience of its own political model with countries in the Global South and beyond (Bader & Hackenesch, 2019). Further studies also presented interesting findings. One of these findings suggest that, although IOs and emerging donors are fundamentally different from each other, they all pursue similar and strongly interest-driven goals. The engagement of both IOs and emerging donors in aid is based on the idea of achieving stability in a given region, which can be realised through development assistance (Bossuyt, 2015, 2018).

5.3 Development Cooperation of IOs and Emerging Donors with Central Asia

Section 3 of this chapter provides an overview of the engagement of each focus actor in the development assistance landscapes of the Central Asian region. The section explores the understanding of the rule of law and the conceptual comparison between different actors with reference to legislation and official documents. As the meaning of the term “rule of law” remains contested temporally as well as culturally and geographically, understanding actors’ perspectives on the rule of law helps to unpack the rationale behind the rule of law promotion policies.

5.3.1 *EU Development Assistance*

In 2007, the EU issued its first Central Asia Strategy, which identified seven priority areas for EU bilateral and regional cooperation with Central Asia ranging from Human Rights and Rule of Law, Good Governance, and Democratisation to Environmental Sustainability and Water (Council of the European Union. General Secretariat of the Council, 2009). Human rights, democracy, equality, and the rule of law are part of Europe’s comprehensive development packages and form the normative basis of the EU (Treaty on European Union, 2012, Preamble, Art. 2). According to the Treaty on the European Union, the Union’s external action is guided by democratic values and the rule of law (Treaty on the European Union, 2012, Art. 21).

The recently published EU Central Asia Strategy (2019) builds on previous strategy and achievements and introduces new areas and fields of cooperation (Council of Europe European Union, 2019). Democracy and rule of law are seen as both a goal and a prerequisite for meaningful EU cooperation with other countries. The EU’s attempts to promote democracy and the rule of law in Central Asia are therefore influenced by several factors. First, the EU is motivated by a desire to promote liberal democracy around the world (Kotzian et al., 2011) and to expand its normative influence outside its borders (Manners, 2009). The EU has created several instruments to promote democratic values in Central Asian countries (Kotzian et al., 2011). These cooperation instruments include search for development opportunities, closer cooperation, and trade privileges. In addition to cooperation instruments, the EU also mentions the possibility of using sanctions and critical statements, as well as normative approaches such as political dialogue (Axyonova, 2014; Schimmelfennig & Scholtz, 2008; Warkotsch, 2009). EU development assistance is funded through a variety of budget lines, including the Development Cooperation Instrument (DCI) and the European Institute for Democracy and Human Rights (EIDHR), and is implemented by a variety of actors, including Brussels-based DCI and European External Action Service (EEAS) officials, the EU Special Representative for Central Asia, and EU Delegations in specific countries (Urdze, 2011), as well as in cooperation with other actors such as the Council of Europe, UNDP, etc.

It is important to focus on the EU's understanding of the concept rule of law, which it promotes in other countries. The EU definition of the rule of law has been influenced by the previous conceptual work of other international organisations such as the Council of Europe and OSCE (Pech, 2013). EU instruments rarely clarify what law means, and when they do, definitions are often vague and contradictory (Pech, 2011). The lack of a coherent concept of rule of law in the EU's internal affairs, treaty provisions, and Court of Justice rulings leads to inconsistencies in the EU's external relations and no *acquis communautaire* for the partner state to adopt as in the accession context. The EU has been heavily criticised for not presenting a coherent and unified concept of the principle it seeks, which allegedly undermines the EU's efforts to promote rule of law (Kochenov, 2009).

The concept of the rule of law is outlined by the EU as follows and encompass the principle of "legality, which implies a transparent, accountable, democratic and pluralistic process for enacting laws; legal certainty; prohibition of arbitrariness of the executive powers; independent and impartial courts; effective judicial review including respect for fundamental rights; and equality before the law" (Commission of the European Communities, 2014).

5.3.2 *OSCE Development Assistance*

As the OSCE is not a donor organisation, but one which provides capacity building and training for civil society, security sector personnel, and policymakers, it places norms and values at the centre of its understanding of security, which includes the so-the called human dimension, the politico-military dimension, and the economic and environmental dimensions. In a broader sense, the politico-military dimension includes civil-military capacity building and transparency, the human dimension includes rule of law reform, which is a cornerstone of human rights and democratisation activities, and the final dimension supports sustainable economic development and environmental protection (Organization for Security and Co-operation in Europe, 1975).

The OSCE's engagement with the Central Asian republics has been a rather difficult journey. Although all five states had committed to enhanced cooperation with the OSCE in the initial phase, none of the republics has been able to adhere to the OSCE's core principles. Weak OSCE presence is reflected in the lack of compliance, which is partly due to a lack of resources and capacity, as well as political will (Epkenhans, 2007). All OSCE activities require additional funding from its member states or other organisations, including the EU. At the same time, the political parameters of the OSCE in Central Asia have changed drastically since 2001. As a result of the September 11 attacks on the United States, this region, with its proximity to Afghanistan, became increasingly important in the foreign policy agenda of the United States, NATO, and the EU, which gradually began to encroach on areas that had previously fallen under OSCE jurisdiction (Epkenhans, 2007).

One of the most important definitions guiding the OSCE is a decision adopted by OSCE participating States on “Further Strengthening the Rule of Law in the OSCE Area” at the Ministerial Council Meeting in Helsinki (Organization for Security & Co-operation in Europe, 1990). The OSCE defined the concept of rule of law as not merely formal legality, but “justice based on the recognition and full acceptance of the supreme value of human personality, guaranteed by institutions providing a framework for its fullest development” and stated that “democracy is an inherent component of rule of law” (Organization for Security & Co-operation in Europe, 1990).

5.3.3 *Russian Development Assistance in Central Asia*

Russia continues to be present in all Central Asian republics in a variety of ways, including as a cultural, educational and linguistic, close economic, strategic and military partner, and as the provider of a possible political model for rule to Central Asian elites. Russia’s financial contributions to the OSCE’s official development assistance (ODA) have increased dramatically in recent years. President Vladimir Putin announced a turning point and major changes in the country’s foreign policy priorities in 2012. The updated the Foreign Policy Concept of the Russian Federation (2016) established active support for Eurasian economic integration as the main task of Russian foreign policy through the transformation of the Eurasian Economic Community (EEC) and the establishment of the Eurasian Economic Union (EAEU) (The Ministry of Foreign Affairs of the Russian Federation, 2016a).

The subsequently adopted Concept of State Policy on International Development Assistance provides for the provision of technical, financial, humanitarian, and other assistance to foreign states with the aim of promoting the sustainable socio-economic development of recipient countries (The Ministry of Foreign Affairs of the Russian Federation, 2014). One of the provisions that fall under this concept is the debt relief package, which aims to reduce the burden on recipient countries. Under this system, Russia offers debt relief packages to debtor countries “by carrying out an exchange of debt for development assistance, provided that the debtor undertakes to use the released funds for the purposes of national socio-economic development” (The Ministry of Foreign Affairs of the Russian Federation, 2014).

As far as the definition of rule of law is concerned, different terms are used in Russian legal literature when referring to rule of law, as the concept of rule of law (*pravovoe gosudarstvo*) used in Russian legislation suggests a broader concept than the concept of rule of law. The concept of rule of law lies at the core of constitutional theory, which was influenced by the German concept of rule of law (Chirkin, 2016). Article 1 of the Constitution states that “Russia is a democratic federal law-based State with a republican form of government.” (Конституция Российской Федерации [Constitution of the Russian Federation], 2020). The central features of the concept *pravovoe gosudarstvo* are the guarantee of human rights and freedom;

the limitation of the exercise of state power; the primacy of the most important law of the land, the Constitution; and the primacy of the law (*verhovenstvo zakona*).

5.3.4 Chinese Engagement in Central Asia

Although there are no detailed official reports or records of Chinese aid to Central Asia, numerous media reports, often mentioning billions of dollars, show that China's engagement in the region has grown exponentially in recent years, even prior to the official launch of its massive infrastructural development programme, the Belt and Road Initiative (BRI). The Information Office of China's State Council published its third White Paper on Foreign Aid on the beginning of 2021. The third White Paper provides a detailed analysis of the history and guiding principles of Chinese foreign aid, and aims to highlight the unique aspects of China's aid programme. The most striking feature of the White Paper is the introduction of the two primary concepts, namely the "global community of shared future" and the "Belt and Road Initiative" (The State Council The People's Republic of China, 2021). The White Paper notes that the BRI will serve as a major platform for China's foreign aid programme. The White Paper shows that, between 2013 and 2018, 80% of total aid is delivered to Africa and Asia. China also organized over 7000 short-term technical training courses for over 200,000 participants in the recipient countries (Zhang, 2021).

China provides foreign aid mainly in the form of low-interest loans, government-backed or subsidised investments in infrastructure and natural resources, cooperation in the development of technical and human resources, and the reduction or cancellation of recipient countries' debts (Information Office of the State Council of the People's Republic of China, 2014). The Shanghai Cooperation Organization which includes Russia and the Central Asian republics, with the exception of Turkmenistan, is another important instrument for Beijing's expansion, covering economic and development aid (Bertelsmann Stiftung, 2020).

China's first Five-Year Rule of Law Building Plan (2020–2025) envisages a legal system based on a "socialist rule of law with Chinese characteristics." In this light, Article 1 of the Chinese Constitution also emphasises the legal system (Constitution of the People's Republic of China, 2019). The Chinese Communist Party rejects elements such as an independent courts and the separation of powers, considering them to be a product of the Western system. Beijing is unwaveringly committed to spreading Chinese legal philosophy and practice around the world, creating new legal norms and using the law to achieve its goals (Rudolf, 2021). Chinese government officials through this Rule of Law Plan put strong emphasis on strengthening rule of law. However, direct translation of the term rule of law into Chinese language is challenging. The Chinese term *fǎzhì* is often accepted as an equivalent to rule of law in English language. However, Western scholars argue that this translation is not accurate and that the term should be translated as "rule by law" or "law and order" (Chen, 2017).

5.4 The Parallel “Spirits”

Different “spirits” prevail in the relations between Central Asia and external players in the region. One of the previously active players in the region, the United States, has tried at times to gain more influence in the region. The US involvement in Central Asia has declined with the gradual withdrawal from active missions in Afghanistan. As a result, the United States is not in a position to assert its great power ambitions in Central Asia. In the early 1990s, Turkey saw an opportunity to fill the power vacuum left by the Soviets Union. However, this heightened interest was met with outright resistance from the Central Asian authorities. As a result, Turkey later abandoned its previously ambitious foreign policy towards Central Asia (Fida, 2018).

The chapter examines the involvement of the EU and OSCE, which are still comparably visible as “Western spirits” via the IOs, and the “Eurasian and Shanghai spirits” represented by Russia and China. To this end, it scrutinizes how each of these spirits uses development assistance and promotion of the rule of law, and how these are influenced by their internal interests and political agendas.

5.4.1 *EU Rule of Law Promotion*

According to Article 42 of the “Legislative Cooperation” of the PCA, Uzbekistan has committed to approximate its existing and future legislation with that of the EU as “Uzbekistan shall endeavour to ensure that its legislation will be gradually made compatible with that of the Community” (The European Communities and their Member States and the Republic of Uzbekistan, 1992). The Enhanced Partnership and Co-operation Agreement with Kazakhstan, likewise, commits the countries to cooperate in establishing and strengthening democratic principles, rule of law, and human rights (Enhanced Partnership and Cooperation Agreement between the European Union and the Republic of Kazakhstan, 1992).

The European Commission is responsible for rule of law promotion in the EU’s external assistance programmes while the Council is responsible for actions related to the EU’s Common Foreign and Security Policy. The Commission is thus responsible for rule of law missions and the general promotion of the international rule of law. The Three Directorates-General of the Commission are involved in promoting the rule of law and responsible for relations with Central Asian countries (Axyonova, 2014). One of the Commission’s instruments for the rule of law reform agenda is “The Rule of Law Programme for Central Asia” (2020–2023). The Rule of Law Programme aims to support reforms in strengthening areas such as human rights, rule of law, and democracy in line with European and other international standards, based on a needs-based approach. In particular, the programme supports the improvement of the efficiency of local institutions and public administration. The programme also includes cooperation with national parliaments and support for the drafting and adoption of legislation to strengthen the rule of law, separation of powers, and justice

(Council of Europe European Union, 2020). The previous Rule of Law Platform in Central Asia, funded by the EU in 2015–2018, focused on supporting the building of a stable and democratic political environment by focusing on legal and judicial systems and the development of legislation and practices.

5.4.2 OSCE Rule of Law Promotion

The OSCE is involved in rule of law reform activities through the OSCE Office for Democratic Institutions and Human Rights (ODIHR). A number of OSCE field operations are involved in rule of law reform efforts, including *inter alia* judicial and legislative reform, legislative drafting support, strengthening public administration, and capacity-building activities. The thematic compilations of OSCE commitments in the human dimension explicitly refer to a number of documents adopted at OSCE meetings and in agreements. For example, the compilation refers to Decision No. 9, Bucharest 2001, and focuses on police-related activities, reaffirming that effective policing is essential for the maintenance of rule of law and strengthening of democratic institutions. The OSCE has committed itself to exploring and developing the role of police training and the creation of effective police services, with particular focus on integrated police training, in the creation of police services in the OSCE area (Office for Democratic Institutions and Human Rights, 2005).

The ODIHR assists all Central Asian countries in raising awareness of difficulties and best practices in administrative justice reform and in ensuring the independence of administrative judges through the project “Strengthening inclusive and accountable democratic institutions in the OSCE region” (ODIHR Annual Report, 2019). The ODIHR thus provided comments and assessments on proposed electoral legislation and proposals for an anti-trafficking law in support of Uzbek authorities. Such drafting assistance led to the adoption of a new electoral law.

Another important instrument, and one of the ODIHR’s activities in Central Asia, is the Criminal Law Experts Forum, which is held annually. Since 2008, the ODIHR has organized the Criminal Justice Expert Forum in Central Asia as part of its Rule of Law Programme, focusing on criminal justice and judicial reform, human rights, and the right to a fair trial, as well as the harmonisation of national legislation with relevant international standards and OSCE commitments (Council of Europe European Union, 2020). Thus, the ODIHR, through its Rule of Law Programme implemented, aims to strengthen the capacity of the Supreme Judicial Council and judges, as they have committed to doing in Uzbekistan, to implement international standards for judicial independence and accountability (ODIHR Annual Report, 2019).

5.4.3 Engagement of Western Spirits with Central Asia

A focus on building the intensity and depth of relations between the Western spirits and Central Asian governments is relatively low on both the EU’s foreign policy agenda and the OSCE’s assistance goals. Both actors have very limited links to Central Asia and current engagement is often limited to funding projects and development initiatives in the region (Bailes & Dunay, 2017).

Behind the curtain of promoting the rule of law, each organization and donor is pursuing the goal of gaining more influence in the region and displacing neighbours who are also seeking more influence. The vague definition of the rule of law that the EU and the OSCE present, one which can change vis-à-vis the recipient countries, also shows that the contingency of their development aid is on thin ice and is employed as façade that hides internal motives.

The power struggle is also reflected in the EU Central Asia Strategy (2019), which includes “Partnering for Resilience” (European Commission, 2019). In line with these cooperation priorities, the new strategy is a tool for the EU to make its presence in the region visible, avoid marginalisation, and create a so-called balance of power. Under “Partnering for Resilience,” the EU has agreed to support the Central Asian countries in strengthening their resilience to challenges and threats affecting their socio-economic goals and security, and in removing obstacles to embracing change and modernization (European Commission, 2019). The Strategy is believed to be a signal to Russia and China that the EU has no intention of entering into geopolitical competition or rivalry, but instead to seek cooperation where possible. The new strategy expresses the EU’s intention to work with third parties in the region, especially Russia and China, but also with other neighbouring countries and international organizations.

5.4.4 Russian Development Aid

As was previously mentioned, Russia uses relief packages within its development assistance programme, which was implemented in 2017. Russian Foreign Minister Sergei Lavrov announced that Kyrgyzstan and Uzbekistan received debt relief packages of USD 488 million and USD 865 million respectively to mark the 25th anniversary of the establishment of diplomatic relations between the Russian Federation and the Central Asian states (Lavrov, 2017).

Russia does not have a specific document describing its Central Asia strategy. The Russian Council for International Affairs explicitly states in its report that Russia has failed to develop a comprehensive, long-term policy towards Central Asia (Russian Council for International Affairs, 2013). Despite the lack of such a Central Asia policy, and the fact that Russia is not the most important donor in Central Asia, Russia has remained the most powerful strategic partner and economic actor in the region.

Its main economic contribution to the Central Asian republics is the remittances from millions of Central Asian migrant workers living and working in Russia.

As for Russia's promotion of the rule of law, Section II of the Russian Concept on International Development Assistance sets out the objectives of Russian development assistance. Among the objectives is the promotion of "good governance based on the principles of democracy, rule of law and respect for human rights in recipient states and the promotion of the self-reliance of the governments of these states in dealing with emerging problems, provided that they respect the international law principle of the responsibility of states for their domestic and foreign policies towards their citizens and the international community" (The Ministry of Foreign Affairs of the Russian Federation, 2014).

5.4.5 Chinese Development Aid

Contrary to popular belief that China is reluctant to engage in legal reforms in recipient countries, Chinese investors are keen to circumvent local laws. Chinese investments are usually protected through various means, such as extra-legal and unofficial practices (Erie, 2021). One study concludes that China places more emphasis on internationalising legal standards and promoting the horizontal rule of law,¹ related to its goal of economic cooperation and development, and securing its investments in a region (Kwan, 2021). Scholars have discussed the emergence of a new Chinese economic legal system characterised by China's decentralised method of trade governance based on soft law and norms-based networks, as well as China's pragmatic development policies (Gu, 2021).

In addition, Chinese-sponsored training programmes for Central Asian officials have an impact on the legal systems of the republics. China, for example, is pursuing assistance in adopting a "smart court" system through programmes which target the judges of Central Asian republics (Yau, 2021). The Chinese Supreme People's Court' "Opinion on Accelerating the Construction of Smart Courts" adopted in 2017 encourages courts to use artificial intelligence in litigation services and provide smart trials. This Opinion states that such practices will assist to make the litigation process transparent and deliver impartial justice (Supreme People's Court, 2017).

5.4.6 Engagement of the Eurasian and Shanghai Spirits in Central Asia

Since China is not a member of the OECD, it is not bound by the DAC's foreign aid guidelines. It also lacks a clear definition of its foreign aid policy. When it provides access to natural resources or contract packages in recipient countries, Chinese aid

¹ The law regulating interaction between citizens.

often falls between development loans and foreign investment. This is one of the differences between Chinese aid and Western aid, and poses a challenge in terms of its categorisation under development assistance. It has been argued that the evolution of Chinese aid towards being “demand-driven, project-based, and flexible in modality” indicates that the Chinese prefer to seek win–win cooperation when calling their economic programmes development aid. Therefore, Chinese aid is different from other types of development assistance. In particular, it differs from that of IOs in terms of the content, objectives, and practices of development assistance (Tian, 2018).

Despite the increasing importance of Russia and China as donors of development assistance, data on Chinese and Russian aid is limited and difficult to verify. Due to the lack of information on Chinese development assistance and the peculiarities of China’s understanding of development assistance, it is difficult to determine the exact amount of financial support China has provided to Central Asia. Neither Russia nor China can be classified as rule of law reform actors, as the EU and the OSCE are. However, both Russia and China have openly stated their views on the rule of law and international law in their foreign policies. The text of the joint “Declaration of the Russian Federation and the People’s Republic of China on the Promotion of International Law” to the United Nations, addressed to the Secretary General can be used as an illustration. The Russian Federation and the People’s Republic of China express their full support for the principle of sovereignty and non-interference in the internal or external affairs of states (The Ministry of Foreign Affairs of the Russian Federation, 2016b). The Declaration reflects the general legal views of the individual powers and sets out their priorities in promoting international law. These views can also be traced in Russia and China’s foreign policy and development assistance to the Central Asian region. China’s extensive and unconditional financial assistance to the Central Asian republics, which does not focus on democratisation, the rule of law or human rights, is an indicator of China’s general view of law.

In contrast to the efforts of the Western spirits to promote rule of law systems, which emphasise *inter alia* privatisation, market economies, liberal democracies, and the rule of law, among other things, Russia and China focus on state capitalism, infrastructure development, and authoritarian legality.

5.5 Conclusion

Promotion of the rule of law, based on a widespread conviction that it is a desirable and an essential component of the economic and political transition to liberal democracy, has become an undisputed norm in Western development assistance. This conviction is also reflected in the foreign and development policies and objectives of IOs and its inclusion as a conditionality for aid is one of the tools used to influence legal and institutional practices in recipient countries.

As can be seen from the above analyses of different perspectives and approaches taken to rule of law and rule of law reform in the Central Asian region, IOs and emerging donors have varying interests and degrees of engagement in the region.

Although both IOs and emerging donors pledge to modernise and reform the Central Asian republics, development assistance including rule of law promotion is a façade behind which certain motivations for involvement exist.

Behind rule of law promotion initiatives, both IOs and emerging donors pursue regional influence and seek out or create ‘like-minded allies’ where possible by introducing their local context, understandings, and institutions. The approaches to achieving this goal are fundamentally different. While IOs seek stability through inclusive and sustainable development, emerging regional powers pursue development through economic expansion supported by better infrastructure. While IOs emphasise democratic governance, rule of law, human rights, and market economies as central development ideals, China, for example, with its “no political strings attached” aid, adheres to the concept of non-interference and therefore does not support the development of rules regarding governance and institutional strengthening. IOs and emerging donors thus employ various instruments and approaches in achieving their foreign and development policies, despite having similar goals.

The presence of emerging donors in Central Asia currently differs from that of Western IOs in terms of the level and manner of development assistance. However, recent changes announced by the leaders of Russia and China regarding the taking of a more active role on an international stage and their closer cooperation with the countries of Central Asia might change the current multi-vector strategy of the “Central Asian spirit” and the parallel development assistance landscape.

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