

**DCAF REGIONAL
PROGRAMMES**

**COLLECTIVE SECURITY
TREATY ORGANIZATION AND
CONTINGENCY PLANNING
AFTER 2014**

20

A.F. Douhan and A.V. Rusakovich (eds.)



The Geneva Centre for
the Democratic Control
of Armed Forces

The publication of this book has been funded by the Directorate for Security Policy (SIPOL) – Swiss Federal Department of Defense, Civil Protection and Sports.

Geneva Centre for the Democratic Control of Armed Forces

Public Association

“Foreign Policy and Security Research Centre”

**COLLECTIVE SECURITY TREATY
ORGANIZATION AND CONTINGENCY
PLANNING AFTER 2014**

A.F. Douhan and A.V. Rusakovich (Eds.)

Geneva – Minsk, 2016

Geneva Centre for the Democratic Control
of Armed Forces (DCAF)
www.dcaf.ch

Geneva Centre for the Democratic Control of Armed Forces is one of the leading institutions in the world in the area of security sector reform (SSR) and security sector governance (SSG).

DCAF provides advisory support, organizes programs for practical assistance, elaborates democratic norms and promotes them at international and national level, promotes best practices and makes political recommendations on effective democratic governance in the security sector.

DCAF collaborates with governments, parliaments, civil society, international organizations, as well as a number of security structures, in particular the police, judiciary and intelligence agencies, border services and the armed forces.

Geneva Centre for the Democratic Control of Armed Forces

Public association

“Foreign Policy and Security Research Centre”

**COLLECTIVE SECURITY TREATY
ORGANIZATION AND CONTINGENCY
PLANNING AFTER 2014**

A.F. Douhan and A.V. Rusakovich (Eds.)

Geneva – Minsk, 2016

Authors:

A.F. Douhan (Introduction, Ch. 6, section 6.1, Ch. 7, Ch. 8 with N.O. Moroz, Conclusion); J.M. Kembraev (Ch. 5, section 6.2); M.T. Laumulin (Ch. 3), N.O. Moroz (Ch. 8 coauthored with A.F. Douhan), A.V. Rusakovich (Ch. 1, Ch. 4, Conclusion), A.V. Tihomirov (Ch. 2).

Edited by A.F. Douhan and A.V. Rusakovich

A.F. Douhan and A.V. Rusakovich, eds., *Collective Security Treaty Organization and Contingency Planning after 2014* (Geneva Centre for the Democratic Control of Armed Forces and Foreign Policy and Security Research Centre, 2016).

DCAF, Regional Programs series no. 20

The book uses the interdisciplinary approach to examine the prospects for the existence and work of the CSTO after 2014, especially in the political, legal and information aspects.

The monograph was published as part of a joint project implemented by the Geneva Centre for the Democratic Control of Armed Forces (Switzerland) and the Public Association “Foreign Policy and Security Research Centre” (Belarus).

© Geneva Centre for the Democratic Control of Armed Forces, 2016

Executive Publisher: Procon Ltd., <http://www.procon.bg>

Original edition: Russian, 2015

Translation into English: Greta Keremidchieva

Cover Design: OGS Press

ISBN 978-92-9222-346-5

Preface

I take pleasure in presenting to the reader this publication which is the result of a fruitful and long-term partnership between the Geneva Centre for the Democratic Control of Armed Forces, the Belarusian State University and our partners from Kazakhstan. We invest efforts to support such interaction as a platform for sharing information, developing common approaches to security and development in the former Soviet Union countries, laying the foundations for regional cooperation in the western, central and northern Asia.

The outcome of this collaboration is a series of publications available on the website of the Centre, www.dcaf.ch, in particular:

- Anatoliy A. Rozanov, Elena F. Dovgan, eds., *Collective Security Treaty Organisation 2002–2009* (DCAF, 2010); ISBN 978-92-9222-142-3 (English).
- Anatoliy A. Rozanov, Alena F. Douhan, eds., *Collective Security Treaty Organisation: 2002-2012* (DCAF, 2013); ISBN 978-92-9222-274-1 (English).
- Anatoliy A. Rozanov, ed., *The Shanghai Cooperation Organisation and Central Asia's Security Challenges* (DCAF, 2013); ISBN 978-92-9222-269-7 (English, Russian).

Geneva, January 2015

Philipp Fluri, Ph.D.
Deputy Director DCAF

Table of Contents

Preface	v
Table of Contents	vii
List of Abbreviations	ix
Introduction.....	1
PART I. CSTO IN THE CONTEMPORARY ENVIRONMENT: THE GEOPOLITICAL COMPONENT	3
Chapter 1. The Change in the Geopolitical Situation in the former Soviet Union after 2014	5
<i>A.V. Rusakovich</i>	
Chapter 2. Approaches of the Main Actors in the Development of CSTO after 2014 (Russia, Belarus, Kazakhstan).....	35
<i>A.V. Tihomirov</i>	
Chapter 3. Afghanistan in the System of Regional Security after the Withdrawal of the International Security Assistance Force.....	65
<i>M.T. Laumulin</i>	
Chapter 4. Formation of the Eurasian Economic Union and Development of the Collective Security Treaty Organization	95
<i>A.V. Rusakovich</i>	
PART II. INTERNATIONAL LEGAL FRAMEWORK OF THE COLLECTIVE SECURITY TREATY ORGANIZATION	117
Chapter 5. Legal Framework and the Document Approval Process within CSTO	119
<i>Zh.M. Kembaev</i>	
Chapter 6. Implementation of the Commitments Undertaken in the Framework of the CSTO by Member States	135
<i>A.F. Douhan</i>	
Chapter 7. Legal Basis and Practices of Cooperation between the CSTO and Third Countries and International Organizations.....	155
<i>A.F. Douhan</i>	
Chapter 8. The Collective Security Treaty Organization and Information Security	179
<i>A.F. Douhan, N.O. Moroz</i>	
Conclusion.....	203
About the Authors.....	207

List of Abbreviations

AF	Armed Forces
ASEAN	Association of Southeast Asian Nations
AU	African Union
CA	Central Asia
CAR	Central Asian Region
CARICC	Coordination Centre for Combating Illicit Trafficking of Narcotic Drugs and Psychotropic Substances
CCBMA	Conference of Confidence-Building Measures in Asia
CDM	Council of Defence Ministers (of CSTO member states)
CES	Common Economic Space
CFM	Council of Foreign Ministers (of CSTO member states)
CIS	Commonwealth of Independent States
CORF	Collective Operational Reaction Forces
CPF	Collective Peacekeeping Forces
CRRF	Collective Rapid Reaction Forces (of CSTO)
CRRF-CAR	Collective Rapid Reaction Forces of CAR
CSC	Collective Security Council
CSCE	Conference of Security and Co-operation in Europe
CSSC	Committee of the Secretaries of Security Councils (of CSTO member states)
CST	Collective Security Treaty
CSTO	Collective Security Treaty Organisation
CU	Customs Union
DCAF	Geneva Centre for the Democratic Control of Armed Forces
EAEC	Eurasian Economic Commission

EAES	Eurasian Economic Space
EAEU	Eurasian Economic Union
EAG	Eurasian Group on combating money laundering and financing of terrorism
EAU	Eurasian Union
ETIM	East Turkestan Islamic Movement (known also as “Turkestan Islamic Movement,” TIM)
EU	European Union
EurAsEC	EurAsian Economic Commonwealth
FOCL	Fibre-Optic Communication Line
GDP	Gross Domestic Product
GUAM	Organization for Democracy and Economic Development (Georgia, Ukraine, Azerbaijan, and Moldova are the member states)
ICRC	International Committee of the Red Cross
IMF	International Monetary Fund
IMT	See TIM - Turkestan Islamic Movement
IMU	Islamic Movement of Uzbekistan
IRA	Islamic Republic of Afghanistan
ISAF	International Security Assistance Force (in Afghanistan)
KISS	Kazakh Institute for Strategic Studies
MES	Ministry of Emergency Situations
MGIMO	Moscow State Institute of International Relations (also: MGIMO University)
Mol	Ministry of the Interior
NACC	North Atlantic Cooperation Council
NAS	National Academy of Sciences (of Belarus)
NATO	North Atlantic Treaty Organization
NIMA	National Islamic Movement of Afghanistan
OAS	Organization of American States

OCG	Organized Crime Group
ODED	Organization for Democracy and Economic Development, see also GUAM/GUUAM
OSCE	Organization for Security and Co-operation in Europe
PRC	People's Republic of China
RAS	Russian Academy of Sciences
RATS	Regional Anti-Terrorist Structure
RF	Russian Federation
RK	Republic of Kazakhstan
SCO	Shanghai Cooperation Organisation
SCR	Security Council Resolution
TCS	Treaty on Collective Security
TIM	Turkestan Islamic Movement (known also as "East Turkestan Islamic Movement," ETIM)
UCP	United Civil Party (Belarus)
UN	United Nations
USA	United States of America
USSR	Union of the Soviet Socialist Republics
WTO	World Trade Organization
WTO	Warsaw Treaty Organization (more commonly referred to as "Warsaw Pact")

Introduction

Undoubtedly, 2014 was a landmark year in the development of the regional security system in the post-Soviet space. Political processes that took place are widely discussed in society and remain the focus of politicians and experts. There are various, sometimes diametrically opposed assessments of the events and, of course, scientific debates on the causes and consequences of the crisis in the course of that year will continue.

In 2014, there were significant developments in the region. The period in question is associated with the expected termination of the ISAF operation in Afghanistan. This step raises some concerns about the possibility of destabilization in the region, activation of international terrorism, tensions on the border with Tajikistan, the increase in production of drugs and, as a result, their transportation to Central Asia and Europe. 2014 is characterized by an escalation of other “frozen” conflicts, as well as the emergence of conflicts in countries where they had not been expected, for example in Ukraine. In addition, more attention is paid to the information component of security, both in terms of the spread of “hostile” data or security of personal data and state secrets, and in terms of crime and even aggression by use of information technologies.

This situation generates not only military or foreign policy issues, but also legal problems. It can be noted that in the 12 years following the conclusion of the Charter of the Collective Security Treaty Organization (CSTO), this organization completed the process of its formation. Within the framework of the CSTO a significant number of international treaties were signed, quasi-permanent collective forces were established, a series of operations were carried out aimed at combating new challenges and threats (“Channel,” “Illegal,” “Proxy”), exercises with different objectives and different contingents are being carried out, mechanisms for cooperation with the Member States, third countries and other international organizations were developed.

However, so far the CSTO has never been directly involved in resolving specific conflicts. In this regard, the termination of the International Security Assistance Force in Afghanistan appears to be an indicator to what extent the CSTO is able to withstand existing threats and challenges, to what extent its legal basis and mechanisms will be sufficient for the maintenance of international peace and security in the region in the current geopolitical environment.

The present study has a complex orientation. It was prepared by experts from the Republic of Belarus and the Republic of Kazakhstan – experts in the field of international relations and international law.

The first part of the work provides a comprehensive assessment of the currently existing geopolitical realities, as well as the changes that are expected in the post-Soviet space after 2014 in view of the crisis taking place in Ukraine, the escalation of tension in other, so-called “frozen” conflicts, as well as the signing of association agreements with the European Union by a number of former Soviet republics; the approaches of the main actors (Russia, Belarus and Kazakhstan) to the development of the CSTO are analysed; the prospects of establishing the Eurasian Economic Union and its cooperation with the CSTO are estimated.

In the light of the threats that could occur from the territory of Afghanistan after the withdrawal of ISAF, the place of Afghanistan in the system of regional security is discussed in detail, including the situation in the country, its relationship with Kazakhstan, Uzbekistan, Tajikistan and other actors.

The second part is devoted to the study of the international legal framework of the Collective Security Treaty Organization. Attention is paid to the legal framework, the decision-making process and the signing of international agreements in the framework of the Collective Security Treaty Organization, as well as to the execution of such agreements by Member States (implementation at the national level), for example the Republic of Belarus and the Republic of Kazakhstan; assessed are the legal framework and methods of cooperation of the CSTO with the UN, regional organizations operating in the post-Soviet territories and other organizations, as well as non-members of the Collective Security Treaty Organization in the maintenance of international peace and security. Particular attention is paid to the problem of countering military and political threats to information security and crime in the sphere of information technologies in the framework of the CSTO.

**CSTO IN THE CONTEMPORARY
ENVIRONMENT:
THE GEOPOLITICAL COMPONENT**

Chapter 1

The Change in the Geopolitical Situation in the former Soviet Union after 2014

A.V. Rusakovich

The post-Soviet space, which brings together twelve states, is an important region in the world and the processes in this part of the globe have a significant impact on the international situation.¹ The main trends in the former Soviet Union in 2014 were: the implementation of new approaches of the Russian leadership regarding the region; the political crisis in Ukraine and the Russian-Ukrainian interstate conflict; the formation of conflict relations between Russia and the West; acceleration of the Eurasian integration; an Agreement on the association with the European Union signed by Georgia, Moldova and Ukraine; escalation of tension in areas of “frozen” conflicts.

It appears that these factors had a significant impact on the situation in the post-Soviet space and became a milestone in its development.

General characteristics of the post-Soviet space

The countries in the post-Soviet space occupy more than 16 % of the planet with a population of about 300 million people, and own 25 % of the world's natural resources (including 18 % of the world's oil and 40 % of the natural gas). Post-Soviet states, according to various estimates, account for 10 % of the global industrial capacity and 10 % of the global production of electricity. According to experts, the share of CIS countries in world GDP from 2000 to 2010 increased from 1.1 % to 3.1 %.² These figures show that the CIS countries have considerable potential; however, the level of their economic development does not allow to influence actively global trends and is limited mainly to the region. In the global market, post-Soviet countries act mainly as exporters of hydrocarbons and importers of industrial and high-tech products. The transformation processes that began in the states after the collapse of the Soviet Union and were aimed at the formation of the national statehood and a stable economic and political system have not been completed, which in turn gives rise to problematic phenomenon and conflict sit-

¹ Currently, this notion includes 12 states – former Soviet republics; others use the term “CIS countries” or “post-Soviet states.”

² 20 years CIS, by A.V. Shevchenko et al., Project lead S.N. Lebedev (Minsk: BELTA, 2011), p. 19; “The CIS countries and BRICS increased share in global GDP” (Electronic resource), *the Internet portal of the CIS*, available at <http://www.e-cis.info/news.php?id=310> (accessed on 22 October 2013).

uations in the economic and political life of the country and in international relations in the region.

The CIS countries significantly differ in size of territory, population, natural reserves and level of economic development. The largest country in the region is Russia with 141.9 million inhabitants and an area of 17075 sq. km. Russia plays a central role in the post-Soviet space, which in turn determines the developments in the region. Russia accounts for more than 70 % of the total regional gross domestic product. Further, in terms of population comes Ukraine – 45.9 million inhabitants (603.7 thousand sq. km), Uzbekistan – 28.4 million (448.9 thousand sq. km), Kazakhstan – 16.4 million (2724.9 thousand sq. km), Belarus – 9.5 million (207.6 thousand sq. km), Azerbaijan – 9 million (86.6 thousand sq. km), Tajikistan – 7.6 million (143.1 thousand sq. km), Kyrgyzstan – 5.4 million (198.5 thousand sq. km), Georgia – 4.6 million (69.0 thousand sq. km), Moldova – 3.6 million (33.7 thousand sq. km), Armenia – 3.2 million (29.7 thousand sq. km), Turkmenistan – 5 million (491.2 thousand sq. km).³

In the 2000s, the former Soviet Union completed the formation of regions that differ in their geopolitical orientation, traditions of historical development and civilizational features: Russia as the largest country in the region, the states of Eastern Europe (Belarus, Moldova, Ukraine), the Caucasus (Armenia, Azerbaijan, Georgia), Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan). In accordance with D. Huntington's theory, the territories of the post-Soviet space are part of three civilizations – Orthodox, Islamic, Western, which is also a reason for complex inter-state relations.

In recent years, three groups of countries were formed in the post-Soviet space in terms of geopolitical preferences. The first group consists of countries that implement integration projects initiated in the CIS under the leadership of the Russian Federation. Besides Russia, this group includes Armenia, Belarus, Kazakhstan, Kyrgyzstan, Tajikistan. The highest level of economic and military-political integration was achieved in the framework of the Union State by Belarus and Russia. Significant and advanced projects are the Customs Union and the Common Economic Space of Belarus, Kazakhstan and Russia which are implemented in the framework of the Eurasian Economic Community, set up in 2000. In May 2014, Belarus, Kazakhstan and Russia signed an agreement to establish the Eurasian Economic Union, which was joined by Armenia in October and by Kyrgyzstan in December. EAEU is the successor of the Eurasian Economic Community. Military-political cooperation between the states of this group is carried out within the Collective Security Treaty Organization, which currently brings together six states – Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia and Tajikistan. The second group consists of the so-called "neutral" states – Azerbaijan, Turkmenistan (which did not sign the CIS Charter and was not involved in other post-Soviet integration projects), Uzbekistan (in 2008 suspended its participation in the Eurasian Economic Community, and in 2012 – in the Collective Security Treaty Organization). The third group of countries includes Georgia, Moldova and Ukraine with their foreign policy orientation towards participation in the Euro-Atlantic and European structures. To a certain extent, the organizational design of this group of countries is an alliance of Georgia, Ukraine, Azerbaijan and Moldova, converted in 2006 into the Organization for Democracy and Economic Development – GUAM. Due to the

³ 20 years CIS; "About Georgia," official website of the President of Georgia, 2014, available at <https://www.president.gov.ge/en/Georgia/AboutGeorgia> (accessed 22 October 2014).

active participation of these countries in the EU Program “Eastern Partnership,” the capabilities of ODED-GUAM have been poorly used in recent years.

The oldest among the integration associations in the region—the Commonwealth of Independent States—has existed for 23 years.⁴ The creation of the CIS was an essential fragment of the historical changes that took place in the world in the 1980-1990s and had a global impact and eventually led to the collapse of the bipolar system of international relations, the end of the world socialist system and the end of the “Cold War”. The level of economic integration in the CIS is low – in 2012, a free trade zone was established, as well as conditions for cooperation in other areas. In 2002, the *Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms* in CIS countries was adopted, which allows us to conclude the process of establishing regional standards for elections. The war between Georgia and Russia (August 2008) led to a change in Russia’s approach to the situation in the Caucasus and resulted in the recognition of the de jure independence of Abkhazia and South Ossetia by Russia. The Georgian-Russian conflict, in addition to the deterioration of the situation in the Caucasus, led to the withdrawal of Georgia from the CIS in 2009 – the first case in the twenty-year history of the organization. Some experts considered this event the beginning of the collapse of the CIS.⁵ In September 2011, in Dushanbe CIS heads of state adopted a Declaration on the 20th anniversary of the CIS which noted that in a short historical period the CIS had passed a difficult way of formation, search of optimal forms of cooperation and bilateral relations and established itself as an integration association designed to ensure the development of cooperation between Member States. According to the President, the main result of the work of the Commonwealth for twenty years was the creation of conditions for progressive development of mutually beneficial cooperation that meets the national interests of each member state of the CIS. Long-term tasks were defined: improvement and deepening of economic cooperation on the basis of CIS Economic Development Strategy until 2020; expansion and strengthening of cooperation in the humanitarian sphere; promoting higher standards of living, legal and social protection, protection of public health; cooperation in the fight against terrorism and other violent manifestations of extremism, transnational organized crime, illegal migration and trafficking in human beings, drug trafficking, the effects of technogenic catastrophes and natural disasters; the peaceful settlement of conflicts on the basis of mutual confidence-building measures, the principles and norms of international law; continuation of political consultations on the key issues of world politics and international issues of mutual interest.⁶ It appears that the CIS has fulfilled its role in providing security, stability and cooperation among member states on issues related to the “heritage” of the USSR.

In economic terms, the years 1990-2000 did not bring any substantial progress in the development of post-Soviet states. Data from the International Monetary Fund shows that Russia’s GDP in 2013 according to purchasing power parity was about 3491.6 billion USD, which corresponded to the 6th place in the world. This was followed by Kazakhstan – 395.5 billion

⁴ L. Moskvina, *CIS: collapse or rebirth? 15 years later* (M., 2007), 209 pp.

⁵ A.V. Rusakovich, “CIS: from Viskuli to date”, *Belorussian dumka* 2 (2012): 32–41.

⁶ Analytical report “Results of the CIS for 20 years and challenges for the future” (Electronic resource), Internet portal CIS, 2011, available at www.e-cis.info/index.php?id=662 (accessed 22 December 2011); “Statement by the Heads of State of the Commonwealth of Independent States in connection with the CIS 20th anniversary” (Electronic resource), Internet portal CIS, 2012, available at www.e-cis.info/page.php?id=19308 (accessed 22 December 2013).

USD, Ukraine – 392.5, Belarus – 166.8; Uzbekistan – 156.5; Azerbaijan – 158.5. These five countries are rated between positions 40 and 70 in the world economy list and form the second regional group of countries in terms of GDP. Turkmenistan – 73.4 billion USD; Georgia – 32.1; Armenia – 23.1; Tajikistan – 20.6; Kyrgyzstan – 18.3, and Moldova – 16.6 close the list of CIS countries in terms of GDP.⁷ In terms of GDP per capita, which is one of the key indicators of economic development, based on IMF data for 2012, there are three groups of countries in the region. The first group consists of relatively developed countries in the region with GDP per capita in the range 15 000 – 7 000 USD. These are Russia, Kazakhstan, Azerbaijan, Belarus, Turkmenistan. According to this indicator, these countries are placed between positions 50 and 100 in IMF world ranking. The second group of states includes Ukraine, Georgia, Armenia, and Moldova, with GDP ranging from 4 000 to 2 000 USD per capita (between 100-200 place in IMF list). The third group is represented by Uzbekistan, Kyrgyzstan, and Tajikistan, with GDP indicators from 1 900 to 1 000 USD per capita.⁸

Post-Soviet states are in various stages of integration into the world economic system. Seven post-Soviet countries are members of the World Trade Organization – Kyrgyzstan (joined in 1998), Georgia (2000), Moldova (2001), Armenia (2003), Ukraine (2008), Russia (2012), and Tajikistan (2013). Azerbaijan, Belarus, Kazakhstan, and Uzbekistan are at different stages of negotiation with this organization; Turkmenistan has not applied for accession to the WTO.⁹

Politically, the post-Soviet states are mostly “young democracies,” formed as presidential republics in the early 1990s. In most states, the power is in the hands of the political elite formed on the basis of the Soviet nomenklatura in the period 1980-1990. This elite consolidated its economic position between 1990-2000 and created locally adapted “party of power.” It should be noted that in the years 2000-2010 the principles of “managed democracy,” the dominance of the political elite in the economic sphere faced certain discontent and protests. In particular, these manifestations were observed in Russia after the presidential elections in 2012 (“the protests on Bolotnaya Square”), in Belarus (“Square 19 December 2010”), Kazakhstan (the events in Zhanaozen in 2013) and in other states. In general, the ruling elites, using political, economic and forceful methods did not permit the development of protest trends. Particularly strong was the protest against the domination of power groups in the economy and politics, and the related corruption in Ukraine in late 2013 – early 2014 (“Maidan”), which led to a change of power in the country.

The essential problem for the post-Soviet states are interstate and ethnic conflicts that emerged after the collapse of the Soviet Union. Currently, five of the CIS countries have territorial issues: Armenia, Azerbaijan, Georgia, Moldova, Russia, and Ukraine; one of the most difficult in international legal terms—the problem of Crimea—was shaped in 2014, and its parties were the largest post-Soviet states in the region – Russia and Ukraine. In the 1990-2000s, the

⁷ “Gross domestic product based on purchasing–power–parity (PPP) valuation of country GDP Report for Selected Countries and Subjects,” International Monetary Fund, 2014, available at www.imf.org/external/pubs/ft/weo/2014/02/weodata/index.aspx (accessed 20 September 2014).

⁸ “Gross domestic product per capita, current prices Report for Selected Countries and Subjects,” International Monetary Fund, 2014, available at <http://www.imf.org/external/pubs/ft/weo/2013/01/weodata/weorept.aspx> (accessed 20 September 2014).

⁹ Members and Observers Electronic resource (World Trade Organization, 2014), available at http://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm (accessed 20 September 2014).

former Soviet territories included four unrecognized/partially recognized state formations – the Pridnestrovian Moldavian Republic, the Republic of Abkhazia, South Ossetia, Nagorno-Karabakh Republic, which in 2001 created the so-called CIS-2 (Commonwealth of Unrecognized States). In 2014, there were two more – the self-proclaimed People's Republic of Donetsk and Lugansk People's Republic, the prospects for which remain unclear. The independent Republic of Crimea lasted for two days, and on March 18, 2014 it became part of Russia.

The specific character of interstate relations in the post-Soviet space to date is determined by the following circumstances. First of all, the CIS countries to some extent share a single geopolitical space, common historical, economic, political, cultural and technological factors which determine the so-called "Post-Soviet" nature of regional cooperation. Second, the framework organization of post-Soviet space—the Commonwealth of Independent States—was the minimum form of cooperation between equal independent states, recognized by the international community as a regional intergovernmental organization, characterized by the interaction in various spheres of interstate communication, flexibility mechanisms and formats of cooperation. Third, the post-Soviet states are approximately at the same level of social and economic development, have in most cases the status of countries with economies in transition, face complex problems of development and strengthening of national economies, integration into the international financial and economic system, and are forced to coordinate their policies in various spheres. Fourth, the fragmentation of integration associations in CIS allowed a number of states to participate in more advanced integration associations, according to their level of cooperation.

In the period 2000 – the beginning of the 2010s, there was a revitalization of external actors in the post-Soviet space. In the mid-2000s, in connection with its enlargement the European Union differentiated its policies in the post-Soviet space. We now have the following formats for EU relations with the CIS countries: European Neighbourhood Policy (implemented since 2004 in relation to Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine, providing large-scale cooperation, movement of partner states towards democracy, market economy and recognition of European values, including in the framework of the Association Agreements; since 2008, it has been known as "Eastern Partnership"); strategic partnership with Russia (based on the Declaration of the EU and the Russian Federation in 2005, providing for the formation of four common spaces: economic, internal security and justice; external security; research and education); and the "Strategy for a New Partnership: European Union and Central Asia" (implemented since 2007 in relation to the Central Asian countries). The European Union has intensified its political and economic positions in the post-Soviet space; however, it was not met with sympathy by the Russian political class. For example, the EU program "Eastern Partnership" was received in Russia with considerable scepticism.

Relationships with the United States are traditionally very important for the countries of the region. China, which has become one of the largest partners of the Central Asian states since 2000, is implementing an active economic policy in relation to Russia, Belarus, Ukraine and other countries in the region. Turkey has consolidated its position in the Turkic-speaking countries of Central Asia and the Caucasus and is actively developing political and economic relations with Russia and the countries of Eastern Europe.

Thus, the post-Soviet space is a complicated geopolitical region which brings together the different economic and demographic potential with the foreign policy orientation of the countries. Cultural, historical, economic and religious differences in the region do not currently—and

in the foreseeable future—allow to determine it as a shared space with the prospects of institutional unification on the basis of a common civilization.

The implementation of new approaches of the Russian leadership in the post-Soviet space

The most important factor in the situation in the region, undoubtedly, is the position of Russia. During the tenure of the “new” President Vladimir Putin, the Russian leadership formulated new approaches to the existing world order. The Foreign Policy Concept of the Russian Federation, approved on February 12, 2013, states that the current stage of world development is a transition period, the essence of which is the formation of a polycentric international system. In accordance with this provision, the document sets out the approaches of the Russian leadership on the formation of a new world order: “Russia is pursuing a policy aimed at creating a stable and sustainable system of international relations based on international law and on the principles of equality, mutual respect, non-interference in the internal affairs of states. This system is designed to provide reliable and equal security for each member of the world community in the political, military, economic, information, humanitarian and other areas.”¹⁰ The rationale of this approach was the conclusion in the National Security Strategy of the Russian Federation that “Russia has overcome the consequences of the systemic political and socio-economic crisis at the end of the 20th century – stopped the fall of living standard and quality of life of Russian citizens, resisted the pressure of nationalism, separatism and international terrorism, prevented the discreditation of the constitutional order, preserved its sovereignty and territorial integrity, restored the ability to build on its competitiveness and defence of national interests as a key player in the emerging multipolar international relations.”¹¹

In accordance with these objectives, significant changes were introduced in the policy of the Russian Federation in the post-Soviet space. The development of bilateral and multilateral cooperation with the CIS states remained a priority, along with the intensification of integration processes, which resulted in the consolidation of existing and the creation of new integration associations and allowed Russia to maintain its influence in the “near abroad.” Bilateral relations with willing countries envisaged the development of strategic partnership and alliances. The Concept planned for the further preservation and strengthening of the CIS as a basis for deepening regional cooperation among its members with a common historical heritage, as well as vast potential for integration in various spheres.¹² The formation of the Eurasian Economic Union was declared a priority. The Collective Security Treaty Organization was considered one of the most important elements of the security system in the former Soviet states. The Concept placed the priority for the post-Soviet space on the relations with Ukraine, aimed “to build rela-

¹⁰ “Foreign Policy Concept of the Russian Federation,” approved by the President of the Russian Federation V.V. Putin on February 12, 2013, electronic resource, Ministry of Foreign Affairs of the Russian Federation, official site, 2014, available at www.mid.ru/bdomp/ns-osndoc.nsf/e2f289bea62097f9c325787a0034c255/c32577ca0017434944257b160051bf7f (accessed 22 October 2014).

¹¹ “The National Security Strategy of the Russian Federation until 2020,” approved by Presidential Decree dated May 12, 2009 no. 537, electronic resource, Ministry of Foreign Affairs of the Russian Federation, official site, 2014, available at www.mid.ru/bdomp/ns-osndoc.nsf/e2f289bea62097f9c325787a0034c255/8abb3c17eb3d2626c32575b500320ae4 (accessed 22 October 2014).

¹² “Foreign Policy Concept of the Russian Federation.”

tionships [...] as a priority partner in the CIS, to facilitate its involvement in the enhancement of integration processes.”¹³

Special attention in the new edition of the Foreign Policy Concept of the Russian Federation was given to “support compatriots living in the CIS member states, reaching agreements to protect their educational, linguistic, social, labour, humanitarian and other rights and freedoms.”¹⁴ This direction was consistent with the concept of the “Russian World,” where a number of provisions were formulated by Putin at the end of 2006 while speaking at a meeting with the intelligentsia in St. Petersburg. In particular, the “Russian language” and “Russian Culture” were pointed out as important components of Russia’s sovereignty: “Russian language is not just a means of communication for millions of people who speak it and know it. This is a concentration of our national spiritual wealth.”¹⁵

In the period 2000–2010, important changes occurred in the internal politics of Russia. Russian researchers emphasize that the political process that began in 2011–2012 completed the preceding stage of development of the country and opened a new page.¹⁶ The political and expert circles confirmed the view that Russia was to restore the status of “superpower” that conducts national-oriented, independent foreign policy. According to opinion polls conducted in March 2014, 63 % of respondents answered positively to the question whether they consider Russia a great power.¹⁷ The strengthening of Russia’s position in the world and the region was demonstrated during the Winter Olympics in Sochi, Russia’s initiative to resolve the Syrian crisis, participation in resolving the Iranian nuclear issue, and the acceleration of the implementation of the project of Eurasian integration. At the beginning of 2014, Russia took over the presidency of the “Big Eight.”

However, a number of Russian scientists also noted other indicators of changes in domestic policy: repression by the authorities against civil society, election rigging, fabricated trials against members of the protest rallies, the flowering of corruption in the government and, as a result, the formation of an authoritarian regime.¹⁸ At the end of 2013 – beginning of 2014, the Russian public shared the impression that one of the ways to reach new frontiers can be nationalism. As pointed out by Russian experts, according to the results of opinion polls in March 2014 the first position was taken by Russian nationalists, while the supporters of President

¹³ Ibid.

¹⁴ Ibid.

¹⁵ The verbatim report of the meeting with the intelligentsia, dedicated to the 100th anniversary of the birth of Dmitry Likhachev, November 29, 2006, St. Petersburg, Derzhavin House (Electronic resource), the President of Russia. Official website, 2006, available at http://archive.kremlin.ru/appears/2006/11/29/2352_type63376type63381_114765.shtml (accessed 29 October 2014).

¹⁶ E.B. Shestopal, “Valuable characteristics of the Russian political process and the development of national strategy,” *POLIS. Political Studies* no. 2 (2014), p. 61.

¹⁷ “Those who consider Russia a Great power have reached their maximum of 15 years” (Electronic resource), Levada Centre (Yuri Levada Analytical Centre), 17 March 2014, available at www.levada.ru/17-03-2014/dolya-schitayushchikh-rossiyu-velikoi-derzhavoi-dostigla-maksimuma-za-15-let (accessed 20 October 2014).

¹⁸ Yuri Borko, “Russia – European Union: was there strategic partnership?” *Modern Europe*, no. 2 (2014), p. 24.

Putin appeared only in third position.¹⁹ Of course, this situation was due to the political situation in the spring of 2014; however, this trend emerged as dominant in previous years.

The outlines of the “new” domestic and foreign policy of Russia were finally shaped in late 2013 – early 2014. A message from President Vladimir Putin to the Russian parliament in December 2013 stressed that the world development was becoming more controversial and more dynamic, and in these conditions the historical responsibility of Russia increased. The letter set out the main provisions of the “conservative position” of Russia in the field of domestic and foreign policy, “which for thousands of years were the spiritual and moral basis of civilization of every nation: the traditional family values, the genuine human life, including religious life, not only material life but also the spiritual values of humanity and diversity of the world.”²⁰ The Russian president’s speech specifically emphasized the issue of strengthening and development of the Russian armed forces, in particular, it pointed out that “No one should have illusions about the possibility to achieve military superiority over Russia. We will never allow it. Russia will respond to all calls: both political and technological. We possess all the necessary capacity to do it.”²¹ The German expert Alexander Rahr defined the political processes in Russia in the early 2010s with the term “conservative revolution.”²²

Russia’s relations with the EU and the US in the early 2010s were unfriendly enough due to changes in Russian domestic policy. Professor Yuri Borko, president of the Association of European Studies of the Institute of Europe, Russian Academy of Sciences, underlined that as a result of political changes in Russia at the beginning of 2010s, “one of the pillars of EU and Russia partnership collapsed – their commitment to fully apply all the principles and provisions of the basic documents of the CSCE (OSCE) and the Paris Charter for a New Europe.”²³ Russian and foreign authors also suggest rivalry between the EU and Russia in the former Soviet space, which at the end of 2013 grew into an “open political confrontation.”²⁴ Thus, by 2014 the relations between Russia and the West were loaded with complex problems, various estimates on the political situation in Russia and controversial approaches to the solution of international issues, and the development of the world system as a whole. The Ukrainian crisis at the end of 2013 – 2014 accelerated the civilizational and political conflict between Russia and the West.

The political crisis in Ukraine and the Russian-Ukrainian interstate conflict

The most important event of our time in the post-Soviet space and in Europe is the Ukrainian political crisis at the end of 2013 – the first half of 2014 and the ensuing Russian-Ukrainian interstate conflict. These events undoubtedly will largely determine the development trends in the

¹⁹ E.A. Pain, S.A. Prostavok, “The Many Faces of Russian nationalism. Ideological and political variations (2010-2014),” *POLIS. Political studies*, no. 4 (2014), p. 98.

²⁰ Message from the President to the Federal Assembly on 12 December 2013 (Electronic resource), the President of Russia, Official Website, 2013, available at www.kremlin.ru/transcripts/19825 (accessed 22 November 2014).

²¹ *Ibid.*

²² Alexander Rahr, “Russia has returned to the stage of world politics,” 10 January 2014 (Electronic resource), available at <http://www.smotri19-30.ru/index.php/aleksandr-rar-rossiya-vernulas-na-scenu-mirovoie-politiki.html> (accessed 29 November 2014).

²³ Borko, “Russia – European Union: was there strategic partnership?” p. 24.

²⁴ *Ibid.*, p. 25.

post-Soviet space in the foreseeable future. At present, political and expert circles, and the public have various estimates of the nature of the Ukrainian crisis, the prospects of resolution, the role of Russia and the West in these processes.²⁵ Undoubtedly, discussions and debates on these issues will continue, which will contribute to the formation of an objective approach to the issue. Furthermore, the events in Ukraine intensified public debate in post-Soviet states on the prospects of the development of domestic and foreign policy in the region.

The political and economic situation in Ukraine under President Viktor Yanukovich has remained difficult. Return to the 1996 constitution, strengthening of presidential power, the persecution of the political opposition, the redistribution of property between oligarchic factions, corruption at all levels of government weakened Ukraine as a state. Certain hopes in Ukraine at the level of the political elite and in the broad strata of society were associated with the signing of the Association Agreement with the European Union and the prospect of possible EU membership, which meant the transition to new standards of life. In the early 2010s, the Ukrainian leadership accelerated the preparation of the Association Agreement, the signing of which was planned for the "Eastern Partnership" Vilnius summit at the end of November 2013. Russia, for its part, made considerable efforts to involve Ukraine in the Eurasian integration process. The Ukrainian government also expressed its intention to build a system of cooperation with the Customs Union of Belarus, Kazakhstan and Russia in the format of "3 + 1." Since mid-2013, Ukraine participated in meetings of the Customs Union as an observer, though such a status in the Customs Union was not envisioned. At a meeting of the Russian and Ukrainian presidents during the summit of CIS member states and EurAsEC in late October 2013 in Minsk, Yanukovich received an offer from Russian partners for reduction of the Russian gas prices and a credit.

According to many experts, "the turning" event which launched the political crisis in Ukraine and resulted in the "Maidan Revolution" in February 2014 was the meeting of the presidents of Russia and Ukraine Vladimir Putin and Viktor Yanukovich on November 9, 2013. It shall be noted that some Russian and Ukrainian analysts initially criticized the very fact of the meeting of the two presidents, to say nothing of the content and outcome of the negotiations. On November 13, 2014 Mykola Azarov, Prime Minister of Ukraine, speaking in parliament, said the talks focused on the settlement of trade and economic relations. In particular, the problem was the Ukrainian debt for the gas supply, the prospects for a free trade zone between Ukraine and the EU, and the ensuing changes in terms of trade between Ukraine and the countries of the Customs Union. Azarov also said that after the talks "the Ukrainian President instructed the Government to take measures to unblock the cooperation with the Russian Federation."²⁶

A week before the Vilnius summit of the "Eastern Partnership," the Ukrainian government announced the suspension of preparations for the conclusion of this agreement. As highlighted by circles close to Yanukovich, this decision was a tactical move and was not associated with abandoning the policy of European integration. Some of the reasons for this decision were the unacceptable terms set by the IMF to reduce budget expenditures, problems in the companies, and others. The opposition leader Yulia Tymoshenko pointed two reasons that led to the failure

²⁵ "The Ukrainian crisis: expert assessment" (based on the Scientific Council of the Institute of Europe at RAS), *Modern Europe*, no. 3 (2014), p. 10-33.

²⁶ "It is known what Yanukovich and Putin talked in Moscow" (Electronic resource), *Segodnya.ua*-2014, available at <http://www.segodnya.ua/politics/pnews/stalo-izvestno-o-chem-govorili-yanukovich-i-putin-v-moskve-474888.html> (accessed 22 October 2014).

of the signing of the Agreement in Vilnius – “the persuasive arguments” of the Russian President, “which could not be denied by the Ukrainian authorities,” and Viktor Yanukovich’s willingness to “remain in the twilight zone, in the gap between two civilizations” to save his power.²⁷

Mass discontent with the “new politics” was demonstrated in Kyiv, the western and central regions of Ukraine, where meetings and rallies were held. The opposition to Yanukovich and his “Party of Regions,” parties “Fatherland,” “Blow” and “Freedom” launched a political campaign in parliament. Protesters insisted on return to European integration and were against joining the Customs Union of Russia, Belarus and Kazakhstan; the campaign acquired anti-Russian orientation. Socio-economic demands, such as separation of oligarchy from economy and countering corruption were significant part of the protest movement.

At the summit of “Eastern Partnership” in Vilnius on 28-29 November 2013, Ukrainian President Viktor Yanukovich refused to sign the prepared version of the Association Agreement with the EU. On 30 November 2013, the Ukrainian government suppressed the rally on the Maidan by force. This was a critical point in the political situation in Ukraine. The number of protesters dramatically increased. In early December a tent camp appeared on the Maidan, the political opposition and the protesters pushed for the resignation of the president and early parliamentary and presidential elections. In Kyiv, a strong political opposition to the government and public authorities started. The European Union and the United States supported the demands of the opposition movement; President Viktor Yanukovich received support from the Russian leadership. Thus, in mid-December 2013, the leaders of Russia and Ukraine agreed to reduce prices of gas for Ukraine in 2014 from 4,000 USD to 268.5 for one thousand m³, to provide a loan of 15 billion USD from the Russian government, to increase trade, and other problematic aspects.²⁸

The political opposition in Ukraine in late 2013 – early 2014 led to a crisis of the state system, a number of regional administrations in the western and central areas were occupied by the protesters. President Viktor Yanukovich and representatives of the opposition held negotiations, while Western countries and Russia got involved in the conflict resolution. The political opposition reached its culmination on 18-22 February 2014, when government security units and protesters clashed in the city centre; 82 people were killed and 638 required medical treatment.²⁹ On February 21, 2014, representatives of the opposition Vladimir Klitschko, A. Yatsenyuk, O. Tyagnibok and President Viktor Yanukovich held talks and signed an agreement on the settlement of the crisis in Ukraine, which provided for cessation of the armed conflict, the implementation of a constitutional reform, a return to the Constitution revised in 2004, early presidential elections no later than December 2014. The document was testified by Ministers of Foreign Affairs of Germany Frank-Walter Steinmeier and of Poland R. Sikorski, and

²⁷ “Tymoshenko identified Yanukovich’s reasons for refusing to sign the EU Association” (Electronic resource), *Weekly Mirror. Ukraine*, available at http://zn.ua/POLITICS/tymoshenko-nazvala-prichyny-otkaza-yanukovicha-ot-podpysaniya-associacii-s-es-133756_.html (accessed 20 October 2014).

²⁸ “Yanukovich received from Putin gas discount, 15 billion USD in securities and trade relief” (Electronic resource), *NEWSru.ua*, 17 December 2014, available at http://rus.newsru.ua/finance/17dec2013/268_5.html (accessed 21 October 2014).

²⁹ Information about the victims of the clashes in the centre of Kyiv as of 24.00 hours on February 22, 2014: Press Release (Electronic resource), Ministry of Health, 23 February 2014, available at http://www.moz.gov.ua/u/portal/pre_20140223_a.html (accessed 26 October 2014).

French Foreign Ministry spokesman E. Furneoda. The representative of Russia Vladimir Lukin did not participate in the certification procedure.³⁰

The leaders of the radical wing of the protesters refused to comply with the terms of the agreement and demanded the immediate resignation of Viktor Yanukovich, who, along with his closest supporters, left Kyiv in the evening on 21 February. Power in Ukraine was taken over by Verkhovna Rada, which formed a provisional government headed by A. Yatsenyuk, made a reshuffle in the higher echelons of power and at the regional level. Alexander Turchinov was appointed Acting President of Ukraine. New Ukrainian authorities announced the resumption of the Association Agreement with the EU, were recognized by the Western states and relied on the support of the population in western and central regions. Different events unfolded in the south-east of Ukraine, where support of Russia was strong. On February 22, 2014, a congress of deputies from the south-eastern regions, Sevastopol and the Crimea took place in Kharkov; it disputed the actions of the new government in Kyiv and called for more independence of local authorities represented at the meeting. Anxiety in the southeast caused actions of radical groups that played a crucial role in the overthrow of the government of Viktor Yanukovich, as well as the abolition by the new authorities of the Russian language as regional. The Russian government perceived negatively the change of power in Kyiv and on February 23, 2014 recalled its ambassador to Ukraine for consultations. On the next day, in a published statement the Ministry of Foreign Affairs condemned the failure of the implementation of the agreement of February 21 in Ukraine and expressed concern at the continuing acts of violence, the abolition of the status of the Russian language as regional. The statement questioned the legitimacy of the decisions taken by the Ukrainian Verkhovna Rada.³¹ Russian leaders provided political support to the representatives of the south-east of Ukraine, and also offered their territory to Yanukovich and his supporters. At the same time, the new political realities in Kyiv were recognized by other states of the CIS.

Thus, the end of February 2014 marked a stable trend towards deterioration of the Russian-Ukrainian political conflict, which has acquired a regional dimension and led to the formation of contradictions between Russia and the West. The reasons for the escalation of political conflict after the end of February 2014 were the events in the south-east of Ukraine, which acquired many forms. Firstly, it was the ambition of the political elites of some regions to have greater autonomy within a single state (in particular, the opportunity to transform Ukraine into a federal state); secondly, the intention of the leadership of Crimea to withdraw the republic from Ukraine. These objectives were supported by a large part of the local community. Russian policy toward Ukraine after the end of February 2014 was carried out on the basis of support for the implementation of these projects, the use of force, and did not exclude the possibility of the collapse of Ukraine as a unified state.

The most radical events developed in the Republic of Crimea, where the situation after the change of power in Kyiv went out of the control of the central government. A significant number of the inhabitants of the region were Russian, the special status of Crimea was enshrined in the

³⁰ The text of the Agreement on settlement of crisis in Ukraine has been published (Electronic resource), *News agency UNIAN*, 2014, available at <http://www.unian.net/politics/887869-obnarodovan-tekst-soglasheniya-ob-uregulirovanii-krizisa-v-ukraine.html> (accessed 29 October 2014).

³¹ Russian Foreign Ministry statement on the events in Ukraine (Electronic resource), Ministry of Foreign Affairs of the Russian Federation, official site, 2014, available at www.mid.ru/brp_4.nsf/newsline/B395A03608020C3244257C89004F7443 (accessed 12 October 2014).

Constitution of Ukraine. In accordance with the Russian-Ukrainian agreements, 25,000 Russian troops were deployed on the peninsula. In the period 23-27 February 2014, pro-Russian supporters in Simferopol and Sevastopol took control of administrative buildings, replaced the heads of executive authorities, self-defence units were formed and the “polite little green men” (Russian servicemen) blocked the Ukrainian armed forces in Crimea. On March 1, 2014 the Federation Council gave the right to President Putin to use the state armed forces “on the territory of Ukraine until the normalization of the socio-political situation in this country.”³² This decision was the basis for actions of the Russian authorities to establish control over the Crimean territory and prepare it to be taken over by Russia.

The central government in Kyiv attempted to keep the Crimea. In particular, on March 1, 2014 the National Security and Defence Council of Ukraine decided to prepare the armed forces in full combat readiness and the country declared a general mobilization. However, because of public sentiment in the Crimea, the weakness of the new central government and the actual inability to govern the country, the attempts to retain the Crimea as part of Ukraine were not successful.

With the support of the Russian government and public opinion, the Crimean authorities announced their intention to hold a referendum on the status of the republic. Preparation for the referendum was carried out in two weeks. The referendum took place on March 16, 2014; according to publically available information, 83.1 % of voters took part in the vote in the Autonomous Republic of Crimea, 96.77 % of them supported the accession of Crimea to Russia; in Sevastopol 89.5 % of the voters participated, 95.6 % of them voted for accession to Russia.³³ On March 17, 2014 on the basis of the voting results the Republic of Crimea was proclaimed, Russia recognized it on the same day. On March 18, 2014 an agreement was signed between the Russian Federation and the Republic of Crimea on the adoption of the Republic of Crimea by the Russian Federation. In his speech at the signing ceremony, Russian President Vladimir Putin outlined the approach of the Russian leadership regarding the events in Ukraine, noting that “there is still no legitimate executive power in Ukraine.” The Russian president assessed the referendum in the Crimea as an act of restoration of historical justice and stressed that it was done “in full compliance with democratic procedures and rules of international law” and thus referred to the precedent of Kosovo’s independence.³⁴ In his speech, Putin outlined the approaches of the Russian leadership towards Ukraine, which were based on non-recognition of the political realities in Kyiv, and admitted the possibility of accession of a number of Ukrainian regions to Russia. The actions of the Russian leadership regarding the annexation of Crimea to Russia were approved by the political class and the majority of the Russian population. According to the Russian research centres and the fund “Public opinion,” in March 2014

³² “On the use of the Armed Forces of the Russian Federation on the territory of Ukraine,” Resolution of the Federation Council of the Federal Assembly of the Russian Federation, number 48-SF, March 1, 2014 (Electronic resource), the Council of Federation of the Federal Assembly of the Russian Federation, 2014, available at <http://council.gov.ru/activity/documents/39979> (accessed 2 November 2014).

³³ “Summary – 96.77 % of the participants in the referendum supported the accession of the Crimea to Russia” (Electronic resource), Crimean referendum, 2014, available at <http://referendum2014.ru> (accessed 17 October 2014).

³⁴ Message from the President of the Russian Federation, 18 March 2014 (Electronic resource), the President of Russia, Official website, 2014, available at www.kremlin.ru/transcripts/20603 (accessed 22 October 2014).

91 % of the Russians agreed with the annexation of Crimea to Russia as a part of the Federation.³⁵

The Ukrainian leadership and most countries in the world did not recognize the legitimacy of the referendum in the Crimea and the transition of the peninsula under the control of the Russian Federation. This issue was repeatedly discussed by the UN Security Council; however, the permanent members could not reach an agreement. On March 27, 2014 the UN General Assembly at its 80th plenary meeting of the 68th session adopted a resolution on the territorial integrity of Ukraine, which was supported by 100 member states, 11 voted “against,” 58 countries “abstained,” and 24 countries did not vote.³⁶ The paper appealed to states and international organizations “not to recognize any changes to the status of the Autonomous Republic of Crimea and Sevastopol, based on the above-mentioned referendum, and to refrain from any actions or steps that could be interpreted as recognition of any such change of status.”³⁷ Azerbaijan, Georgia, Moldova voted for the territorial integrity of Ukraine. The Russian position was supported by Armenia and Belarus, Kazakhstan and Uzbekistan abstained, Kyrgyzstan, Tajikistan and Turkmenistan did not participate. The voting results in the General Assembly demonstrated the absence of a common approach on the annexation of Crimea not only within the CIS, but also in such associations as the CSTO and the Customs Union/EEA.

The reaction of the post-Soviet states to the armed conflict in Ukraine was cautious and prudent. In their assessments and actions, heads of state considered their national and regional security, maintaining stable relations with all states in the region, and the prospects of participation in integration projects in the post-Soviet space. Based on the “lessons” from the Ukrainian crisis, post-Soviet states determined the following priorities: strengthening governance, maintaining political and economic stability, implementing a foreign policy aimed at the development of relations with major world centres, increasing participation in multilateral formats to maintain security.

Events in Ukraine and the “Crimean problem” reframed the tasks of the expert community in post-Soviet countries. In particular, the experts drew attention to issues such as the historical aspects of relations with Russia, including the formation of the state borders, the possibility of repetition of “the Crimean scenario” in relation to other countries, etc.³⁸

The starting point for the majority of the leaders of post-Soviet countries in relation to the crisis in Ukraine was the recognition of the need to resolve the conflict peacefully. It should be noted that the CIS countries did not develop common approaches regarding the situation in Ukraine and the resolution of the Russian-Ukrainian conflict. In March 2014, the government of Ukraine announced the impossibility to perform their functions and chair the CIS. As stated by

³⁵ “Social surveys show strong support in Russia for Crimean residents” (Electronic resource), *First Channel*, 18 March 2014, available at <http://www.1tv.ru/news/world/254349> (accessed 30 November 2014).

³⁶ Resolution adopted by the General Assembly on March 27, 2014, 68/262, “The territorial integrity of Ukraine” (Electronic resource), The United Nations, available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/262&referer=/english/&Lang=R (accessed 22 October 2014).

³⁷ *Ibid.*

³⁸ Kazakh political analyst: “Ukraine determines not only its own fate but the entire post-Soviet world” (Electronic resource), *UNIAN news agency*, 26 November 2014, available at <http://www.unian.net/politics/1014258-kazhskiy-politolog-v-ukraine-reshaetsya-sudba-ne-tolko-ee-samoy-no-i-vsego-postsovetskogo-mira.html> (accessed 28 November 2014).

the Ukrainian politicians, this happened after the CIS authorities did not respond to the repeated requests from the Ukrainian leadership regarding the actions of Russia in the Crimea.³⁹ The chairmanship of the CIS was passed to Belarus. In 2014, the Ukrainian side did not raise the question of withdrawal from the CIS as an urgent task, although the relevant drafts were introduced to the Verkhovna Rada. This was partly due to the fact that Ukraine did not sign the CIS charter in 1993, and in fact is an associate member of the Commonwealth participating in a number of forms of cooperation at the international level, the most important of which is to participate in the Free Trade Zone.

A unified approach to the Ukrainian problem was not reached within the framework of the Collective Security Treaty Organization and the Common Economic Space. For example, an informal meeting of heads of states – members of the Collective Security Treaty Organization in Moscow on May 8, 2014 was limited to a discussion of the crisis in Ukraine. During the discussion, the President of Russia pointed to the analysis of the critical situation in Ukraine and noted that concrete steps to de-escalate tensions were outlined during his meeting with the OSCE Chairman J. Burkhalter on May 7, 2014. Alexander Lukashenko, President of Belarus, expressed his concern regarding the inadequate reaction of the West to the events in Ukraine and noted that the CSTO member states could not just observe the events in Ukraine, particularly the events in Odessa.⁴⁰ The presidents of Armenia, Kyrgyzstan and Tajikistan focused in their speeches on solving the problems of regional security from the perspective of the national interests of their states. The President of Kazakhstan did not take part in the meeting.

The position of the Republic of Belarus was quite significant for the situation in the region. After the change of power in Kyiv, the Belarusian government took a balanced position with respect to the ongoing processes, recognized the new Ukrainian government and preserved the level of political and economic relations from previous years. On March 29, 2014 the Belarusian President Alexander Lukashenko met with the Acting President of Ukraine Alexander Turchinov and discussed bilateral cooperation. An important element of the position of the Republic was the recognition of the territorial integrity of Ukraine, the specifics of its state system and initiatives for the peaceful resolution of the conflict. The approach of the Belarusian leadership to the Ukrainian crisis and the Russian-Ukrainian conflict was based on respect for “the unity and integrity of the Ukrainian state, recognizing the new political realities in Ukraine, the need to preserve and develop Belarusian-Ukrainian relations.”⁴¹ According to the president of Belarus, Alexander Lukashenko, “Ukraine became a theatre of war and theatre of major geopolitical forces.”⁴² In his speeches, the Belarusian president criticized the corrupt practices of the previous government of Viktor Yanukovich, the role of the Ukrainian oligarchs, and the

³⁹ “Ukraine has suspended its CIS chairmanship half way through” (Electronic resource), *NEWSru.com*, 2014, available at www.newsru.com/world/20mar2014/sng.html (accessed 22 October 2014).

⁴⁰ During the informal meeting of heads of CSTO member states in Moscow on May 8, 2014 presidents observed a command exercise of the Armed Forces of the Russian Federation, discussed strengthening CSTO security and the crisis situation in Ukraine (Electronic resource), Collective Security Treaty Organization, 2014, available at http://odkb-csto.org/news/detail.php?ELEMENT_ID=3407&SECTION_ID= (accessed 21 October 2014).

⁴¹ “Alexander Lukashenko: the situation in Ukraine can be stabilized within a year” (Electronic resource), *Euronews*, 2014, available at <http://ru.euronews.com/2014/10/03/lukashenko-ukraine-could-be-stabilised-within-a-year-if-all-sides-wanted-to/> (accessed 10 November 2014).

⁴² *Ibid.*

policy of the Ukrainian authorities in the field of language. The Belarusian leadership based its policy on the need to maintain stability in the region. In connection with the aggravation of the situation in the south-east of Ukraine and the intensified NATO military activity near the western borders of the country, Belarusian authorities enhanced security cooperation with Russia in the framework of existing bilateral agreements.

Events in Crimea intensified the movement for unification with Russia in other areas of the south-east of Ukraine. In Lugansk, Donetsk and other cities in early April 2014, pro-Russian protesters seized administrative buildings and announced the establishment of new power structures headed by the "people's governors." On 6-7 April, the formation of the People's Republic of Donetsk and Lugansk People's Republic was announced. The main goal of the pro-Russian movement was the implementation of the "Crimean" scenario: support from Russia, non-recognition of the central government, control over local power structures, referendum and proclamation of independent republics. Politicians and experts shared the view that the Russian leadership plans to tear off the entire southeast from Ukraine, to ensure access to the self-proclaimed Pridnestrovian Moldavian Republic, and take control of the strategically important Black Sea region.⁴³ Russian politicians at the time denied in their speeches the historical traditions of the Ukrainian state and considered its territory as "the western part of Russia," "a failed state," claimed that Ukraine included "significant territories from the historic south of Russia."⁴⁴ However, compared with Crimea, the situation in the south-east was slightly different: the local political and business elites did not strive to secede from Ukraine, the significant factor of the Russian troops was not present, there was no massive support of the population, the new leadership of Ukraine gradually strengthened their internal positions. Official Moscow also evolved towards the recognition of political realities in Kyiv.

As a consequence, the proclamation of independence from Kyiv was only partially implemented in the Donetsk and Lugansk regions, where at the end of April separatists controlled the situation, created their own armed forces, and on May 11 held a referendum; based on the results the independence of the People's Republic of Lugansk and Donetsk People's Republic was proclaimed. At the end of May 2014, the Donetsk People's Republic and the People's Republic of Lugansk announced their independence in the "New Russia." The leaders of the self-proclaimed republics repeatedly requested the leadership of Russia to recognize them legally and increase support. The growing trend of pro-Russian attitude in Ukraine in this period was called "Russian Spring."⁴⁵

⁴³ "Putin is willing to deprive Ukraine of access to sea, the South East and significantly to reduce its territory" (Electronic resource), Institute for Transformation of Civil Society, 30 May 2014, available at <http://osp-ua.info/politicas/31249-u-putina-nastroeny-lishit-ukrainu-vykhoda-k-moru-ottorgnut-ugovostok-i-suschestvenno-umenshit-ee-te.html> (accessed 10 November 2014).

⁴⁴ From the speech of V.V. Zhirinovskiy at the opening of the 18th World Russian Council (Electronic resource), the Liberal Democratic Party of Russia, 2014, available at http://ldpr.ru/leader/speech/vladimir_zhirinovskiy_at_the_opening_of_xviiiith_world_russian_council_111114/ (accessed 16 November 2014); Message from the President of the Russian Federation, 18 March 2014 (Electronic resource), the President of Russia, Official website, 2014, available at www.kremlin.ru/transcripts/20603 (accessed 16 November 2014).

⁴⁵ "Russian Spring" (Electronic resource), available at <http://rusvesna.su> (accessed 10 September 2014).

The Ukrainian authorities and the international community did not recognize the legitimacy of referenda in the Donetsk and Lugansk regions. In Kyiv, the two new republics were considered “terrorist organizations,” “separatists,” while there was no real dialogue between the new government in Kyiv and representatives of the south-eastern regions. On April 7, 2014 the Ukrainian authorities launched an anti-terrorist operation in the southeast with their armed forces and irregular formations. Russia concentrated on the border with Ukraine a large group of armed forces (according to various estimates, more than 40,000 soldiers), and continued to support the breakaway republics.

The international community took action aimed at resolving the situation in the south-east of Ukraine. On April 17, 2014 in Geneva four-party talks were held between US Secretary of State John Kerry, Russian Foreign Minister Sergei Lavrov, Acting Minister of Foreign Affairs of Ukraine A. Deshchitsa and EU High Representative for Foreign Affairs and Security Policy Catherine Ashton. Following the meeting, it was decided to de-escalate the conflict in Ukraine, which required the disarmament of illegal armed groups in Ukraine, the release of the occupied buildings, the beginning of a political dialogue, and other measures.⁴⁶ However, implementation of this document did not bring any tangible results and the escalation of the conflict in the south-east of Ukraine continued. On May 2, about 50 people were killed in clashes in Odessa between supporters and opponents of the new government.

On May 26, 2014, early presidential elections were held in Ukraine; they were won after the first round by Poroshenko, a representative of moderate circles, supporter of European integration and wealthy businessman who received 54.7 % of all votes.⁴⁷ Russia recognized the presidential elections in Ukraine and gradually a political dialogue started at the highest level. The first meeting of Vladimir Putin and Poroshenko took place in France at the beginning of June 2014 at a ceremony marking the 70th anniversary of the Allied landing in Normandy.

In the summer of 2014, the anti-terrorist operation of Ukraine’s authorities in Donetsk and Lugansk regions turned into full-scale hostilities. Self-proclaimed republics Donetsk and Lugansk gained political and military support from Russia. For example, one of the leaders of Donetsk Republic, Russian citizen I. Girkin (Strelkov), subsequently stressed that it was the actions of his unit, formed on the territory of Russia, that led to the seizure of Slavyansk and the beginning of a large-scale war in the south-east of Ukraine.⁴⁸

The Russian government denied the participation of its troops and military personnel in hostilities, and declared that “Russia is not a party to the conflict.” Representatives of the Russian Federation sought to draw international attention to the humanitarian consequences of the war in the south-east of Ukraine and sharply criticized official Kyiv for the massive use of armed forces against civilians. The political conflict between the two countries was accompanied by tough confrontation in the information sphere. The Ukrainian side accused the Russian

⁴⁶ Geneva statement of April 17, 2014 (Electronic resource), *Correspondent.net*, 2014, available at <http://korrespondent.net/ukraine/politics/3351183-zhenevskoe-zaiavlenye-ot-17-aprelia-2014-hoda> (accessed 17 November 2014).

⁴⁷ The protocol of the Central Election Commission on the results of presidential elections in Ukraine (Electronic resource), Central Election Commission, 2014, available at http://www.cvk.gov.ua/info/protokol_cvk_25052014.pdf (accessed 13 November 2014).

⁴⁸ “Girkin took responsibility for starting the war in Donbass” (Electronic resource), news agency “Meta,” 2014, available at <http://news.meta.ua/cluster:39718945-Girkin-vzial-na-sebia-otvetstvennost-za-nachalo-voiny-na-Donbasse/> (accessed 29 November 2014).

authorities of “imperialist policy,” “aggression against Ukraine,” “supporting separatists,” while Russian media criticized official Kyiv for the “punitive operation in the southeast,” “support for fascism,” and described the Ukrainian government as “the junta.” Assessments by experts differed significantly as well. A number of Ukrainian experts estimated the conflict in Ukraine as a new type of conflict with the involvement of external players, focused on the degree of involvement of Russia, and pointed out that the conflict in Ukraine was part of a broader Russian “restoration” project. The Ukrainian expert community used such assessments of the events as a “hybrid war,” “mental conflict,” “war of generations,” “Fatherland war.” Representatives of the Russian expert circles evaluated the events in the south-east of Ukraine as a “people’s uprising” and “liberation war.” Undoubtedly, the political, media and expert evaluation of the events are part of the Russian-Ukrainian conflict; therefore the formation of an objective assessment still remains to be done.

The situation in the region was further complicated after the accident with passenger plane Boeing-777 of Malaysia Airlines on July 17, 2014, flight MH17 Amsterdam – Kuala Lumpur. All 298 people on board died.⁴⁹ The plane was shot down near Donetsk over a territory controlled by opposition armed groups. The Ukrainian side and the West accused the separatists of the death of the passengers; the Russian side put forward a version that the Ukrainian military were guilty. The international investigation of the accident was extended until the beginning of 2015.

During the war in the Donbass region, hundreds of thousands were forced to leave their homes, the economy was destroyed, infrastructure was damaged. According to information from the United Nations High Commissioner for Refugees, released in late October 2014, due to the fightings in the east of Ukraine almost 824,000 people were forced to leave their homes, about 430,000 of them found shelter in other regions of the country. According to Russian authorities, since the beginning of the year 387,000 citizens of Ukraine appealed to Russia for temporary shelter, refugee status and other forms of residence permits; 6,600 citizens of Ukraine took refuge in the EU.⁵⁰ According to the Russian Foreign Ministry, 833,751 Ukrainian citizens entered the Russian Federation after April 1, and as of September 10, 2014 are living there.⁵¹

After a period of relatively successful offensive of Ukrainian troops in July 2014, the situation in the war zone stabilized, the armed groups of Donetsk People’s Republic and the People’s Republic of Lugansk stopped the advance of Ukrainian troops. Both sides suffered heavy losses. Under these circumstances, the leaderships of Ukraine and Russia proposed different plans of peaceful resolution of the situation. Western countries also insisted on resolving the conflict which seriously undermined regional security.

Minsk became an important venue where the international community made efforts to resolve the Ukrainian conflict. This was initiated mainly by the thoughtful position of the leadership of Belarus, aimed at promoting a peaceful settlement of the conflict and maintaining stable

⁴⁹ “The UN has published new data on the Ukrainian victims of the conflict” (Electronic resource), *Interfax*, 2014, available at <http://www.interfax.ru/407368> (accessed 10 November 2014).

⁵⁰ “The UN: The number of refugees in Ukraine has exceeded 820 thousand” (Electronic resource), *Deutsche Welle*, 2014, available at <http://dw.de/p/1CyQ1> (accessed 18 November 2014).

⁵¹ Briefing by Russian MFA Spokesman A.K. Lukashevich, September 11, 2014 (Electronic resource), *Information Bulletin of the CSTO Secretariat*, 12.09.2014, available at http://www.odkb-csto.org/obzorpressy/detail.php?ELEMENT_ID=3895 (accessed 20 October 2014).

relations with both Russia and Ukraine. The contact group on the settlement of the Ukrainian crisis started work in Minsk at the end of July 2014. Talks were attended by representatives of Russia, Ukraine, and the OSCE, as well as representatives of the self-proclaimed republics.

On August 26, 2014 in Minsk, the presidents of the Customs Union and Ukraine and representatives of the European Union reached an agreement to de-escalate the conflict, to release hostages, to solve the problems of refugees and provide humanitarian assistance to the situation in the eastern part of Ukraine. The meeting also discussed relations between the members of the Customs Union and Ukraine with regard to signing the final agreement on association with the European Union, as well as problems concerning the transit of hydrocarbon raw materials and supplies.⁵² The Minsk Protocol on the outcome of the meeting of the Tripartite Liaison Group was signed on September 5, 2014. The document called for the immediate bilateral cessation of the use of arms, OSCE monitoring of the non-use of weapons and the security on the Ukrainian-Russian border, decentralization of power in Ukraine by granting special status to some areas of Donetsk and Lugansk regions, release of all hostages and illegally detained persons, continuation of the national dialogue, adoption of measures to improve the humanitarian situation in the Donbass, early local elections in some places in Donetsk and Lugansk regions in accordance with their special status, withdrawal of illegal armed formations, military equipment, insurgents and mercenaries from the territory of Ukraine, adoption of a program for economic revival of Donbass and restoration of life in the region.⁵³ The document was signed by representatives of the OSCE, Russia, Ukraine, Donetsk People's Republic and Lugansk People's Republic.

The implementation of the Minsk Protocol helped alleviate the tension in the Donbass, to stop large-scale military actions and to exchange prisoners. In mid-October 2014, President of Ukraine, Petro Poroshenko, signed a law on the specific order of the local government in some areas of Donetsk and Lugansk regions. In accordance with the Minsk agreements, a special OSCE monitoring mission started in Ukraine which planned to ensure the safety of the Russian-Ukrainian border with the help of drones and OSCE representatives on the border crossings. Russia withdrew troops from the border with Ukraine, organized several humanitarian convoys to support the residents of Donetsk and Lugansk. However, the implementation of Minsk agreements faced significant obstacles. Local fightings continued, the two sides – Ukrainian military formations and Donetsk and Lugansk military units accused each other of violating the truce, and both strengthened their armed forces. The Ukrainian leadership and the West claimed the presence of a significant number of Russian troops and military equipment in the territory of the breakaway republics. In particular, according to the Ukrainian authorities, in the antiterrorist operation zone in November 2014 there were 15-25,000 armed militants and 5-

⁵² Statement by the President of Belarus Alexander Lukashenko to the media after the meeting of the Presidents of the customs "troika," Ukraine and the EU High Representative (Electronic resource), The official internet-portal of the President of the Republic of Belarus, 2014, available at http://president.gov.by/ru/news_ru/view/zajavlenie-prezident-respubliki-belarus-aleksandr-lukashenko-dlja-smi-po-itogam-vstrechi-prezidentov-stran-9628 (accessed 10 November 2014).

⁵³ Text Minsk Protocol, published in the parliamentary newspaper "Voice of Ukraine" (Electronic resource), *News agency ForUm*, 2014, available at <http://for-ua.com/article/1053420> (accessed 10 November 2014).

10,000 Russian troops.⁵⁴ On November 2, 2014, the republics of Donetsk and Lugansk held elections that were not recognized by Ukraine and Western countries. The government in Kyiv then cancelled the new law on the special order of local governments in some areas of the Donetsk and Lugansk regions, limited the financial transactions of social benefits in these territories. The overall situation in the Donetsk and Lugansk regions in late 2014 resembled a “frozen conflict” with unclear prospects for settlement.

Formation of conflict relations between Russia and the West

The events surrounding the Crimea marked the beginning of a new stage in Western policy towards Russia. The US and the EU states urged Russia to refrain from interfering in the internal affairs of Ukraine, to comply with the principles of international law, to recognize the new government of Ukraine and to proceed with the settlement of political disputes. The possibility to use Russian troops in Ukraine was regarded by Western states as a significant threat to regional security. In response to Russia's actions in Crimea, in early March 2014 the US and EU imposed political sanctions on Russia; in particular, it was decided to suspend negotiations on visa issues, a new partnership agreement, to suspend the preparations for the summit of the “Big Eight.” Russia insisted on compliance with the political agreement in Ukraine of 21 February, including constitutional reforms and the establishment of federal forms of governance.

After the annexation of Crimea by Russia, the United States, European Union, Australia, New Zealand and Canada enacted the first package of sanctions against Russia, which included travel restrictions and the freezing of assets for a number of officials of the Russian Federation. It was decided to curtail contacts and cooperation with Russia in a number of areas. “Big Eight” was reformatted in the “Big Seven” without the participation of Russia, the Organization for Economic Cooperation and Development suspended the process of Russia's accession, Russia's participation in the Council of Europe was limited, and the North Atlantic Treaty Organization ceased cooperation with the Russian Federation.

During the escalation of the conflict in the south-eastern part of Ukraine in the summer of 2014, Western countries imposed additional sanctions against Russia, which extended political constraints and affected the economic and financial sector of cooperation. In particular, export of arms and dual-use goods and technologies for military use in Russia was banned, supply of energy equipment and technology was limited, supply of equipment for extracting oil in the Arctic, the deep offshore and shale oil was banned, a number of large defence enterprises and Russian banks were under the sanctions.⁵⁵

⁵⁴ “In Donbass there are about 25 thousand fighters and 10 thousand Russian military” (Electronic resource), *UNIAN news agency*, 2014, available at www.unian.net/politics/1013459-na-donbasse-nahodyatsya-do-25-tyisyach-boevikov-i-do-10-tyisyach-rossiyskih-voennyih.html (accessed 28 November 2014).

⁵⁵ “The West imposed against Russia the most severe sanctions since the Cold War” (Electronic resource), *Information Agency “RosBusinessConsulting,”* 30 July 2014, available at <http://top.rbc.ru/politics/30/07/2014/939745.shtml> (accessed 30 November 2014); “Merkel explained tougher EU sanctions against Russia” (Electronic resource), *Deutsche Welle*, 17 July 2014, available at <http://dw.de/p/1CeIS> (accessed 30 November 2014); “Washington: Russia has not taken steps to de-escalate the conflict in the Ukraine” (Electronic resource), *Deutsche Welle*, 16 July 2014, available at <http://dw.de/p/1CeFX> (accessed 28 November 2014).

The Russian leadership condemned the sanctions. In response they imposed visa restrictions for representatives of Western countries, took economic and financial measures aimed at securing the economy from the impact of sanctions; in particular, the establishment of a national payment system was announced. On August 6, 2014, Russian President Vladimir Putin signed a decree to ban the import of certain agricultural products, raw materials and food from the countries supporting the economic sanctions against Russia.⁵⁶ It should be noted that Western countries and Russia did not include in the sanctions supplies of Russian oil and gas to Europe.

Restrictive measures created difficulties in the functioning of the economic and financial sector in Russia. According to some experts, the capital outflow from Russia in 2014 could range from 90 to 120 billion USD.⁵⁷ The Russian economy slowed down; in the summer of 2014 oil prices began to fall in the world markets, which was an important part of Russian export. For example, stock prices of “Brent” petroleum dropped from 114 USD per barrel in mid-June 2014 to 78 USD per barrel by mid-November 2014.⁵⁸ The above factors led to a sharp depreciation of the ruble against the major world currencies. For example, from January to mid-November 2014 the Russian ruble fell against the dollar by almost 50 %.⁵⁹

German Foreign Minister Frank-Walter Steinmeier said in mid-November 2014 that “the economic pressure on Russia has significantly increased – to a lesser extent as the effect of sanctions, to a greater extent – as a result of capital loss, investment insecurity, devaluation of the national currency and low oil prices.” The German minister also proposed to organize a meeting of representatives of the EU and the Eurasian Economic Union to discuss controversial issues.⁶⁰

Thus, political and economic sanctions from the United States, the EU and other countries against the Russian Federation led to a significant complication of relations between Russia and the West. At the heart of the conflict were the different approaches of the parties to the formation of the international system, ensuring regional and international security. This conflict was the most serious challenge to European security after the collapse of the bipolar system. Political and expert circles started talking about the beginning of a new “cold war.”

⁵⁶ Presidential Decree of August 6, 2014 no. 560 “On the application of certain special economic measures in order to ensure the security of the Russian Federation” (Electronic resource), *Rossiyskaya Gazeta*, 2014, available at <http://www.rg.ru/2014/08/07/sankcii-dok.html> (accessed 26 November 2014).

⁵⁷ “The outflow of capital from Russia in 2014 could reach 120 billion USD – MED” (Electronic resource), *Vedomosti*, 2014, available at www.vedomosti.ru/finance/news/33702741/ottok-kapitala-iz-rossii-v-2014-g-mozhet-dostich-120-mlrd (accessed 16 November 2014).

⁵⁸ Stock quotes Brent (Electronic resource), *Information Agency Benzin Online*, 2014, available at [http://www.benzol.ru/graphics/?product\[\]=1](http://www.benzol.ru/graphics/?product[]=1) (accessed 15 November 2014).

⁵⁹ The dynamics of the exchange rate from 01 January 2014 to 15 November 2014, US dollar (Electronic resource), Central Bank of the Russian Federation, 2014, available at http://cbr.ru/currency_base/dynamics.aspx?VAL_NM_RQ=R01235&date_req1=01.01.2014&date_req2=15.11.2014&rt=2&mode=2 (accessed 17 November 2014).

⁶⁰ “German Foreign Minister proposed a new way to improve relations between the EU and Russia” (Electronic resource), *Deutsche Welle*, 2014, available at <http://www.dw.de/глава-мид-фр-предложил-новый-способ-улучшить-отношения-между-ес-и-россией/a-18067597> (accessed 20 November 2014).

Georgia, Moldova and Ukraine signed the Association Agreements with the European Union

An important trend in the development of the geopolitical situation in the former Soviet Union in 2014 was the fact that Georgia, Moldova and Ukraine signed the Association Agreements with the European Union and started their implementation.

Ukraine signed the Association Agreement with the EU in two stages. On March 21, 2014, EU representatives and Ukrainian Prime Minister Yatsenyuk signed a political block of agreements concerning political cooperation, security issues, combating terrorism and cooperation in other spheres. On June 27, 2014, the economic part of the agreement was signed. On September 16, 2014 the agreement was ratified by the Verkhovna Rada of Ukraine. Georgia and Moldova signed Association Agreements on 27 June 2014 and ratified them in July. The European Parliament ratified the Association Agreements with Georgia, Moldova and Ukraine in late 2014.

The Association Agreement means acceptance of certain obligations to the European Union, expressed in the harmonization of legislation and administrative procedures with the relevant state regulations and procedures of the EU in various areas: environmental protection, financial services, transport, social policy, technical regulation; establishment of close political ties; security cooperation, etc.⁶¹ The EU also proposes the creation of a free trade zone, which involves the removal of customs barriers and trade quotas and harmonization of trade legislation of the participating countries and the EU. One of the priorities in the program is the cooperation in the energy sector to address energy security and access of member countries to the resources at the European energy market, and the development of alternative energy supplies. The Association Agreement obliges the country to modernize its energy system, as well as to harmonize its national energy legislation with the EU law. A significant area of cooperation in the framework of the Association Agreement is the solution of "visa" issues: to facilitate obtaining visas for certain categories of citizens, and in the long term to bring migration policies and practices of partner countries in line with EU requirements. The entry into force of the Association Agreement is a long and complex process and involves the ratification of the treaty at the national level in the 28 EU Member States. In fact, there is a mechanism of provisional application which means that a treaty becomes legally binding for the contracting parties, even if it has not entered into force.

The signing and the beginning of implementation of the Association Agreements additionally complicated the relations between Russia, on the one hand, and Georgia, Moldova and Ukraine, on the other. For example, the Russian leadership reacted quite harshly to the ratification of the Association Agreement between Moldova and the EU by introducing customs duties and subsequently banned the import of a number of Moldovan goods. Russian authorities explained their decision by fears that the association of Moldova to the EU, while maintaining a free trade zone in the CIS, can lead to uncontrolled flow of products to the Russian Federation. On September 1, 2014, the implementation of the Association Agreement between Moldova and the EU started: the first steps were liberalization of the visa regime with the EU, improve-

⁶¹ "EU-Ukraine Association Agreement – the complete texts," European Union: External Action, 2014, available at www.eeas.europa.eu/ukraine/assoagreement/assoagreement-2013_en.htm (accessed 20 September 2014).

ment of road infrastructure, operation of the connecting pipeline between Romania and Moldova. The success of the implementation of the Agreement in Moldova depends on the policy of the ruling coalition to be formed as a result of the parliamentary elections on November 30, 2014. According to preliminary results, pro-European parties and supporters of rapprochement with the Customs Union received almost equal votes, which preserves the unstable situation and creates certain difficulties in the implementation of the Association Agreement.⁶²

After signing the Association Agreement between Ukraine and the EU, the Russian government also raised the question about the participation of Ukraine in the CIS free trade zone. It is important to note that the Russian authorities were ready to accept as a compromise the participation of Ukraine in the CIS free trade zone, along with the formation of a free trade zone with the EU. On September 12, 2014, during the "Ukraine-Russia-EU" negotiations in Brussels, it was agreed to postpone the establishment of a free trade zone between Ukraine and the EU until 31 December 2015.⁶³

The Ukrainian government announced the provisional application of the Association Agreement on 1 November 2014, except for the section on creating a free trade zone, replaced by a temporary regime of unilateral trade preferences introduced by the EU for Ukraine. As noted in the joint statement of the President of Ukraine and the EU leadership, "the Association Agreement will be a key tool for implementing with EU support the very necessary reforms in Ukraine in the coming years. The provisional application will cover such important areas as the rule of law, the fight against crime and corruption, as well as enhanced sectoral cooperation."⁶⁴ According to the Ukrainian authorities, the implementation of the Association Agreement between Ukraine and the EU called for the approval of 275 regulations in ten years, out of which 142 in the first 3 years.⁶⁵

Based on the Association Agreement, the Ukrainian leadership began implementing economic and social reforms. The new project for development of Ukraine's "Reform Strategy – 2020" provides for non-interference of external forces in the political processes in the country and the ability of political groups to resolve contentious issues. In this respect, information and human security are considered of high importance. According to experts of the National Institute for Strategic Studies of Ukraine, the essence of the project should be "the assertion of European integration as the main landmarks of reforming the Ukrainian society."⁶⁶ An important

⁶² "Moldova: Leadership in the elections does not ensure victory" (Electronic resource), *Euronews*, 2014, available at <http://ru.euronews.com/2014/12/01/moldova-pro-eu-parties-take-narrow-lead-in-elections/> (accessed 1 December 2014).

⁶³ "The entry into force of the Association Agreement between Ukraine and the EU postponed for 15 months after the negotiations with Russia" (Electronic resource), *News of the World*, 2014, available at <http://palm.newsru.com/world/12sep2014/holdover.html> (accessed 12 September 2014).

⁶⁴ Joint Statement by the Presidents of Ukraine, the European Council and the European Commission on the occasion of the beginning of provisional application of the Association Agreement (Electronic resource), the President of Ukraine Petro Poroshenko: official web site, 2014, available at <http://president.gov.ua/ru/news/31528.html> (accessed 10 November 2014).

⁶⁵ "The Administration of the President carefully analyses feedback and suggestions to the "Strategy for Reform – 2020" – Dmitry Shimkiv" (Electronic resource), the President of Ukraine Petro Poroshenko: The official online representation, 22 October 2014, available at <http://president.gov.ua/ru/news/31459.html> (accessed 10 November 2014).

⁶⁶ "Ukraine-EU: from association to membership" (Kyiv: National Institute for Strategic Studies, 2014), 12.

element of the economic recovery of the country was the Plan for recovery of Ukraine 2015-2017, which had to be realized with the help of international donors. Ukraine enacted laws designed to limit corruption and the influence of oligarchs: on the inevitability of punishment for certain offenses against national security, public safety and corruption crimes, on lustration. In the wake of the parliamentary elections on October 26, 2014, a coalition government was formed in Ukraine led by A. Yatsenyuk, which continued the policy of integration into European and Euro-Atlantic structures and strengthened the state.

An essential problem between Russia and Ukraine was the repayment by Ukraine for Russian gas deliveries. In the course of 2014, the main gas supplier to Ukraine, the Russian "Gazprom," changed the terms of gas deliveries to Ukraine guided by both economic and political reasons. In June 2014, Russia suspended gas supplies to Ukraine and required that all deliveries of gas are payed in advance. In late October 2014, after lengthy negotiations, the EU, Russia and Ukraine agreed on the terms of gas supplies to Ukraine. According to the tripartite agreement, Russia offered Ukraine a temporary gas price of 378 USD per thousand m³ until the end of 2014, the price in the first quarter of 2015 will depend on oil prices. In addition, by the end of 2014 Kyiv was obliged to pay Russia 3.1 billion USD of the total debt of 5.3 billion USD, accumulating since November 2013.⁶⁷

According to the International Monetary Fund, the fall of the economy of Ukraine in 2014 is expected to reach 6.5 %. According to IMF experts, the country's economic recovery will begin in 2015. According to analysts, the inflation rate in 2014 will amount to 11.4 %, and unemployment rate – 10 %.⁶⁸

After the fall of the Ukrainian hryvnia, the loss of the Crimea and the war in the south-east, the government of Ukraine took measures to reduce dependence on Russian suppliers. According to official information from the Government of Ukraine, Russia's share in Ukrainian exports fell in 2014 from 30 % to 20 %.⁶⁹ The implementation of the Association Agreement requires significant financial resources on the part of Ukraine. In November 2014, the country received macro-financial assistance from the EU at the amount of 260 million Euro. The next tranche of aid amounting to 250 million Euros is planned for the beginning of 2015. The size of the second package will be 500 million Euros; work has begun on the preparation of proposals to the European Council and the European Parliament regarding the third aid package, the size of which will be from one to two billion Euros.⁷⁰

⁶⁷ "Ukraine has received temporary discounts on gas" (Electronic resource), *Deutsche Welle*, 2014, available at <http://dw.de/p/1Delg> (accessed 20 November 2014).

⁶⁸ "The IMF confirmed the forecast fall of Ukrainian economy in 2014" (Electronic resource), *RIA Novosti*, 2014, available at <http://ria.ru/world/20141007/1027332035.html> (accessed 28 November 2014).

⁶⁹ Interview of Acting Minister of Economic Development and Trade Valery Pyatnitsky to magazine "Focus," 10 November 2014 (Electronic resource), Governmental portal of Ukraine, 2014, available at http://www.kmu.gov.ua/control/ru/publish/article?art_id=247739364&cat_id=244313435 (accessed 28 November 2014).

⁷⁰ "Ukraine has received 260 million Euros assistance from the European Union" (Electronic resource), *News agency UNIAN*, 13 November 2014, available at <http://economics.unian.net/finance/1008879-ukraina-poluchila-260-mln-pomoschi-ot-evrosoyuza.html> (accessed 15 November 2014).

The escalation of tension in the areas of “frozen” conflicts

The political changes in Ukraine at the beginning of 2014, the annexation of the Crimea to Russia and the development of the Russian-Ukrainian conflict worsened the situation in the areas of so-called “frozen” conflicts formed during the disintegration of the USSR. First, this affected the Armenian-Azerbaijani conflict over Nagorno-Karabakh. Since 1994, there has been a ceasefire between Armenia and Azerbaijan, there have been no diplomatic relations, and the Republic of Nagorno Karabakh and a part of the territory of Azerbaijan are under Armenian control. Established to resolve the conflict, the OSCE Minsk Group, which includes Russia, the United States, and France, for the past twenty years has not achieved real progress in resolving the conflict. Tense relations exist between Azerbaijan and Armenia, and both sides are building up military and political resources. Azerbaijan increased military expenditure, provided support for its position in Turkey and a number of Islamic states in the region, and is actively preparing for the restoration of its territorial integrity.⁷¹ Armenia, taking into account its geopolitical situation, using the resources of the diaspora, was able to mobilize broad international support for the independence of Armenia, to achieve recognition and condemnation of the Armenian Genocide in 1915 by a number of countries. An important factor for the security of Armenia is the military-political union with Russia and participation in the CSTO. In fact, a Russian military base is located in Gyumri. Thus, in the late 1990s – early 2010s, a military-political balance was reached between the parties.

The contradictions between Russia and the West on the Ukrainian question in 2014 were assessed in Baku and Yerevan as weakening of the Minsk Group. In July and August 2014, there was aggravation of the situation on the demarcation line of the Armenian-Azerbaijani troops, the parties actually started fighting, while accusing each other of escalating the conflict. For example, according to the authorities in the Nagorno Karabakh Republic, between July 27 and August 2, 2014 Azerbaijan violated the ceasefire regime in the conflict zone of Nagorno-Karabakh 1.5 thousand times and, as a result of the action on both sides, more than 20 people were killed. The parties fought with large-calibre small arms and artillery.⁷² According to analysts, Baku was “pushed” to aggravate the situation by some Western countries which reacted negatively to the decision of the government of Armenia to join the Eurasian integration. In this case, the development of a military conflict led to the “neutralization” of Armenia, as members of the Eurasian integration could refrain from accepting a problematic country.⁷³ Armenian politicians believed that Azerbaijan, taking advantage of the situation which worsened relations between Russia and the West, decided to become offensive and regain lost territories.⁷⁴ Some

⁷¹ “Ukraine woke up Karabakh? Armenia and Azerbaijan closer to war” (Electronic resource), *RIA Novosti*, 2014, available at http://ria.ru/radio_brief/20140804/1018750069.html (accessed 10 October 2014).

⁷² “The conflict in Nagorno-Karabakh escalated again to artillery fire” (Electronic resource), *Izvestiya*, 3 August 2014, available at <http://izvestia.ru/news/574777> (accessed 15 October 2014).

⁷³ *Ibid.*

⁷⁴ A. Skako, “The complex path of Armenia to the Eurasian Union” (Electronic resource), *Noah's Ark*, no. 18, October 2014, available at <http://www.noev-kovcheg.ru/mag/2014-18/4732.html> (accessed 10 November 2014).

Western experts suggested that armed clashes took place on the initiative of the Armenian side in order to demonstrate to Azerbaijan the capabilities of Armenia to strike back.⁷⁵

In order to stabilize the situation, the participants of the Minsk Group on their own, outside the framework of the OSCE mechanism, attempted to settle the Armenian-Azerbaijani conflict. On August 10, 2014, Vladimir Putin met with Presidents I. Aliyev and S. Sargsyan in Sochi; the Russian leader held separate meetings with each of the presidents. As Vladimir Putin noted, the most important outcome of the meeting was the fact that the heads of Azerbaijan and Armenia recognized the need to solve the problem by peaceful means, using the mechanisms of the UN and the OSCE.⁷⁶ According to some political analysts, the Russian peaceful approaches were based on the fact that a full-scale Armenian-Azerbaijani war could lead to the defeat of Armenia, which would result in the complete loss of Russian control over the region of South Caucasus and the aggravation of relations with Turkey.⁷⁷ In early September, the leaders of Azerbaijan and Armenia held talks with US Secretary of State J. Kerry, at the end of October – with the president of France. Western countries indicated support to the territorial integrity of Azerbaijan, which was recorded in the declaration of the NATO summit in Wales. In late August 2014, the situation on the Armenian-Azerbaijani line of delimitation was stabilized.

In 2014, the relations between Georgia and Russia remained complex. After the “five-day war” in 2008, diplomatic relations between the two countries were broken off, Russia recognized the independence of the two entities on the territory of Georgia—Republic of South Ossetia (over 50,000 residents) and Abkhazia (240,000 residents)—and reached an agreement with them. In 2013-2014, Georgia continued its policy of rapprochement with the EU and NATO. However, the elected in October 2013 President G. Margvelashvili and the new government led by I. Garibashvili took steps to develop a dialogue with Russia to resume trade, economic and cultural ties. At the end of 2012, both sides initiated informal meetings at the level of deputy foreign ministers/ special representatives to discuss the normalization of bilateral relations in a number of areas. According to some Georgian politicians, this “had significant results and helped reduce tension in bilateral relations.”⁷⁸ In mid-2013, Georgia started to export its products to Russia, air traffic was restored. The problem of territorial integrity of Georgia was not touched during bilateral negotiations and was only discussed in the framework of the Geneva talks on security and stability in Transcaucasia.⁷⁹ Georgia continued to maintain the position of non-recognition of South Ossetia and Abkhazia; there was a law on the occu-

⁷⁵ “Azerbaijan selects both Russia and the West: an interview with Thomas de Waal” (Electronic resource), *News agency REGNUM*, 2014, available at <http://www.regnum.ru/news/polit/1834491.html> (accessed 10 October 2014).

⁷⁶ In Sochi was held a trilateral meeting between Vladimir Putin and Armenian President Serzh Sargsyan and Azerbaijani President Ilham Aliyev (Electronic resource), *The President of Russia: The official website*, 2014, available at www.kremlin.ru/news/46427 (accessed 10 November 2014).

⁷⁷ G. Mirzayan, “Why Russia will not allow a new war in the Caucasus” (Electronic resource), *Expert Online*, 3 August 2014, available at <http://expert.ru/2014/08/3/pochemu-v-karabahe-ne-budet-vojnyi> (accessed 17 October 2014).

⁷⁸ A. Samozhnev, “Georgia has announced willingness to normalize relations with Russia” (Electronic resource), *Rossiyskaya Gazeta*, 2014, available at <http://www.rg.ru/2014/09/27/gruzia-site-anons.html> (accessed 16 November 2014).

⁷⁹ Russian-Georgian relations (Reference) (Electronic resource), Ministry of Foreign Affairs of the Russian Federation, 2014, available at <http://mid.ru/bdomp/ns-reuro.nsf/348bd0da1d5a7185432569e700419c7a/f485b8a3b0696f46c32576b3002b13b9!OpenDocument> (accessed 16 November 2014).

pied territories in 2008 which claimed administrative and criminal liability from foreigners who entered Abkhazia and South Ossetia.

The signing of the Association Agreement with the EU by Georgia in 2014, strengthening its cooperation with NATO, support from the Georgian leadership to Ukraine in the conflict with Russia complicated Georgian-Russian relations. In July 2014, as a consequence of signing the Association Agreement with the EU, the Russian leadership made a decision to restrict trade with Georgia.

In 2014, the socio-political situation in Abkhazia changed. In late May and early June, as a result of massive protests President Alexander Ankvab resigned. In the course of the political conflict in Abkhazia Russian leaders took action to prevent use of force and assisted in the negotiation process between the government and opposition. In August 2014, R. Khajimba was elected the new head of Abkhazia; he continued to maintain good relations with Russia. The Russian leadership assessed the change of power in Abkhazia as “an internal matter” and declared their respect to the choice of the Abkhaz people.⁸⁰ In June 2014, South Ossetia—also recognized as an independent state by the Russian Federation—organized parliamentary elections won by pro-Russian supporters.

Russian-Georgian relations became complicated in November 2014, when the Russian Federation and Abkhazia signed an agreement on strategic partnership and cooperation, which provided for the creation of joint armed forces and the obligation of mutual assistance in the event of an armed attack on one of the countries. Russia officially stated that “the agreement was the logical result of joint efforts to update and systematize the legal framework of Russian-Abkhaz relations, based on nearly 80 different bilateral agreements, starting with the Treaty of Friendship, Cooperation and Mutual Assistance of 17 September 2008.”⁸¹ Georgia condemned the agreement and stated that “the agreement between Moscow and Sukhumi actually turns Georgian territory—Abkhazia—into part of Russia.” Georgia’s position was supported by Western states.⁸² Thus, after a short period of attempts for normalization, Georgian-Russian relations remained tense in 2014.

The annexation of the Crimea by Russia intensified the attitudes in favour of joining Russia in the self-proclaimed Pridnestrovian Moldavian Republic (about 500,000 citizens). In mid-April 2014, the Supreme Council of the republic appealed to the leadership of the Russian Federation to “make a decision on the recognition of the Pridnestrovian Moldavian Republic as a sov-

⁸⁰ Interview with Ambassador of Russia in the Republic of Abkhazia S.V. Grigoriev on TV channel “Abaza TV,” 12 June 2014 (Electronic resource), Ministry of Foreign Affairs of the Russian Federation, 2014, available at <http://mid.ru/bdomp/ns-reuro.nsf/348bd0da1d5a7185432569e700419c7a/44257b100055ec1544257cfa004d1ca3!OpenDocument> (accessed 18 November 2014).

⁸¹ Statement of the Permanent Representative of the Russian Federation to the OSCE A.V. Kelin at the meeting of the OSCE Permanent Council on the Agreement between the Russian Federation and the Republic of Abkhazia on alliance and strategic partnership, Vienna, 27 November 2014 (Electronic resource), Ministry of Foreign Affairs of the Russian Federation, 2014, available at <http://mid.ru/bdomp/ns-reuro.nsf/348bd0da1d5a7185432569e700419c7a/44257b100055ec15c3257d9e00267c81!OpenDocument> (accessed 18 November 2014).

⁸² “The President of Latvia: the agreement between Moscow and Sukhumi threatens regional security” (Electronic resource), *Euronews*, 2014, available at <http://ru.euronews.com/2014/11/26/latvia-sees-security-threat-over-russia-s-deal-with-abkhazia/> (accessed 19 November 2014).

ereign independent state.”⁸³ Representatives of the republic stated that “Transnistria does not legally differ from the Crimea and the process of reunification with Russia shall be held following the Crimean scenario.”⁸⁴ This appeal did not lead to the recognition of the republic by Russia; it created additional tension in the region and hampered the functioning of the international 5 + 2 format (negotiations between Moldova, Transnistria, the OSCE, Russia, Ukraine, the USA and the EU) to resolve the situation around Transnistria.

Conclusions

Undoubtedly, in 2014 the post-Soviet space entered a new stage of its development. In the years after the collapse of the Soviet Union, countries in the region did not make any significant progress in the field of economy and social relations, which reflected on their political and social development. Transformation processes in post-Soviet states were delayed, the results of economic and political reforms were contradictory. These factors shaped different trends in the geopolitical orientation of the countries in the region: participation in the Eurasian integration; orientation towards European structures; neutral status.

The situation in the former Soviet Union escalated in the early 2010s due to a clash of interests between Russia and the West for zones of influence. In the early 2010s, Russia attempted to position itself as one of the world’s power centres. The political crisis in Ukraine, caused by the need to “choose” between the Eurasian and European integration, became a catalyst of geopolitical changes. The change of power in Kyiv in February 2014 became a decisive turning point in Ukraine’s European integration, which led to a conflict with Russia. The new foreign policy of the Russian leadership, which admitted the possibility of revising existing borders in the region, did not encounter understanding in the political circles in post-Soviet states and accelerated the process of rapprochement of Georgia, Moldova and Ukraine with the EU and NATO. Russia’s policy towards Ukraine in 2014 generated the opposition of the West; the conflict between Russia and the West reduced the political and economic potential of Russia as a global player. The resolution of the conflict is presented as a complex system of compromises between Russia, EU, USA, and Ukraine. As a result, the development of such a scenario in the region can develop a radically new configuration of relations in the security sector.

To summarize, we can say that the prospects for the development of the situation in the post-Soviet space are unclear. The most likely option is the geopolitical disintegration of post-Soviet space due to the “special” status of Russia in international relations, the aspiration of Georgia, Moldova and Ukraine to the European and Euro-Atlantic integration, keeping Russia at a distance from Azerbaijan, Uzbekistan, Turkmenistan, the pragmatic line of Belarus, Kazakhstan, Armenia, Kyrgyzstan, Tajikistan in the Eurasian integration processes. These trends, as well as the complexity of the economic development faced by the majority of countries in the region in 2014 increase the instability in the post-Soviet space.

⁸³ Appeal of the Supreme Council of the Pridnestrovian Moldavian Republic to the President of the Russian Federation (Electronic resource), *Mediacenter “Eurasian Transnistria,”* 2014, available at www.eurasian.su/news/obrashchenie-verhovnogo-soveta (accessed 13 November 2014).

⁸⁴ “The Transnistrian authorities have asked the Russian Federation to recognize the sovereignty of the unrecognized republic” (Electronic resource), *NEWSRu.com,* 2014, available at <http://newsru.com/arch/world/16apr2014/prdnstr.html> (accessed 18 October 2014).

References

1. Borko, Y., "Russia-EU: did a strategic partnership take place?" *Modern Europe* no. 2 (2014): 19-30.
2. Wassermann, A., Russia, including Ukraine. *Unity or death* (M.: Astrel, Rus-Olimp, 2010), 448.
3. Gadzhiev, K.S., *The Big Game in the Caucasus. Yesterday, Today and Tomorrow* (M.: International Relations, 2010), 320.
4. Gorovoj V.A., Cherniavsky S.I., *Commonwealth of Independent States* (M.: Navona, 2008), 192.
5. Shevchenko, A.V., et.al., *20 years of the CIS*, project lead S.N. Lebedev (Minsk: BELTA, 2011), 280.
6. Dougan E., Rozanov A., *Collective Security Treaty Organization* (Minsk, 2010), 140.
7. Zhirmov, O.A., ed., *The EU and Russia: The Politics in the post-Soviet space (European Union and Russia: Policies on Post-Soviet Space)* (M.: INION 2011), 218.
8. Kazimirov, V.N., *Peace in Karabakh. Russia's mediation in the Nagorno-Karabakh conflict* (M.: International Relations, 2009), 456.
9. Karabeshkin, L., *Comparative Politics in post-Soviet space* (Tallinn, 2012), 112.
10. Klepatsky, L., "Bilateral relations between Russia and the CIS countries," *International Affairs* 11 (2012): 192–194.
11. Foreign Policy Concept of the Russian Federation. Approved by the President of the Russian Federation V.V. Putin on February 12, 2013 (electronic resource), Ministry of Foreign Affairs of the Russian Federation. Official website, 2014. Available at <http://www.mid.ru/bdomp/ns-osndoc.nsf/e2f289bea62097f9c325787a0034c255/c32577ca0017434944257b160051bf7f!OpenDocument> (accessed 22 October 2014).
12. Kosov Y.V., Toropygin A.V., *Commonwealth of Independent States. Integration, parliamentary diplomacy and conflicts* (M.: Aspect-Press, 2009), 256.
13. Lavrov S., Filatov, S., "Russian diplomacy and the challenges of the XXI century," *International Affairs* 9 (2012): 1–20.
14. Moskvina, L., *CIS: disintegration or rebirth? Looking 15 years later* (M.: 2007), 209.
15. Nikitina, Y.A., *CSTO and SCO: models of regionalism in security* (M.: Navona, 2010), 200.
16. Address by the President of the Russian Federation, March 18, 2014 (electronic resource), the President of Russia: The official website, 2014. Available at <http://www.kremlin.ru/transcripts/20603> (accessed 22 October 2014).
17. Pain, E.A., Prostavkov, S.A., "The Many Faces of Russian nationalism. Ideological and political variations (2010-2014)," *POLIS. Political Studies* 4 (2014): 96–113.
18. Pivovarov, E.I. *Post-Soviet Space: an alternative to integration*, Historical Review (St. Petersburg: Aletheia, 2010), 320.
19. Address of the President to the Federal Assembly on 12 December 2013 (Electronic resource), President of Russia: The official website, 2013. Available at www.kremlin.ru/transcripts/19825 (accessed 22 November 2014).
20. Rahr, A., *Where will Putin go? Russia between China and Europe (Why the West needs Russia. Expert analysis)* (M.: Olma Media Group, 2012), 352.
21. *Russia in world politics after the crisis* (M.: House State University – Higher School of Economics, 2010), 295.
22. Rusakovich, A.V., "CIS: from Viskuli to the present day," *Belarusian Thought* 2 (2012): 32-41.

23. *The National Security Strategy of the Russian Federation to 2020*, approved by Presidential Decree dated May 12, 2009 no. 537 (Electronic resource), Ministry of Foreign Affairs of the Russian Federation. The official website, 2014. Available at www.mid.ru/bdomp/ns-osndoc.nsf/e2f289bea62097f9c325787a0034c255/8abb3c17eb3d2626c32575b500320ae4!OpenDocument (accessed 22 October 2014).
24. Tatarintsev, V.M., *Russian bilateral relations with the countries of the CIS* (M.: East-West, 2011), 264.
25. "The Ukrainian crisis: expert assessment" (According to the Scientific Council of the Institute of Europe RAS), *Modern Europe* no. 3 (2014): 10–33.
26. Sultanov, B.S., ed., *Central Asia: 1991-2009* (Almaty: KISS, 2010), 300.
27. Rozanov, A.A., ed., *The Shanghai Cooperation Organization and Eurasian security issues* (Minsk: BSU, 2012), 214.
28. Shestopal, E.B., "The values of the Russian political process and the development strategy of the country," *POLIS. Political Studies* 2 (2014): 61–67.
29. *Außenpolitik im europäischen Vergleich. Ein Handbuch der Staaten Europas von A–Z*, hrsg. von W. Gieler (Berlin: LIT Verlag, 2012), 639 s.
30. Rahr, A., *Der kalte Freund: warum wir Russland brauchen: die Insider – Analyse* (München: Hanser, 2011), 298 s.
31. Rozanov, A.A. and Douhan, A.F., *Collective Security Treaty Organization 2002–2012*, DCAF Regional Programmes Series no. 18 (Geneva/Minsk: DCAF, 2013), 106 p.
32. Spahn, S., *Staatliche Unabhängigkeit – das Ende der ostslawischen Gemeinschaft? Die Außenpolitik Russlands gegenüber der Ukraine und Belarus seit 1991* (Hamburg: Kovac, 2011), 447 s.
33. The Executive Committee of the CIS (electronic resource), 2014. Available at <http://cis.minsk.by>.
34. Ministry of Foreign Affairs of the Russian Federation (electronic resource), 2014. Available at <http://mid.ru>.
35. Collective Security Treaty Organization (electronic resource), 2014. Available at <http://odkb-csto.org>.
36. The United Nations (electronic resource), 2014. Available at <http://www.un.org>.
37. The official internet-portal of the President of the Republic of Belarus (electronic resource), 2014. Available at <http://president.gov.by>.
38. The President of Russia: The official website (electronic resource), 2014. Available at <http://kremlin.ru>.
39. President of Ukraine Petro Poroshenko: official web site (electronic resource), 2014. Available at <http://president.gov.ua>.
40. European Union: External Action, 2014. Available at <http://www.eeas.europa.eu>.
41. International Monetary Fund, 2014. Available at <http://www.imf.org>.
42. World Trade Organization, 2014. Available at <http://www.wto.org>.

Chapter 2

Approaches of the Main Actors in the Development of CSTO after 2014 (Russia, Belarus, Kazakhstan)

A.V. Tihomirov

The collective security system in the post-Soviet space was shaped with account of the positions of individual states. Russia was the initiator and active supporter to the enhancement of the interstate relations in the security sector in the post-Soviet space. The important information was included in the basic documents of the Russian Federation regarding foreign policy and security in the early 1990s. In particular, the Foreign Policy Concept of the Russian Federation, developed in 1992 and approved by President Boris Yeltsin in April 1993, was intended to strengthen the common military-strategic space within the CIS to provide a single centralized administrative and operational control on nuclear weapons.¹

The document entitled "Strategic Course of the Russian Federation in respect to the CIS," approved by Boris Yeltsin in September 1995, set the Russian course towards establishing a collective security system on the basis of the Treaty on Collective Security, signed in Tashkent on 15 May 1992, and the bilateral agreements between states parties to the CIS. The authors of this document believed that the defence union will be established on a voluntary basis, as the CIS countries have common interests and military-political goals. At the same time, the Russian authorities expressed their intention to receive guarantees from other CIS states not to participate in alliances or blocs directed against any of these countries (especially Russia).²

However, the attempt to set up an effective military alliance under the auspices of Russia in the post-Soviet space in the 1990s failed. One can agree with the opinion of researchers from MGIMO (University) that at the beginning of the first decade of 21st Century "the majority of projects on the development of multilateral cooperation in the military-political sphere—creation of a joint (combined) air defence; joint protection of CIS external borders; military-technical cooperation—in the best case received some development on bilateral level. Due to a lack of financial resources, as well as the differences between the states, a common military-strategic space of the countries participating in the Tashkent Treaty was never formed. The general

¹ *The Foreign Policy Concept of the Russian Federation 1992. Foreign Policy and Security of modern Russia. 1991-2002*, Reader in 4 volumes, Comp. T.A. Shakleina, V. IV. Documents (M.: MGIMO (University), Russian Association of International Studies, ANO "ISE-Centre," Russian Political Encyclopaedia ROSSPEN, 2002), p. 25.

² Presidential Decree "On approval of the strategic course of the Russian Federation with the countries of the Commonwealth of Independent States," *Diplomatic bulletin* 10 (1995), pp. 4-5.

trend of development was quite the opposite: further differentiation of the policy of the CIS countries in the military-political sphere.”³

The change of government in Russia in 2000 did not lead to a fundamental revision of the Russian position on the formation of a collective security system. The military doctrine of the Russian Federation, approved by President Vladimir Putin on January 21, 2000, noted that Russia attaches high priority to strengthening the system of collective security in the framework of the Commonwealth of Independent States on the basis of development and consolidation of the Collective Security Treaty.⁴

At the beginning of the 2000s, Russia obtained the consent of a number of post-Soviet states regarding the creation of a permanent Collective Security Treaty Organization. On May 14, 2002, Russian President Vladimir Putin, commenting on the establishment of the above organization, said: “Today, when our countries are facing serious threats, the Treaty practically proves its relevance and effectiveness in providing collective security. It is obvious that the current development of the situation in the world requires serious work on adapting the Treaty to current conditions. We share a common point of view: the optimal path of development of our cooperation is the transformation of the Treaty into an international regional organization. Preparation of proposals was assigned to the Secretariat and the colleagues from the member countries of the Treaty. This is a qualitative functional adjustment of existing mechanisms of the Treaty with a maximum preservation and development of the accumulated potential.”⁵

In 2003-2007, officials of the Russian Federation expressed the intention to transform the CSTO into a universal international organization capable of responding to all categories of challenges and threats. Russian lawmakers approved the agreements which were adopted in the framework of the CSTO. Russian military colleges did not charge for training specialists from CSTO member states. In 2007, Russia suggested that the CSTO member states should be given preferential treatment in the sale of Russian arms.⁶

From the point of view of the Russian leadership, the main task of the CSTO was to counter threats from the outside. For example, on March 21 2003, the day after the start of military operations led by the US and its allies in Iraq, Russian President Vladimir Putin said that the Collective Security Treaty Organization, along with other international organizations, should minimize the negative consequences of this military action to preserve stability in the region and to ensure the security of people.⁷ In the context of external action (from Afghanistan) Russian President considered the fight against cross-border crime and terrorism (at the time these

³ *The foreign policy of the Russian Federation* (M.: Moscow State Institute of International Relations (University), Russian Political Encyclopaedia ROSSPEN, 2000), p. 105.

⁴ *The Military Doctrine of the Russian Federation in 2000. Foreign Policy and Security of modern Russia, 1991-2002*, Reader in 4 volumes, Comp. T.A. Shakleina, V.IV. Documents (M.: MGIMO (University), Russian Association of International Studies, ANO “ISE-Centre,” Russian Political Encyclopaedia ROSSPEN, 2002), p. 94.

⁵ Press release and answers to journalists’ questions after the meeting of the Collective Security Council, May 14, 2002, the President of Russia: The official website (Electronic resource), available at <http://news.kremlin.ru/transcripts/21592> (accessed 14 May 2014).

⁶ Gabuev, A., “The post-Soviet Union” (Electronic resource), *Kommersant*, 6 October 2007, available at <http://www.kommersant.ru/doc/812052> (accessed 17 June 2014).

⁷ The president spoke with Secretaries of Security Councils of the Organization of the Collective Security Treaty Organization (CSTO), March 23, 2003 (Electronic resource), President of Russia: Official site, available at <http://news.kremlin.ru/news/28352> (accessed 17 May 2014).

issues were identified by the Russian leadership as priorities for the Collective Security Treaty Organization).⁸

The Foreign Policy Concept of the Russian Federation, approved by the new Russian President Dmitry Medvedev on July 15, 2008, viewed the Collective Security Treaty Organization (CSTO) as a key instrument for maintaining stability and security in the CIS. The authors advocated adaptation of CSTO to the changing environment, seeing it as a multifunctional integration structure, providing for reliable capabilities of CSTO member states for timely and effective joint actions, and transforming the Organization into a central institution ensuring security in its area of responsibility.⁹ The National Security Strategy of the Russian Federation, approved by Dmitry Medvedev on May 13, 2009, considered the CSTO as a “major interstate instrument to confront regional challenges and threats of military-political and military-strategic nature, including the fight against illicit traffic of narcotic drugs and psychotropic substances.”¹⁰

Somehow discouraging for the Russian side was the reluctance of the CSTO member states to follow unconditionally Russia’s policy. In August 2008, practically all the member states of the Collective Security Treaty Organization remained neutral during the military conflict between Russia and Georgia. In September 2008, at the CSTO summit, which at the request of Russia was moved from Bishkek to Moscow, CSTO heads of state limited their expression to “deep concern over Georgia’s attempt to resolve by force the conflict in South Ossetia which led to numerous casualties among the civilian population and peacekeepers and resulted in a grave humanitarian crisis.”¹¹ The proposal of CSTO Secretary-General Nikolai Bordyuzha to include in the collective security system Abkhazia and South Ossetia was not supported as well.¹²

The Allies’ behaviour did not discourage Russia from using the CSTO as an instrument of its policy. Russia continued to provide funding to support the organization (in 2012 its share accounted for 50 % of the contributions to the Collective Security Treaty Organization).¹³ In September 2008, the Russian president stated the need to deepen the coalition force development in the CSTO, noting that this organization “has been and remains the guarantee of the territorial integrity and sovereignty of our countries and their non-interference and non-intervention in their internal affairs.”¹⁴ In November 2008, Dmitry Medvedev pointed out that Russia

⁸ Ibid.

⁹ The Foreign Policy Concept of the Russian Federation 2008 (Electronic resource), the President of Russia: Official Site, 15 July 2008, available at <http://www.kremlin.ru/acts/785> (accessed 1 April 2009).

¹⁰ The National Security Strategy of the Russian Federation until 2020 (Electronic resource), The President of Russia: Official Site, 13 May 2009, available at <http://archive.kremlin.ru/text/docs/2009/05/216229.shtml> (accessed 14 May 2014).

¹¹ Declaration of the Moscow session of the CSTO Collective Security Council on 5 September 2008 (Electronic resource, The President of Russia: official site, available at news.kremlin.ru/ref_notes/204 (accessed 6 September 2008).

¹² A. Dubnov, “Silent support” (Electronic resource), *Vremya Novostei*, 4 September 2008, available at <http://www.vremya.ru/2008/162/5/211947.html> (accessed 5 September 2008).

¹³ I. Lyakin-Frolov, “CSTO guarantees the security in Eurasia,” *International Affairs* 5 (2012), p. 30.

¹⁴ Press conference after a meeting of CSTO Collective Security Council on 5 September 2008 (Electronic resource), The President of Russia: official site, available at <http://news.kremlin.ru/transcripts/1309> (accessed 15 January 2014).

intended to increase the volume and depth of cooperation in the military-political sphere of the CSTO.¹⁵

In 2009, Russia proposed to establish within the CSTO Collective Rapid Reaction Force (CRRF), pointing the fact that “the new structure within the CSTO is created taking into account the complex international situation and must be able to respond to all kinds of threats.”¹⁶ The need for the creation of the CRRF Moscow associated not with the need to counter NATO, but with the possibility of a fundamental deterioration of the situation in Afghanistan.¹⁷ For its part, Russia agreed to designate to the RRF 98th Guard Airborne Division and 31st Guard Air Assault Brigade.¹⁸

In 2010, Russian President Dmitry Medvedev categorically ruled out the possibility of using the CSTO peacekeeping forces in the internal conflict in Kyrgyzstan. In June 2010, commenting on the situation in the country, he stated: “... The CSTO has a separate mission and it is largely focused on ensuring security. Therefore, the criteria for the use of CSTO force is a violation by a State or any other non-State entities of the boundaries of the CSTO member states, that is, in other words – an attempt to seize power from the outside. Only in these cases we acknowledge an attack on the Collective Security Treaty Organization and in accordance with our Constitution we have the ability to use CSTO forces and assets. Right now, this is not the case because all problems in Kyrgyzstan come from inside, they come from the weakness of the previous government and their unwillingness to deal with the needs of the people.”¹⁹

In May 2010, Dmitry Medvedev rejected the possibility of confrontation between the CSTO and NATO, stressing that the Collective Security Treaty Organization is not an analogue of the Warsaw Pact.²⁰ “The Collective Security Treaty Organization is a regional bloc which is aimed at ensuring the security of its participants, based on the development of economic relations between them, on the development of humanitarian cooperation,” he said.²¹

However, Russian officials and experts pointed to the need for improving the legal framework of the organization. Thus, Dmitry Medvedev in August 2010 noted that the Charter of the

¹⁵ Address to the Federal Assembly of the Russian Federation, November 5, 2008 (Electronic resource), The President of Russia: official site, available at www.kremlin.ru/text/appears/2008/11/208749.shtml (accessed 6 November 2008).

¹⁶ Vladimir Solovyov and Gennady Sysoev, “Russia creates a military bloc” (Electronic resource), *Kommersant*, 4. February 2009, available at <http://www.kommersant.ru/doc/1112978> (accessed 4 February 2014).

¹⁷ Ibid.

¹⁸ V. Litovkin, “The Shield of the Commonwealth has cracked” (Electronic resource), *Independent Military Review*, 19 June 2009, available at http://nvo.ng.ru/realty/2009-06-19/1_shield.html (accessed 19 June 2009).

¹⁹ Dmitry Medvedev answered questions from Russian journalists, June 11, 2010 (Electronic resource), The President of Russia: official site, available at <http://news.kremlin.ru/news/8021> (accessed 11 June 2010).

²⁰ Meeting with students of the Kyiv National University, May 18, 2010 (Electronic resource), The President of Russia: official site, available at <http://news.kremlin.ru/news/7785> (accessed 19 June 2011).

²¹ Meeting with students of the Kyiv National University, May 18, 2010 (Electronic resource), The President of Russia: official site, available at <http://news.kremlin.ru/news/7785> (accessed 19 June 2011).

Collective Security Treaty Organization needs to be amended to enable more effective impact on emerging crises in CSTO member states.²²

From the point of view of Russian experts, the weakness of the CSTO predetermined the specifics of its structure. Thus, the leading researcher of the Russian Institute for Strategic Studies, Doctor of Military Sciences Vladimir Zakharov, wrote in October 2010: "The space of the CSTO is unstable due to the weak motivation for integration. Some states have not defined their political-military strategy. Despite the incompatibility of political, economic and military capabilities, the CSTO countries insist on cooperation with Russia in the military sphere as equal partners, seeking to maximize the economic benefits with minimal political commitment. The potential of the CSTO practically cannot be used in the interests of Russia while there is a threat to its involvement, for example, in armed clashes between members of the CSTO in Central Asia."

The way out of this situation, from the point of view of Russian military experts, would be to create three centres of military-political integration: European, Caucasian and Central Asian. "Taking into account all existing complicated economic, political and military-strategic concerns, Russia should be interested in the creation of this kind of military-political integration. For the European region, we can talk about the creation of a single defence space with Belarus. For the Caucasus region, we should consider a military-political alliance between Russia and Armenia, with the possible inclusion of Abkhazia and South Ossetia. For the Central Asian region, the creation of a military-political union may be motivated by a common approach to the security of infrastructure corridors for transportation of hydrocarbon energy supplies," said Zakharov.²³

In 2011-2013, the majority of Russian politicians and experts demonstrated satisfaction with the work of the CSTO, proposing enhanced coordination of foreign policy efforts among CSTO member states and focus on the problems in Afghanistan. In October 2011, the Russian parliament voted to amend the Charter of the Collective Security Treaty Organization, which allowed the CSTO member states to respond more quickly to emerging non-standard situations (primarily internal unrest). The ensuing law was approved by the President of the Russian Federation of October 20, 2011.

V. Putin, who succeeded Dmitry Medvedev as head of state in March 2012, continued the policy of preserving the CSTO. On May 15, 2012, at the jubilee session of the Collective Security Treaty Organization, he stated: "The organization has proved itself worthy, strengthened and matured in recent years. Having increased its international prestige, the CSTO has become one of the most effective instruments for the maintenance of collective security in its area

²² Statements to the press after an informal meeting of heads of CSTO member states on August 20, 2010 (Electronic resource), The President of Russia: official site, available at <http://news.kremlin.ru/transcripts/8702> (accessed 8 January 2014).

²³ Vladimir M. Zakharov, "The problems of 'sustainability' of CSTO" (Electronic resource), *Independent Military Review*, 29 October 2010, available at http://nvo.ng.ru/forces/2010-10-29/1_odkb.html (accessed 29 October 2010).

of responsibility.”²⁴ In September 2013, the Russian president called the CSTO “an effective tool in the fight against modern challenges.”²⁵

In the decree “On measures to implement the foreign policy of the Russian Federation,” signed by Putin on May 7, 2012, Russian diplomats were tasked to strengthen the Collective Security Treaty Organization, its mechanisms for rapid response to modern challenges and threats and its peacekeeping potential, to improve the coordination of foreign policies in the framework of this organization.²⁶

The Foreign Policy Concept of the Russian Federation, approved by Vladimir Putin on February 12, 2013, viewed the CSTO as one of the most important elements of the modern security system in the post-Soviet space. The concept encouraged Russian diplomacy to support “further transformation of the CSTO into a universal international organization, capable to withstand emerging threats and challenges under the increasing effect of diverse global and regional factors in the CSTO zone of responsibility and adjacent regions.”²⁷

In a contribution to “International Life” Journal, published in May 2012, Plenipotentiary Representative of the Russian Federation at the CSTO I. Lyakin-Frolov claimed that “in place of the amorphous formation, an inert backup model of a military pact in the middle of the 20th century, a dynamically developing collective security organization emerged to meet the needs of the time.”²⁸ “... We consider the Collective Security Treaty Organization as the key mechanism for ensuring security in the post-Soviet space. We are consistently pursuing its transformation from a military-political alliance into a multifunctional structure capable of responding effectively to the wide range of modern challenges and threats, of upholding and consolidating the interests of its Member States on the international stage,” he said.²⁹

The Russian Plenipotentiary Representative at the CSTO stressed that the activities of this organization were not directed against other states and did not rule out the possibility of accession by new States.³⁰ He believed that CSTO activities were of particular importance for Central Asia, as essentially this was the only international organization to provide security and stability and at the same time alleviate the contradictions between the states in the region.³¹ Lyakin-Frolov pointed out CSTO readiness for a dialogue with NATO, but noted NATO members’

²⁴ Beginning of the meeting of heads of CSTO member states, May 15, 2012 (Electronic resource), The President of Russia: official site, available at <http://news.kremlin.ru/transcripts/15345> (accessed 16 May 2012).

²⁵ Statement to the press after a meeting of CSTO Collective Security Council on September 23, 2013 (Electronic resource), The President of Russia: official site, available at <http://news.kremlin.ru/transcripts/19271> (accessed 23 September 2013).

²⁶ Signed a Decree on measures to implement the foreign policy, 7 May 2012 (Electronic resource), The President of Russia: official site, available at <http://kremlin.ru/acts/15256> (accessed 8 May 2012).

²⁷ The Foreign Policy Concept of the Russian Federation (Electronic resource), the Ministry of Foreign Affairs of the Russian Federation, 12 February 2013, available at www.mid.ru/bdcmp/ns-osndoc.nsf/e2f289bea62097f9c325787a0034c255/c32577ca0017434944257b160051bf7f!OpenDocument (accessed 11 April 2013).

²⁸ I. Lyakin-Frolov, “CSTO guarantees the security in Eurasia,” *Mezhdunarodnaya Zhizn’ (International Life)* 5 (2012), p. 28.

²⁹ *Ibid.*, p. 38.

³⁰ *Ibid.*, p. 28–29.

³¹ *Ibid.*, p. 29.

reluctance for such a dialogue.³² He also confirmed that Russia did not intend to impede the dialogue between individual CSTO member states and NATO.³³

In the period of 2012-2013, the Russian leadership believed that the main objectives in the development of CSTO should be the optimization of work and coordination of member states on the international arena, strengthening the external borders of the area of responsibility, improving algorithms of practical actions to minimize risks for the CSTO member states, fight against drug trafficking, propaganda of terrorism and religious extremism.³⁴ Russia assumed there was place for coordination with other international organizations, but believed that priority shall be given to CIS, SCO and the United Nations.³⁵

Meanwhile, Russian politicians and experts increased their criticism to the outcome of the CSTO work. In particular, S. Bagdasarov—member of the international affairs committee of the State Duma of the Russian Federation—in an interview with the Russian news agency “Regnum” on December 12, 2011 called the Collective Security Treaty Organization “a virtual, totally inactive organization, discrediting the Russian foreign and defence policy.”³⁶

The above mentioned Zakharov in 2011 also described the CSTO as an amorphous structure incapable of effectively confronting NATO or being used as a tool to protect Russia’s geopolitical interests. “First, military spending in the CSTO is not comparable to the expenditures in NATO. Secondly, the CSTO participating countries do not have a clear idea of the collective defence concept. National military doctrines in the CSTO countries are not coordinated with other members of the organization. Moreover, military doctrines are often developed without the participation of experts belonging to other political and military alliances. Third, members of the Collective Security Treaty Organization are unable to determine a common enemy. While Russia is concerned primarily about NATO expansion to the East, Central Asian countries as Kazakhstan consider a major threat the religious extremism and illegal migration. Not eager to help each other, as stipulated in the CSTO charter, members of this organization strive for closer cooperation with the EU, OSCE and NATO. All these factors make CSTO void of meaning and deprive Russia from military influence to preserve its dominant position in the post-Soviet space,” he argued.³⁷

The author of the “Military Review” site A. Volodin also drew attention to the amorphousness of the CSTO. “Apparently, the CSTO is there, and the community of countries is virtually

³² Ibid., p. 31.

³³ Ibid., p. 34.

³⁴ Beginning of the meeting of heads of CSTO member states, 15 May 2012 (electronic resource), The President of Russia: official site, available at <http://news.kremlin.ru/transcripts/15345> (accessed 15 May 2012); Statement to the press after a meeting of CSTO Collective Security Council on September 23, 2013 (electronic resource), The President of Russia: official site, available at <http://news.kremlin.ru/transcripts/19271> (accessed 23 September 2013).

³⁵ Speech at the enlarged meeting of the CSTO Collective Security Council, 23 September 2013 (Electronic resource), The President of Russia, available at <http://news.kremlin.ru/transcripts/19270> (accessed 23 September 2013).

³⁶ “Expert: CSTO – a virtual organization, discrediting the foreign and defence policy of Russia” (Electronic resource), *News agency REGNUM*, 12 December 2011, available at www.regnum.ru/news/1478614.html (accessed 12 December 2011).

³⁷ F. Sharip, “‘Jamestown’: Kazakhstan has not received from the CSTO what it needs” (Electronic resource), Association “Zamandash,” 28 September 2011, available at www.zpress.kg/news/news_only/7/37303/501.py (accessed 28 September 2011).

at the genetic level, but even its members do not understand the organization's mission. Someone in the CSTO is hibernating, someone is ready to sign any papers to create the illusion of a working organization, someone is "in and out" depending on which foot he and his political partners rose with," he wrote in an article published on the website of "Military Review" on September 6, 2012.³⁸

Similar sentiments were expressed in the analytical article "Russia against NATO: who wins in Central Asia?" published without the author's name on the website of the Ukrainian edition of the Russian newspaper "RBK" on August 6, 2012. This article stated that the CSTO was undergoing a crisis caused by a number of internal and external factors. The external causes of the crisis are:

1. There are a lot of significant differences between countries. It would be good to recall Tajikistan, Kyrgyzstan and Uzbekistan with their constant balancing on the brink of economic and real wars. Most states simply do not trust each other. Russia, for example, is going to deliver C-300 missiles to Azerbaijan, explaining to Yerevan that the air defence systems are defensive weapons and pose no threat to Armenia. But Armenia disagrees with this approach.
2. During the unrest in Kyrgyzstan in 2010 and the apparent inability of local authorities to stop them, the CSTO was not able to work out a common approach and to take action to overcome the first real conflict in its history. Of course, this uncertainty undermined the reputation of the alliance.
3. Russia, as the events in Kyrgyzstan proved, was not eager to use its forces abroad, thereby showing interest only in military presence, but not in providing help in a risky situation.
4. At the same time, the leaders of other CSTO member countries during the events in Kyrgyzstan—more than during the "Arab Spring"—were afraid of setting a precedent of sending Russian peacekeepers into a sovereign territory, and therefore were in no hurry to act.³⁹

External factors for the crisis were related to:

1. NATO and particularly the Americans are constantly looking for approaches to the CSTO countries. There are individual cooperation programs for each of them. Now they are very carefully courting the leadership of Armenia and, I must say, not in vain. In any case, a change in public opinion is clearly taking place.
2. Americans are actively establishing contacts with the Central Asian countries, starting with the promise to leave them part of the armaments after the withdrawal of coalition

³⁸ A. Volodin, "Does Russia need the Collective Security Treaty Organization (CSTO) in its current form?" (Electronic resource), *Military Review*, 6 September 2012, available at <http://topwar.ru/18533-nuzhna-li-rossii-organizaciya-dogovora-o-kollektivnoy-bezopasnosti-odkb-v-ee-nyreshnem-vide-opros.html> (accessed 1 October 2014).

³⁹ "Russia against NATO: who wins in Central Asia?" (Electronic resource), *RBK-Ukraine*, 6 August 2012, available at <http://company.rbc.ua/Mw/MTE/MjIwMA> (accessed 5 September 2012).

forces from Afghanistan and finishing with the provision of the special US ally status and financial assistance in exchange for military bases.⁴⁰

From the point of view of the director of the Centre for Euro-Atlantic Studies at MGIMO (University) A.I. Nikitin, the second decade of the Collective Security Treaty Organization “passed under the sign of stability and sovereignty of independent Member States”; in the new stage of its development the organization needed to find positive goals and values for development, moving away from the task to deter external enemies.⁴¹

Associate Professor Y. Nikitina from MGIMO (University) claimed that the low efficiency of the CSTO was the fault of Russia, which preferred “to act independently at the global level, and not collectively at the regional level.”⁴² She also noted that the “purely functional substantiation of activities—a reflection of common challenges and threats—is insufficient incentive for cooperation.”⁴³

The report on the CSTO, prepared in 2011 by the Institute of Contemporary Development (the Institute positioned itself as a liberal centre of Russian analysts), indicates such weaknesses of the above-mentioned organization as excessive multifunctionality, the lack of unity and internal discipline, need for common goals and values, poor positioning in the regional and international security structures, the absence of a clear system for the settlement of conflicts in the post-Soviet space.⁴⁴ The authors of this study believed that the CSTO strategic direction in the next stage of development should be based on the idea of modernization which involved integration in the global system of international security structures through enhanced cooperation with the UN, OSCE, NATO, the International Committee of the Red Cross.⁴⁵ “CSTO cannot be the only mechanism to ensure military-political security for the new states united in a military-political union with Russia. But the Collective Security Treaty Organization, preserving and developing unique features for group security bringing together the efforts of states, can and should become a key element of the new multi-functional system of collective security throughout Eurasia,” they wrote.⁴⁶

With regard to CSTO, it is obvious that until 2014 the Russian leadership mostly followed the line proposed by the Russian liberals. In 2013, CSTO member states, including Russia, expressed willingness to deploy on their territories troops and military infrastructure of CSTO non-member states; however, such a presence would be possible only after consultations in the CSTO and a consensus among the Member States.

At the end of 2013, Russia as the chair the CSTO outlined its priorities for the development of the organization. These priorities included further development of cooperation in the field of collective security; improvement of operational and combat training of forces and assets of the CSTO collective security system; counteracting new challenges and threats; cooperation in

⁴⁰ Ibid.

⁴¹ A.I. Nikitin, “Reforming and developing the Collective Security Treaty Organization,” *MGIMO (U) Journal* 6 (2011), p. 23.

⁴² Y.A. Nikitina, “CSTO and NATO: problems of interaction,” *MGIMO (U) Journal* 6 (2011), p. 27.

⁴³ Ibid.

⁴⁴ S.A. Kulik, A.I. Nikitin, Y.A. Nikitina, I.Y. Jurgens, *CSTO: responsible safety*, ed. I.Y. Jurgens (M.: Institute of Contemporary Development, 2011), pp. 65-66.

⁴⁵ Ibid., p. 66.

⁴⁶ Ibid., p. 67.

peacekeeping. Special attention was paid to the neutralization of threats emanating from Afghanistan.⁴⁷

On February 21, 2014 in an interview to the Russian "Nezavisimaya Gazeta" Deputy Minister of Foreign Affairs of the Russian Federation G. Karasin expressed his satisfaction with CSTO outcomes. "Despite the attempts of some countries "not to notice" the CSTO, this organization, its Secretary General, in fact, perform their daily important tasks, often under quite difficult conditions. Basically, interested states are willing to accept the "good works" of the CSTO. Due to the experience gained and the continuous improvement of efficiency, the credibility of the Organization in its area of responsibilities is growing. Russia, our allies in the Collective Security Treaty Organization will continue to implement the important decisions of their leaders, so that the member countries are fully prepared for any developments in the near and distant locations, including the Afghan direction," he said.⁴⁸

An active supporter to strengthening the cooperation among CIS states in the field of defence and security is *Kazakhstan* with some of the most capable armed forces and the largest territory in the Central Asian region. In 1992, Kazakhstan signed the Collective Security Treaty. In 1999, Kazakhstan extended the Treaty, in 2001 actively supported the establishment of the Collective Rapid Deployment Forces for the Central Asian region, and in 2002 voiced support for strengthening the organizational structure of the CST.

The desire to strengthen cooperation in the field of defence and security was reflected in the Treaty of Friendship, Cooperation and Mutual Assistance between the Russian Federation and Kazakhstan, signed on May 25, 1992. Article 3 of the document stated that the two parties will cooperate to ensure reliable defence in the common military-strategic space based on the agreed provisions of their military doctrines and the principle of defence sufficiency.⁴⁹ Based on Article 5 of the Treaty, Russia and Kazakhstan pledged to provide assistance to each other in case of external aggression against one of the parties or both parties, and not to participate in any alliances or blocs directed against any of the parties.⁵⁰

On March 28, 1994, Russia and Kazakhstan signed an Agreement on military cooperation, which provided an opportunity for consultation and implementation of concrete actions for mutual assistance, including military aid, in the event of a situation that threatens the security of one of the parties.⁵¹ On the same day, a Russian-Kazakh agreement on military-technical cooperation was signed.⁵²

On December 10, 1994, Russia and Kazakhstan defined the parameters for operating the "Baikonur" cosmodrome. It was stated that the site will be operated by the Russian side under

⁴⁷ Message to the media: "On the outcome of the CSTO work in 2013" (Electronic resource), Ministry of Foreign Affairs of the Russian Federation, 24 December 2013, available at www.mid.ru/bdomp/ns-rsng.nsf/3a813e35eb116963432569ee0048fdbef/a3f9e98347a0284e44257c4b003063f7!OpenDocument (accessed 24 December 2013).

⁴⁸ Interview with State Secretary – Deputy Minister of Foreign Affairs of Russia G.B. Karasin to "Nezavisimaya Gazeta," Ministry of Foreign Affairs of the Russian Federation, 21 February 2014, available at <http://www.mid.ru/bdomp/ns-rsng.nsf/3a813e35eb116963432569ee0048fdbef/44257b100055e87744257c860032b268!OpenDocument> (accessed 21 February 2014).

⁴⁹ E.G. Moiseyev, *International legal basis of cooperation among the CIS countries*, Textbook, Ed. K.A. Bekjasheva (M.: Jurist, 1997), p. 148.

⁵⁰ *Ibid.*, p. 149.

⁵¹ *Ibid.*, p. 150.

⁵² *Ibid.*, p. 151.

a lease for a period of 20 years. In 2004, the parties mutually agreed to extend the lease until 2050. Russia agreed to pay Kazakhstan 115 million USD to rent "Baikonur."⁵³ Russia also received permission from the Kazakh side to use 10th State Test Range ("Sary-Shagan") for testing anti-aircraft missiles and air defence systems, 5580th base for testing samples of air defence weapons and test firings (the base is located in the Aktobe region of Kazakhstan), 929th State Flight Test Centre "V. Chkalov" of the Ministry of Defence (all of these facilities were operated by the Russian side under a lease).

Nursultan Nazarbayev, President of Kazakhstan, who took office in December 1991, was a supporter of enhancing the cooperation among CIS states in the field of defence and security. In June 1994, he initiated a project of the Eurasian Union with the following activities:

- to sign an agreement on joint actions to strengthen the national armed forces of the EAU Member States and the protection of external EAU borders;
- to create a common defence space for the coordination of defence in EAU member countries;
- to create EAU collective peacekeeping forces to maintain stability and alleviate conflicts in EAU member countries and between EAU countries (the deployment of peacekeeping forces in EAU member countries shall be based on their consent);
- to request international organizations, including the UN Security Council, to grant the joint contingent the status of a peacekeeping force;
- to establish an inter-state centre for nuclear disarmament with the participation of representatives from international organizations.⁵⁴

In the book "A Critical Decade," published in 2003 and dedicated to the analysis of the results from the 10-year history of independent Kazakhstan, Nursultan Nazarbayev praised the work of his country in the CIS collective security system, still criticizing some aspects of the post-Soviet military alliance. In particular, he noted that the security model proposed in the Collective Security Treaty in 1990 only showed the possibility of a dialogue between its parties and did not imply that the violation of the political borders of one's sovereignty threatened the existence of the Commonwealth. The President of Kazakhstan was also discontent with CST member countries focusing on the protection of the external borders of the Commonwealth and ignoring internal security.⁵⁵

On the positive side, this book points out measures to strengthen the institutional component of the Collective Security Treaty, as well as reducing the costs of defence due to deliveries of Russian weapons to Kazakhstan at discounted prices.⁵⁶ However, N. Nazarbayev believes that by 2003 there was no effective security system in the CIS.⁵⁷

⁵³ M.S. Babeshko, Military cooperation between Russia and Kazakhstan: a bilateral dialogue and interaction within the CSTO. The political, military and economic factors of security in current times, Proceedings of young scientists and graduate students at the conference of IMEMO RAS, 16 April 2009 (M.: IMEMO RAS, 2009), p. 89.

⁵⁴ N. Nazarbayev, *Strategy of Independence* (Almaty: Atamura, 2003), pp. 146-147.

⁵⁵ N. Nazarbayev, *Critical Decade* (Almaty: Atamura, 2003), p. 175.

⁵⁶ *Ibid.*, pp. 179-180.

⁵⁷ *Ibid.*, p. 180.

Speaking at the Forum of the OSCE Parliamentary Assembly on “Trans-Asian dimension of the OSCE: a crucial security component” on June 7, 2003, the President of Kazakhstan positively assessed the Collective Security Treaty Organization, noting that it helps his country solve the problems of military-technical nature, which in its turn is one of the safeguards to prevent military threats.⁵⁸

The same speech outlined the new principle of Kazakhstan in relation to their own security. The essence of this principle was the need for “simultaneous games on different platforms.” Specifically, in addition to membership in the CSTO the President of Kazakhstan considered essential the presence of his country in security structures such as the UN, SCO, CCBMA, OSCE.⁵⁹

In the following years, Kazakhstan continued to adhere to the principle of manoeuvring between various security structures. In particular, in 2007 Kazakhstan welcomed the coordination between CSTO and SCO in combating international terrorism and drug trafficking.⁶⁰ In the same year, Kazakhstan with the support of other CIS countries was honoured to lead the OSCE and in 2010 presided over this international organization. In 2009, the government of Kazakhstan supported the Russian proposal to create a European security system; in 2012 they proposed the establishment of the Platform of Eurasian and Euro-Atlantic security on the basis of cooperation with NATO, OSCE, SCO, CSTO.⁶¹

The Military Doctrine of the Republic of Kazakhstan, approved by President Nursultan Nazarbayev on October 11, 2011, states that Kazakhstan is committed to building a system of international relations that will minimize the role of military force and disputes between States will be settled by political, diplomatic and legal instruments. It is pointed out that Kazakhstan does not consider any of the countries in the world as a potential enemy. The focus of the Republic of Kazakhstan was announced to be international and regional security, political stability in the country, prevention of armed conflicts and readiness of the Armed Forces, other troops and military formations for armed defence of the Republic of Kazakhstan and its allies. The military doctrine of Kazakhstan allowed the use of military force to repel aggression, the armed defence of the territorial integrity and sovereignty of the state, as well as implementation of tasks in accordance with the international treaties ratified by the Republic of Kazakhstan, giving preference, however, to non-military ways of conflict resolution.⁶²

One of the goals in defence according to the Military Doctrine was to announce the completion of the normative legal basis in the sphere of military and military-technical cooperation with CSTO member states, based on the need to consolidate efforts to create a common defence space and ensure collective military security, as well as the further development of CSTO forces and assets. In the medium term, Kazakhstan is focused on creating a common

⁵⁸ N. Nazarbayev, *Strategy of Independence*, p. 292.

⁵⁹ *Ibid.*, pp. 288, 292–295.

⁶⁰ G. Nurymbetova, R. Kudaibergenov, “The foreign policy initiatives of the President of the Republic of Kazakhstan Nursultan Nazarbayev. Historical and documentary research,” *Introductory articles: S.V. Seliverstov (Almaty: “Kazak entsiklopediyasy,” 2010)*, p. 84.

⁶¹ Yerlan Idrisov, “Our leader – the founder of the integration processes,” *Kommersant*, 25 January 2013, available at <http://www.kommersant.ru/doc/2112180> (accessed 25 January 2013).

⁶² The Military Doctrine of the Republic of Kazakhstan (Electronic resource), Ministry of Defence of the Republic of Kazakhstan, 2011, available at <http://mod.gov.kz/ru/index.php?id=461> (accessed 12 January 2013).

air defence system with CSTO member states and its regional components. At the same time, the Military Doctrine of Kazakhstan is aiming to enhance cooperation with the SCO, the US, EU, and NATO.⁶³

Kazakhstan maintained strong interest to participate in CSTO events. Kazakh soldiers took part in all CSTO exercises. In 2009, the government of Kazakhstan supported the Russian proposal to create CRRF, qualifying it as “a concrete step in strengthening military security in the wider region of northern Eurasia.”⁶⁴ In 2011, Astana hosted an informal summit of the heads of CSTO member states which considered global and regional threats to the security and stability of CSTO member states. In 2013, Kazakh officials assessed as essential their membership in the CSTO to protect their southern borders from the rising instability in Afghanistan.⁶⁵ Maintaining CSTO membership is emphasised in the Foreign Policy Concept of the Republic of Kazakhstan for 2014-2020, approved on January 21, 2014.⁶⁶

In 2012, Kazakhstan chaired the CSTO. Priorities of Kazakhstan’s chairmanship included protection of CSTO information space, development of the CRRF, collective defence of the Central Asian airspace, formation of CSTO anti-drug strategy, development of training opportunities on the grounds of the Ministry of Emergency Situations of the Republic of Kazakhstan “Rock city – Astana” in the interest of the organization.⁶⁷

Critical notes addressed to the Collective Security Treaty Organization were heard mainly from supporters of the “Westernization” of Kazakhstan. For example, the political scientist A. Sarym stated on July 15, 2013 that Kazakhstan should withdraw from the CSTO because it is a “stillborn organization which includes countries influenced by Russia.”⁶⁸ In his view, membership in the CSTO could lead Kazakhstan to a conflict with Azerbaijan, as well as limit relations with NATO and the West.⁶⁹ However, these notes seemed marginal compared to the domination of the government expert assessments of prospects for Kazakhstan’s presence in the Collective Security Treaty Organization.

In January 2014, Kazakhstan confirmed its commitment to maintain military and military-technical cooperation with Russia. On 31 January 2014, the Minister of Defence of the Republic of Kazakhstan A. Jaksybekov at a meeting with his Russian counterpart Sergei Shoigu, called such meetings “a good tradition” and expressed his intention to increase cooperation

⁶³ Ibid.

⁶⁴ Nurymbetova, G., op. cit., p. 102.

⁶⁵ “Moscow and Astana adapt their relationships to current realities” (Electronic resource), *Nezavisimaya Gazeta*, 16 September 2013, available at www.ng.ru/dipkurer/2013-09-16/11_kazakhstan.html (accessed 16 September 2013).

⁶⁶ Foreign Policy Concept of the Republic of Kazakhstan for 2014-2020. (Electronic resource), the Ministry of Foreign Affairs of the Republic of Kazakhstan, 25 April 2014, available at <http://mfa.gov.kz/index.php/ru/vneshnyaya-politika/kontseptsiya-vneshnoj-politiki-rk-na-2014-2020-gg> (accessed 25 April 2014).

⁶⁷ “Kazakhstan became chairman of the Collective Security Treaty Organization” (Electronic resource), *Ak Zhayik*, 4 January 2012, available at <http://azh.kz/ru/news/view/8325> (accessed 4 June 2013).

⁶⁸ “Kazakhstan was advised to consider withdrawal from the Collective Security Treaty Organization” (Electronic resource), *Nur.kz*, 15 July 2013, available at <http://news.nur.kz/272521.html> (accessed 20 July 2013).

⁶⁹ Ibid.

with Russia in the field of air defence.⁷⁰ “Kazakh-Russian relations in the defence sector are developing positively. We are interested to enhance our cooperation based on equal and mutually beneficial partnership,” the Kazakh defence minister stated.⁷¹

In February 2014, the Secretary of the Security Council of the Republic of Kazakhstan K. Kozhamzharov called the CSTO a promising regional institute of collective security.⁷²

The Republic of *Belarus* had a specific attitude to the CSTO. In May 1992, Belarus refused to join the Tashkent Treaty on Collective Security quoting their aspiration to neutrality in the Declaration of State Sovereignty, adopted on July 27, 1990.⁷³ In addition, in 1992 the Supreme Council of the Republic of Belarus decided to withdraw all recruits from the “hot spots” in the former Soviet Union (mainly from the Nagorno-Karabakh, Transnistria and Tajikistan).

The growing economic crisis forced the Belarusian government to change their approach to possible participation in the CIS collective security system. In the spring of 1993, the head of the Belarusian government V. Kebich declared that Belarus should join the Collective Security Treaty, citing a lack of firm guarantees for the normal and stable development of the Belarusian society in a world struggling for spheres of influence, unreasonable destruction of the “Soviet” system for ensuring security to the republic, the possibility of equipping the armed forces of Belarus with modern equipment and weapons while maintaining a unified military-industrial complex and the need for the development of military science and training of military specialists.⁷⁴ Belarusian Prime Minister acknowledged that in the framework of the CIS Collective Security System Belarus will work primarily with Russia, but he promised that the Belarusian military will not be forced to deploy outside of Belarus.⁷⁵

V. Kebich was supported by the Officers’ Union in Belarus, the majority of managers of state-owned industrial enterprises, the communists and a number of parties and social movements ideologically close to them. The accession of Belarus to the CIS collective security system and strengthening military ties with Russia were opposed by supporters of the Belarusian People’s Front, who shared national-democratic positions, the Social Democrats and the Liberals. Deputies from the faction of the Belarusian People’s Front in the Supreme Council even started collecting signatures for a referendum on the question “Do you believe that Belarus should be a neutral and non-nuclear state and not engage in military blocs?”

Initially, V. Kebich’s proposal was opposed by the chairman of the Supreme Council of the Republic of Belarus S. Shushkevich (this position was equal to the position of head of state). In an article published in the newspaper “Zvezda,” he cited a number of arguments regarding the appropriateness of keeping Belarus neutral. The chairman of the Supreme Council of the Re-

⁷⁰ “S. Shoigu: Russia and Kazakhstan are actively developing military cooperation” (Electronic resource), *RBK*, 31 January 2014, available at <http://www.rbc.ru/rbcfreenews/20140131100029.shtml> (accessed 12 February 2014).

⁷¹ “The defence ministers of Kazakhstan and Russia discussed prospects of cooperation” (Electronic resource), *Kazhstanskaya Pravda*, 31 January 2014, available at www.kazpravda.kz/news/view/10563 (accessed 31 January 2014).

⁷² “The main advantage is the availability of an effective strategy” (Electronic resource), *Kazhstanskaya Pravda*, 6 February 2014, available at <http://www.kazpravda.kz/news/view/10982> (accessed 6 February 2014).

⁷³ P. Kravchenko, *Belarus at the turn: a diplomatic breakthrough in the world. Speeches, articles, interviews, diplomatic documents and correspondence*, Textbook (Minsk: BIPS-Plus, 2009), p.88.

⁷⁴ *Sovetskaya Belorussia*, 29 April 1993.

⁷⁵ *Ibid.*

public of Belarus believed that joining the CIS collective security system would pose a threat to the sovereignty of Belarus, will hamper the dialogue with democratic states in Europe, and draw Belarus into conflicts in Russia and Central Asia.⁷⁶

The Ministry of Foreign Affairs took a compromise position on the accession of Belarus to the Treaty on Collective Security. On April 8, 1993, foreign minister P. Kravchenko proposed to sign a treaty on accession with reserves on certain items and recommended that the Belarusian MPs postpone ratification of the document until the end of the year.⁷⁷

Nevertheless, the majority of deputies in the Supreme Council of the Republic of Belarus considered it necessary to speed up the accession of Belarus to the collective security system of the CIS. The initiative of the Belarusian People's Front for neutrality did not receive wide support in parliament.

In December 1993, S. Shushkevich signed the Treaty on Collective Security and on January 3, 1994 the Republic of Belarus officially became a member of the CIS Collective Security System. Accession took place without any reservations, although at the time of ratification of the CIS Charter by the Republic of Belarus in January 1994 all the reservations were made. According to the first provision, armed forces of other states could be deployed on the territory of Belarus only with the consent of the Belarusian parliament. The second provision stated that Belarus could take part in the settlement of conflicts in the CIS only by non-military means.⁷⁸

Accession to CIS collective security system helped to increase military and military-technical cooperation between Belarus and Russia. On September 24, 1993 an agreement on the status of Russian military formations from the strategic forces temporarily stationed on the territory of the Republic of Belarus was signed, as well as the agreement on the procedure for the withdrawal of Russian military forces from the territory of the Republic of Belarus. Relevant documents stipulated that by the end of 1999 all Russian troops leave the territory of Belarus.⁷⁹ At the same time, Belarus and Russia expressed the desire to maintain cooperation in the military-technical sphere and signed an agreement on May 20, 1994.

In August 1994, President of Belarus Alexander Lukashenko opposed the withdrawal of Russian troops from the territory of Belarus, but ordered to calculate the cost of their stay in Belarus.⁸⁰

On January 6, 1995, Belarus and Russia signed an agreement "On the order of construction, use and maintenance of Uzla Baranovichi warning system of missile attacks, located on the territory of the Republic of Belarus" and "On the procedure for the use and maintenance of radio stations Vileika placed on the territory of the Republic of Belarus" (with the help of Uzla Baranovichi the Russian side could control the situation in Western Europe and parts of the North Atlantic; with the help of radio Vileika – to communicate with submarines of strategic importance). These agreements legally consolidated the presence of Russian military facilities on the territory of Belarus under the terms of a long-term lease (25 years).⁸¹ The Belarusian government promised not to levy taxes for the land on which the Russian military sites were lo-

⁷⁶ *Zvezda*, 14 May 1993.

⁷⁷ P. Kravchenko, op. cit., pp. 383-384.

⁷⁸ *Nezavisimaya Gazeta*, 19 January 1994.

⁷⁹ *Foreign Policy of Belarus: Doc. and materials*, Vol. 7 (September 1991 – 1995), comp. by U.M. Rakashevich, A.V. Sharapo (Minsk: BSU Publishing Centre, 2004), pp. 218-219.

⁸⁰ *Belorusskaya Delovaya Gazeta*, 8 August 1994.

⁸¹ E.G. Moiseev, Op. cit., pp. 101-102.

cated, and not to require payment for the communications services used by the Russian military on these sites. Agreements entered into force on May 31, 1996.

In February 1996, the Belarusian government completely abandoned the charge for the presence of Russian military facilities on the territory of the Republic of Belarus. Cooperation between Belarusian and Russian air defence forces started on April 1, 1996.

On January 22, 1998, Belarus and Russia adopted the Concept of joint defence policy which allowed for the possibility of establishing common air and missile defence systems. In the same year, the first joint session of the ministries of defence was held, and joint front-line command post exercises took place. The Belarusian-Russian military doctrine was approved in December 2001.

Cooperation with Russia allowed Belarus to use Russian military infrastructure to meet their needs. In particular, Belarus very actively used the Russian training grounds for the air defence forces.

On January 8, 1999, Belarus and Russia signed an agreement to establish the Joint Group of Forces of up to 300,000 people. This group was to include the armed forces of the Republic of Belarus, the troops of Moscow Military District and the Russian military group in Kaliningrad region. In May 2000, Alexander Lukashenko stated to the deputies of the Parliamentary Assembly of the Union of Belarus and Russia that the Joint Group of Forces will be established in case of a conflict on the western borders of the Union.⁸² However, in June the same year, the question of the Joint Group was withdrawn from the agenda of the Supreme State Council of the Union State of Belarus and Russia because of failure to agree on its composition and command procedures.

Something similar happened to the joint air defence system. An agreement on the establishment of such a system was reached in October 2000, but it was delayed until 2012 (the legal agreement to establish a Joint Air Defence System was formalized in 2009).

In October 2000, President of Belarus Alexander Lukashenko at a session of the Collective Security Council in Bishkek signed an agreement on the status of forces and means of the collective security system. Belarus was committed to ensure the safety of the CIS in the East European region. In May 2001, at a session of the Collective Security Council in Yerevan the Head of State of Belarus highlighted a number of priorities to strengthen CIS collective security system. Among them were conflict prevention and crisis management, the fight against international terrorism and drug trafficking.⁸³ Alexander Lukashenko urged the leaders of the CIS countries to actively coordinate their positions on current issues of international security, primarily on cooperation with NATO and EAPC, to harmonize legal standards in the field of defence, to form a common information space and a practical mechanism of regular exchange of operational information.⁸⁴ He commended the creation of rapid deployment forces for the Central Asian region, but drew attention to the fact that the Belarusian military will not participate in military operations in Central Asia, as this is not allowed by the Belarusian legislation.⁸⁵

In May 2002, at a session of the Collective Security Council in Moscow, the President of Belarus supported the establishment of a regional organization on the basis of the CIS Collec-

⁸² *Republic*, 19 May 2000.

⁸³ *Bulletin of the Ministry of Foreign Affairs*, no. 2 (2001), p. 33.

⁸⁴ *Ibid.*

⁸⁵ A. Patutin, "The first test of strength" (Electronic resource), *Belarusian market* 41 (2000), available at <http://br.minsk.by/index.php?article=5163&year=2000> (accessed 16 January 2014).

tive Security Treaty, noting that the appearance of such an organization will force NATO to consider the interests of the Commonwealth states.⁸⁶ On October 7, 2002 at the extraordinary session of the Collective Security Council in Chisinau the representatives of the Republic of Belarus signed the Charter and Agreement on CSTO legal status. In 2003, the Belarusian parliament ratified the relevant documents. Thus, the Republic of Belarus acted as a state – founder of a new security architecture in the post-Soviet space.

Representatives of the Republic of Belarus took an active part in the meetings of the organization's structure and made suggestions for improvement. On June 23, 2006 in Minsk a Declaration was adopted on further improving and increasing the efficiency of the CSTO. The states that signed the Declaration stressed the importance of allied commitments and expressed their readiness to respect each other's sovereignty, territorial integrity and authority, to build relations based on mutual respect and consideration of national interests and positions.⁸⁷ In 2006-2007, Belarus chaired the CSTO and concentrated its efforts on optimizing and increasing the combat potential of the regional troops in the Eastern European region of collective security.

In 2008, official representatives of Belarus assessed the organization more critically in a number of speeches. At the next session of the Collective Security Council in Moscow on September 5, 2008, Alexander Lukashenko drew attention to the lack of effectiveness of cooperation of the CSTO member states in the fight against illegal migration and the consequences of emergencies. The head of the Belarusian state urged CSTO members to hold under the auspices of the CSTO Secretariat and Joint Staff a joint military-business game for the integrated fight to modern security threats and challenges, strengthen communication with other integration associations in the CIS, improve the legal framework of the CSTO activity, taking into account the new geopolitical realities.⁸⁸

In February 2009, there was a big dispute between the Russian ambassador to Belarus and the Belarusian Ministry of Foreign Affairs regarding the Belarusian participation in CSTO CRRF, the agreement on creation of which was reached at the extraordinary session of the Collective Security Council in Moscow on February 4, 2009. While the Russian diplomat insisted that Belarus participate in the creation of these forces in the full format as other CSTO member states, Belarusian diplomats expressed their readiness to defend only the western flank of the CIS and claimed that the Belarusian military will not fight in other "hot spots" of the CIS.⁸⁹

In June 2009, for the first time in the history of the CSTO, the Belarusian delegation refused to participate in a session of the Collective Security Council in Moscow, where the creation of the CRRF was finally settled. The refusal was due to the restrictions on admission of Belarusian milk and dairy products to the Russian market. A statement of the Belarusian Ministry of Foreign Affairs of June 14, 2009 emphasized that undermining the economic security of Bela-

⁸⁶ *Bulletin of the Ministry of Foreign Affairs*, no. 2 (2002), p. 93.

⁸⁷ A.K. Akulik, et al., *Belarus in integration projects*, scientific ed. V.A. Bobkov, Institute of Economics of NAS of Belarus (Minsk: Belarus. Navuka, 2011), pp. 284-285.

⁸⁸ *Sovetskaya Belorussia*, 6 September 2008.

⁸⁹ Foreign Ministry Press Secretary Andrei Popov answers questions from the media at a briefing in the Foreign Ministry of Belarus on February 5, 2009 (electronic resource), The Ministry of Foreign Affairs of the Republic of Belarus, 5 February 2009, available at www.mfa.gov.by/print/ru/press/news/c86454034ec9e91f.html (accessed 20 January 2012).

rus makes it impossible to participate in the session of the Council.⁹⁰ Moreover, the Belarusian side insisted that without her approval documents adopted in Moscow have no legal force.⁹¹

In October 2009, Alexander Lukashenko approved the agreement on creation of Collective Rapid Reaction Force. The Belarusian side agreed to participate with one special forces brigade from the Interior Ministry and one assault brigade.⁹²

In June 2010, the President of Belarus criticized the CSTO again for not interfering in the events in Kyrgyzstan.⁹³ However, the Belarusian side stated the intention to remain in the CIS collective security system. The National Security Concept of the Republic of Belarus, approved by the President on November 9, 2010, declared the enhancement of CSTO efficiency as one of the most important priorities of the national security of Belarus in the military sphere.⁹⁴

In December 2010, Belarus once again took over the chairmanship of the CSTO. Taking presidency, Alexander Lukashenko identified as priorities of the organization the improvement of the system for response to crisis and conflict situations, the prospects of peacekeeping in the UN-CSTO format; optimization of work in case of emergencies and combating illegal migration; development of programs to equip CSTO member states troops with modern weapons, special vehicles and communications and other equipment; involvement of forces and means of CSTO collective security system to participate in joint exercises conducted in the areas of collective responsibility; the creation of a common database of individuals who constitute a potential threat to the security of the CSTO member states.⁹⁵

In August 2011, in the framework of the informal summit of heads of CSTO member states, Alexander Lukashenko said: "We have got a lot of activities in connection with the latest events in the world, including those related to the Arabic arc in north Africa. We agreed to work out together measures to counter possible threats, especially in the information and cyberspace."⁹⁶

On May 15, 2012, at a meeting of CSTO Collective Security Council in Moscow, the president of Belarus said that the Collective Security Treaty Organization is an authoritative struc-

⁹⁰ Comments of Foreign Ministry Press Secretary Andrei Popov in connection with the cancellation of the participation of the Belarusian delegation in the session of CSTO Collective Security Council on 14 June 2009 (Electronic resource), Ministry of Foreign Affairs of the Republic of Belarus, available at <http://www.mfa.gov.by/print/ru/press/news/db445273501db75d.html> (accessed 20 January 2012).

⁹¹ Response by Belarusian Foreign Ministry Press Secretary Andrei Popov to media questions in connection with the signing by CSTO member states of a number of documents during the meeting in Moscow on June 14, 2009 (electronic resource), Ministry of Foreign Affairs of the Republic of Belarus, available at www.mfa.gov.by/ru/press/news/c88f4108b6504843.html (accessed 20 January 2012).

⁹² A.F. Douhan, A.A. Rozanov, *Collective Security Treaty Organization (2002-2009)* (Minsk: The Ark, 2010), p. 92.

⁹³ *Belarus in integration projects*, p. 286.

⁹⁴ National Security Concept of the Republic of Belarus (Electronic resource), Ministry of Defence of the Republic of Belarus, 2010, available at <http://mod.mil.by/koncep.html> (accessed 14 May 2014).

⁹⁵ On December 10, Alexander Lukashenko took part in the session of the CSTO Collective Security Council and the Council of the Heads of CIS member states (Electronic resource), the official internet-portal of the President of the Republic of Belarus, available at www.president.gov.by/press102249.html#doc (accessed 20 January 2012).

⁹⁶ Alexander Lukashenko took part in the informal summit of the Collective Security Treaty Organization in Astana (Electronic resource), the official internet-portal of the President of the Republic of Belarus, 12 August 2011, available at www.president.gov.by/ru/news_ru/view/aleksandr-lukashenko-prinjal-uchastie-v-neformalnom-sammite-odkb-v-astane-5203/ (accessed 20 August 2011).

ture in the field of security and the opportunities for improving its effectiveness are far from exhausted.⁹⁷ In the course of the session, the Belarusian side proposed to increase the security and effectiveness of the protection of CSTO member states against terrorism, drug trafficking, illegal migration, challenges in the field of information; advocated for close and mutually beneficial cooperation with other countries and international associations, primarily the UN, OSCE, NATO.⁹⁸ Alexander Lukashenko expressed the opinion that the Collective Security Treaty Organization is to be harmoniously integrated into the modern architecture of global and regional security. "Dialogue, equal partnerships, joint projects and programs with other organizations and countries – this is the key to success in countering transnational threats," he stressed.⁹⁹

On September 23, 2013, at a session of the Collective Security Council in Sochi the Head of State of Belarus said that the organization was able to create a flexible system that focuses on many aspects and the ability to respond to new threats and challenges, relying primarily on preventive measures.¹⁰⁰ Alexander Lukashenko called for assisting Tajikistan in strengthening the border with Afghanistan, supported the Russian initiative to resolve the conflict in Syria and Armenia's intention to join the Customs Union.¹⁰¹

Thus, after 2010 the leadership of the Republic of Belarus did not question the feasibility of its participation in the CSTO. In addition, it never missed an opportunity to link the presence in the military-political union with the expansion of economic assistance from Russia. For example, on February 6, 2012 A. Lukashenko said that he had sent a letter to D. Medvedev "on the need to find additional funds for Belarusian soldiers at the expense of the cooperation between Belarus and Russia" and, in his words, the Russian president promised to provide the necessary assistance.¹⁰² The President's appeal provoked a mixed reaction in the Belarusian society, so a few days later the Minister of Defence of Belarus, Yuri Zhadobin, made a comment. He clarified that it was not about the need for additional funds for Belarusian servicemen from the Russian budget, but rather about how to obtain preferences from Russia in economic matters, for example, with regard to "duties on oil or gas that will replenish the state budget and give the opportunity to increase the salaries of our soldiers."¹⁰³

Russia funded joint military exercises with Belarus ("West-2013," "Interaction-2013"), and supplied spare parts, consumables, lubricants, etc. on favourable terms. At the same time, ac-

⁹⁷ Alexander Lukashenko took part in the session of the CSTO Collective Security Council of 15 May 2012 (Electronic resource), The official internet-portal of the President of Belarus, available at http://www.president.gov.by/ru/news_ru/view/aleksandr-lukashenko-prinjal-uchastie-v-zasedanii-sessii-soveta-kollektivnoj-bezopasnosti-odkb-242 (accessed 13 June 2012).

⁹⁸ Ibid.

⁹⁹ Ibid.

¹⁰⁰ Alexander Lukashenko took part in the session of the CSTO Collective Security Council in Sochi on September 23, 2009 (Electronic resource), The official internet-portal of the President of the Republic of Belarus, available at www.president.gov.by/ru/news_ru/view/aleksandr-lukashenko-prinjal-uchastie-v-sessii-soveta-kollektivnoj-bezopasnosti-odkb-v-sochi-7032/ (accessed 23 September 2009).

¹⁰¹ Ibid.

¹⁰² A. Alessin, "Minsk has shown Moscow a new bill for its readiness to 'lie under NATO tanks'" (Electronic resource), *Belarusian News*, 11 February 2012, available at http://naviny.by/rubrics/politic/2012/02/11/ic_articles_112_176802/ (accessed 11 February 2012).

¹⁰³ Ibid.

ording to Belarusian experts, in the 2010s military-technical assistance to Belarus from Russia decreased, especially the supply of the latest models of weapons.¹⁰⁴

However, some Belarusian experts were concerned by the fact of maintaining close military ties between Belarus and Russia. In particular, Alexander Fedorov, an expert in the field of international relations and foreign policy of Belarus, in June 2013 called the Republic of Belarus “a northwest shooting range of the Russian Federation” after information leaked in the media about the agreement of the Belarusian authorities to deploy on the territory of Belarus (Lida) a regiment of Russian fighters.¹⁰⁵

However, Belarusian authorities did not take into account criticism. On February 19, 2014, President of Belarus, Alexander Lukashenko, expressed his willingness to further strengthen links with other CSTO member states, noting that work in the military-political sphere was the basis for the Customs Union and the Eurasian Economic Space.¹⁰⁶

In 2014, work in the CSTO was affected by the *complication of Russian-Ukrainian relations*, which was accompanied by cooling the relations between Russia and Western countries and institutions (including NATO). Under these circumstances, it was natural for Russia to strive for the support of its partners in the military-political alliance. The Ukrainian question became a topic of discussion by heads and other officials of CSTO member states since March 2014.

At the initiative of the Russian leadership, the Ukrainian question was submitted to the participants in the CSTO summit, which was scheduled for May 8, 2014 in Moscow.

On the eve of the summit, the Russian society actively discussed the possibility of using CSTO peacekeepers in Ukraine. The discussion started with the speech of the President of the Academy of Geopolitical Problems, Colonel-General Leonid Ivashov. In an interview with the Russian news agency REX on May 7, 2014, he stated: “I think that peacekeeping forces should be deployed in Ukraine under the flag of the CSTO, SCO, BRICS or another international organization, as we did in Tajikistan. The core of these forces can be Russian troops, and it is clear that neither the UN Security Council, nor the OSCE will support us. But, in fact, our troops both in Tajikistan and in Abkhazia eventually received international status and our actions were recognized as successful. To form peacekeeping forces is our right, and we could put in Odessa observers with international status, and then install peacekeeping posts which would separate the conflicting parties ... If we enter the territory of Ukraine as a single country, then surely we are facing a conflict with Kyiv. This conflict has already been paid by the West, they are waiting for a collision between Russian and Ukrainian troops. Then, NATO will deploy to “establish reconciliation” ... This cannot be allowed”¹⁰⁷

¹⁰⁴ A. Alessin, “Belarusian army: out of date “armoured train” in the reserves” (Electronic resource), *Belarusian News*, 23 February 2012, available at http://naviny.by/rubrics/society/2012/02/23/ic_articles_116_176946/ (accessed 23 February 2012).

¹⁰⁵ A. Fedorov, “Northwest range of the Russian Federation” (Electronic resource), *Belarusian News*, 15 June 2013, available at http://naviny.by/rubrics/politic/2013/06/15/ic_articles_112_182067/ (accessed 15 June 2013).

¹⁰⁶ Alexander Lukashenko met with members of the Eurasian Economic Commission and the Chairman of the Board of EEC, 19 February 2014 (Electronic resource), The official internet-portal of the President of the Republic of Belarus, available at www.president.gov.by/ru/news_ru/view/aleksandr-lukashenko-vstretilsja-s-chlenami-soveta-evrazijskoj-ekonomicheskij-komissii-i-predsdatelem-8057/ (accessed 20 February 2014).

¹⁰⁷ “Does Ukraine need peacekeeping forces under CSTO: opinions” (Electronic resource), *News agency REX*, 7 May 2014, available at <http://www.iarex.ru/interviews/47619.html> (accessed 30 July 2014).

L. Ivashov's proposal was accepted by Russia in an ambiguous way. In particular, the head of strategic planning in the Border Cooperation Association, a member of the Advisory Board of the Centre for Strategic Studies, A. Sobyenin, strongly opposed the implementation of peace-keeping operations under the banner of the CSTO, SCO or any other international organization, including the UN, referring to the fact that in this case time will be lost and Ukraine will continue to kill innocent civilians. "Uncertain CSTO countries can make the overall decision void of meaning and the peacekeeping operation may become pointless," he said.¹⁰⁸

The invasion of CSTO troops in Ukraine was opposed by A. Khurshudov, a Russian expert in the field of oil and gas policy. He rejected such a scenario, saying that "in the first place, there will be blood, and secondly, on the next day NATO troops will enter [Ukraine] from the West."¹⁰⁹

Regarding the meeting in Moscow, then, as in 2008, the leaders of the major CSTO member states did not share equivocally a pro-Russian position.

Commenting on the situation in Ukraine, during the Third Nuclear Security Summit in The Hague in March 2014, Kazakh President Nursultan Nazarbayev said that the situation went out of control and it was a priority now to return to the legal norms organizing presidential and parliamentary elections, establishing a legitimate government and conducting peace negotiations.¹¹⁰ On March 6, 2014, at the operational and strategic meeting in the Ministry of Defence of the Republic of Kazakhstan, he ordered to continue strengthening military groups in the southern and western strategic directions, referring to the increasing uncertainty in the countries close to Kazakhstan.¹¹¹

On March 18, 2014, the Ministry of Foreign Affairs of the Republic of Kazakhstan issued a statement stressing that "Kazakhstan accepted the referendum in the Crimea as a free expression of the will of the population of the Autonomous Republic and they treat with understanding the decision of the Russian Federation under the circumstances."¹¹² The statement also said that Kazakhstan supported a peaceful way out of the crisis in Ukraine and negotiations under the auspices of the UN and other international organizations.¹¹³

In April 2014, N. Nazarbayev spoke against foreign interference in the internal affairs of Ukraine and noted that the Ukrainian authorities shall not resolve disputes through the use of armed force against civilians in their own country.¹¹⁴

The position of Minsk in regard to the conflict in Ukraine was as follows:

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

¹¹⁰ V. Kuryatov, "Joint response to challenges" (Electronic resource), *Kazakhstanskaya Pravda*, 26 March 2014, available at <http://www.kazpravda.kz/news/view/13721> (accessed 26 March 2014).

¹¹¹ "Nazarbayev ordered to strengthen the military groups in the south and the west of Kazakhstan" (Electronic resource), *TengriNews*, 7 March 2014, available at http://tengrinews.kz/kazakhstan_news/nazarbaev-poruchil-usilit-voennyye-gruppirovki-na-yuge-i-zapade-kazahstana-251566 (accessed 7 March 2014).

¹¹² "Nazarbayev actually supported Putin's actions in Crimea" (Electronic resource), *ZN.UA*, 18 March 2014, available at http://zn.ua/WORLD/nazarbaev-fakticheski-podderzhal-deystviya-putina-v-krymu-141411_html (accessed 19 March 2014).

¹¹³ Ibid.

¹¹⁴ Nursultan Nazarbayev, "Kazakhstan against foreign interference in the internal affairs of Ukraine" (Electronic resource), *Kazakhstanskaya Pravda*, 28 April 2014, available at www.kazpravda.kz/news/view/15619 (accessed 28 April 2014).

- a. reluctance to get involved in the Ukrainian conflict, desire to speak from a neutral position;
- b. legal non-recognition of the loss of part of Ukrainian territory (including Crimea), disapproval of the project of “federalization” of Ukraine (this position did not prevent the Belarusian delegation from voting in favour of Russia at a special meeting of the UN General Assembly in March 2014, while Kazakhstan abstained from voting at the same meeting);
- c. desire to maintain a high level of economic ties with Ukraine;
- d. desire to maintain intensive contacts with Kyiv.

The distancing of Minsk from Russia on the Ukrainian question was supported by the Belarusian opposition and part of the expert community. On March 2, 2014, the Political Council of the United Civil Party of Belarus called on the Belarusian authorities to urgently withdraw from the Collective Security Treaty Organization, referring to the fact that the continuation of membership in the organization threatens the security of the Belarusian state, increasing its dependence on Russia.¹¹⁵ On March 16, 2014, movement “For Freedom” expressed similar positions. Their statement said: “The fate of Belarusian state and nation are under a huge threat. Dependence on the eastern neighbour is catastrophic. This has resulted in a deep crisis of the Belarusian economy. More and more Russian troops enter Belarusian territory, which further alienates us from the civilized world. Belarus should not be a satellite of the Kremlin. The Belarusian national interests include implementation of the constitutional provisions on the neutral status of Belarus, withdrawal from the CSTO and the Customs Union, neutralization of the Russian propaganda in Belarus, cooperation and integration with the European Union.”¹¹⁶

The leaders of Armenia, Belarus, Kyrgyzstan and Tajikistan arrived in the Russian capital as scheduled; however, the President of Kazakhstan refused to take part in the meeting. Unofficially, it was reported that he did not go to Moscow because of a scheduled meeting with US Undersecretary of State William Burns.¹¹⁷

As a result, this Moscow Summit was qualified as “informal meeting of leaders.” At the meeting, Vladimir Putin said that he intended to use OSCE mechanisms, rather than the CSTO to resolve the situation in Ukraine.¹¹⁸

After the May meeting of CSTO leaders, the question of possibly using the organization for the settlement of the crisis in Ukraine was removed from the agenda. In an interview with “Interfax” on May 15, 2014, CSTO Secretary General Nikolai Bordyuzha noted that the intervention in the conflict in Ukraine of any military alliance, be it NATO or the CSTO, will lead to an

¹¹⁵ “UCP urges Belarus to get out of the Collective Security Treaty Organization in connection with the events in Ukraine” (Electronic resource), Independent news portal *FreeSmi.by*, 2 March 2014, available at <http://freesmi.by/politika/135640> (accessed 3 March 2014).

¹¹⁶ “‘For Freedom’ urges Belarus to leave the CSTO and the Customs Union because of Russian neo-imperial revenge” (Electronic resource), *AFN – News Belarus*, 16 March 2014, available at <http://afn.by/news/i/190902> (accessed 16 March 2014).

¹¹⁷ O. Kuznetsova, E. Chernenko, “Nursultan Nazarbayev did not attend the summit of the CSTO” (Electronic resource), *Kommersant*, 8 May 2014, available at <http://www.kommersant.ru/doc/2467697> (accessed 8 May 2014).

¹¹⁸ Meeting with the presidents of Armenia, Belarus, Kyrgyzstan and Tajikistan (Electronic resource), The President of Russia, Official Website, 8 May 2014, available at <http://news.kremlin.ru/news/20980> (accessed 8 May 2014).

escalation of tensions in the country and will be counterproductive. He also expressed the opinion that the conflict situation should be resolved by Ukrainian citizens on the basis of a political dialogue between the warring parties.¹¹⁹

On July 17, 2014, at an extraordinary meeting of CSTO Permanent Council in Moscow, initiated by the Russian Federation, the Russian side informed its partners about the incidents on the Russian-Ukrainian border, accusing the Ukrainian side of provocation. Participants in the meeting discussed efforts for a political settlement of the conflict within the “contact group,” the format of interaction with the OSCE on the deployment of observers at check points on the Russian-Ukrainian border. No special documents were agreed at the meeting; the main outcome was an agreement to continue monitoring the situation in Ukraine.¹²⁰

It should be noted that the different opinions of individual CSTO member states on the Ukrainian question did not affect their membership in the Collective Security Treaty Organization. In particular, at the informal summit in Moscow, President of Belarus, Alexander Lukashenko, said that Russian military power was aimed at protecting the interests of Belarus and expressed his intention to show solidarity with the Russian Federation in the zone of responsibility and during joint exercises. “... We must stay together,” he stressed.¹²¹

In July 2014, at a meeting of CSTO Defence Ministers Council in Astana, Kazakh President Nursultan Nazarbayev said: “As part of the CSTO, we have established alliances, mutual protection, common air defence. We need to maintain this relationship and confidence in each other.”¹²²

In 2014, CSTO member states demonstrated absolute unanimity regarding the situation in Syria and Afghanistan. In June 2014, CSTO foreign ministers called for the suspension of dialogue with NATO, opting for cooperation with the OSCE, SCO and international organizations in Latin America and the Caribbean, and with Iran.¹²³

It should be noted that the main efforts of CSTO member states to preserve military cooperation does not provoke rejection by the populations. A survey among Russian citizens held in October 2014 by the All-Russian Centre for Public Opinion showed that Russians consider as the friendliest countries Belarus (32 % of respondents) and Kazakhstan (20 % of respond-

¹¹⁹ “The intervention of NATO or the CSTO in the conflict in Ukraine would lead to an escalation of tension in the country, says CSTO Secretary General Nikolai Bordyuzha” (Electronic resource), The Collective Security Treaty Organization, 16 May 2014, available at www.odkb-csto.org/news/detail.php?ELEMENT_ID=3423&SECTION_ID=91 (accessed 20 May 2014).

¹²⁰ Media report: On the results of the extraordinary meeting of the CSTO Permanent Council, 17 July 2014 (electronic resource), Ministry of Foreign Affairs of the Russian Federation, available at www.mid.ru/bdomp/ns-rsng.nsf/3a813e35eb116963432569ee0048fdb44257b100055e87744257d180059330f?OpenDocument (accessed 17 July 2014).

¹²¹ Alexander Lukashenko made a working visit to the Russian Federation (Electronic resource), The official internet-portal of the President of the Republic of Belarus, 8 May 2014, available at http://president.gov.by/ru/news_ru/view/aleksandr-lukashenko-vstretilsja-s-vladimirom-putiny-m-8729/ (accessed 8 May 2014).

¹²² “To strengthen trust and cooperation” (Electronic resource), *Kazakhstanskaya Pravda*, 5 July 2014, available at <http://www.kazpravda.kz/news/view/21700> (accessed 5 July 2014).

¹²³ “CSTO foreign ministers insist on the suspension of efforts to establish a dialogue with NATO” (Electronic resource), *News agency REGNUM*, 16 June 2014, available at <http://www.regnum.ru/news/1814386.html> (accessed 17 June 2014).

ents).¹²⁴ In the ranking of countries friendly to Russia, these countries occupied second and third positions (China was first).¹²⁵

A survey among Belarusian citizens, conducted by the Independent Institute of Socio-Economic and Political Studies in June and September 2014 showed that the majority of respondents support the accession of Crimea to Russia (in June 62.2 % of respondents approved and 26.9 % disapproved Russia's actions in regard to the Crimea; in September 59.9 % approved and 27.2 % disapproved).¹²⁶ However, this fact did not prevent Belarusians from refusing participation in a hypothetical war between Russia and Ukraine. In September 2014, Russia was supported by only 14 % of respondents, while 53.6 % were against such a scenario.¹²⁷ To the question "Has your attitude towards Russia changed after the events in Ukraine this year?" in September 2014, 51.5 % of respondents said that their attitude to Russia had not changed, 24.3 % of respondents reported deterioration in their attitude to Russia, and 21.3 % reported an improvement in their views on Russia.¹²⁸ The sanctions imposed by the West against Russia in September 2014 were not approved by 67.4 % of Belarusian respondents and approved by 20 %.

Kazakh citizens shared a similar position on the Russian policy. The survey, conducted in April 2014 by Kazakhstan's Centre for Social and Political Studies "Strategy" showed that 61 % of respondents approve of the actions of Russia in relation to Ukraine, and only 5 % disapprove.¹²⁹ 32 % of respondents in Kazakhstan believed that their country should act in support of Russia and recognize the accession of Crimea. 24 % of respondents were in favour of keeping neutrality in the Russian-Ukrainian conflict. 28 % thought that Kazakhstan must play a mediator's role in the negotiations between Russia and Ukraine. Only 2 % of respondents in Kazakhstan spoke in support of the territorial integrity of Ukraine.¹³⁰

Thus, results of surveys conducted in Russia, Belarus and Kazakhstan in 2014 showed that the citizens of the respective states supported the integration in various areas (including defence and security area), despite the complication of relations between Russia and the West, and did not perceive each other as enemies.

Based on the foregoing, the following conclusions could be drawn:

1. The emergence of the CSTO was the result of several factors, equally important from the point of view of its major member states (Russia, Kazakhstan, Belarus) were security concerns which referred to keeping stability of the political system created after the disintegration of the Soviet Union.

¹²⁴ "Friends' and 'enemies' of Russia: the era of sanctions" (Electronic resource), Russian Public Opinion Research Centre (VTsIOM), 9 October 2014, available at <http://wciom.ru/index.php?id=459&uid=115016> (accessed 9 October 2014).

¹²⁵ *Ibid.*

¹²⁶ "Ukrainian compass for geopolitical poles in Belarus" (Electronic resource), The Independent Institute for Research on the Socio-Economic and Political Studies (IISEPS), 4 October 2014, available at <http://www.iiseps.org/analitica/808> (accessed 9 October 2014).

¹²⁷ *Ibid.*

¹²⁸ *Ibid.*

¹²⁹ M. Esentaeva, "The people of Kazakhstan about Ukraine, Russia and integration" (Electronic resource), Information portal "Nomad," 25 April 2014, available at <http://www.nomad.su/?a=10-2014-04250025> (accessed 9 October 2014).

¹³⁰ *Ibid.*

2. Specific aspects in the work of the Collective Security Treaty Organization varied depending on the views of its individual Member States. In particular, the Russian Federation considered the CSTO as a tool to strengthen their political potential in the international arena and to oppose external threats. The organization was criticized by Russian experts mainly with regard to poor adherence to Russia's policy. As for Kazakhstan and Belarus, these countries acted as recipients of Russian military assistance, although their status and, consequently, their position on the development of the Collective Security Treaty Organization, differed. While the leadership of Kazakhstan depended on Russian assistance to maintain stability in the volatile region of Central Asia, the Belarusian leadership used its CSTO membership to address both military-political and economic problems. In these countries, the Collective Security Treaty Organization was largely criticized by supporters of rapid "Westernization" who saw their countries' membership in the organization as a factor hindering rapprochement with the West.
3. The ambition of CSTO's main members to solve emerging problems in the field of defence and security with the unconditional preservation of state sovereignty led to different interpretations of the concept of security and the means of support. In critical moments (August 2008, March 2014) the Russian leadership did not consult with its allies in the Collective Security Treaty Organization on matters related to the use of Russian armed forces outside Russia. Kazakhstan and Belarus, in turn, refrained from unconditional approval of Russian politics. At the same time, in 2002-2014 none of the main participants sought secession from the Collective Security Treaty Organization or its dissolution. Emerging interstate conflicts were resolved based on compromise. Tough bloc discipline was missing while Russia played the role of a leader rather than the military and political hegemon.

In this regard, one can build a number of scenarios for the further development of CSTO. These scenarios include:

1. preservation of the Organization in its current form with minor modifications;
2. increased centralization and tough bloc discipline;
3. disintegration of the CSTO;
4. self-dissolution of the CSTO on the basis of a consensus by the Member States, by analogy with the Warsaw Pact.

Currently, most likely is the *implementation of scenario number 1* (in relation to the main CSTO member states). The political and military elites of Russia, Kazakhstan and Belarus are interested in preserving the Organization as it ensures the stability and security of the political systems that have emerged since 1991, and allows the redistribution of the rich Russian resources in the interests of Belarus and Kazakhstan. In addition, the existence of the CSTO in its present form does not threaten the sovereignty of the countries that make up the organization. In the current environment, it is increasingly used by the parties as a convenient platform for the exchange of views and reconciliation of positions on various international issues.

Under the current circumstances, the main focus of the CSTO member states will continue to be on the problems in Central Asia and the Middle East. Undoubtedly, Russia, Kazakhstan and Belarus will tend to cooperate with other international organizations in the sphere of security, primarily with SCO, CCBMA, OSCE and UN. Building relationships between the three

states and NATO is more problematic due to the downsized presence of the organization in Afghanistan while increasing its activity in Eastern Europe. No major CSTO member state (including Russia) is ready for a severe confrontation with NATO involving the use of military force, while the option of building a common security space of NATO and CSTO is currently looking impossible either.

Scenario number 2 is possible under a serious threat to the stability and security of the main CSTO member states, which would force the elites of these countries to significantly infringe their sovereignty and to transfer some powers to supranational structures. Currently, such hypothetical threats are the radical Islamists in the Middle East and Afghanistan (most susceptible to radical Islamist influence among the countries considered are Kazakhstan and Russia). At the same time, the influence of radical Islamists is not so strong yet as to encourage the Member States to stay closer together. Consolidation of the positions of the main CSTO member states may increase confrontation with NATO. Such expectations are most likely for the Russian expert community. In particular, the previously mentioned V. Zakharov in June 2014 called on the Russian government to take more active steps to create a new geopolitical centre of military-political stability in Eurasia on the basis of common Eurasian values.¹³¹ However, the leaders of Russia, Kazakhstan and Belarus are not likely to increase confrontation with the US and its allies and to bring contradictions to a state of armed conflict.

Scenarios number 3 and number 4 can be realized in case of growing crisis phenomena in the development of Russia, Kazakhstan and Belarus to the extent of a systemic crisis similar to the one in the Soviet Union in the 1980s. Preservation of the existing political systems, increased isolation of the economies of Russia, Kazakhstan and Belarus, along with the technological gap between the most developed countries in the modern world, the reduction of income as a result of sanctions implemented by Western countries against Russia (sanctions indirectly affect the economies of Kazakhstan and Belarus, integrated with Russia's economy in a number of formats) and the decline of oil prices could lead to a reduction of resources in the CSTO. Lack of resources to support the organization could make some states withdraw based on a decision of the government or the people's will in one form or another. The self-dissolution of the CSTO is possible in case the main member countries realize the futility of its continued existence. However, at this stage the political, military and economic systems of Russia, Kazakhstan and Belarus are strong enough, which in turn gives CSTO a real chance to continue to exist not only in the short term, but also in the medium term.

References

1. Alessin, A., "Minsk has shown Moscow a new bill for its readiness to 'lie under NATO tanks'," *Belarusian News* (Electronic resource), 11.02.2012, available at http://naviny.by/rubrics/politic/2012/02/11/ic_articles_112_176802.
2. Babeshko, M.S., "Military cooperation between Russia and Kazakhstan: bilateral dialogue and interaction in CSTO. Political, military and economic factors of security in modern conditions,"

¹³¹ Vladimir M. Zakharov, "The role of Russia in the military-political integration of the post-Soviet space" (Electronic resource), The Russian Institute for Strategic Studies, 20 June 2014, available at www.riss.ru/analitika/3325-rol-rossii-v-voenno-politicheskoy-integratsii-postsovetskogo-prostranstva (accessed 1 July 2014).

- Proceedings of young scientists and graduate students at the conference IMEMO RAS, 16 April 2009 (M.: IMEMO, 2009), pp. 86-92.
3. Akulik, A.K., et al., *Belarus in integration projects*, scientific ed. V.A. Bobkov, Institute of Economics of NAS of Belarus (Minsk: Navuka, 2011), 322 pp.
 4. *The foreign policy of the Russian Federation* (M.: Moscow State Institute of International Relations (University), "Russian Political Encyclopaedia" (ROSSPEN), 2000), 328 pp.
 5. The Military Doctrine of the Republic of Kazakhstan (Electronic resource), Ministry of Defence of the Republic of Kazakhstan, 2011, available at <http://mod.gov.kz/ru/index.php?id=461> (accessed 12 January 2013).
 6. Military Doctrine of the Russian Federation 2000: Foreign and Security Policy of modern Russia. 1991-2002, Reader in 4 volumes, Comp. T.A. Shakleina, vol. IV. Documents (M.: MGIMO (University), Russian Association of International Studies; ANO "ISE-Centre," Russian Political Encyclopaedia (ROSSPEN), 2002).
 7. Volodin, A., "Does Russia need the Collective Security Treaty Organization (CSTO) in its current form?" (Electronic resource), *Military Review*, 6 September 2012, available at <http://topwar.ru/18533-nuzhna-li-rossii-organizaciya-dogovora-o-kollektivnoy-bezopasnosti-odkb-v-ee-nyneshnem-vide-opros.html> (accessed 10 January 2014).
 8. Gabuev, A., "The post-Soviet Union" (Electronic resource), *Kommersant*, 10 June 2007, available at <http://www.kommersant.ru/doc/812052> (accessed 16 October 2007).
 9. Declaration of the Moscow session of CSTO Collective Security Council, September 5, 2008 (Electronic resource), President of Russia. Official website, available at http://news.kremlin.ru/ref_notes/204 (accessed 6 September 2013).
 10. Douhan, A.F., A.A. Rozanov, *Collective Security Treaty Organization (2002-2009)* (Minsk: Kovcheg, 2010), 140 pp.
 11. Yesentayeva, M., "The people of Kazakhstan about Ukraine, Russia and Integration" (Electronic resource), Information portal "Nomad," 25 April 2014, available at <http://www.nomad.su/?a=10-201404250025> (accessed 10 September 2014).
 12. Zakharov, V.M., "The problem of 'sustainability' in CSTO" (Electronic resource), *Independent Military Review*, 29 October 2010, available at http://nvo.ng.ru/forces/2010-10-29/1_odkb.html (accessed 29 October 2010).
 13. Zakharov, V.M., "The role of Russia in the military-political integration of the post-Soviet space" (Electronic resource), Russian Institute for Strategic Studies, 20 June 2014, available at <http://www.riss.ru/analitika/3325-rol-rossii-v-voenno-politicheskoy-integratsii-postsovetskogo-prostranstva> (accessed 1 July 2014).
 14. *Foreign Policy of Belarus: Sat. Doc. and materials vol. 7 (September 1991 - 1995)*, composed by V.M. Rakashevich, A.V. Sharapo (Minsk: BSU Publishing Centre, 2004), 479 pp.
 15. The foreign policy concept of the Republic of Kazakhstan for 2014-2020 (Electronic resource), Ministry of Foreign Affairs of the Republic of Kazakhstan, 25 April 2014, available at <http://mfa.gov.kz/index.php/ru/vneshnyaya-politika/kontseptsiya-vneshnoj-politiki-rk-na-2014-2020> (accessed 25 April 2014).
 16. The Foreign Policy Concept of the Russian Federation 1992: Foreign and Security Policy of modern Russia. 1991-2002, Reader in 4 volumes, Comp. TA Shakleina, vol. IV. Documents (M.: MGIMO (University), Russian Association of International Studies, NGO "ISE-Centre," Russian Political Encyclopaedia (ROSSPEN), 2002).

17. The Foreign Policy Concept of the Russian Federation 2008 (Electronic resource), President of Russia. Official website, 15 July 2008, available at <http://www.kremlin.ru/acts/785> (accessed 1 April 2009).
18. The Foreign Policy Concept of the Russian Federation (Electronic resource), Ministry of Foreign Affairs of the Russian Federation, 12 February 2013, available at http://www.mid.ru/bdomp/ns-osndoc.nsf/e2f289bea62097f9c325787a0034c255/c32577ca0017_434944257b160051bf7f!OpenDocument (accessed 11 April 2013).
19. The concept of national security of the Republic of Belarus (Electronic resource), Ministry of Defence of the Republic of Belarus, 2010, available at <http://mod.mil.by/koncept.html> (accessed 14 May 2014).
20. Kravchenko, P., *Belarus at a turn: a diplomatic breakthrough in the world*, Speeches, articles, interviews, diplomatic documents and correspondence, Handbook (Minsk: BIPS-Plus, 2009), 636 pp.
21. Kulik, S.A., A.I. Nikitin, Y.A. Nikitina, I.Y. Jurgens, *CSTO: Responsible security*, edited by I.Y. Jurgens (M.: Institute of Contemporary Development, 2011), 67 pp.
22. Lyakin-Frolov, I., "CSTO guarantees the security in Eurasia," *International Affairs* 5 (2012): 26-39.
23. Moiseev E.G., *International legal bases of cooperation in the CIS countries*, Handbook, edited by K.A. Bekjashev (M.: Jurist, 1997), 272 pp.
24. Nazarbayev, N., *Critical Decade* (Almaty: Atamura, 2003), 240 pp.
25. Nazarbayev N., *Strategy of independence* (Almaty: Atamura, 2003), 312 pp.
26. Nikitin, A.I., "The reform and development of the Collective Security Treaty Organization," *Journal of MGIMO (U)* 6 (2011): 23-25.
27. Nikitina, Y.A., "CSTO and NATO: problems of interaction," *Journal of MGIMO (U)* 6 (2011): 26-27.
28. Nurymbetova, G., R. Kudaibergenov, *Foreign policy initiatives of the President of the Republic of Kazakhstan Nursultan Nazarbayev* (Historical and documentary research), Introduction by S.V. Seliverstov (Almaty: Kazak entsiklopediyasy, 2010), 384 pp.
29. "Russia against NATO: who wins in Central Asia?" (Electronic resource), *RBK Ukraine*, 6 August 2012, available at <http://company.rbc.ua/Mw/MTE/MjIwMA> (accessed 5 September 2012).
30. "S. Shoigu: Russia and Kazakhstan are actively developing military cooperation" (Electronic resource), *RBK*, 31 January 2014, available at www.rbc.ru/rbcfreenews/201401311100029.shtml (accessed 2 December 2014).
31. Soloviev, B., G. Sysoev, "Russia creates a military bloc" (Electronic resource), *Kommersant*, 4 February 2009, available at www.kommersant.ru/doc/1112978 (accessed 4 February 2014).
32. The National Security Strategy of the Russian Federation until 2020 (Electronic resource), The President of Russia. Official website, 13 May 2009, available at <http://archive.kremlin.ru/text/docs/2009/05/216229.shtml> (accessed 14 May 2014).
33. Fedorov, A., "North-western range of Russian Federation" (Electronic resource), *Belarusian News*, 15 June 2013, available at http://naviny.by/rubrics/politic/2013/06/15/ic_articles_112_182067 (accessed 15 June 2013).
34. Sharip, F., "'Jamestown': Kazakhstan has not received from the CSTO what it needs" (Electronic resource), Association "Zamandash," 28 September 2011, available at <http://www.inozpress.kg/news/view/id/34554> (accessed 28 September 2011).

35. "Expert: CSTO – a virtual organization discrediting foreign and defence policy of Russia" (Electronic resource), news agency REGNUM, 12 December 2011, available at www.regnum.ru/news/1478614.html (accessed 12 December 2011).
36. Ministry of Foreign Affairs of the Republic of Belarus (electronic resource), available at <http://mfa.gov.by>.
37. Ministry of Foreign Affairs of the Republic of Kazakhstan (electronic resource), available at <http://mfa.gov.kz>.
38. Ministry of Foreign Affairs of the Russian Federation (electronic resource), available at <http://mid.ru>.
39. The official internet-portal of the President of the Republic of Belarus (electronic resource), available at <http://www.president.gov.by>.
40. President of Russia. Official website (electronic resource), available at <http://www.kremlin.ru>.
41. Nur.kz – Kazakhstan portal (electronic resource), available at <http://news.nur.kz>.

Chapter 3

Afghanistan in the System of Regional Security after the Withdrawal of the International Security Assistance Force

M.T. Laumulin

Currently, all Central Asian states realize the futility of continuing the anti-terrorist campaign in Afghanistan within the framework of existing approaches. Despite the international community's actions to create the conditions for sustainable development in Afghanistan, the situation in this country has not improved. Afghanistan could not solve the problems of stability, effective government, or create conditions for economic development. The gradual withdrawal of Western coalition troops from Afghanistan under these conditions could become a catalyst for destabilization both in Afghanistan and in Central Asia. The difficulties faced by Afghanistan and Central Asian countries are stable, objective, and at the moment are insurmountable.¹

Currently, the line that connects Central Asian countries and Afghanistan includes national security and, in part, political stability. Central Asian countries consider the spread of terrorism, religious fundamentalism and drugs to be the main threats emanating from Afghanistan. At the same time, the countries of Central Asia believe that these are long-term threats. The impact of these threats is not the same for each country in the region (at least due to the geographical factor), which brings different views on the situation in Afghanistan and, accordingly, the Afghan problem (as a whole and its individual aspects) is placed differently in the hierarchy of policy priorities of the governments of these countries.

According to the geographical factor, Central Asian countries can be divided into two main groups:

- states with a common border with Afghanistan, involved in processes related to Afghanistan at the system level – Uzbekistan, Tajikistan and Turkmenistan;
- states without a common border with Afghanistan, involved in processes related to Afghanistan at the situation level – Kazakhstan and Kyrgyzstan.

The problem in Afghanistan is the key to the security of Central Asia. It is extremely important to know and understand Western strategy and plans regarding this country, which is a source of military-political, religious and narcotic threats. In the geopolitical context, the situa-

¹ See Johan Norberg and Erika Holmquist, eds., *ISAF's withdrawal from Afghanistan – Central Asian perspectives on regional security* (Stockholm: FOI, 2014), 120 pp., available at http://www.foi.se/Documents/FOI_R_3880_SE.pdf; "Afghanistan in 2014 and after: opportunities or imminent danger" *Indeksbezopasnosti* (PIR Centre), no. 2 (2014): 87–104.

tion in Afghanistan affects the security of a wider region which includes South Asia, the Middle East, CIS, and China.

Due to its geographical location, the complex internal political situation, ethnic and religious mosaics and deep involvement in the shadow of the global economy, at the beginning of the 20th century Afghanistan is in the centre of a complex web of interests of many governments and non-state forces. The situation in the country affects the safety not only of its immediate neighbours, but also of neighbouring regions. Therefore, Afghanistan constantly attracts the attention of Pakistan, India, Iran, the former Soviet Central Asian countries, China and Russia.

One characteristic feature of Afghanistan is the increased support from compatriots to those among the leaders, who receive less support from abroad. Whatever may be said about the participation of Pakistan, and indirectly the United States, in the creation of the "Taliban," it is typical for the Taliban to a minimal degree. Rather, their return is predetermined and they will be present in power structures. But the West will lose its "face" when the Taliban gets into power. In this regard, we can assume with a high degree of confidence that an interim or transitional government will be formed after the withdrawal of coalition troops.

The Pentagon has proposed to the US President to leave about 10,000 US soldiers in Afghanistan after 2014 and until the end of his term in the White House. A smaller contingent would not be able to perform the tasks. If this is not possible, or the regime in Kabul does not agree to sign an agreement on the terms of the US troops in Afghanistan, Washington will have to withdraw all of its troops from this country, which will cause chaos in the region.

The problem of Afghanistan and security in Central Asia

The Afghan vector has been for many years a key factor in a number of security threats in Central Asia. These threats stem from both the socio-economic and political problems of Afghanistan itself, and as a result of the "geopolitical game," in which outside players envision a very specific place and role for Afghanistan and the militants on its territory.

In this case it is not even about the "Taliban" movement or "al-Qaeda." Much more significant is the fact that a few, though not numerous, extremist religious-political movements, born in Central Asian countries, have found refuge in Afghanistan – "Islamic Movement of Uzbekistan," "Akramiya," "Tablighi Jamaat," "Islamic Party of East Turkestan," "Jamaat Mujahideen of Central Asia," "Hizb-ut-Tahrir al-Islami." The activation of these movements demonstrated through transfer of hostilities to the north of Afghanistan and the deterioration of the socio-economic and political situation in Central Asia is capable of creating a real threat to the secular political regimes of the region.

About ten different terrorist organizations, allied with the Afghan Taliban Movement, operate currently in Afghanistan and the Central Asian region and recruit citizens of Central Asia and Russia. "Jundullah," the IMU, the IMT and others have repeatedly stated their intention to return to Central Asia. It is not a big secret which direction militants from "Bulgar Jamaat," consisting mainly of immigrants from Russia, are going.

The second serious threat related to Afghanistan is its transformation into a world centre of drug production and the involvement in the production process and drug trafficking of states in Central Asia, some representatives of law enforcement agencies and even government officials who, logically, should fight against drug trafficking. But the main threat is the rapid growth of drug addicts in Central Asia and Russia, as well as the underestimation of the threat by a num-

ber of politicians (especially in Kyrgyzstan and Tajikistan).² In 2013, on the eve of the withdrawal of NATO troops from Afghanistan, the area under opium poppy cultivation reached a maximum size in history. The largest beneficiaries of drug trafficking in Afghanistan are the Taliban (although senior Afghan officials, corrupt military and law enforcement agents are also involved).

Many questions arise from the strategy and tactics of coalition forces in Afghanistan (including countering drug production), and from various US geopolitical projects³ in which Afghanistan is seen primarily as a springboard to keep the US position in the region, and Central Asia – as “a vitally important region for US interests.” At the same time, paradoxically, the interests of the states in the region and Russia are hardly taken into account in these projects.

Finally, a better political system in Afghanistan is to be desired, and most importantly – the ability of the ruling forces to ensure security in the country and its management after the withdrawal of the coalition forces. Most experts qualify the situation as a stalemate – the coalition cannot remain in Afghanistan any longer, while leaving it without image and other losses is impossible.

The fall of 2014 marked 13 years from the start of US and NATO operations in Afghanistan. There is still much to be desired. The main objectives of the Western coalition were not achieved. The “Taliban” movement was not destroyed, but rather intensified its activities. Moreover, this happens after a significant increase in the number of Western coalition troops. It only strengthens the position of those who believe that a military solution to the Afghan problem does not exist.

The economy is in ruins, much of the foreign aid to Afghanistan is spent on consultations with foreign NGOs or stolen. Rampant corruption, domestic and political crimes, and arbitrariness of local authorities flourish.

In recent years, American experts have shared predominantly the view on the establishment in Afghanistan of a state of “decentralized democracy,”⁴ or “internal mixed sovereignty,”⁵ which under certain conditions could be an acceptable option for the United States.⁶

² According to the UN Office on Drugs and Crime, 25 % of all Afghan heroin (95 tons) is exported annually from Afghanistan to Central Asia and Russia along the so-called “northern route.” The residents of Russia annually consume 70 tons of drugs, and the number of heroin users in Russia has reached 1.6-1.8 mln people. In Central Asia the amount of used drug is 11 tons, but taking into account the small population this is a huge figure. See *World Report on Drugs 2010* (United Nations Office on Drugs and Crime, 2010), available at <http://www.un.org/ru/development/surveys/docs/drug2010.pdf>, p. 17. E.A. Stepanova (lead author), *The Afghan drug trade: Joint Threat Assessment*, Report of the Russian-American working group on Afghan narco trafficking (New York: EastWest Institute, 2014), p. 60.

³ This, above all, is about the concept of combining the Afghan and Pakistani problems (the so-called concept “AfPak”) and about the strategy of creating a “Greater Central Asia.”

⁴ Responsibility for foreign affairs, internal security and the definition of common democratic “rules of the game” belongs to the central government; regions are granted more autonomy which makes it possible to use existing local base of legitimacy and identity. The main condition is to ensure the transparency of local governments and their election.

⁵ Mixed sovereignty represents a more decentralized model. Under this system, local authorities are given additional powers, but there are no conditions of transparency or elections, if that is their wish; nor do they have the right to pass three “red lines” set by the centre – the local authorities should not allow the use of their territory to violate the national foreign policy; local governments should not in-

Experts recognize that the creation of decentralized democracy will face three major challenges. First, the “Taliban” movement, which is opposed to democracy in principle, is likely to resist the construction of such a state as aggressively as they are now fighting against centralized democracy. The second problem is the limited administrative capacity of the Afghan state. Third, influential figures opposed to the government are likely to resist such an option as well. Transparent electoral democracy would represent a threat to their status, power and opportunities to benefit from corruption and abuse.

Even more serious problems may arise in the case of a model of “internal mixed sovereignty.” First, the governors will have complete freedom for regressive social policies and human rights violations. Secondly, corruption will be more widespread – strictly speaking, for future governors the opportunity to take bribes will be an important factor in the attractiveness of the system. Thirdly, a deal needs to be made with influential politicians: they must refrain from too big abuses in exchange for tolerating moderate local corruption and a share of the foreign aid. But even such an agreement is likely to meet resistance from local rulers who are accustomed to act without any restriction.

If meeting certain conditions is a matter of time, the main demand of the leaders of the rebel movement—withdrawal from Afghanistan of all foreign troops—is impossible. It is not only contrary to the strategy of the US, but is also unacceptable for the current Afghan authorities, whose power is based on foreign military presence. The consequences are quite difficult to predict. First, no one knows who these “moderate Taliban” are, nor what the movement “Taliban” is at the moment. Secondly, no one can say to what extent the dialogue with the Taliban will be effective from the point of view of the political future of Afghanistan.

However, there is no other way but to give the “Taliban” movement power, and Washington will have to come to terms with this, as only under the pretext of national reconciliation the US will be able, without “losing face,” to withdraw its troops, and at the same time try to avoid bloody chaos to preserve at least a semblance of the imaginary Afghan statehood. Currently, the International Security Assistance Force and the US cannot hand over responsibility for the security in Afghanistan to anyone. Although the number of Afghan security forces (army and police) is currently impressive, and there are plans for an increase, they are clearly not prepared to take on this responsibility.

The main reason for this is that the level of combat capability of the Afghan security forces is low, especially in real combat against the Taliban, with whom many soldiers have family ties.

Second, the accelerated formation of the national security forces seriously facilitates the penetration of the Taliban in their midst for the purpose of propaganda. Given the mentality of Afghans and their strong religiousness, we can expect that in a favourable situation individual military units will go on the side of the movement “Taliban” with their weapons and military equipment.

Third, the security forces are already heavily exposed to corruption that will only intensify with the transfer of powers to restore order in the country.

fringe the rights of neighbouring provinces or regions; they must not allow the participation of local officials in embezzlement on a large scale, drug trafficking and exploitation of natural resources that belong to the state.

⁶ Thus, the centralized state will be saved (with wide regional autonomy and the establishment of democratic institutions) with control in order to prevent the use of Afghan territory to destabilize Pakistan or plan attacks against the US and its allies.

Fourth, a serious problem is the future ethnic composition of the government security forces and whether new Mujahideen formations will emerge on their basis.

Finally, the United States will have not only to train and equip the Afghan security forces at their own expense, but also to take care of them for the next 15-20 years (H. Karzai's proposal voiced in December 2009), as Afghanistan has no resources of its own for this purpose.

Another serious problem faced by the US and NATO in Afghanistan – they have undertaken in the region exorbitant expenses and liabilities, and they do not have today a strategic reserve to carry them out. According to the European Parliament, the cost of military operations in Afghanistan in the period 2001-2009 amounted to about 300 billion USD. In the United States, together with the Iraqi military campaign, expenses exceeded one trillion USD.

All of the above cannot but have a negative impact on regional security, including on the security in the Central Asian region. And the most unpleasant thing is that our abilities (both collective capabilities in the framework of the SCO and the CSTO, and the capability of individual states) to counter the threats and challenges stemming from instability in Afghanistan are rather limited.

These threats and challenges can be (quite arbitrarily) divided into two groups. The real threats and challenges, that is, those that the systems of regional and national security are currently facing, and the alleged threats and challenges, that is, those that may arise in the event of the failure of the strategy of the Western coalition, a change in its tactics to combat insurgency and its rapid withdrawal from Afghanistan.

The first group includes:

1. Preservation of Afghanistan as the main training base of terrorists, including persons who are connected with terrorist and extremist organizations that aim to destabilize the situation in Central Asia, the overthrow of existing political regimes and the creation of the Islamic Caliphate. Political instability in Afghanistan and the lack of control over its territory by the central government is the factor that allows using its territory to prepare real terrorist opposition groups – Uzbek, Uighur, Chechen, Kyrgyz etc., representing a real threat to political regimes in Central Asia.
2. Preservation of Afghanistan as the main base for the production of raw opium, as well as the main supplier of heroin and other drugs on the world market transited through Central Asian states. The main obstacle to an effective response to this threat is the fact that a large part of the elite in Russia and Central Asia is involved in drug trafficking.
3. Possible destabilization of Central Asia in case of fall of the central government and the return to power of the “Taliban” movement, entailing the inevitable emergence of a new civil war in Afghanistan. Since a dialogue with the “Taliban” movement is not possible (due to limited foreign policy capacity, and for the reason that the US and NATO will not allow the Central Asian states and Russia in this dialogue), the only thing that is in our power is to strengthen the security zone along the borders with Afghanistan on a collective basis under the collective Security Treaty Organization and, possibly, the SCO.

Thus the main problem is not the unlikely aggression of the “Taliban” movement in Central Asia, but a very real revitalization of ethnic terrorist organizations in northern Afghanistan, who have close contacts with the terrorist underground in Central Asia (especially in Kyrgyzstan and Uzbekistan) and in Russia.

4. The further deterioration of the situation in Pakistan, the collapse of the ruling coalition and the prospect of nuclear weapons falling into the hands of terrorists. Judging from the development of the situation in Pakistan, this is a short term perspective. The ruling coalition has virtually collapsed, and the only force that is preventing Pakistan from a total collapse is the army. However, in the event of a return of military rule, Pakistan could become a "strict" Islamic state, which means close relations to the "Taliban" movement in Afghanistan and an inevitable conflict with India.
5. The inevitable and upcoming US withdrawal from Afghanistan (even if they decide to leave there permanent military bases). This means that the only force that really hinders the pressure of Islamism in Central Asia is leaving the region and leaves the secular political regimes alone with the growing influence of radical Islam. The withdrawal of US and Western coalition forces from Afghanistan will require the states in the region and Russia solve a whole range of problems related to Afghanistan, the main one being the possible emergence of a new wave of Islamic radicalism across the region and the resumption of the activity of the Islamists in Central Asia.

The second group of threats and challenges is not so obvious:

1. Transfer of Western coalition troops activities to northern Afghanistan and ensuing unavoidable activation of the "Taliban" movement and militant groups of other ethnic groups near CIS borders.

There are two potential challenges. First, the inevitable involvement of Russia and Central Asian states in the civil war in Afghanistan; possibly without the support (or with very limited support) from the Western coalition.

Second, inevitable intensification of the few real terrorist groups posing a real threat to the political regimes in the region.

2. Transformation of Afghanistan and Pakistan into a zone of instability with the prospect of worsening the Indo-Pakistani conflict and use of nuclear weapons. In this case, a big war will start near the Central Asian region with all the ensuing negative consequences. The use of nuclear weapons will lead to environmental and humanitarian catastrophe in Central and South Asia.
3. In case of final defeat of the Western coalition and its rapid withdrawal from Afghanistan, the transformation of the "Taliban" movement from a terrorist organization into a national liberation movement will serve the entire region of Central and South Asia as a model how to effectively resist foreign forces and overthrow the existing political regimes.

This is a very real prospect. Even today, the credibility of the "Taliban" is quite high – in fact, so far only within Afghanistan and in part of Pakistan. Its victory under the conditions of the increasing number of Western coalition troops only add to its reputation, and the inevitable rise to power after the withdrawal of ISAF gives reason to consider it as a national liberation movement.

A few words must be said about the third group of threats and challenges. It is associated with the widely debated at present problem of the participation of the SCO in resolving the issue in Afghanistan. It should be noted that the idea itself is an interesting one and under certain circumstances it is feasible. It is necessary to clearly realize what the SCO could do in Afghanistan, and what is better not to do in order to maintain the positive image of the organiza-

tion. What is offered by experts in the context of possible participation of the SCO in solving the Afghan problem.

First, funding for social and infrastructure projects in Afghanistan. It is theoretically possible but right now practically impossible. The SCO does not have a single mechanism of financing economic projects, nor an institutional structure to carry out such financing.

Second, assistance in the fight against drug trafficking in Afghanistan through mechanisms for monitoring the perimeter of the Afghan borders. It must be pointed out that SCO is not in a position to take any measures to combat drug trafficking within Afghanistan. The second task is in principle achievable although there are some constraints.

The first vicious circle originates from the fact that to create a drug-free belt along the Afghan borders is not possible without the participation of Pakistan and Iran. And without giving them the status of a SCO full member, there can be no discussion of full cooperation in this area.

The second vicious circle comes from the difference in assessing the level of threat by SCO member states. For some (Russia, Tajikistan, Kazakhstan), the problem of drug trafficking from Afghanistan is relevant, while others have different priorities. In any case, China does not consider Afghan drug trafficking as a serious threat.

Third, organization of the Afghan negotiation process under the auspices of the SCO. A practical solution to this problem is unlikely. Despite some changes in the attitude of the current Afghan political leadership towards Russia, the Taliban have various reasons not to accept Russia and China and conduct dialogue with them. Moreover, the SCO member states support the struggle against Islamic extremism – the ideology of the Taliban.

Only two countries can play the role of intermediaries in the dialogue with the Taliban – Iran and Pakistan, which are not currently members of the SCO.

The only thing that the SCO is fully capable of doing now is to create a regional environment favourable to Afghanistan, as much as possible to block out the export of drugs and import of precursors, to sharply limit the external financial support to the Afghan opposition and to provide economic assistance to Kabul, to create conditions that limit the export and ideas of radical Islam. This does not require coordination with the Afghan government, nor with ISAF command, but rather the political will of the SCO member states. The strategy of the SCO in the Afghan settlement in its economic component should be focused on the concentration of investment efforts, based on a specific plan of recovery of the Afghan economy, rather than on the amount of allocated investment.

The strategy to overcome the security threats from Afghanistan to the SCO must be based on completely different principles than is the case in the United States and the European Union:

1. No military intervention.
2. SCO member states should build relations with Afghanistan on the principles of equal cooperation, and establishing a partnership in the economic sphere.
3. Economic contacts should be aimed at solving social problems through the creation (recovery) of infrastructure on a commercial basis.
4. Humanitarian assistance shall be provided only in the framework of cultural and educational programs and shall be targeted.

5. Commercial projects shall be implemented at specific levels (heads of tribes, territories), obtaining support from the central government (which in most cases is a mere formality).
6. The complex of economic, cultural and social cooperation shall be aimed at concrete results establishing a peaceful efficient economy, forcing the Afghan people and their leaders to give up production of drugs and undertake legal and creative economic activities.

The internal political dynamics and the ethnic factor in Afghanistan

After the fall of the Najibullah regime, the Mujahideen, who possessed modern weapons, engaged in the redistribution of power positions and all that could be taken in their favour. This process continues to date. Over the past 10 years, the family Simizay from the tribe Durrani-Popalzai succeeded in the redistribution of economic resources, international humanitarian aid, weapons and ammunition. It is worth adding that they belong to the same tribe as Karzai. Hugian and Pasha significantly strengthened their positions in the province of Nangarhar, Alizai in Helmand, Dzadran in Paktia and Paktika. It can be claimed that the repartition will proceed with new force. This process has been launched. Authorities attract "moderate" Taliban to participate in the reconciliation program, giving them control over some areas that displeases others. Most likely, this is what causes sporadic clashes in the border area rather than a war of tribal groups with the "Taliban" as occasionally publicised through the media.

And if the endless confrontation between Durrani and Ghilzai is clear, the invisible part of the iceberg is their relationship with other tribes. Afghanistan is the home of about one hundred Pashtun tribes, and to make forecasts one needs to know who is a relative or has blood feud with whom, the reasons for their rivalries and quarrels, to identify places of contradictions and potential conflicts. This knowledge is the key to a better understanding of the problem. In addition to the ethno-dominant tribes, there are intricacies of other tribal structures: Dzhadran, Judge, Noorzai, Hugian, Tani, and many others. Some are hostile to each other, even though they belong to the same tribal confederation; their loyalty to Kabul has never been unconditional, which affects negatively the stability of the state. We cannot say that they are constantly at war. If they do not have conflicting interests, they show a high level of mutual understanding and solidarity, Durrani-Zirak: Barakzai, Popalzai, Atsakzai and Alikuzai. They try to settle disputes by peaceful means with another branch of the Durrani tribes: Panzhpai and Noorzai, Iskhakzai and Alizai. Traditionally good relations are established between the Shinwari and Mohmand in Nangarhar province, between Kerlani and Ghilzai in Logar, Paktia and Paktika, between members of the Ghilzai Confederation in Paktika and Ghazni, etc.

As with the national minorities, the Taliban do not have unconditional authority. Analysing their tactics we can point out, firstly, the weakness of their command structures for the management and coordination of joint actions. Second, they function over a large area, and due to the variety of participating tribes they are heterogeneous. This is the Achilles heel of the Taliban. Therefore, it is possible that the field commanders who are not willing to obey anyone are extremely reluctant to have talks with representatives of rival groups. We assume that, like the Mujahideen, after the withdrawal of Soviet troops, the Taliban "will lose the enemy" and then to the fore once again will come chronic and endless tribal and inter-clan feuds. In fact, they have never ended. Despite this, the only real military and political force in Afghanistan are the

Pashtuns. Tribal solidarity, of course, plays a significant role, but we should not overestimate the effectiveness of this factor. As for the religious factor, in contrast to earlier times, it was relegated to the background: right now the material factor is at the forefront.

There has never been ethnic balance in Afghanistan in the full sense of the word.⁷ Obviously, the more persistence by minorities in gaining autonomy or independence, the greater is the resistance of the Pashtuns for whom this will be the unifying principle. Let us remind that coming to power of Rabbani, along with others, has become a factor in the emergence of the "Taliban." In their eyes, any member of the minority who becomes president will look like a usurper and will provoke the Pashtun. In this case, the civil war is inevitable and it will not be carried out by guerrilla methods. We can assume that the Taliban will resist: the powerful in the north-west, current Minister of Energy, Ismail Khan, and the governor of Balkh province, Atta Mohammad. They will be joined by pandzhshiri, without apparent chance of success, though. Their defeat will be due to the lack of unity and distrust in the Uzbek leader Dostum, who is known for his inconsistent participation in tactical coalitions. In the best case, as in the case of Ahmad Shah Massoud, they will control 10 % of the territory of the country. In contrast to this period, current Russian policy seems "adequate and moderately restrained."

Figuratively speaking, Afghanistan is a joint-stock association with many small shareholders, whose number due to the diligence of controlling shareholder, has been steadily increasing. Leaders of ethnic minorities are capable of developing a common line, but to adhere to it in the future will not always be possible. It should be noted that the Afghan state has always been only Pashtun. People are talking about the policy of national reconciliation and "a dialogue with moderate Taliban," and even a relevant law was adopted. A lot was achieved at the time of Najibullah (1986-1992). Practice has shown that both then and now Pashtuns perceive this as a sign of weakness. What Karzai did aimed to involve disaffected ethnic minorities and Pashtun-Durrani.

This does not cover the range of problems. The intensity with which Islamabad uses Pashtun tribes against the Afghan authorities exceeds the extent of their use by Kabul. Any move in the eastern and southern tribes to Pakistan abruptly weakens or splits the country. This is the reason for confrontation: in Afghanistan Pashtuns are the dominant nation, while in Pakistan they are subordinate, and the Pashtun separatist movement threatens the country's integrity. Forcing Afghanistan to plunge into its own problems, Islamabad gains time needed to assimilate and digest Pashtunistan. The capabilities of Afghan security forces to resist the intrigues should be regarded as the bare minimum; they will be even less in the transition period. Despite the growing number, it will be fair for the government army.

If the coalition withdraws along the "south" corridor, the Taliban will attack it. It is not unlikely that some of the warlords would prefer to wait for the departure of the enemy in order to make later their claim to power. And if they attack, they will not aim at the effective damage and will limit their impact on the government army. It is necessary to find out to what extent current Taliban recruits differ from their predecessors. Their ranks include those who do not consider themselves Taliban. It is possible to play with the map of tribal hatred as Najibullah's advisers

⁷ See: V.V. Basov, *The National and the Tribal in Afghanistan: Towards Understanding Non-military sources of the Afghan Conflict* (Moscow: NIC FSKN, 2011), 354 pp.; R. Abdulloev, "Ethno-political processes in Afghanistan after 2001," in *Central Asia and the Caucasus* (Lulea, Sweden), no. 1 (2013): 7-16; R. Abdulloev, "The Impact of the Ethnic Factor on the Making of the Afghan Statehood," in *Central Asia and the Caucasus* (Lulea, Sweden), no. 1 (2014): 145-154.

did. It should be noted that the Americans use poorly similar practices of the Soviet Union. We only know that in the fight against the Taliban, they are actively using in the area Spinboldaka a squad of Durrani-Atsakzai commanded by Muslim Ismatulla, formed by Soviet intelligence agencies. Karzai opposed the deployment of tribal groups which considerably reduced the level of its support. But it would be logical to assume that the withdrawal will be along the “northern” corridor, where relative safety could be guaranteed by the northern leaders in exchange for weapons.

In our view, these are the Afghan perspectives in the near future. It can be assumed that the difficulties in front of the transitional government will be stable, objective, and currently are irresistible. As practice has shown, radical methods of overcoming them are ineffective. Unfortunately, it can be assumed that the coalition allies will leave Afghanistan at a time when there is no consensus. The main task of the transitional government of Abdullah Ahmadzai will be to develop a “road map,” and given the Afghan realities, this is a very long and difficult process which shall be accomplished by the Afghans themselves.

The leader of ethnic Uzbeks in Afghanistan, chairman of the National Islamic Movement of Afghanistan (NIMA), General A.R. Dostum, on the eve of the presidential elections in 2014 visited the neighbouring Central Asian countries. According to experts, the trip was related to the general’s desire to step on the political forefront and to gain the support of the region. Dostum at the time received military assistance from Uzbekistan, Russia and to a lesser extent from Kazakhstan and Kyrgyzstan. During the trip, Dostum tried to revive old contacts in case the fragmentation of Afghanistan goes too far and he will have to defend his zone of control – the province of Jowzjan, Saripul, partly Batgiz, Samangan, and Faryab.

One of the leaders of the Afghan Tajiks, Marshal M.F. Fahim, had a strong influence on President Hamid Karzai during the past ten years. Fahim’s death in March 2014 seriously changed not only the balance of power in Kabul political class, but also the pre-electoral situation in Afghanistan. This event not only destroyed the political alliance between M.F. Fahim and doctor Abdullah, but also completely crossed out the chances of the former head of the Afghan Ministry of Foreign Affairs for victory. We could talk about signs of unexpected consolidation of Karzai ruling group which until recently was torn by internal contradictions. A large part of Karzai’s close circle opposed the decision of the Head of the Afghan state not to sign a security agreement with the United States.

The political crisis in Afghanistan⁸ caused by the scandal around the results of the presidential election was resolved by sharing power between the two former contenders for the presidential chair – Ashraf Ghani and Abdullah Abdullah. Following a decision to establish a government of national unity, an agreement was reached that Ashraf Ghani will become the president, and Abdullah Abdullah will receive the position of prime minister. On September 21, 2014 the two candidates signed an agreement to establish a government of national unity and to share power.

The victory of A. Ghani was expected, as representatives of the largest ethnic group in Afghanistan—the Pashtun—voted for him. Abdullah (by birth he is half Pashtun, half Tajik) is supported by Tajiks and Hazars. A. Abdullah and A. Ghani are still far from absolute consent.

⁸ K. Iskandarov, “The presidential elections in Afghanistan: Challenges postponed,” in *The Great Game: politics, business and security in Central Asia*, no. 3 (2014), pp. 12-24; I.A. Safranchuk, “The international factor and the results of the second round of elections in Afghanistan,” in *The Great Game: politics, business and security in Central Asia*, no. 3 (2014), pp. 2-3.

The initiative for the agreement came from the Western countries led by the US, who tried to avoid escalation of the conflict in Afghanistan and to “put an end” to the political crisis. The main disagreement between A. Abdullah and A. Ghani is that from the beginning Abdullah advocates the distribution of president power between the president, prime minister and parliament. Ghani, though he agreed to sign the document, in fact, tends to consolidate the powers in his own hands only. The main task of the new ruling tandem in Kabul is to prevent the return to power of the Taliban and the transformation of Afghanistan into a new global threat, along with the “Islamic state” in Iraq and Syria.

The foundation of the future Afghan government will be the compelled (and unstable) Pashtun and non-Pashtun alliance of clans and groups behind the members of the new ruling tandem. At the same time, the key elements of Kabul new line will be self-reliance, tough bargaining with the West, and flirting with the Islamists. Thus, the struggle for power in Afghanistan is entering a new phase. The transformation of the country into a new global threat is becoming real.

Relations between Kazakhstan and Afghanistan

Regional cooperation is one of the priorities of Kazakhstan’s foreign policy. In this regard, for Kazakhstan and all Central Asian countries the importance of sustainable and stable development of Afghanistan is undeniable.

Analyzing the dynamics of development of relations between Kazakhstan and the Islamic Republic of Afghanistan, in accordance with the establishment of diplomatic ties and the legal framework of bilateral and multilateral cooperation they can be divided into several periods.

The first period (1992-2003) is characterized by inertia and the absence of any significant developments in diplomatic relations between the two countries; the beginning was on February 12, 1992, when the Foreign Ministers of Kazakhstan and Afghanistan signed a Protocol on establishing diplomatic relations. In 1993, the Embassy of Afghanistan was opened in Kazakhstan. However, ten years after the signing of the Protocol on establishing diplomatic relations, a diplomatic mission of the Republic of Kazakhstan was opened in Kabul in 2002, which was transformed into an Embassy in 2003. This was due to the fact that after the Taliban took over power in Afghanistan and eliminated the pro-Soviet government in 1991, the Republic of Kazakhstan was cautious with regard to Afghanistan, seeing them as a potential threat to regional security. This situation persisted until 2002. Only after the overthrow of the Taliban regime during the US – NATO joint military anti-terrorist operation “Enduring Freedom” and H. Karzai’s appointment on December 22, 2001 as the head of the interim administration, and in June 2002 as the President of the Transitional Islamic State, Kazakhstan started a diplomatic rapprochement.

In particular, in 2002 Kazakhstan sent to Afghanistan 3,000 tonnes of wheat as part of humanitarian aid and 85,000 tonnes on a commercial basis.

The trade turnover between Kazakhstan and Afghanistan in 2003 amounted to 250,000 USD, and in 2005 – about 330,000 USD. In 2003, Afghanistan received 192 tons of humanitarian goods (food) at the amount of 57.6 thousand USD. In addition, the Kazakh Ministry of Defence transferred in the form of humanitarian aid for the Afghan National Army some of their surplus equipment. During this period, there was one visit of the Afghan Vice President Abdul Rahim Hatefa in 1992. From Kazakhstan there were no visits to Afghanistan.

The second stage (2003-2005) is characterized by a slight expansion of the format of Kazakh-Afghan diplomatic relations in the context of solidarity with other European and Central Asian states in the provision of assistance to Afghanistan. In the period 2003-2005, there were no visits of Kazakh delegations to the Islamic Republic of Afghanistan. President Karzai made the first official visit to Kazakhstan on 15-16 April 2004, when Agreement on the Principles of Relations and Cooperation between the Republic of Kazakhstan and the Transitional Islamic State of Afghanistan, and Agreement between the Government of the Republic of Kazakhstan and the government of the Transitional Islamic State of Afghanistan on trade and economic cooperation were signed.

The third stage (2005-2011) relates to the preparation of Kazakhstan to take over the chairmanship of the OSCE and is characterized by the fact that foreign policy relations with Afghanistan became more important for the Kazakh leadership. In January 2006, Kabul and Almaty were connected by direct flights which certainly facilitated visits of representatives of the Afghan business community to Kazakhstan, allowed familiarization with the Kazakh market and expansion of trade and economic relations with our entrepreneurs. In 2007, the Kazakh-Afghan intergovernmental commission on trade and economic cooperation was founded. It had four meetings: two meetings in Astana (17-18 September 2007 and 5-6 May 2010), and two in Kabul (13 December 2008 and 26-27 September 2011). In addition, in 2007 the Government of the Republic of Kazakhstan approved an Action Plan on assistance to Afghanistan for 2007-2008. In July 2008, the Kazakh side transferred to the Ministry of Finance of Afghanistan 2,380,000 USD to implement projects for the construction of a school in Samangan province (160,000 USD) and a hospital in Bamyan province (570,000 USD), and to repair the asphalt road Kunduz-Taloqan (1,650,000 USD). In 2007, in Kabul the construction company "Kazkhimmontazh holding" opened an office to restore and establish industrial projects.

On November 22, 2009, an agreement was signed between the Government of the Republic of Kazakhstan and the Government of the Islamic Republic of Afghanistan on cooperation in the field of education. Later, on June 18, 2010, the Agreement was amended with Protocol of 22 November 2009 "On Amendments to the Agreement between the Government of the Republic of Kazakhstan and the Government of the Islamic Republic of Afghanistan on cooperation in the field of education."

According to the "Program of assistance to Afghanistan in 2009-2011," 1.5 million USD were allocated. The bilateral trade turnover in the years 2005-2012 between Kazakhstan and Afghanistan (according to the Customs Control Committee of MF RK) is shown in Table 1.

Five Kazakh delegations have visited Afghanistan since 2006 with the following topics for discussion:

- Assistance to regional transit trade, energy, transport infrastructure, as well as economic cooperation in regional organizations such as ECO, SCO, EurAsEC, and implementation of the UN Special Programme of the UN Economic Commission for the Economies of Central Asia;
- Status and prospects of the Kazakh-Afghan relations in various areas of cooperation as well as the current military-political situation in the IRA, the activities of international organizations and donor countries to rebuild the country, the possibility for participation of Kazakh companies in investment, trade and humanitarian projects;

Table 1: Bilateral trade turnover in 2005–2012 between Kazakhstan and Afghanistan.

<i>Year</i>	<i>Trade turnover, mln. USD</i>	<i>export</i>	<i>import</i>
2005	164.1	163.9	0.2
2006	179.4	179.4	0.9
2007	196.5	192.5	4.0
2008	623.8	617.1	6.7
2009	409.6	408.4	1.2
2010	363.6	362.3	1.2
2011	337.7	333.8	3.8
2012 (Jan-Jun)	206.6	206.0	0.6

Table 2: Humanitarian supplies to Afghanistan from Kazakhstan for 2005–2011.

<i>Year</i>	<i>Food</i>		<i>Clothes, shoes</i>		<i>Machines & equipment</i>		<i>Others</i>	
	quantity tonnes	amount thousand USD	quantity tonnes	amount thousand USD	quantity tonnes	amount thousand USD	quantity tonnes	amount thousand USD
2005	125.5	19.7	0	0	0	0	0	0
2006	0	0	0.2	0.3	0.4	0.1	7.0	5.1
2007	0	0	0	0	0	0	0	0
2008	1913.0	500.0	0	0	0	0	0	0
2009	1330.6	4457.4	0	0	0	0	0	0
2010	3926.9	4645.9	0	0	0	0	0	0
2011	4484.6	5339.8	0	0	0	0	0	0
Total:	11780.6	14962.7	0.2	0.3	0.4	0.1	7.0	5.1

Source: Customs control committee of MF RK.

- Identification of ways and coordination of mechanisms to facilitate the economic recovery of Afghanistan. Kazakhstan is interested in participation in various projects, the development of trade and economic cooperation;
- Agreement to establish a Committee of Afghan-Kazakhstani friendship in the framework of the two parliaments;
- Agreement on Cooperation in the field of education on training 1,000 Afghan specialists in the vocational and higher educational institutions of the Republic of Kazakhstan;
- Cooperation in the fight against illicit traffic of drugs, psychotropic substances, their analogues and precursors, and abuse.

In the period 2006–2011, five Afghan delegations visited the Republic of Kazakhstan to:

- participate in the inauguration of the President of Kazakhstan Nursultan Nazarbayev;
- discuss assistance by Kazakhstan in the development of transport infrastructure of IRA, development of oil and gas fields in the north of the country, participation of Kazakh companies in the implementation of major projects, supply of fuel and lubricants, agricultural products and training of national experts.
- discuss and agree on the project of Kazakhstan's initiative in the sphere of educational scholarships for students from the IRA. Kazakhstan has pledged to allocate 50 million USD for training 1,000 Afghan specialists in the domestic secondary and higher education institutions. Starting from 2010, in the next 5 years Kazakhstan will receive 200 students annually. The program will last until 2018;
- participate in the 12th meeting of the International Contact Group on Afghanistan: "Kazakhstan is ready to continue to provide full and active support to the Afghan government in overcoming the socio-economic difficulties of the country through the provision of annual guaranteed volumes of fuels and lubricants, and cereal."

The fourth stage (2011 – to date) is characterized by further cooperation. In this period were concluded:

- Memorandum between the Ministries of Foreign Affairs of Kazakhstan and Afghanistan of 13 June 2012;
- An intergovernmental agreement on cooperation in the field of prevention of and response to emergency situations of natural character of 13 June 2012;
- An intergovernmental agreement on encouragement and mutual protection of investments, dated 13 June 2012;
- Memoranda of bilateral consultations and mutual understanding between the diplomatic institutes of the two countries dated 13 June 2012.

For the specified period, there was one Kazakh visit to Afghanistan at the level of Minister of Foreign Affairs of the Republic of Kazakhstan. During the visit areas of cooperation were discussed, such as the development of the Kazakh-Afghan relations and the prospects for further trade and economic and investment cooperation, in particular joint implementation of projects in the field of railway transport, mining, agriculture, disaster management, telecommunications and energy.

Currently, the Republic of Kazakhstan supplies oil and oil products, timber and woodwork, metal, flour and wheat to Afghanistan. Afghanistan exports mainly horticultural products. In the first quarter of 2012, the turnover amounted to 130 million USD.

Kazakhstan also established multilateral cooperation in Afghanistan in the format NATO-SCO-CSTO and other international organizations. The Republic of Kazakhstan is an active member of the CSTO-Afghanistan Working Group, as well as of the Contact Group on cooperation and coordination of SCO member countries in projects for the reconstruction of Afghanistan.

Main issues related to Afghanistan within the framework of multilateral cooperation include:

- post-conflict settlement in Afghanistan with the UN playing central role;
- assistance in building Afghanistan as an independent, neutral, peaceful and prosperous nation, free from terrorism and drug-related crime;

- participation of international organizations, creation of anti-drug security belts along the perimeter of Afghanistan;
- implementation of the Delhi Declaration, which provides concrete joint action by participating States to promote co-operation with Afghanistan: elimination of trade barriers, opening of new routes for transportation of goods, creating favourable conditions for investments. Prospects for the implementation of major projects, including the gas pipeline Turkmenistan-Afghanistan-Pakistan-India.

Based on the analysis of diplomatic relations and the policy pursued with regard to Afghanistan, the views of the top political leadership of the Republic of Kazakhstan were formulated:

1. Kazakhstan is interested in the sustainable and stable development of Afghanistan, whose territory is the origin of the threats of international terrorism, drug trafficking and religious extremism.
2. Kazakhstan believes that the international community and the United Nations should play an active and effective role in the process of political settlement and reconstruction of Afghanistan, in close cooperation with the Government of the IRA.
3. Leaders of Kazakhstan support the efforts of the Government of the IRA, aimed at consolidating Afghan society and the transformation of the country into a civilized and democratic state.
4. Kazakhstan proposes to harmonize the laws of the IRA with the countries of Central Asia to counter drug trafficking.
5. The leadership of Kazakhstan considers it necessary to reduce Afghanistan's dependence on humanitarian assistance and to make the country attractive to foreign investors. The industrialization of Afghanistan with the help of the countries of Central Asian states should be a business project for multinational companies, and not government aid for development.

The policy of Uzbekistan to Afghanistan

The threats to security and sustainable development in Central Asian countries—spread of terrorism, religious fundamentalism, drugs coming from unstable Afghanistan—according to Tashkent are of long-term nature. The impact of these threats is not the same for the countries of the region (at least due to the geographical factor), which results in several different views on the situation in Afghanistan and, accordingly, the Afghan problem (as a whole and its individual aspects) takes different places in the hierarchy of the political priorities of governments.

Due to geographical, geopolitical and geoeconomic factors Uzbekistan is one of the key players among the countries neighbouring Afghanistan in the process of settlement in Afghanistan. And without taking into account this factor, the Afghan settlement projects cannot be implemented in full. Over the past two decades, Uzbekistan has actively participated in the process of political and economic decision-making aimed at resolving the conflict in Afghanistan.

In July 2012, the Oliy Majlis of Uzbekistan considered and approved the Foreign policy concept of the Republic of Uzbekistan proposed by the President of the country. It determines the foreign policy strategy in the medium and long term. As noted in the document, the main priority of the foreign policy in Uzbekistan is the Central Asian region, which is associated with

its vital interests. According to the Concept, the problems of Central Asia should be solved by the countries of the region without the intervention of external forces.

The development and adoption of the Concept of foreign policy of Uzbekistan is the quintessence of the previous approaches and lessons learned (both positive and negative) in solving security problems in the region. The document is a logical continuation of the policy of Uzbekistan on the Afghan settlement. Some of the most important tasks in the Concept are the settlement of the situation in Afghanistan and ensuring peace and stability in the region.

The Foreign Policy Concept emphasizes that the foreign policy of Uzbekistan, including assistance to the situation in Afghanistan, is based on the following principles:

- Conduct an open, friendly and pragmatic policy towards its immediate neighbours;
- Facilitate the situation in Afghanistan on the principles of mutual respect and non-interference in internal affairs;
- Adopt political, economic and other measures to prevent involvement in armed conflicts and tensions in neighbouring countries, and do not allow deployment of foreign military bases and facilities on its territory;
- Integration should not be imposed from outside; it is unacceptable if it infringes the freedom, independence and territorial integrity of the country, or is provoked by ideological reasons;
- Uzbekistan has the right to make alliances, enter interstate formations and withdraw from them, guided by the supreme interests of the state, the people, their well-being and security.

Uzbekistan's position concerning the resolution of the Afghan conflict was originally based on two main pillars:

- recognition of the fact that settlement with mere military action is not possible;
- enhancement of the role of the economic component of the program for conflict resolution and reconstruction of Afghanistan.

Uzbekistan has consistently operated in two related ways – through participation in the implementation of economic projects and parallel diplomacy to bring together the efforts of Afghanistan's neighbouring countries, the US/NATO, China and Russia.

At the diplomatic level, Uzbekistan's approaches in the 1990s were based on the recognition of the fact that the developments in Afghanistan needed coordinated international cooperation to promote dialogue between the warring factions. In 1997, at the initiative of Uzbekistan, format "6 + 2" was launched under the aegis of the UN.⁹ The purpose of this format was primarily to settle the Afghan conflict through reconciliation of the Northern Alliance and the "Taliban" movement. Thanks to the work of the Contact Group, on 21 July 1999, "Tashkent Declaration on the fundamental principles of peaceful settlement of the conflict in Afghanistan" was signed in the presence of the opposing parties.

As a follow up to this idea, in 2008 Uzbekistan was invited to form Contact Group "6 + 3." Together with the countries bordering Afghanistan (Pakistan, Iran, China, Turkmenistan, Tajiki-

⁹ Six of the neighbours – Pakistan, Iran, China, Turkmenistan, Tajikistan and Uzbekistan, and the countries of the guarantors – the US and Russia.

stan, Uzbekistan), taking into account the current situation, the Contact Group was to include Russia, the US and NATO. The aim of this format was to unite efforts to find the best peaceful solution to achieve peace and stability in Afghanistan, as the use of military methods without solving social and economic issues only exacerbated the situation. It was suggested that the UN Secretary General Special Representative for Afghanistan would take over supervision and coordination of the work of the Contact Group. Unlike the "6 + 2" format, representatives of the authorities or the warring Afghan groups were not to take part in the negotiating process. However, this initiative of Uzbekistan was not supported.

Uzbekistan's key idea regarding Afghan settlement has always been the desire to reduce the military component and to pay more attention to the economic recovery, as only this will reduce the level of conflict potential in Afghanistan. The provision of targeted economic assistance to Afghanistan should be a priority.

In 2002, Uzbekistan began active cooperation with Kabul in the economic sphere. Thus, in the framework of the reconstruction program in Afghanistan, Uzbekistan helped build 11 bridges in the area "Mazar-i-Sharif – Kabul." In addition, the construction of a 442 km long 220 kV high-voltage line from Kabul toward the border with Uzbekistan is about to be finished. This transmission line will pass through five provinces of Afghanistan, and will be connected with the electric power system of Uzbekistan through the construction of a transmission line from substation "Surkhan" (Uzbekistan) to substation "Hairatan" (Afghanistan) over a distance of 43 km. This high-voltage line is supposed to transfer 150 MW from the Uzbek power system in the first phase, and in the future – up to 300 MW of power. The project costs more than 198 mln USD.

Joint Stock Company "Uzbektelecom" and the Afghan Telecom Corp have an inter-operator agreement for cooperation in the provision of international services through the fibre-optic communication line (FOCL) being built in Afghanistan, which will connect the two countries. The line was launched in 2009 with a capacity of 2.5 Gb/s with an opportunity for direct communication between Afghanistan and Uzbekistan providing international telephone services, access to Internet networks and exit through Uzbekistan to the CIS countries and further abroad.

One of the main problems hampering the growth of Afghanistan's economy and, in particular, the growth of production in the country is the lack of infrastructure – transport communications, water and energy supply networks, etc. In this context, the project for building a railroad through Afghanistan is of importance. In 2009-2010, Uzbekistan's state railway company ("O'zbekiston Temir Yo'llari") implemented the project for construction of the railway road "Hairatan – Mazar-i-Sharif" over a distance of 75 km at the cost of 129 million USD. It is estimated that in the first phase of operation the volume of cargo transportation by rail could reach 7 million tons annually, followed by an increase up to 20 million tons per year. It is planned to build a railway with a total length of 2,000 km on the route "Mazar-i-Sharif – Kabul – Kandahar – Herat" and back, looped in Mazar-i-Sharif. The total cost of this project, which will be the railway road analogue of the Trans-Afghan transport corridor from Europe with access to India, China, Iran and Pakistan, will be about 3 billion USD.

After 2001, when as a result of the operation "Enduring Freedom" in Afghanistan the regime of "Taliban" was overthrown, the process of continuous military presence of Western coalition began, and a new government headed by Hamid Karzai was formed, the program for reconstruction of Afghanistan with the support of donor countries and international financial institutions started.

Based on the current situation in Afghanistan, Uzbekistan's foreign policy will focus on:

- increased efforts to establish a political dialogue with Afghanistan (with all political forces inside Afghanistan), neighbouring countries and the leading forces interested in maintaining a unified Afghan state;
- use of bilateral rather than multilateral formats, which have unfortunately proved to be ineffective in resolving the Afghan conflict;
- providing all possible assistance in resolving social and economic problems in Afghanistan; support to projects aimed at creating a viable and growing economy of Afghanistan. Uzbekistan has accumulated a lot of experience in the implementation of reconstruction projects in Afghanistan and it is natural that it can initiate projects that are important for the social and economic development of Afghanistan.

Tajikistan's position on Afghanistan

The situation in Afghanistan is one of the constant factors of influence on the overall situation in the Republic of Tajikistan. This is due to the fact that Tajikistan has more than 1334 km common border with Afghanistan, much of which passes through difficult mountainous terrain. Tajikistan and Afghanistan are located in the same geographical region. Tajikistan and Afghanistan share common historical, cultural, ethnic, linguistic, religious and other factors. Both countries are on the "front line" of open and hidden geopolitical struggle between the world powers in the region, etc.

After each major change in the situation in Afghanistan, a part of the Afghan political, military, cultural and economic elite emigrates to Tajikistan. In particular, this happened in 1992, 1996, 1998 and continues today due to rising fears of the effects of 2014. Most of these people gradually move to a third country, but some stay in Tajikistan. Therefore, a respectable number of representatives of the Afghan elite (politicians, senior commanders, the intelligentsia, etc.) live today in Tajikistan; they are gradually integrated in expert circles in Tajikistan and contribute to the most profound understanding of the processes in Afghanistan.

Due to the fact that the Afghan question is of utmost importance for the foreign policy of the Republic of Tajikistan (as a close neighbour), also for the fact that the international community attaches great importance to the Tajik capabilities in this area, today in Tajikistan there are dozens of local and foreign centres, projects, initiatives, experts, etc., directly engaged with the Afghan issue.

According to Tajik experts, the situation in Afghanistan is complicated, the political situation enters a phase of uncertainty, and stability and security are getting worse by the day. As a result of the announcement of the date of withdrawal of the coalition, on the one hand there is a general mood of expectation, and on the other, there are open and hidden processes of rearrangement and regrouping of forces and means in all areas: politics, economy, culture and security.

The signing of the strategic agreement between the United States and Afghanistan, revitalization of the "Peshawar Board" and "Board of Queta," destabilization of the situation in the Afghan Badakhshan, the formation of a new "neutral" movement "People's uprisings," attempts to negotiate with the Taliban, sudden reshuffle of ministers in the government of Karzai, etc. suggest that some major changes can be expected even before the symbolic date of "2014." In addition, Tajik experts say that the most serious acts of world powers, especially the US and

the West in the direction of Central Asia can be expected in the wake of the violent processes in the Middle East.

On the other hand, Tajik experts claim that the date “2014” will have a strong psychological effect rather than a military and political one. After 2014, US military bases remain in Afghanistan and may also appear in other parts of Central Asia with the status of “transition points.” Direct attack of the Taliban (or any other Afghan forces) is not expected in Central Asia, but by the time, especially after the transfer of responsibility for the security of the Afghan provinces to local security forces, “the Central Asian Taliban” can more easily operate in the Afghan provinces and acquire new capabilities and power. In general, it is expected that after 2014 the scale of the “Afghan problem” can gradually spread to the whole of the “Greater Central Asia.” It appears this would not contradict the real interests of a number of world powers.

The main directions of the foreign policy of the Republic of Tajikistan, according to the official position of Dushanbe, with regard to Afghanistan and the Afghan conflict are as follows:

1. The problem of Afghanistan does not have a direct military solution; it shall be resolved through political and international mechanisms, with the experience of the world diplomacy, as well as traditional local (Eastern and Afghan) mechanisms and institutions.
2. Interested countries (without exception) shall sign, at the UN level, an agreement to create a “security belt” around Afghanistan, which would make it impossible to supply weapons and military goods and technology to Afghanistan. This zone limits the physical movement of military and paramilitary forces across the border.
3. Countering drug production in Afghanistan should be the focus of the international community, since their production and trafficking is one of the major sources of financing for international extremism, particularly for Afghan paramilitary formations.
4. At the same time, it is necessary to pay special attention to socio-economic, cultural and political issues of Afghan society. That is what will help eradicate social and cultural instability in Afghanistan.

Analyzing the foreign policy of the Republic of Tajikistan, experts have made the following recommendations for its improvement:

1. It is necessary to fully emancipate the official policy of the Republic of Tajikistan for Afghanistan from “the Soviet burden,” reflected in the influence of the Soviet psychological, informational and sometimes ideological representation of Afghanistan.
2. It is necessary to make a realistic assessment of the current situation in Afghanistan, taking into account possible changes, including up to and after 2014.
3. When evaluating the situation, first of all, it is necessary to use own tools and data, the experience of the participants to achieve peace and national accord in Tajikistan in resolving the Afghan conflict.

Experts agree that the main task of the Republic of Tajikistan in this area (especially considering the factor 2014) is to develop its own national foreign policy and its own vision on the Afghan problem, which must be formed precisely on the basis of national interests and national capacity in Tajikistan. It is through this policy that Tajikistan, as the nearest neighbour to Afghanistan, could make a greater contribution to resolving the situation in the country.

At the same time, experts point to two major dilemmas that inevitably face Tajikistan’s foreign policy towards Afghanistan:

- *Dilemma 1.* If in the future the Afghan conflict acquires more vivid and distinct ethnic character, Tajikistan shall take into consideration the ethnic factor in the formation of its attitude to the situation in Afghanistan.
- *Dilemma 2.* If further contradictions between world and regional countries on Afghan and regional issues become antagonistic and irreconcilable, it will be extremely difficult for Tajikistan to continue the current policy of “open doors.” It is possible that the situation is forcing RT to hold a specific position in favour of one of the geo-political “camps.”

According to Tajik experts, in anticipation of 2014 and in general, in the long term, the Central Asian countries need to take the following steps in the “Afghan direction”:

- Develop a common regional position in Central Asia to Afghanistan. This position should be shaped taking into account the interests of each country, as well as the region as a whole. Today, the uncoordinated position of the region in this direction is the cause of its weakness and vulnerability. In addition, the absence of a common position of Central Asian countries is successfully used by external world and regional players. In the future, this may even lead to the collapse of Central Asia as a unified political, historical and geopolitical body and concept (or single myth).
- Take an active regional position on the Afghan problem. The region of Central Asia has tremendous opportunities and effective levers for influencing the situation in Afghanistan, but due to the fragmentation of efforts and capabilities, today it has a minimal and peripheral impact. The continuation of such a passive position may promote instability in Central Asia.
- Joint development of the Afghan market, including energy and food. Widely provide their transport and transit capabilities to Afghanistan, as well as extensively use the possibilities of Afghanistan to gain economic and strategic access to the South.
- Active and efficient use of political, economic and military-technical benefits from NATO troops withdrawal along the “northern route.”

The positions of regional players and the great powers

Russia, during the brief period of “respite,” which coincides with the departure of the multinational coalition forces from Afghanistan, should be prepared to take on additional and largely increasing complex security commitments in CAR. This will be necessary, first of all, to secure Russia’s own development because the attempts to dissociate itself from the problems of Central Asia have failed. Secondly, this is necessary in order not to be pushed aside from the position which it was able to take in a period of declining US-Russian rivalry.

For its part, Russia is seeking to “return” to Afghanistan for different reasons. Firstly, it is related to security and geopolitics, that is, the need to participate in solving the problems of drug production and directly observe the actions of Washington. Second, establishing relations with Kabul, Russia, like all other “players,” pursues purely economic interests; it first needs markets for its military products, as well as a supplementary source of natural resources.

For all these reasons, Russia now faces the strategic task of developing adequate response to the unfolding situation:

- in the short term, it would be reasonable to continue limited, situational collaboration with the US and its allies in the anti-Taliban coalition, in particular regarding the adoption

of effective measures to fight against drugs produced in Afghanistan and transferred to Central Asia and Russia;

- in the long-term, measures should be taken to strengthen the border with Afghanistan, using the mechanisms of the CSTO and the SCO; in addition, it is necessary to get ready to establish constructive relationships with the government, which is to be created at the end of the conflict, and possibly participate in the programs for economic recovery in post-conflict Afghanistan.¹⁰

China is concerned about the possible transition of the Uyghur separatist movement under the control of the Islamists, which can seriously enhance the capacity of the organization "East Turkistan Islamic Movement" and turn Xinjiang into an outpost of terrorist activity in the region. Possible radicalization of Xinjiang could change the position of China from an observer to an active player, stipulating economic interference in the Afghan conflict to mitigate the "Taliban"; participation in the development of natural resources in Afghanistan is also important for the country.

China is approaching the region from the standpoint of a future economic superpower. Afghanistan's importance for China is also due to Beijing's commitment to ensure the safety of Pakistan, which is an ally of China in South Asia. China sees Afghanistan and Pakistan as a single territorial space. The present regime in Afghanistan is perceived as adversary and could also encroach on Pakistan's security, forcing it to confront simultaneously two threats, while Pakistan's security is an imperative for China.¹¹

India is most interested in building its own mechanisms to influence the Afghan situation.

According to some experts, *Islamabad* deliberately seeks to preserve the complicated situation in the Pashtun environment, which can be activated in case of a new Indo-Pakistani military conflict.

Interaction between *Japan* and *the United States* in resolving the Afghan problem can be characterized as a compromise between pressure from Washington to involve Japan in its military actions and the desire of the Japanese elite to maintain balance in order to satisfy the requirements of an ally, on the one hand, and on the other – take into account the domestic political realities. Tokyo's efforts to resolve the Afghan problem do not involve assistance from Washington. On the contrary, the Afghan problem has become quite an independent topic of Japanese diplomacy and has great potential for development, especially in light of the imminent withdrawal of foreign troops and the focus on post-war construction.¹²

Japan seeks to position itself as a global leader in solving humanitarian and socio-economic issues. Active participation in the reconstruction of Afghanistan not only allows Tokyo to gain new experience in solving global problems, but is also another step on the way to en-

¹⁰ *Security Challenges in Central Asia* (M: IMEMO RAS, 2013), 150 pp.; Y. Morozov, "Afghanistan after 2014: stability for SCO or a new round of tension in the Central Asian region?," *Problems of the Far East* (IFES RAS), no. 2 (2013): 94-114; D. Malysheva, "The Afghan endgame and Regional Security," *Global Economy and International Relations* (Moscow, IMEMO), no. 11 (2012): 16-23; D. Malysheva, "'Factor 2014' for Central Asia and Russia," *International Affairs* (RF Foreign Ministry), no. 2 (2014).

¹¹ Chen Chih Hao, "The strategic interests of China and India in Afghanistan," *Problems of the Far East* (IFES RAS), no. 6 (2011): 18-25.

¹² O.A. Dobrinskaya, "Tokyo: focus on non-military aspects of settlement in Afghanistan," *Asia and Africa Today* 11 (2012): 12-17.

hance its international prestige. Assistance to Afghanistan is of great importance to Japan in terms of strengthening positions in Central Asia, as well as energy security.

Turkey is not staying aside from the fate of Afghanistan (and most importantly – from related Turkic states of Central Asia). Ankara's main idea was to give the issue regional nature; i.e. attract neighbouring countries to participate more actively in solving the Afghan problem.

Possible areas of multilateral cooperation in Afghanistan

Actual problems of multilateral cooperation in Afghanistan

First, cooperation in training the national army and police, creating conditions that guarantee the non-emergence of a new civil war.

Second, the formation of a “security belt” around Afghanistan, localization of threats and challenges, and most importantly – the penetration into the territory of Central Asian states of terrorist and extremist groups, based in Afghanistan, but originating from Central Asia.

Third, assistance in combating drug trafficking in Afghanistan, including the establishment of mechanisms for monitoring the perimeter of the Afghan borders.

Fourth, participation in the financing and implementation of social and infrastructure projects in Afghanistan.¹³

Fifth, assistance to the negotiation process and building effective political institutions.

Sixth, assistance to the withdrawal of coalition forces from Afghanistan.

Existing international cooperation programs

To date, there is only one overall concept of multilateral cooperation in Afghanistan – “Greater Central Asia.” However, this concept raises many questions from the standpoint of maintaining stability and security in Central Asia.

A multilateral cooperation program of the Group on Afghanistan under the SCO is missing. In any case, the author of this article failed to see it. A similar conclusion can be drawn regarding the CSTO.

The existing potential of international cooperation

First, these are NATO and the United States as the main managers of the settlement process in Afghanistan.

¹³ India is interested in iron ore deposits in Hadzhigek, central Afghanistan (proven reserves of about 500 million tons of high-grade ore, three times more than projected). Nearby were discovered deposits of coal, which are also needed in metallurgy. According to Indian media reports, the development project of Hadzhigeka is estimated at 11 billion USD. China intends to become the main developer of the region's largest copper mine Aynak 50 kilometres from Kabul. It was also explored by Soviet geologists in 1970-1980 and is considered one of the most promising in Asia (proven reserves of over 5 million tons, expected – up to 17 million tons). In addition, in eastern Afghanistan were found deposits of pegmatite ores – a rich source of rubies, beryl, kunzite and giddenit. But these deposits are valuable not only for the precious stones – pegmatite fields are also the richest source of lithium, beryllium, tantalum, and niobium. These rare metals are essential for aircraft building, nuclear energy and other high-tech industries. There is evidence that these resources in Afghanistan have drawn the attention of big companies from the United States.

Second, the opportunities in the CSTO and the SCO (both in terms of expertise in addressing the above problems, and in terms of availability of appropriate specialized structures; availability of adequate material and financial resources, especially in China and Russia).

Third, relevance of multilateral cooperation in the settlement of Afghanistan, due primarily to the present deadlock and the fact that, unlike the United States and NATO, the problem of Afghanistan is an urgent task related to the national security of SCO and CSTO members.

Fourth, Afghanistan leadership is for the active participation of the SCO and the CSTO in the settlement process in Afghanistan.

Fifth, currently Afghanistan is the only area where cooperation is possible between the SCO, CSTO and NATO.¹⁴

Sixth, the lack of options for a military solution to the Afghan problem; threats emanating from Afghanistan can be solved only by political and economic means.

If we look at the big picture, we can talk about multilateral cooperation in the establishment of a new security architecture in the Central Asian region. We could apply the experience of all organizations currently dealing with this issue in the region, and Kazakhstan's experience, gained within the CCBMA. The mechanism of dialog used in the CCBMA can solve conflict issues not by means of armed confrontation, but rather around the negotiating table. And this is its big advantage – preventive diplomacy is always better than pre-emptive strikes.

It is quite possible that the greatest success will be achieved in this direction. The fact is that internal problems inside Central Asia are more than external threats, and most of them require the involvement of international organizations.

Challenges to multilateral cooperation

First and foremost – the reluctance of the US and NATO to allow the SCO and the Collective Security Treaty Organization in the process of settlement in Afghanistan. They are willing to cooperate only on a bilateral basis. Consequently, the primary task is to create the conditions to change this position.

The second problem – absence of multilateral mechanisms for funding economic and infrastructure projects (not only SCO-CSTO – NATO, but also within these organizations). Hence the task to create appropriate structures and develop a mechanism of formation and spending their budget.

¹⁴ There are serious reasons for this:

- apparent unwillingness of NATO “to clean up” after the US, bearing huge human and material losses;
- apparent inability of US and NATO to solve the problem of settlement in Afghanistan by themselves;
- the mutual interest of the SCO, CSTO and NATO in stabilizing the internal situation in Afghanistan;
- recognition of the need to fight terrorism and the drug threat by the three organizations;
- complicated political situation in Pakistan calling for alternative routes of delivery of humanitarian supplies to Afghanistan;
- understanding in the countries of the SCO-CSTO and in Europe that the Afghan problem has no military solution;
- cooperation in the process of solving the Afghan problem *a priori* implies that it will not be military, but primarily political and economic, therefore it will not cause resistance from the Taliban.

It is necessary to clarify that here we do not mean providing humanitarian assistance to the Afghan government. As practice shows, this is a deadlock. International assistance is either stolen, or used to pay for the services of international officials. The program shall be used for financing specific social and infrastructure projects.

The third problem – presence in the US, EU, Russia and the Central Asian states of established structures (criminal and government) interested in maintaining the drug trafficking from Afghanistan. This seriously hampers multilateral efforts to create in Central Asia conditions to block export of Afghan drugs and the ideas of radical Islam, and sharply narrow the external financial support to the Afghan opposition. In addition, creating a drug-free belt along the Afghan borders without the participation of Pakistan and Iran is not possible. Before giving them the status of a full member of the SCO it is not possible to cooperate fully with them in this area.

The fourth problem is the limited capacity of the Afghan government to maintain security in the country and adopt normal socio-economic and administrative decisions. Hamid Karzai's government does not control a large part of the country; local power is mainly concentrated in the hands of former warlords who have become almighty governors with their mini-armies beyond the control of Kabul. The big issue is the feasibility of a democratic model for the Afghan political system. On the one hand, it does not follow the traditions of this country, only creating resentment and increasing contradictions between the elites and ethnic groups. On the other hand, the last 30 years of turmoil and radical decentralization have exacerbated the problem of existence of Afghanistan as a centralized state.

The fifth problem are the growing difficulties in recent years in the relationship between Hamid Karzai, US political leadership and NATO member states. Apparently, this explains the shift in the plans of the future state structure of Afghanistan.

The sixth problem: first, the accelerated formation of national security forces facilitates the penetration of the Taliban in their midst for the purpose of propaganda. Given the mentality of Afghans and their strong religiosity, we can expect the transition under a favourable situation of individual military units on the side of the "Taliban" movement with their weapons and military equipment. Secondly, the security forces are now to a large extent subject of corruption that will only intensify with the transfer of powers to restore order in the country. The third major challenge is the future ethnic composition of the government security forces and whether they will generate new formations of the Mujahideen. Finally, the question arises as to who will take over the funding of the preparation of the national security forces, and how much this will cost.

The seventh problem rests in the complexity of intra-Afghan negotiation process under the auspices of international cooperation. A practical solution to this problem is unlikely. First, only two countries can be mediators in the dialogue with the Taliban – Iran and Pakistan, but the big question is whether they will play this role, each of them being in the position of a rogue for US and NATO and not a full member of the SCO. Second, these are the conditions for a dialogue with the Taliban. The basic conditions under which the "Taliban" movement is ready to lay down their weapons and start negotiations are known. They are: change of the country's constitution; withdrawal of foreign troops; recognition of the "Taliban" movement in Afghanistan as part of the political system; opening "Taliban" representative offices in the cities of Afghanistan; exclusion of leaders of the movement from the "black list" of the UN Security Council; release of all Taliban from prison; holding elections under the supervision of a neutral interim government.

The big question is to what extent these conditions are acceptable to the United States, NATO and the Kabul regime. If the execution of some of them is a matter of time, the main condition for the leaders of the rebel movement—the withdrawal of all foreign troops from Afghanistan—is not feasible. It is not only contrary to the US strategy, but also unacceptable for Karzai, whose authority rests in the foreign military presence. If coalition forces leave quickly without actually achieving their goals, this will inevitably lead to Talibanization of the country, the consequences of which is quite difficult to predict.

Conclusion

Against the background of potential instability after 2014 transition and the political vacuum emerging in Afghanistan, the problem of a political settlement in Afghanistan and the abyss of violence and possibly civil war is still unresolved. While most NATO governments are under pressure to withdraw their forces at a faster pace, many expect the formation of zones of instability for the entire region.

The “problem of 2014” has two main components – American and Afghan. Since 2001, Americans have created a situation which can develop in a fairly narrow corridor. Keeping their military presence will slow down the collapse of the situation in Afghanistan. However, it will not save the region from the spread of Islamic extremism, as Americans have long bet on cooperation with its representatives. This is evident not only in Afghanistan but also in Libya, Syria and other countries. At the same time, their departure from the country is likely to accelerate the collapse of the internal situation and the export of terrorism to neighbouring countries.

In fact, Afghanistan is a failed experiment of centralized democracy, the country is on the way to a split; some areas are controlled by the Taliban, and many others – by uncontrolled unstable leaders.

Apparently, Afghans are aware of the internal and external forces of a large backstage political game. It can help preserve the current situation, or might cause the partition of the country (that will fit into the US strategy of “Balkanisation” of the region), or dual power, or the return of the Taliban, or a civil war. All this could be avoided in only one case. It is necessary that the Afghans finally agree among themselves, sacrificing the chronic confrontation between ethnic minorities that make up half the population, and the Pashtuns (the Taliban for the most part are Pashtun) for the sake of ending the war which has been exhausting Afghanistan for decades.

The Pentagon intends to gain permanent status for its military bases in Afghanistan in order to achieve its formally declared objectives – strengthening of democracy, eradication of international terrorism and drug production. In addition, political scientists specify other goals of Washington – countering the influence of Russia, China and India in the region, increasing the pressure on Iran, creating a springboard for expanding access to energy resources of the Caspian Sea.

It is clear that the course of events in Afghanistan will continue to have an impact on neighbouring countries. On the other hand, the situation in Afghanistan is largely shaped by the special interests of these countries. Thus, Afghanistan’s neighbours are the key stakeholders in the future of Afghanistan. But political conflicts and disputes in the region have led to instability in Afghanistan for decades and still hinder constructive regional or even bilateral cooperation. It is worth noting that the interests of India and Pakistan in Afghanistan are seen, as a rule, in terms of their strategic rivalry for power and influence. There is a strong political competition between these two countries in Afghanistan, driven by real or imaginary security problems.

Iran, on the other hand, has a strong interest in the stability in Afghanistan – not for the benefit of the Taliban regime. At the same time, however, the position of the Iranian government to eliminate the US presence in Afghanistan outweighs the common interests in stabilizing Afghanistan. Iran often simultaneously supports both sides: the Taliban and the Kabul government.¹⁵

Thus, all the countries neighbouring Afghanistan believe they have legitimate interests in the course of events in Afghanistan. They support a stable and independent Afghanistan in pursuit of their interests. With this in mind, the international decisions will only be fruitful when they are with the consent of neighbouring countries with different and sometimes conflicting interests in Afghanistan, in accordance with their strategic cooperation with allies inside and outside Afghanistan. Furthermore, increased security and economic integration in Afghanistan will be useful for neighbouring countries by enhancing security and increasing trade relations in the region.

The question of possible transformation of the geopolitical situation in Central Asia in connection with the pending withdrawal of NATO troops from Afghanistan is not raised at the state level. However, the expert community is currently considering this factor as the key to a possible destabilization of the situation in the region.

Based on the current situation with the settlement in Afghanistan, the policy of Central Asian countries in this regard is likely to be focused on the intensification of efforts to establish a political dialogue with Afghanistan (with all political forces inside Afghanistan), neighbouring countries and the leading forces interested in maintaining a unified Afghan statehood; to assist in resolving social and economic problems in Afghanistan, to support projects aimed at creating a viable and growing economy of Afghanistan.

Uzbekistan and Turkmenistan will probably start with revitalization of bilateral formats, Tajikistan, Kazakhstan and Kyrgyzstan will rely on multilateral institutions involved in the Afghan settlement.

References

1. Abdulloev, R., "Ethno-political processes in Afghanistan after 2001," *Central Asia and the Caucasus* (Lulea, Sweden), no. 1 (2013): 7-16 (in Russian and English).
2. Abdulloev, R., "The Pashtuns in the political life of Afghanistan," *Central Asia and the Caucasus* (Lulea, Sweden), no. 3 (2013): 85-95 (in Russian and English).
3. Abdulloev, R., "The influence of the ethnic factor in the formation of the Afghan state," *Central Asia and the Caucasus* (Lulea, Sweden), no. 1 (2014): 145-154 (in Russian and English).
4. Akimbekov, S., "The problems of the liberalization of Afghanistan during the New Democracy (1963-1973)," *Kazakhstan in global processes* (IMAP), no. 1 (2014): 94-109.
5. Akimbekov, S., "Out of the Afghan deadlock?" *Centre of Asia* (Almaty), no. 2 (2014): 45-49.
6. "Afghanistan in 2014 and after: opportunities or imminent danger," *Safety index* (PIR Centre), no. 2 (2014): 87-104.
7. Basov, V.V., *National and tribal in Afghanistan. Understanding the non-military origins of Afghan crisis* (Moscow: SIC Federal Drug Control Service, 2011), 354 pp.

¹⁵ See: M. Darhor, A. Salehi, "New geopolitical situation in Afghanistan and its impact on the national security of Iran," *Central Asia and the Caucasus* (Lulea, Sweden), no. 1 (2014): 63-78.

8. Belokrinitsky, V.Y., S.N. Kamenev, "Afghanistan and Pakistan: state and prospects?" *Vostok-Oriens* (Moscow Institute of Oriental Studies, RAS), no.4 (2012): 165–170.
9. Bobokulov, I., "Afghan transformation: priorities and key issues," *Central Asia and the Caucasus* (Lulea, Sweden), no. 2 (2013): 19-40 (in Russian and English).
10. Guy, J.S., "Do not be overly optimistic in your defeatist mood!" *Kazakhstan in global processes* (IMAP), no. 4 (2013): 62–70.
11. Darhor, M., S. Kafi, S.H. Sadat, "The Strategy of the United States and the Afghan National Security," *Central Asia and the Caucasus* (Lulea, Sweden), no. 3 (2013): 38-47 (in Russian and English).
12. M. Darhor, A. Salehi, "The new geopolitical situation in Afghanistan and its impact on the national security of Iran," *Central Asia and the Caucasus* (Lulea, Sweden), no. 1 (2014): 63-78 (in Russian and English).
13. Iskandarov, K., "The factor of Pakistan in the Afghan conflict," *Central Asia and the Caucasus* (Lulea, Sweden), no. 3 (2013): 96-111 (in Russian and English).
14. Iskandarov, K., "The presidential elections in Afghanistan: Challenges postponed," *The Great Game: politics, business and security in Central Asia*, no. 3 (2014): 12-24.
15. Komissina, I.N., "Afghan opiates: 20 years 'northern' transit," *Problems of National Strategy* (RISS), no. 1 (2013): 116-134.
16. Konarovskiy, M., "The results of NATO operation in Afghanistan and scenarios for Russia," *International Affairs* (RF Foreign Ministry), no. 8 (2013): 105-118.
17. Konarovskiy, M., "Afghanistan in the political assessments and practical activities of the SCO," *Problems of National Strategy* (RISS), no. 2 (2013): 7-21.
18. Konarovskiy, M., "Afghanistan is on the verge. What is Russia to expect after the withdrawal of NATO troops," *Russia in Global Politics* (Moscow), no. 3 (2014).
19. Korgun, V.G., "The peace process in Afghanistan," *Asia and Africa today* (Institute of Oriental Studies, Russian Academy of Sciences IAF), no. 6 (2013): 13-17.
20. Korgun, V.G., "Who said that NATO is withdrawing from Afghanistan?," *Safety index* (PIR Centre), no. 2 (2014): 105-108.
21. Laumulin, M.T., "The problem of 2014: scenarios of the situation in Afghanistan and Central Asia," *Kazakhstan in global processes* (IMAP), no. 2 (2013): 55-80.
22. Laumulin, M.T., "Security in Central Asia in the context of the situation in Afghanistan after 2014," *Central Asia and the Caucasus* (Lulea, Sweden), no. 3 (2013): 7-22 (in Russian and English).
23. Malysheva, D., "'Factor 2014' for Central Asia and Russia," *International Affairs* (RF Foreign Ministry), no. 2 (2014).
24. Makhmudov, R.B., "Afghanistan – a conceptual challenge for US foreign policy," *The Great Game: politics, business and security in Central Asia*, no. 3 (2014): 25-34.
25. Mendkovich, N., "Lessons for the future. The military outcome of NATO Afghan campaign," *Russia in Global Affairs* (Moscow) 11:2 (2013).
26. Morozov, Y., "Afghanistan after 2014: stability for the SCO member states, or new tensions in the Central Asian region?," *Problems of the Far East* (IFES RAS), no. 2 (2013): 94-114.
27. Morozov, Y.V., "The American strategy in Afghanistan after 2014: stability or new tensions in the region?," *USA-Canada*, no. 7 (2013): 33-52.

28. *The new generation of alternative development programs for the elimination of Afghan drug production* (Moscow: IDMR TSSVI-2014), 32 pp.
29. Okimbekov, U.V., "Afghanistan: the problem of sharing water of transboundary rivers," *Asia and Africa today* (IV - AF RAS), no. 10 (2013): 39–43.
30. Popov, D.S., "The participation of the countries of Central Asia in the supply of US forces in Afghanistan," *Problems of National Strategy* (RISS), no. 1 (2014): 62–80.
31. Smagulov, A., "The armed conflict in Afghanistan and the political and economic development of Central Asia," *Central Asia and the Caucasus* (Lulea, Sweden), no. 2 (2013): 139-153 (in Russian and English).
32. Safranchuk, I.A., "The international factor and the results of the second round of elections in Afghanistan," *The Great Game: politics, business and security in Central Asia*, no. 3 (2014): 2-3.
33. Safranchuk, I.A., "The US in Afghanistan: the official line and alternatives," *The Great Game* (Moscow), no. 1 (2014): 5-14.
34. Stepankova, E.A., *Afghanistan after 2014: Prospects for Russia* (Paris: IFRI, 2013), 26 p. (RNV № 71).
35. Stepanova, E.A., "Russia, the US and countering drug trafficking from Afghanistan," *Pro et Contra* (CIP), no. 6 (2013): 102-119.
36. Stepanova, E.A. (lead author), *The Afghan drug trafficking: Joint Threat Assessment*, Report of the Russian-American working group on Afghan narcotrafficking (New York: EastWest Institute, 2014), 60 pp.
37. Syroezhkin, K., "'The problem of 2014' and security in Central Asia," *Central Asia and the Caucasus* (Lulea, Sweden), no. 3 (2013): 23-37 (in Russian and English).
38. Ruttig, T., "The road through Qatar: road to nowhere? Opportunities and obstacles to a political solution in Afghanistan with the Taliban," *Central Asia and the Caucasus* (Lulea, Sweden), no. 3 (2013): 48-60 (in Russian and English).
39. Fedulova, N.G., "Central Asia after the withdrawal of foreign troops from Afghanistan," *Russia and the new states of Eurasia* (IMEMO), no. IV (2013): 32-49.
40. Tsarik, J., *Drug Production in Afghanistan as a threat to international peace and security* (Minsk: TSSVI, 2014), 88 pp.
41. Tsvetkova N.A., "Information warfare of Taliban: Washington in the defence," *Asia and Africa today* (IV - AF RAS), no. 1 (2013): 10-16; no. 2 (2013): 23-26.
42. Yuldasheva, G., "Iranian-Afghan relations in the eve of US troops withdrawal from Afghanistan," *Central Asia and the Caucasus* (Lulea, Sweden), no. 3 (2013): 112-124 (in Russian and English).
43. Coburn, Noah, "The Political Economy of Withdrawal and Transition in an Afghan Market Town," *Central Asia Policy Brief* 12 (Washington: The George Washington University, October 2013), 5 pp.
44. Dhaka, A., "Factoring Central Asia into China's Afghanistan policy," *Journal of Eurasian Studies* 5:1 (2014): 97–106.
45. Giustozzi, A., "The Next Congo: Regional Competition for Influence in Afghanistan in the Wake of NATO Withdrawal," *Central Asia Policy Brief* 10 (Washington: The George Washington University, September 2013), 13 pp.
46. Gussarova, A., "Withdrawal of Troops from Afghanistan in the Strategy of NATO Countries," *Central Asia's Affairs* (Almaty, KazISS), no. 1 (2013): 26–31.

47. Gussarova, A., "EU Strategy for Afghanistan," *Central Asia's Affairs* (Almaty, KazISS), no. 4 (2013): 11–14.
48. Harnisch, S., "German Afghanistan Policy after 2014" (Heidelberg: Institute of Political Science, 2013), 12 pp.
49. Hopkins, Benjamin D., and Magnus Marsden, *Beyond Swat: History, Society and Economy along the Afghanistan–Pakistan Frontier* (London: Hurst, 2013), xvi+352 pp.
50. Izimov, R., "Afghan Problem After 2014 (by Chinese Experts' Estimates)," *Central Asia's Affairs* (Almaty, KazISS), no. 2 (2013): 29–31.
51. Laumulin, M., "Central Asia: Security in the Context of Post-2014 Afghanistan," *Central Asia and Caucasus* (Lulea, Sweden), no. 3 (2013): 7–20.
52. Laumulin, M., "Central Asia and Post-2014 Afghanistan in the Security Context," *Central Asia's Affairs* (Almaty, KazISS), no. 3 (2013): 4–14.
53. Laumulin, M., "Regional Efforts on the Central Asia States regarding Afghanistan," in *ISAF's withdrawal from Afghanistan – Central Asian perspectives on regional security*, ed. Johan Norberg and Erika Holmquist (Stockholm: FOI, 2014), pp. 66–73.
54. Norberg, Johan, and Erika Holmquist, eds., *ISAF's withdrawal from Afghanistan - Central Asian perspectives on regional security* (Stockholm: FOI, 2014), 120 pp.
55. Olsson, Stefan, Erika Holmquist, Samuel Bergenwall, and Helene Lackenbauer, *Afghanistan after 2014: Five Scenarios* (Stockholm: FOI, 2012), 100 pp.
56. Snetkov, Aglaya, and Stephen Aris, eds., *Other Sides of Afghanistan. The Regional Dimensions to Security* (London: Palgrave Macmillan, 2013), 304 pp.
57. Starr, S. Frederic, and Andrew C. Kuchins, *The Key to Success in Afghanistan. A Modern Silk Road Strategy* (Washington, D.C.: Central Asia – Caucasus Institute & Silk Road Studies Program – A Joint Transatlantic Research and Policy Center, Johns Hopkins University-SAIS, 2010), 48 pp.
58. Starr, S. Frederic, *Finish the Job: Jump-Start Afghanistan's Economy* (Washington, D.C.: Central Asia – Caucasus Institute & Silk Road Studies Program – A Joint Transatlantic Research and Policy Center, Johns Hopkins University-SAIS, 2012), 55 pp.
59. Stepanova, Ekaterina, "Russia's Concerns Relating to Afghanistan and the Broader Region in the Context of the US/NATO Withdrawal," Report by U.S.–Russia expert group on the Afghan narcotics trafficking, Policy Research Papers (Barcelona: CIDOB, June 2013), 23 pp.
60. Stepanova, Ekaterina (lead author), *Afghan Narcotraficking: A Joint Threat Assessment*, Report by U.S.–Russia expert group on the Afghan narcotics trafficking (N.Y.: EastWest Institute, 2013), 60 pp.
61. Syroyezhkin, Konstantin, "Problem–2014 and Central Asian Security," *Central Asia's Affairs* (Almaty, KazISS), no. 2 (2013): 13–22.
62. Tadjbakhsh, Shahrbanou, *Central Asia and Afghanistan: Insulation on the Silk Road, Between Eurasia and the Heart of Asia* (Oslo: Peace Research Institute, 2012), x + 62 pp.
63. Tairov, Rafik A., "The Afghan Army in the Context of National Security," *Afghanistan Regional Forum*, no. 11 (Washington, October 2013), 9 pp.
64. Williams, Brian G., *Afghanistan Declassified: a Guide to America's longest War* (Harrisburg: University of Pennsylvania Press, 2012), xii+248 pp.

Chapter 4

Formation of the Eurasian Economic Union and Development of the Collective Security Treaty Organization

A.V. Rusakovich

One of the main trends in the development of international relations is the sustainable development of integration associations, which is typical for the post-Soviet space. Regional organizations in the former Soviet Union were formed in 1990-2000s, also initiated by Russia. The existence and development of these organizations now reflect the desire of the Russian leadership to transform the state into a global centre of power and integrate the military-political and economic groupings to form along the perimeter of its borders a system of allies. This problem acquired urgent character in 2014, when Ukraine's aspiration for EU association clashed with a strong reaction in the Kremlin and caused a crisis in European relations.

Currently, the most significant integration project of the Russian leadership in the post-Soviet space is the formation of the Eurasian Economic Union (EAEU). In the expert and political circles, this project was defined as "Eurasian integration," which in geopolitical and geoeconomic aspect is competitive to the European integration. In addition, the economic content of the project at the stage of its formation corresponds to the existing liberal market paradigm of the post-Soviet space.

Background and features of the Eurasian integration

Currently, due to the intensification of integration processes in the post-Soviet space, a significant trend in expert and scientific papers is the comparative analysis of European and Eurasian integration, and their competitive and partner potential.¹ Undoubtedly, the European Union is the most efficient project in the world, taking into account the national interests of its Member States in the implementation of projects of economic and political integration, and acting as a global player in the international arena. It should be noted that the European integration has gone a long and difficult way. In turn, the post-Soviet integration in its development is also based on the common patterns of integration as one of the manifestations of globalization, and at the same time has a number of specific features. First of all, in the recent past the post-Soviet states were an integral part of a single federal socialist state. After the collapse of the Soviet Union, the CIS solved the problems of continuity, division of state property, and an attempt

¹ E. Treshchenkov, "European and Eurasian integration models: the limits of commensurability," *World Economy and International Relations* 5 (2014): 31-41.

was made to resolve regional conflicts. Generally, the process of disintegration continued in the region, associated with both the mismatch of regional interests of CIS countries, and with distrust of the political elite in the creation of supranational bodies, albeit a distant reminiscence of a unified state. A new format of international relations emerged in the former Soviet Union related to the phenomenon of "post-Soviet identity." In addition, it turned out that the system of relations between the republics that existed within a single state had a considerable momentum, and many of the elements constituting the earlier economic, political, social mechanism of the Soviet Union continued to operate in the post-Soviet space. The second important difference – integration projects were implemented in the most difficult conditions of national statehood, transformation of the political, economic systems, changes in mentality. In the early 1990s, the economies of most CIS countries were in crisis. Of course, this environment was not conducive to the implementation of integration projects. The third specific feature is the large difference between countries in the region in economic, resource, demographic, religious, civilizational terms, which significantly complicates the process of rapprochement. And finally, the fourth feature – the position of the Russian Federation, its approach to integration projects, the ability of the Russian political elite to build an equal, mutually beneficial and effective relations with post-Soviet states in integration associations. There are other challenges as well, such as competition from more efficient integration projects, primarily the European Union.

The initial phase of post-Soviet integration is associated with the CIS. During the formation of the CIS, different views were heard on its future: some politicians and experts predicted its collapse after addressing the division of property of the former USSR; others hoped that the organization will become one of the world's centres of power, will effectively resolve the problematic issues, and will give a powerful impetus to the development of the member states. In order to enhance economic integration, in September 1993 CIS member states signed the Treaty establishing the Economic Union. For the development of its provisions, a number of agreements were reached, including an agreement to establish a free trade zone. However, existing political and economic problems did not contribute to the implementation of these projects within the CIS.

Based on the experience from the first half of the 1990s, the best prepared post-Soviet states began implementing new integration projects. The political elite of Russia in this period shaped the concept of "multi-speed integration," which allowed, similarly to the European Union, to form new unions within the CIS involving states prepared for advanced level of economic and political integration. This core included three countries – Russia, Kazakhstan, and Belarus. In this period, the political elite of Kazakhstan put forward the idea of Eurasian integration. It is worth noting that the origin of this idea goes back to the beginning of the 20th century, when part of Russian intellectuals and politicians justified the "special path" of Russia. According to one of the authors of the Eurasian concept, N. Trubetskoy, geopolitically Eurasia combines large areas of the steppe zone from Manchuria to Transylvania, while the Great Russians, spiritually and ethnically mixed with the descendants of Genghis Khan's Mongol Empire, formed a special Eurasian ethnicity.²

The fundamental principles of the Eurasian idea in the new environment were outlined by the President of Kazakhstan Nursultan Nazarbayev in his speech at Moscow State University

² A. Dugin, *Basics of geopolitics. The geopolitical future of Russia. Think of space* (M.: Arctogaia Centre, 1999), pp. 635-6.

in March 1994. In essence, these were: first, the development of integration shall be based on economic pragmatism, taking into account cultural and civilization factors; second, voluntary integration based on awareness of the objective need for this process; third, observance of the principles of equality, non-interference in internal affairs, respect for sovereignty and inviolability of frontiers; four, supranational bodies shall act on the basis of consensus, taking into account the interests of each member state, and have a clear and real authority. The basis of the institutional approach to the implementation of this theory was the idea of integration of Russia with the Central Asian countries. The President of Kazakhstan offered the form of the new association – the Eurasian Union of States.³

Based on the initiatives of Belarus, Kazakhstan and Russia in the late 1990s, regional organizations emerged in the post-Soviet space: the Central Asian Community (created in 1994, Member States: Kazakhstan, Uzbekistan, Kyrgyzstan, Tajikistan), in 2002 renamed into the Central Asian Cooperation, and in 2006 merged with the Eurasian Economic Community; Community of Belarus and Russia (1996), transformed into the Union of Belarus and Russia (1997) and in 1999 into the Union State. In 1995-1996, an agreement was reached to form the Customs Union of Russia, Belarus, Kazakhstan, Kyrgyzstan and Tajikistan. The future goals and objectives of these countries in the economic sphere were specified in February 1999 in the Treaty on the Customs Union and the Common Economic Space.

In the early 2000s, the Russian government formed a new approach to regional issues, and the CIS developed a concept on strengthening the political and economic presence of Russia in the post-Soviet space. As noted by Russian Foreign Minister Igor Ivanov, “in essence, Russia was faced with a choice: to continue to consider integration as an absolute value for which it is worth accepting any costs and concessions to the partners, or switch to a more pragmatic course that takes into account national security and economic development of the country.”⁴ In the early 2000s, Russia’s leadership headed by Vladimir Putin focused on bilateral relations with the CIS countries, considering this trend as a necessary prerequisite for the further development of integration processes, while the process of reformatting the CIS space was initiated. Thus, based on the agreement on the Customs Union of Belarus, Kazakhstan, Kyrgyzstan, Russia and Tajikistan EurAsEC was established in October 2000. In May 2002, the Treaty on Collective Security was transformed into the Collective Security Treaty Organization. The Russian leadership also took steps to attract Ukraine to the integration processes in the CIS. In February 2003, there was a Statement of the Presidents of Belarus, Kazakhstan, Russia and Ukraine on the establishment of the Common Economic Space, and in September the same year, the leaders of the four countries signed an agreement on the formation of the Common Economic Space and adopted the Concept of formation of the Common Economic Space. Ukraine’s withdrawal from this integration project in 2005 led to the fact that after 2006 the Common Economic Space and the Customs Union within the EurAsEC involved three states: Belarus, Kazakhstan and Russia. In 2007, the three countries signed the Treaty on establishing a single customs territory and formation of the Customs Union, and the Treaty on the Customs Union Commission. The regional organizations established in the late 1990s and early 2000s with the participation of Russia and the Central Asian states became institutional predecessors of the Eurasian Economic Union.

³ N. Nazarbayev, *Critical Decade* (Almaty: Atamura, 2003), 240 pp.; N. Nazarbayev, *Strategy of Independence* (Almaty: Atamura, 2003), 312 pp.

⁴ I. Ivanov, *New Russian diplomacy. Ten years of foreign policy of the country* (Moscow, 2001), 109 pp.

In 2010, Belarus, Kazakhstan and Russia finally agreed on their approach to the Customs Union. In the course of negotiations, the Belarusian leadership made great efforts to create favourable economic conditions to receive Russian oil and oil products. The Customs Union of the three states called for the establishment of a single customs territory to apply common measures regulating trade with third countries; established the order of distribution of customs duties, taxes and fees; created Customs Union structures. The Customs Union Commission began functioning in January 2009, and the Customs Code of the Customs Union entered into force in July 2010.

In late 2010, the three countries signed a package of agreements on the formation of the Common Economic Space. The main principles of the functioning of the CES were identified to ensure freedom of movement of goods, services, finance and human resources within the member states. The CES implementation project was launched within the Eurasian Economic Community in 2012.

Major decisions in the framework of the CES are taken by the Supreme Eurasian Economic Council – the successor to the Interstate Council of the Customs Union, which represents the presidents of the three countries. The Eurasian Economic Commission replaced in February 2012 the Commission of the Customs Union as the first CIS supranational body. The Eurasian Economic Commission is functioning as a permanent regulatory body of the Customs Union and the Common Economic Space. Its basic purpose is to provide conditions for the work and development of these integration associations and make proposals for the further enhancement of integration. The Russian Federation, Kazakhstan and Belarus are part of the EAEC. The EAEC has the status of a supranational governing body and is guided by the interests of the Eurasian community as a whole; its decisions are not based on the interests of any national government.⁵ The decisions made by the Commission are binding on the territory of the Customs Union and the Common Economic Space. Decisions are made by the EAEC Board. The Board of the Eurasian Economic Commission consists of 9 members (3 members of the board are ministers from each Member State), one of whom is the chairman of the Board. The Chairman and members of the board are appointed for a term of 4 years by a decision of the Supreme Eurasian Economic Council at the level of Heads of State. The work of EAEC is structured by functional areas supervised by members of the Board. In 2014, the structure of the EAEC included 23 departments with 17 advisory committees to give proposals and consultation with representatives of Member States.⁶

The main focus of the Eurasian Economic Commission is on: distribution of import customs duties; establishment of trade regimes in regard to third countries; statistics of foreign and mutual trade; macroeconomic policy; competition policy; industrial and agricultural subsidies; energy policy; natural monopolies; state and (or) municipal procurement; mutual trade in services and investment; transport and traffic; monetary policy; protection of intellectual work and means of individualization of goods, work and services; labour migration; financial markets (banking, insurance, the foreign exchange market, the securities market); customs tariff and non-tariff regulation; customs administration, etc. According to the materials of the EEC, one of

⁵ "On the Eurasian Economic Commission" (Electronic resource), Eurasian Economic Commission, 2014, available at <http://eurasiancommission.org/ru/Pages/about.aspx> (accessed 14 November 2014).

⁶ *Ibid.*

the main principles of work in the EAEC is the maintenance of a multilateral dialogue with key partners at the international level and with the business community.⁷

The establishment and work of the CES are based on the rules and regulations of the World Trade Organization. At the launch of the CES, Belarus expected that member countries will join the World Trade Organization with minimum time difference. In connection with Russia's entry into the WTO in 2012, Belarus and Kazakhstan, which were out of this organization, were forced to adjust their economic policies. In accordance with the Treaty on the Functioning of the Customs Union, the obligations adopted by the CU as a precondition of joining the WTO take precedence over the provisions of international agreements concluded within the Customs Union and the decisions made by its authorities. As mentioned by Belarusian experts, in this case it was expected to increase competition for Belarusian products on the Russian market. Belarus also had to reduce the number of barriers to import goods; at the same time conditions for Belarusian exports did not improve. Belarus and Kazakhstan were not able to use WTO mechanisms to protect their economic interests, which created additional difficulties for these countries.

During the start-up phase, CES prospects were evaluated quite optimistically. According to assessments of experts from the Eurasian Development Bank, the total effect from the integration within the CES in the period 2011-2030 can give Belarus additional 15 % GDP growth, Kazakhstan – 3.4 % of GDP, and Russia – 1.9 % of GDP.⁸

After the formation of the Customs Union in 2011, Belarus faced a number of difficulties. The leadership of the Republic, referring to the existing model of socio-economic development and a significant difference between the structure of the Belarusian economy and its partners, took a number of steps to obtain a special status within the union and delay the introduction of certain procedures. In particular, this concerned harmonization of currency regulation, reducing state support for agriculture, coordination of external debt indicators, the budget deficit and inflation. Issues sensitive for the Belarusian economy, related to oil and gas supplies from Russia, were excluded from the agenda of the Customs Union and the Common Economic Space and were solved on a bilateral basis. After difficult negotiations in late 2011, Russia and Belarus reached an agreement on gas and oil supplies, which enabled Belarus, according to official information, to save 3–4 billion USD in 2012.⁹ The year 2011 was extremely difficult for the Belarusian economy: the monetary and financial crisis weakened the competitiveness of the Belarusian economy; the resulting annual inflation rate of 100 % practically reduced the population's income. The Customs Union affected the country in a more negative way than expected. In particular, as a result of increased customs duties on cars, about 2 billion USD were taken out of the country in 2011 upon the acquisition of vehicles from outside the Customs

⁷ "On the Eurasian Economic Commission."

⁸ A. Kozhemyakin, "Belarusians predict a very bright future in the EAEU" (Electronic resource), *News of the Commonwealth of Independent States*, 24 January 2012, available at www.cisnews.org/news/by/5087-belarusi-predrekayut-ochen-svetloe-budushee-v-eep.html (accessed 26 November 2014).

⁹ "Alexander Lukashenko addressed the permanent seminar of executives of national and local authorities," The official internet-portal of the President of the Republic of Belarus, 15 December 2011, available at http://president.gov.by/ru/news_ru/view/aleksandr-lukashenko-vystupil-na-postojanno-dejstvujuschem-seminare-rukovodjaschix-rabotnikov-respublikanskix-5155/ (accessed 16 October 2014).

Union by Belarusian citizens.¹⁰ In this crisis, the credit dependence of Belarus increased and Russia became its major creditor; the presence of Russian capital in Belarus grew. According to the Belarusian President Alexander Lukashenko, the creation of the CES was not an easy compromise for Belarus: “Belarus has paid dearly for the Common Economic Space. But there is every reason to believe that this ‘risk’ will pay back.”¹¹

Approaches of the leadership of Belarus, Kazakhstan and Russia to the Eurasian integration

In November 2011, the presidents of Russia, Belarus and Kazakhstan signed a declaration on Eurasian economic integration which announced the transition to the next stage of integration – the Eurasian Economic Union to be established on the basis of the Customs Union and the Common Economic Space by 2015: “Parties shall try to complete by January 1, 2015 the codification of international treaties that make up the legal framework of the Customs Union and the Common Economic Space, and on this basis to create the Eurasian Economic Union.”¹² The declaration noted that further integration of the three countries meets their national interests, helps solve common problems to improve the welfare and quality of life of citizens, facilitates sustainable socio-economic development, modernization and enhancement of national competitiveness in the global economy.

Common approaches of the Russian leadership to the Eurasian integration in the format of the Eurasian Economic Union were set out in the article of Russian Prime Minister Vladimir Putin in October, 2011 in the newspaper “Izvestia.”¹³ It was emphasized that this project was a historic landmark not only for the three countries, but also for all post-Soviet states, and was the result of processes in the CIS taking place over the past twenty years: “integration shall be turned into a friendly, attractive for citizens and businesses, sustainable, long-term project, independent of the current political or other conditions.”¹⁴ The article contained a list of priority measures necessary for the implementation of the new integration project: coordinated action in macroeconomics, competition regulations, technical regulations and agricultural subsidies, transport, tariffs of natural monopolies; further on – transition to a single visa and migration policy. Putin outlined the new project: first, it is “a model of a powerful supranational body capable of becoming one of the poles in modern world and play the role of an efficient “link” between Europe and the dynamic Asia-Pacific region”; second, the Eurasian Union will be formed by gradually merging the Customs Union and the Common Economic Space, and is a hub for further integration processes; third, the creation of the Eurasian Union will complement the integration projects within the Commonwealth of Independent States and will give an additional

¹⁰ Press conference of representatives of Belarusian and foreign mass media, 23 December 2011 (Electronic resource), The official internet-portal of the President of the Republic of Belarus, in 2014, available at http://president.gov.by/ru/news_ru/view/press-konferentsija-predstaviteljam-belorusskix-izaru-bezhnyx-smi-5967 (accessed 10 November 2014).

¹¹ A. Lukashenko, “On the fate of our integration” (Electronic resource), *Izvestiya*, 17 October 2011, available at <http://izvestia.ru/news/504081> (accessed 16 October 2014).

¹² Declaration on Eurasian Economic Integration, Moscow, 18 November 2011 (electronic resource), *ConsultantPlus. Belarus* (Minsk, 2011).

¹³ V. Putin, “The new integration project for Eurasia – a future that is born today” (Electronic resource), *Proceedings*, 3 October 2011, available at <http://izvestia.ru/news/502761> (accessed 10 October 2014).

¹⁴ *Ibid.*

impetus to the development of the CIS; four, the Eurasian Union is an open project for other CIS countries.¹⁵ According to Putin, “the Eurasian Union will be based on the common integration principles as an integral part of Greater Europe, united by the values of freedom, democracy and market laws” and will not oppose the European Union; joining the Eurasian Union, apart from direct economic benefits, will allow “each of its members more quickly and confidently to integrate into Europe.”¹⁶

In the early 2010s, the formation of the Eurasian Economic Union was seen by the Russian leadership as a top priority in the post-Soviet space. According to the Russian political elite, the establishment of this international organization will allow Russia to develop mutually beneficial economic relations within the CIS. As stressed in the Foreign Policy Concept of the Russian Federation, approved in February 2013, in the future, the organization will “become a model of an association that will define the future of the Commonwealth and will be open to other countries.”¹⁷ From global perspective, “the new alliance, built on the universal principles of integration, is to become an effective link between Europe and the Asia-Pacific region.”¹⁸

The Belarusian side actively supported the Eurasian integration. This was due to the level of economic interaction with Russia and other CIS countries in the framework of integration associations, the close ties between the national economy and the Russian market, the economic dependence on Russian energy supplies, complex political relations with the West. In the 2000s, the Belarusian leadership considered integration projects in the post-Soviet space as a main foreign policy focus and actively participated in such projects, the highest level of which is the Union State of Belarus and Russia. Due to political differences with the European Union concerning the Constitutional reforms in Belarus in 1996, the Belarusian government did not regard as a promising area of foreign policy the participation in the processes of European and Euro-Atlantic integration. Integration with Russia was also complex: a number of provisions in the treaty of the Union State of 1999 and the Action Plan for its implementation were not completed, in the 2000s Russia and Belarus had disputes regarding the draft Constitutional Act, conditions and prices for Russian gas and oil, the conditions of access of Russian business, Belarus’ participation in the EU program “Eastern Partnership” and other issues. At the beginning of the 2000s, Belarusian leadership focused on strengthening the national statehood and multi-vector foreign policy. Taking into account the geopolitical situation of the country and the ongoing integration processes in the east and west of Europe, representatives of the Belarusian authorities suggested a possible scenario of “integration of integration” as a variant of combining the two economic blocs.¹⁹

As measures to protect national security against external threats, the National Security Concept of the Republic of Belarus, adopted in November 2010, provides for preserving and strengthening the foundations of the Union State, implementation of the existing constructive

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ The Foreign Policy Concept of the Russian Federation, approved by the President of the Russian Federation V.V. Putin on February 12, 2013 (Electronic resource), Ministry of Foreign Affairs of the Russian Federation. The official website, 2014, available at www.mid.ru/bdomp/ns-osndoc.nsf/e2f289bea62097f9c325787a0034c255/c32577ca0017434944257b160051bf7f!OpenDocument (accessed 22 October 2014).

¹⁸ Ibid.

¹⁹ S. Martynov, “The EU - Belarus: the requirement of time,” *Belarus in the world 2* (2002), p. 7.

potential for strategic partnership with the Russian Federation; development of full-scale relations with the European Union, maintaining an active dialogue with the EU on all issues of mutual interest, with a view to reach an Agreement on Partnership and Cooperation, as well as the abolition of discriminatory measures against the Belarusian state; gradual involvement of the Republic of Belarus into the European unification processes, primarily through participation in international projects related to the production and transportation of energy resources and operation of transport corridors.²⁰ At the fourth All-Belarusian People's Congress in 2010, President Alexander Lukashenko put forward the important thesis that "the most appropriate for us is the strategy of "equal closeness" to the east and west. That gives the chance to maximize the use of the favourable geographical position, transit and industrial potential of our country."²¹

The principal approaches of the Belarusian leadership with respect to the Eurasian integration were described in the article of President Alexander Lukashenko "On the fate of our integration," published in "Izvestia" newspaper in October 2011. As highlighted in the article, the "benchmark" for the future work of the three countries to promote integration should be the achievements made during the implementation of the project of the Union State of Belarus and Russia. The concept of the future Union was formulated on the basis of the following provisions: integration should be strong; the mechanism of the alliance shall ensure equality and protect the rights of all its members, equal conditions for economic entities; prerequisites for further economic modernization and innovation. Within the association, the principle of consensus was to be used in the formation of supranational bodies and to preserve the sovereignty of State Parties. President Lukashenko emphasized that the Eurasian Union is seen as an integral part of European integration and "Belarus, being at the junction of two integration unions, was particularly interested in their closer links."²² In April 2014, right before signing the Treaty on the Eurasian Economic Union, the Belarusian President reiterated the position of the Republic with respect to active participation in the Eurasian integration processes, noting that 2014 will be a key year for the economic integration of Belarus, Kazakhstan and Russia, who will have to consolidate and extend the benefits of integration.²³

Kazakhstan's attitude to Eurasian integration was formulated in President Nursultan Nazarbayev's article "Eurasian Union: from the idea to the history of the future" in "Izvestia" newspaper in October 2011, which continued the discussion on the integration of the post-Soviet space, launched by Russian head of government Vladimir Putin and Belarusian President Alexander Lukashenko. As noted in the article, "my idea of creating the Eurasian Union has never possessed any Manilov's attitude or future political nostalgia. It is based on a pragmatic approach which denies any form of coercion of politics over the economy, no matter whether it

²⁰ National Security Concept of the Republic of Belarus, approved by Presidential Decree on November 9, 2010 no. 575, *ConsultantPlus: Belarus. Technology 3000* (Minsk, 2011).

²¹ "Our historical choice – independent, strong and prosperous Belarus," Report of the President of Belarus Alexander Lukashenko at the Fourth All-Belarus People's Assembly, Sovietskaya Belorussia, 7 December 2010, p. 8.

²² Lukashenko, "On the fate of our integration."

²³ Message from the President to the Belarusian people and the National Assembly, 22 April 2014 (Electronic resource), The official internet-portal of the President of the Republic of Belarus, available at http://president.gov.by/ru/news_ru/view/aleksandr-lukashenko-obraschaetsja-s-ezhegodnym-poslaniem-k-belorusskomu-narodu-i-natsionalnomu-sobraniju-8549 (accessed 16 October 2014).

is brought by good intentions, or not.”²⁴ This approach limits the Eurasian integration in the foreseeable future exclusively to an economic framework. Russian researchers point out this position of the leadership of Kazakhstan.²⁵

According to the president of Kazakhstan, the Eurasian Union should initially be created as a global competitive economic union based on regional innovative technological cooperation. A number of provisions put forward in the paper determine the Eurasian Union first, as an open project; second, as a link between Euro-Atlantic and Asian areas of development; third, as a self-sufficient regional financial union which is part of a new global currency and financial system; fourth, geo-economic and geopolitical development of the Eurasian integration should be exclusively evolutionary and voluntary; fifth, the establishment of the Eurasian Union is only possible on the basis of broad public support. In addition to participating in the formation of the Eurasian integration structures, Kazakhstan’s leadership did not preclude the establishment of other regional integration structures, such as the Central Asian Union.²⁶

From late 2011 until May 2014, representatives of governments and the Eurasian Economic Commission prepared the Treaty on the Eurasian Economic Union. According to representatives of EAEC, in the course of preparation of documents 236 international agreements were used, 68 international agreements in the framework of the Customs Union and the Common Economic Space were terminated in connection with the creation of the EAEC. At different stages, over 700 experts worked on the documents. The draft agreement was discussed several times in the course of meetings between the presidents of the three countries. The main issues to cause debate were: transformation of the Eurasian Economic Community, delegation of supranational powers to EAEC, the rate of formation of a single economic space, unification of financial systems, tax rates, etc. During the talks and expert work on the treaty on the establishment of the EAEC, Belarus and Kazakhstan were in favour of the formation of a transitional structure – the “successor” of the Eurasian Economic Community, a legal entity. The Belarusian side proposed to call it the Eurasian Common Economic Space, the representatives of Kazakhstan – the Organization of the Treaty on the Eurasian Economic Commission. The Russian side believed it was not reasonable to create an “intermediate” structure and offered to create EAEC immediately without a transition period.²⁷ Experts point out the fact that the formation of the Eurasian Economic Union was carried out using the experience of the European Union.²⁸

One of the basic contradictions in the approaches of the representatives of the three countries related to the prospect of the Eurasian Economic Union. During the negotiation process it became clear that Belarus and Kazakhstan, unlike Russia, considered the Eurasian Union ex-

²⁴ N. Nazarbayev, “Eurasian Union: from the idea to the history of the future” (Electronic resource), *Izvestiya*, 25 October 2011, available at <http://izvestia.ru/news/504908> (accessed 16 October 2014).

²⁵ E. Treshchenkov, “European and Eurasian integration models: the limits of commensurability,” *World Economy and International Relations* 5 (2014): 31-41.

²⁶ Nazarbayev, “Eurasian Union: from the idea to the history of the future.”

²⁷ A. Stepanenko, “The process of Eurasian integration of the CIS countries,” *International Affairs* 9 (September 2014), p. 107.

²⁸ M. Bushuyev, R. Goncharenko, “How promising is Moscow’s plan to create a Eurasian Union” (Electronic resource), *Deutsche Welle*, 18 December 2011, available at <http://dw.de/p/13UTT> (accessed 16 October 2014); E. Treshchenkov, “European and Eurasian integration models: the limits of commensurability,” *World Economy and International Relations* 5 (2014): 31-41.

clusively an economic union and did not provide in the near future the possibility of political integration. In particular, representatives of the Belarus and Kazakh side did not support the idea of a EAEC supranational parliament or plans to introduce a single currency.²⁹

During the talks, one of the most fundamental questions for the Belarusian side was energy supply. After the establishment of the Customs Union, Belarus recounted export duties for exported oil products produced from Russian oil to the budget of the Russian Federation. This approach differed from the one previously used within the Union State of Belarus and Russia. On the eve of signing the Treaty on the Eurasian Economic Union, the President of Belarus held a special meeting devoted to the issue. In the course of the meeting, the head of state noted that “unfortunately, this is not the treaty expected by Belarus, and not the one which was originally declared by our partners, especially the Russian Federation.” He recalled that the initial agreements reached by the three countries provided that “the rules of functioning of the economies of the three states are absolutely identical and are in a single legal field.”³⁰ In particular, the meeting criticized the position of the Russian side, which insisted that the issues of formation of the markets for oil, gas, medicine, and other areas have been set aside for the future and in the short term will be resolved on a bilateral basis. This included such sensitive areas for the Belarusian economy as a listing of customs duties in the budget of Russia for oil products at the amount of up to 4 billion USD. The meeting dealt with the accession of Belarus by signing a special statement, which would determine the position of the Republic concerning the implementation of the principles of the Treaty.

The Treaty on the Eurasian Economic Union was signed in Astana on May 29, 2014 at a meeting of the three presidents.³¹ In addition, Belarus and Russia signed a protocol on amendments to the Agreement on the payment and transfer of export customs duties when exporting outside the customs territory of the Customs Union oil and certain categories of goods produced from oil and the Protocol amending the Agreement on Measures for the settlement of commerce and economic cooperation in the field of oil and petroleum products. These documents stipulated the terms for accounting export customs duties in the budget of Belarus. In particular, it was recorded that starting from 2015, 1.5 billion USD from export duties will enter the budget, in the future this figure could be increased. The signed documents provided that Belarus was to be fully supplied with oil for its refineries until 2025, when the common market of oil and oil products was to be formed.³²

²⁹ Bushuyev, Goncharenko, “How promising is Moscow’s plan to create a Eurasian Union.”

³⁰ “Alexander Lukashenko held a meeting on the eve of the meeting of the Supreme Eurasian Economic Council” (Electronic resource), The official internet-portal of the President of the Republic of Belarus, 2014, available at http://president.gov.by/ru/news_ru/view/aleksandr-lukashenko-provel-soveschaniyanakanune-zasedanija-vysshego-evrazijskogo-ekonomicheskogo-soveta-8881/ (accessed 16 October 2014).

³¹ Treaty on the Eurasian Economic Union (Electronic resource), the Eurasian Economic Commission, 2014, available at <http://eurasiancommission.org/ru/docs> (accessed 16 October 2014).

³² “Alexander Lukashenko took part in the meeting of the Supreme Eurasian Economic Council at the level of Heads of State” (Electronic resource), The official internet-portal of the President of the Republic of Belarus, 2014, available at http://president.gov.by/ru/news_ru/view/belarus-ne-trebuetsnikakix-ustupok-v-protssesse-evrazijskoj-integratsii-8892/ (accessed 16 October 2014).

The main provisions in the Eurasian Economic Union Treaty

The Treaty on the Eurasian Economic Union is made up of four parts, 28 chapters and 118 articles, as well as 33 annexes. The first part of the Treaty is entitled “Establishment of the Eurasian Economic Union,” Part Two – “Customs Union,” Part Three – “Common Economic Space,” Part Four – “Transitional and Final Provisions.” According to the EAEU Treaty, the Eurasian Economic Union is an international organization of regional economic integration, an international legal entity, which ensures free movement of goods, services, capital and labour, coordinated, coherent or unified policy in the economy sectors.³³ The Treaty emphasizes that the Union carries out its activities within the competences granted by Member States in accordance with this Treaty, on the basis of the following principles: respect for universally recognized principles of international law, including the principles of sovereign equality of Member States and their territorial integrity; respect for difference of political structure of the Member States; mutually beneficial cooperation, equality and taking into account national interests of the Parties; compliance with the principles of market economy and fair competition; functioning of the Customs Union without exceptions and limitations after the transition period.³⁴ The main objectives of the Union are: create conditions for the stable development of the economies of Member States to improve the living standard of their populations; create a common market for goods, services, capital and labour within the Union; overall modernization, co-operation and competitiveness of national economies in a global economy.

The supreme bodies of the EAEU are: Supreme Eurasian Economic Council (Supreme Council), Eurasian Intergovernmental Council (Intergovernmental Council), Eurasian Economic Commission (Commission, EAEC), Court of the Eurasian Economic Union (Court of the Union). The legislation of the Union is based on: Treaty on Eurasian Economic Union; international treaties within the Union; international treaties of the Union with a third party; decisions and orders of the Supreme Eurasian Economic Council, the Eurasian Intergovernmental Council and the Eurasian Economic Commission, adopted within the framework of their powers. The Treaty stipulates that in case of conflict between decisions of the Supreme Eurasian Economic Council, the Eurasian Intergovernmental Council and the Eurasian Economic Commission, decisions of the Supreme Eurasian Economic Council shall have precedence over decisions of the Eurasian Intergovernmental Council and the Eurasian Economic Commission, while decisions of the Eurasian Intergovernmental Council take precedence over decisions of the Eurasian Economic Commission.³⁵

The Supreme Council, composed of the heads of member states, is the supreme body of the organization and considers the fundamental questions of the Union, defines the strategy, direction and development of integration and makes decisions aimed at implementing the Union objectives. Decisions and orders of the Supreme Council are taken by consensus; decisions related to the termination of the membership of a Union Member State shall be taken on the principle “consensus minus the vote of the Member State which has notified its intention to terminate its membership in the Union.” The Supreme Council has the following main powers: determines the strategy, direction and prospects of formation and development of the Union and takes decisions aimed at implementing the Union objectives; approves the Commission

³³ Treaty on the Eurasian Economic Union.

³⁴ *Ibid.*

³⁵ *Ibid.*

Board members, assigns responsibilities among Commission Board members and terminates their powers; appoints the Chairman of the Commission Board and decides on termination of his powers; appoints on the proposal of Union Member States judges in the Court; approves regulations for work of the Eurasian Economic Commission; approves the Union budget, the Regulation on the budget of the Eurasian Economic Union and the report on the Union budget; determines the amount of contributions by Member States to the Union budget; considers, on the proposal of a Member State, issues relating to cancelation or change of a decision taken by the Intergovernmental Council or the Commission; submits queries to the Union Court; determines the order of new members' admission and membership termination; takes decision on granting or revocation of the status of observer or aspirant for accession to the Union; approves the international cooperation in the Eurasian Economic Union; decides on negotiations with a third party on behalf of the Union, including the conclusion of international agreements and the right to negotiate, as well as the Union's consent to be bound by an international agreement with a third party, termination, suspension or withdrawal from an international agreement; approves the total number of Union structures, the number of nationals from Member States in Union bodies on the proposal sent by Member States on a competitive basis; approves the Statutes of the external audit in the bodies of the Eurasian Economic Union; approves the symbols of the Union; gives instructions to the Intergovernmental Council and the Commission; exercises other powers stipulated in the Treaty.³⁶

The Intergovernmental Council is a body of the Union, consisting of the Heads of Government of Member States and has the following powers: monitoring the implementation of this Treaty, international agreements in the framework of the Union and the decisions of the Supreme Council; considers, on the proposal of the Commission Council questions for which there is no consensus; gives instructions to the Commission; nominates candidates for the Council and the Commission Board; approves the draft budget of the Union, Provisions on the budget of the Eurasian Economic Union and the budget report of the Union, decides to suspend decisions of the Council or the Commission Board, etc. The Intergovernmental Council makes decisions and resolutions accepted by consensus.³⁷

According to the EAEU Treaty, the Commission is a permanent governing body of the Union with a Council and a Board. The Board of the Commission includes one representative from each member state, representing the head of government authorized in accordance with the laws of their country. The Commission Board has a Chairman and includes representatives of the Member States observing the principle of equal representation. The size of the Commission Board and the distribution of responsibilities among its members are determined by the Supreme Council. The Commission has the rights of a legal entity. The EAEC departments monitor the work of the Council and the Board.

Main tasks of the Commission are: to create conditions for the work and development of the Union, to elaborate proposals in the sphere of economic integration. The Commission functions based on the following principles: mutual benefit, equality and taking into account national interests of Member States; economic feasibility of decisions; openness, transparency and objectivity. The Commission operates within its authority in the following areas: customs tariff and non-tariff regulation; customs regulations; technical regulations; sanitary, veterinary and phyto-

³⁶ Ibid.

³⁷ Ibid.

sanitary and quarantine measures; transfer and distribution of import customs duties; establishing trade regimes against third parties; statistics of foreign and mutual trade; macroeconomic policies; competition policy; industrial and agricultural subsidies; energy policy; natural monopolies; state and (or) municipal procurement; mutual trade in services and investment; transport and traffic; monetary policy; intellectual property; labour migration; financial markets (banking, insurance business, foreign exchange market, securities market); other spheres defined by certain treaties and international agreements in the Union. The Commission, within its powers, makes legal decisions binding for Member States, resolutions of organizational and administrative character, and non-binding recommendations. EAEC within its powers ensures the implementation of international treaties within the Union law and may be endowed by the Supreme Council the right to sign international treaties. The Commission has the right to request that Member States express their position on the issues under consideration.³⁸

The Commission makes decisions, adopts directives and recommendations. Votes in the Commission are distributed as follows: in the Commission Council – one vote of a Commission Board member is one vote; in the Commission Board – one vote of a member of the Commission Board is one vote. Decisions, orders and recommendations of the Commission Council are taken by consensus; the same documents are approved by the Commission Board with qualified majority or by consensus. The Supreme Council shall determine a list of sensitive issues on which decisions are taken by consensus in the Commission Board, whereas a qualified majority is two-thirds of the total number of members of the Commission Board.³⁹

The Union Court is a permanent judicial body of the Eurasian Economic Union. The aim of the Court is to ensure, in accordance with the provisions of the Statute of the EAEU Court, the adoption by Union Member States and bodies of the Union Treaty, international agreements in the Union, international agreements with third parties and decisions of the Union. Composition of the Court: two judges from each Member State, term of office – nine years. Judges are appointed by the Supreme Eurasian Economic Council on the proposal of Member States. The Court considers disputes on the implementation of the Treaty, international agreements in the framework of the Union and/or decisions of the Union bodies:

1. at the request of a Member State: on the relevance of international agreements in the Union or their individual provisions with the Treaty; on compliance by another Member State (other Member States) with the Treaty, international agreements in the framework of the Union and/or decisions of Union bodies, as well as certain provisions of these international agreements and/or decisions; on the relevance of the Commission's decision or its provisions in the Treaty, international agreements in the framework of the Union and/or decisions of the Union; on contesting the action (or inaction) of the Commission;
2. at the request of a business entity: on the relevance of the Commission's decisions or provisions directly affecting the rights and lawful interests of economic entities in the sphere of entrepreneurial and other economic activities, with the Treaty and/or international agreements in the Union, if such a decision or provisions entailed a violation of the Treaty and/or international agreements in the framework of the Union and the rights and legitimate interests of the economic entity; on contesting the action (or in-

³⁸ Ibid.

³⁹ Ibid.

action) of the Commission, directly affecting the rights and legitimate interests of the economic entity in the field of entrepreneurial and other economic activities, if such action (inaction) caused violation of the Treaty and/or international agreements in the framework of the Union and the rights and legitimate interests of the economic entity.⁴⁰

The work of the Union is financed from the budget of the Union, which is formed by contributions from Member States. The size of contributions to the Union budget shall be determined by the Supreme Council.

Part Two of the Treaty defines the principles and guidelines of the Customs Union. It stipulates the functioning of an internal market for goods within the Customs Union; accepts the Common Customs Tariff of the Eurasian Economic Union and other common measures regulating foreign trade in goods with third parties; approves a common regime of trade with third parties; common customs regulations and free movement of goods between the territories of Member States without customs declaration and state control.⁴¹

Part Three of the Treaty, "Common Economic Space," defines the principles and directions of cooperation in the economic sphere. According to the agreement, State Parties shall ensure freedom of trade in services, institutions, activities and investments. The Treaty provides for coordinated macroeconomic policy in the Union that involves the development and implementation of joint actions of Member States in order to achieve balanced economic development. The Treaty outlines the direction of development and implementation of coordinated monetary policy, financial markets regulation. Member States are planning to harmonize their legislation with respect to taxes that impact mutual trade. In accordance with the Treaty were established general principles and rules of competition, common principles and general rules for regulation of natural monopolies, the purposes and principles of regulation of state (municipal) procurement, uniform rules for granting subsidies for industrial goods. The Treaty stipulates the gradual formation of common markets for energy resources, a common energy market, a common market for gas, oil and oil products. States conduct coordinated transport and agricultural policy. Member States shall also cooperate in the field of protection of intellectual property, and harmonization of policy regarding regulation of labour migration within the Union. The Treaty authorizes Member States to develop and implement their national industrial policy. Thus, trade and economic regime under the EAEU is based on the legal basis of the CU and the CES, which complies with the WTO. The proportion of income distribution of duties on goods imported into the EAEU among countries remains the same, depending on their total volume.⁴²

Part Four defines the continuity of institutions, agreements and decisions from the EAEC to EAEU. This part defines the transitional periods for a number of provisions. For example, it provides that the common drug market begins functioning on January 1, 2016. Member States have the right to unilaterally grant preferences in trade with third parties on the basis of international treaties concluded before January 1, 2015. Harmonization of legislation in the sphere of the financial market is scheduled for completion by 2025. By this time, it is expected to complete the formation of a common market of gas, oil and petroleum products, including the establishment of common rules for access to the transportation systems of gas, oil and oil prod-

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Ibid.

ucts. Certain provisions in this part of the Treaty provide for state support to agriculture in Belarus in a transitional period until 2016, when the Republic is obliged to reduce the amount of state support to agriculture in 2015 to 12 %, in 2016 to 10 %, and to ensure full compliance by January 1, 2025.⁴³ Thus, the formation of the economic union is to be completed within ten years.

Ratification of the Treaty on the Eurasian Economic Union and expansion of its participants

The Treaty on the Eurasian Economic Union was ratified in September – October 2014 by all three parties. It is worth noting that in September 2014 the Russian side announced the so-called “Tax manoeuvre” in the oil industry due to difficulties in the economic sphere and in practice meant reduction of export duties on oil and oil products, as well as a sharp increase in the taxes on minerals. As a result, Belarus could lose more than 1 billion USD due to the reduction of export duties on oil and oil products.⁴⁴ That happened on the eve of the ratification of the EAEU Treaty by Belarus. Ultimately, the question was resolved bilaterally in favour of the Belarusian side; however, the parliament ratified the Treaty with reservations, according to which they undertake to fulfil its contractual obligations under conditions that will not worsen the economic situation in the country.

In August-December 2014, there were problems with food supplies from Belarus to Russia and their transit from Belarus to Kazakhstan through the territory of the Russian Federation. After the ban of the Russian leadership on food imports into Russia from the West, the Belarusian leadership, as well as the leadership of Kazakhstan, did not support these sanctions. Belarusian producers took the opportunity to enter the Russian market, processed imported raw materials and supplied their products. In late November – early December 2014, Russian sanitary service closed their market to Belarusian meat and some groups of dairy products. At a meeting on December 3, 2014, Belarusian President Alexander Lukashenko accused Russia of violating the agreement on the Customs Union: “the fact is that Russia has violated all our agreements we have achieved in the Customs Union.” This situation created additional difficulties in the work of the Customs Union.

The establishment of EAEU did not bring significant momentum in the development of trade between participating countries. For example, according to the Belarusian side, the trade turnover between Belarus and Russia in January-September 2014 compared to the same period in 2013 decreased by 4.8% and amounted to 28.1 billion USD, the balance of trade turnover was negative for the Belarusian side in the amount of 4.5 billion USD. The volume of trade between Belarus and Kazakhstan in January-September 2014 amounted to 843.6 million USD (1.5% of the total foreign trade turnover of Belarus), an increase compared to the same period in 2013 by 20.6%, whereas Belarusian exports to Kazakhstan decreased slightly, while imports from

⁴³ Ibid.

⁴⁴ Report of the Prime Minister of Belarus Mikhail Myasnikovich (Electronic resource), the official internet-portal of the President of the Republic of Belarus, 02.10.2014, available at http://president.gov.by/ru/news_ru/view/doklad-premjer-ministra-belarusi-mixaila-mjasnikovicha-9909/ (accessed 16 November 2014).

Kazakhstan to Belarus increased significantly – almost four times.⁴⁵ In 2014, Russian and Kazakhstan currencies weakened, Belarusian currency in terms of weakening was behind the partners in the CES, which affected the volume of Belarusian export. According to the Kazakh side, the trade turnover between Kazakhstan and Russia in January-September 2014 amounted to about 13.85 billion USD and decreased in comparison with the same period of 2013 by nearly 20%, deficit in Kazakhstan amounted to more than 6 billion USD. The trade turnover between Kazakhstan and Belarus in January-September 2014 amounted to 500 million USD (0.5% of the total foreign trade turnover of Kazakhstan) and decreased slightly compared to the same period of 2013.⁴⁶ Russia in 2014 was the largest trade partner of Belarus (about 50% of the total foreign trade turnover), and a major trade partner of Kazakhstan (about 15% of the total foreign trade turnover), the trade between Belarus and Kazakhstan within the Customs Union did not represent a significant element in the foreign trade of the two countries. According to the Eurasian Economic Commission, the trade turnover in the Customs Union in January-September 2014 amounted to 42.8 billion USD, i.e. about 90% compared with the same period of 2013.⁴⁷ Under conditions of economic sanctions of the West against Russia in 2014, the Russian government implemented a system of measures “to reduce the dependence of the national economy and its financial system on the adverse external factors.”⁴⁸ Certainly, these moments of Russia’s economic policy in the future will have an impact on the development of Eurasian integration.

Increasing the number of parties to the Treaty was a significant trend. In 2013-2014, some CIS countries focused on joining the Eurasian integration. Armenia declared its intention to join the Customs Union and the Common Economic Space in September 2013, although in previous years there had been significant progress in the preparation of the Association Agreement with the EU. Armenia’s turn to Eurasian integration, according to experts, was the result of the complex situation in foreign policy and economy of the republic, its troubled relations with Azerbaijan and Turkey. Under these circumstances, CSTO membership and a military-political alliance with Russia determined Armenia’s willingness to participate in economic projects offered by Russia. At the end of 2013, at a meeting of the Supreme Eurasian Economic Council, a “road map” was signed for Armenia’s accession to the Customs Union and the Eurasian Economic Union. However, in the first half of 2014, Armenia’s accession the Customs Union and the Common Economic Space was delayed because of the question of customs control between Armenia and Nagorno-Karabakh Republic. At a meeting of the Supreme Eurasian

⁴⁵ Foreign trade of the Republic of Belarus in January-September 2014 (Electronic resource), State Customs Committee of the Republic of Belarus, 2014, available at http://gtk.gov.by/ru/stats/itogi_vnesh_torgovli2014/sent__14 (accessed 6 December 2014).

⁴⁶ Foreign and mutual trade (Electronic resource), Ministry of National Economy of the Republic of Kazakhstan, Committee on Statistics, 2014, available at www.stat.gov.kz/faces/wcnav_externalId/homeNumbersCrossTrade?_afLoop=1056505819726325#%40%3F_afLoop%3D1056505819726325%26_adf.ctrl-state%3D17qq6k5pyp_103 (accessed 6 December 2014).

⁴⁷ Volumes, rates and proportions of development of mutual trade of CU and CES Member States, Eurasian Economic Commission, 2014, available at http://eurasiancommission.org/ru/act/integr_i_makroec/dep_stat/test-trade/tables/intra/Documents/2014/09/I201409_1.pdf#view=fitH (accessed 6 December 2014).

⁴⁸ A Security Council meeting was held under the presidency of Vladimir Putin in the Kremlin (Electronic resource), the President of Russia. Official website, 22 July 2014, available at www.kremlin.ru/transcripts/46305 (accessed 16 November 2014).

Economic Council in Astana in May 2014, President of Kazakhstan Nursultan Nazarbayev proposed to Armenia to join the Eurasian Union without Nagorno Karabakh and announced that the presidents of the three Customs Union parties had received letters from the head of state of Azerbaijan Ilham Aliyev with this request. As a result of difficult negotiations, an acceptable agreement was reached by all participants, and in October 2014 in Minsk at a meeting of the Supreme Eurasian Economic Council the Treaty was signed on Armenia's accession to the Treaty on the Eurasian Economic Union. Armenian President Serzh Sargsyan declared at the signing ceremony that "the signing of this historic document starts a new phase of integration in the Eurasian space."⁴⁹ At the beginning of December 2014, Armenia ratified the Treaty on accession to the Eurasian Economic Union Treaty. Armenia's participation in the EAEU has its own specifics, as the country has no common borders with the other members of the union; tensions between Armenia and certain neighbouring states create additional difficulties in the implementation of projects of economic and political cooperation in the region.

Kyrgyzstan declared the possibility of joining the Customs Union and the Common Economic Space in April 2011. The country's leadership repeatedly asserted that "for Kyrgyzstan joining the Customs Union and accession to the Common Economic Space is the most important priority in foreign policy."⁵⁰ In October 2014, at a meeting of the Supreme Eurasian Economic Council, the Action plan ("Roadmap") on the accession of the Kyrgyz Republic to the Common Economic Space of Belarus, Kazakhstan and the Russian Federation was signed with regard to the intention of the Kyrgyz Republic to become a full member of the Eurasian Economic Union.⁵¹ In December 2014, Kyrgyzstan signed an agreement to join EAEU.

As a regional economic integration project, EAEU attracts the attention of other countries. Tajikistan leaders expressed their intention to join the union, special interest was shown by unrecognized/partially recognized Abkhazia, South Ossetia, Dnestr Republic. In recent years, negotiations have been held to establish a free trade zone in CU and CES with Vietnam, other countries are also interested.

Polls in Belarus, Kazakhstan, and Russia show attitudes of the population towards the Eurasian integration. In late 2013, the Centre for Integration Studies of the Eurasian Development Bank held a monitoring study of the attitude of the population of post-Soviet states to the integration processes in the post-Soviet space. In general, as noted in the final materials, from 2/3 to 3/4 of the population of Russia, Kazakhstan, Belarus perceived positively economic integration, although in Russia and Kazakhstan the level of positive attitudes decreased slightly compared with 2012.⁵² Estimates of other sociological agencies were less optimistic. For example,

⁴⁹ Speech by the President of the Republic of Armenia at the meeting of the Supreme Eurasian Economic Council (Electronic resource), President of the Republic of Armenia, 10 October 2014, available at <http://president.am/ru/press-release/item/2014/10/10/President-Serzh-Sargsyan-participation-in-session-of-the-Supreme-Eurasian-Economic-Council/> (accessed 1 December 2014).

⁵⁰ President Almazbek Atambayev took part in the meeting of the Supreme Eurasian Economic Council (Electronic resource), The official website of the President of the Kyrgyz Republic, 2014, available at www.president.kg/ru/novosti/4684_prezident_almazbek_atambaev_prinyal_uchastie_v_zasedanii_vyi_sshego_evraziyskogo_ekonomicheskogo_soveta/ (accessed 6 December 2014).

⁵¹ Ibid.

⁵² A. Shustov, "Integration: Pros and Cons" (Electronic resource), *Russian project*, 18 October 2013, available at <http://rusproekt.org/2013/10/18> (accessed 1 December 2014); "Expert: Residents of the CIS countries support the Eurasian integration" (Electronic resource), *Deutsche Welle*, 1 October 2013, available at <http://dw.de/p/19pit> (accessed 1 December 2014).

in early 2013, Kazakh sociologists found in the course of study that a significant part of respondents (50.5%) have a superficial understanding of the Eurasian Economic Union project.⁵³ According to the Independent Institute of Socio-Economic and Political Studies, some Belarusians prefer integration with Russia, although the proportion of citizens with European orientation is also significant. For example, in September 2014 the idea of joining Russia was supported by 23% of respondents (the lowest number since 2007), while accession into the EU – by 25%. It is significant that in the case of an alternative situation 47.4% of the respondents would choose accession to the Russian Federation, and 32% – to the EU.⁵⁴ These indicators to some extent demonstrate the attitude of the Belarusian population to the EAEU.

Despite the fact that the EAEU is purely an economic union, discussions about its future transformation into a political organization continue. For example, in 2014, experts of the CSTO Analytical Association prepared a draft concept on Eurasian security. As stated in the draft document, “Eurasian Economic Integration has a strong development potential under the conditions of modern global economic determinants associated with the processes of globalization and regionalization.”⁵⁵ According to the authors, the Collective Security Treaty Organization shall become the main institution providing Eurasian security. It appears that the interaction between EAEU countries in the field of security will continue to be carried out within the framework of the CSTO, which will serve as a kind of military-political “umbrella” of economic integration, and secondly in the form of bilateral agreements. For example, the Union State of Russia and Belarus has an effective and advanced military-political cooperation that allows the parties to respond promptly to changing circumstances in the field of regional security. At the informal summit of the Collective Security Treaty Organization in Moscow on May 8, 2014, President of Belarus Alexander Lukashenko said that the military potential of Russia is aimed at protecting the interests of Belarus and expressed solidarity with the Russian Federation in the area of responsibility of the organization.⁵⁶

Conclusion

Expert circles share both optimistic views on the prospects of the future Eurasian Union and criticism of such a project. For example, according to some researchers, the “Eurasian Union in the future is to become a qualitatively new single basis for the development of the economies of the former Soviet republics... This is more than just an economic bloc, this is a civilizational reunion.”⁵⁷ Researchers emphasize the enormous potential of this market with 170 million people and huge reserves of natural resources. In turn, some experts point out that the Eurasian

⁵³ S. Rymbaev, “Kazakhstan diagnosed the Eurasian Union” (Electronic resource), Information-Analytical Centre, 9 March 2013, available at www.ia-centr.ru/expert/15340/ (accessed 1 December 2014).

⁵⁴ “Ukrainian compass for geopolitical poles in Belarus” (Electronic resource), Independent Institute of Socio-Economic and Political Studies, 4 October 2014, available at <http://www.iiseps.org/analitica/808> (accessed 19 November 2014).

⁵⁵ The concept of Eurasian security (M.: 2014), p. 1.

⁵⁶ Alexander Lukashenko made a working visit to the Russian Federation (Electronic resource), The official internet-portal of the President of the Republic of Belarus, 8 May 2014, available at http://president.gov.by/ru/news_ru/view/aleksandr-lukashenko-vstretitsja-s-vladimirom-putiny-m-8729/ (accessed 8 November 2014).

⁵⁷ A. Aghasaryan, “Eurasian integration as a new paradigm of development of the post-Soviet space,” *International Affairs* 4 (2014): 30-39.

integration will develop with difficulties and point out different national economic potential, specifics of political development, negative experience from previous attempts for integration.⁵⁸

Western experts are cautious in their prognosis for Eurasian integration. According to German political scientist Alexander Rahr, “the Customs Union (Russia) with neighbouring countries Kazakhstan and Belarus will become the foundation of a common Eurasian market. The new economic formation may become a historic turning point after the collapse of the post-Soviet space.”⁵⁹ In a number of speeches, politicians and experts from the EU and the United States express their concern about “the revival of the Soviet Union.” These concerns acquired a new content in 2014, when the project of Eurasian integration was assessed by Western experts as “restorative” and geopolitically competitive to European integration. Western experts also pointed out the new climate of relations between the three countries in the process of Eurasian integration in 2014, for example, particular attention was devoted to a possible “Crimean scenario” with regard to Northern Kazakhstan. In general, Western expert circles were dominated by scepticism about the prospects of Eurasian integration, criticism of the project is also linked to potential competition between European and Eurasian integration associations.

New challenges for the Eurasian Economic Union appeared in 2014 and added to the complexity of the project. First of all, in terms of expansion, Ukraine’s possible accession was ruled out; Ukraine represented a market with 45 million people and its economy was highly developed in Soviet times and integrated into a single regional Soviet system. The “loss” of Ukraine reduces the attractiveness of the project in the region. Secondly, the political disputes between Russia and the West, the regime of economic sanctions, the fall in oil prices, a decrease in foreign investments reduced the growth rate of the Russian economy and marked the beginning of a difficult phase in its development. In this environment, the economic problems in Russia will inevitably affect the economy of Belarus and Kazakhstan, and could cause quite understandable from a political perspective trends of isolation in some areas. Third, the EAEU project is “raw” to some extent, as the pace of integration in a number of areas is not sufficiently elaborated; the formation of an effective customs union and single economic space is delayed. Fourth, in the global market EAEU will have to compete with such powerful economic players like China, EU, US, Japan, India and others; considering the national economies and the level of technological development in the Union this is a challenge. It should be noted that after 2014 the Western countries took a critical stance on Russia’s actions, as a result of which the level of confidence of western states and associations to the EAEU as a predictable and reliable partner is low. Given the amorphous nature of the international legal aspect of the EAEU, the European Union, the United States and other countries are expected to maintain mostly bilateral relations with members of the Eurasian Union. Fourth, the idea of the EAEU is experiencing some problems with public support that with growing difficulties in the economy will remain sceptical towards this integration framework. There is also a certain social mistrust to integration projects in the post-Soviet space, as a number of projects that had been announced were not implemented. In any case, the implementation of the Eurasian Economic Union project is a difficult and daunting task.

⁵⁸ A. Klaskovskiy, “Eurasian Integration: Belarus got into a boat full of holes” (Electronic resource), *Naviny.by. Belarusian news*, available at http://naviny.by/rubrics/politic/2014/12/04/ic_articles_112_187689/ (accessed 1 December 2014).

⁵⁹ A. Rahr, *Where is Putin going? Russia between China and Europe (Why the West needs Russia. Expert analysis)* (M.: Olma Media Group, 2012), 231 pp.

References

1. Aghasaryan, A., "Eurasian integration as a new paradigm in the post-Soviet space," *International Affairs* 4 (2014): 30–39.
2. Vinokourov, E., Liebman, A., "The post-Soviet integration breakthrough," *Russia in Global Affairs* 2 (2012): 33–42.
3. The Treaty on the Eurasian Economic Union (Electronic resource), the Eurasian Economic Commission, 2014. Available at <http://eurasiancommission.org/ru/docs> (accessed 16 October 2014).
4. Dugin, A., *Project "Eurasia"* (M.: "EKSMO – Yauza," 2004), 502 pp.
5. *Eurasian Economic Union: Regional Aspect*, comp. B. Zaleski et al. (Minsk: Businesssoft, 2014), 246 pp.
6. *Kazakhstan and Belarus – 20 years together. On the way to the Eurasian Union*, Proceedings of International Workshop, Minsk, 20 December 2012 (Minsk, 2013), 72 pp.
7. Karasin, G., Studneva, E., "There is no reasonable alternative to the CIS integration format," *International Affairs* 6 (2012): 12–21.
8. *The concept of Eurasian security* (M.: 2014), 44 pp.
9. Laumulin, M.T., *Kazakhstan in the modern world: a multi-vector foreign policy* (Astana – Almaty, 2014), 272 pp.
10. Malyshev, D.V., "From the Customs Union and the Common Economic Space to the Eurasian Union: basic directions of integration in the CIS," *Moscow University Gazette* 25, no. 1 (2012): 74–94.
11. Mishina, V., Khomyakova, L., "An integrated currency market of the Eurasian Economic Space and calculations in national currencies: myth or reality?" *Problems of economics* 8 (2014): 41–57.
12. Pivovar, E.I., "Post-Soviet space: alternative integration," Historical article (St. Petersburg: Aletheia, 2010), 320 pp.
13. Putin, V., "The new integration project for Eurasia – a future that is born today," *Izvestiya*, 3 October 2011, p. 1.
14. Rahr, A., *Where is Putin going? Russia between China and Europe (Why the West needs Russia. Expert analysis)* (M.: Olma Media Group, 2012), 352 pp.
15. Rusakovich, A.V., "Belarus: between the Eastern Partnership and the Eurasian Union," *Lower Silesia for a united Europe. International regional cooperation – the foundation of development and security*, edited by A. Drzewicki, R. Fox, translation I. Kovalenko (Wroclaw, 2012), pp. 56–64.
16. Stepanenko, A., "The process of Eurasian integration of the CIS countries," *International Affairs* 9 (2014): 96–108.
17. Treshchenkov, E., "European and Eurasian integration models: the limits of commensurability," *World Economy and International Relations*, № 5 (2014): 31–41.
18. Heifetz, B., "On a free investment zone of the Eurasian Economic Union," *Problems of Economics* 8 (2014): 26–40.
19. Polownikow, A., *Die Zollunion zwischen Belarus, Kasachstan und Russland. Motive, Entwicklungen und Perspektiven*, Arbeitspapiere FG 5 2012/ Nr.01 (Berlin: SWP, Juni 2012), 43 s.

20. Rusakovich, A., "Investment advantages of the Republic of Belarus in connection with its participation in the Eurasian integration," *Baltic Rim Economies. Quarterly Review*, no.3, Special issue on the Future of Belarus (19 June 2012): 15–16.
21. Eurasian Economic Commission, 2014. Available at <http://eurasiancommission.org>.
22. Eurasian Economic Community (electronic resource), 2014. Available at <http://evrazes.com>.
23. The official internet-portal of the President of the Republic of Belarus (electronic resource), 2014. Available at <http://president.gov.by>.
24. The official website of the President of the Kyrgyz Republic (electronic resource), 2014. Available at <http://www.president.kg>.
25. The President of the Republic of Armenia. Official website (electronic resource), 2014. Available at <http://president.am>.
26. The President of Russia. Official website (electronic resource), 2014. Available at <http://kremlin.ru>.

PART II

**INTERNATIONAL LEGAL FRAMEWORK OF
THE COLLECTIVE SECURITY TREATY
ORGANIZATION**

Chapter 5

Legal Framework and the Document Approval Process within CSTO

Zh.M. Kembraev

The development of the CSTO legal framework from 1992 till 2002

The legal framework for cooperation within the Collective Security Treaty Organization was established in Tashkent on 15 May 1992 with the signing of the Collective Security Treaty by six members of the Commonwealth of Independent States: Armenia, Kazakhstan, Kyrgyzstan, Russia, Tajikistan and Uzbekistan. The signing of the Collective Security Treaty was the result of a completely new geopolitical environment as a consequence of the collapse of the Soviet Union and the creation of national armed forces by CIS member states. Under these circumstances, Russia, with the support of other interested post-Soviet states, took immediate action to create an effective collective security system in the territory of the former USSR.

In general, the content of the CST is fully consistent with the principles of international law. First of all, it emphasizes that Parties to the Collective Security Treaty shall abstain from use of force or threat of use of force in international relations and shall resolve all disputes among themselves and other States by peaceful means (Article 1, CST). They also agreed that the use of armed forces outside the territory of the Parties may be solely in the interests of international security in strict accordance with the laws of the Parties to the Collective Security Treaty and the UN Charter.¹ In addition, the Treaty provides that the CST shall not affect the rights and obligations under other existing bilateral and multilateral treaties concluded by the Parties with other states, and is not aimed against third countries (Article 8, CST).

The quintessence of the CST is the following: "If one of the Member States is subject of aggression, this will be considered by the Member States as aggression toward all the Member States of this Treaty. In case of aggression to any of the Member States, all the other Member States at request of this Member State shall immediately provide the latter with the necessary help, including military one, as well as provide support by the means at their disposal in accordance with the right to collective defence pursuant to article 51 of the UN Charter. The Member States shall immediately inform the United Nations Security Council on the measures taken on the basis of this article" (Article 4, CST).

Thus, six of the CIS countries agreed to establish a military-political alliance and preserve the single military-political space inherited from Soviet times. According to existing international practice, a state may be a member of only one military-political alliance and its actions shall

¹ It should be noted that the CST was registered with the Secretariat in accordance with Article 102 of the UN Charter on November 1, 1995.

contribute to the security of all states of the alliance. This rule is also reflected in the CST, according to which “The Member States shall not enter military alliances or take part in any groups of the states, as well as in the actions against other Member State” (Article 1, CST).

The provision that Parties shall not join and take part in other military-political alliances primarily refers of course to NATO – international military-political organization established by signing the North Atlantic Treaty in Washington on April 4, 1949. Established during the Cold War, NATO was founded on the principle of collective security and aims to prevent the expansion of Soviet influence in Europe and around the world. As a counterweight to NATO, the Warsaw Pact was formed on May 14, 1955 – a military alliance of European socialist countries under the leadership of the Soviet Union. With the end of the Cold War and the termination of the bipolar world order between the US and the USSR, the Warsaw Pact was disbanded on July 1, 1991. At the same time, NATO continued its activities and even began to actively plan and prepare for expansion at the expense of the former socialist bloc.

Despite the fact that after the end of the Cold War Russia significantly reduced its influence in international relations, it still remained one of the world powers, vitally interested in the preservation of its geopolitical importance at least on the territory of the former USSR. Therefore, the Kremlin tried by all means to stop and prevent NATO expansion in the post-Soviet space.

In addition, the Russian government undoubtedly hoped that the end of the Cold War will lead to the end of NATO and the creation of entirely new systems to ensure peace and security. This is confirmed by the provision in the Collective Security Treaty which states that “In case of creation in Europe and Asia of a collective security system and conclusion for this purpose of treaties for collective security to what the negotiating parties will steadily aspire, the Member States will immediately start consultations with each other for the purpose of making necessary amendments to this Treaty” (Article 1, CST).

Similar to NATO, the Collective Security Treaty Member States agreed to consult each other on all important international security issues affecting their interests, and to coordinate positions on these issues. In case of threats to safety, stability, territorial integrity and sovereignty of one or several Member States or threat to international peace and safety, Member States shall immediately launch the mechanism of joint consultations for the purpose of coordinating their positions, developing and taking measures for assistance to such Member States for the purpose of elimination of the arisen threat (Article 2, CST). It is important to note that Member States shall not attempt to conclude international treaties incompatible with this Treaty and thus not enter any international organizations based on the principle of collective security (Article 8, CST). Thus, membership in the Collective Security Treaty essentially means giving up the intent for NATO membership. In addition, Member States agreed that placement and functioning of assets of the collective security system on the territory of the Member States shall be regulated by special agreements (Article 7, CST).

Coordination of and enabling joint activity of the Member States according to this Treaty shall be provided by the Council for Collective Security of the Member States and the bodies created by the Council (Article 5, CST). CSC can only make decisions regarding the use of the armed forces in order to repel aggression against a Member State by any state or group of states (Article, 6 CST). Originally, the CSC will consist of the heads of Member States, as well as the Commander of CIS Joint Armed Forces (Article 3, CST), who agreed that any questions that may arise between Member States concerning interpretation or application of any provi-

sion of this Treaty shall be settled jointly in the spirit of friendship, mutual respect and understanding (Article 9, CST).

In this regard, it should be mentioned that after the collapse of the USSR, Russia attempted to create Joint Armed Forces of CIS.² However, under conditions of deep economic crisis, the failure of the confrontation with the West, arms reduction and confidence-building measures, as well as the accelerated construction of national states in the post-Soviet space, the Russian government quickly realized the futility of the process of creating joint armed forces. Moreover, the majority of CIS countries have already begun to actively build their own armed forces, and a number of countries (above all Ukraine) publicly opposed any plans for military-political integration. As a consequence of continuously decreasing Soviet army, the idea of CIS Joint Armed Forces became a fiction and on June 15, 1993 it was decided to abolish the post of Chief of the CIS Joint Armed Forces, and on September 24, 1993 CIS Joint Armed Forces Command was reorganized into the Headquarters for coordination of military cooperation of CIS member states. Thus, as of June 1993, CSC members were only heads of Member States.

The Collective Security Treaty was signed for five years with a possibility of extension and subject to ratification by each signatory state in accordance with constitutional procedures. In addition, the Treaty declared that it is open for accession by all interested states that share its aims and principles. Thus, by the end of the ratification procedures and the entry into force on April 20, 1994, the Collective Security Treaty was also signed by Azerbaijan on September 24, 1993, Georgia – on September 9, 1993, and Belarus – on December 31, 1993. In the first years of its existence, the CST played an important role in resolving the conflicts in Tajikistan and Kyrgyzstan and became a reliable barrier to external intervention, and an important tool for ensuring security.

On February 10, 1995, the CSC adopted two documents: Concept of collective security of the CST, and Basic approaches for deepening military cooperation among Member States of the Collective Security Treaty, which reflected the views of the Parties on the prevention and eradication of threats to the peace, joint defence against aggression, ensuring their sovereignty and territorial integrity, as well as the basic directions and stages of creating a system of collective security.

In particular, the Concept proclaims that CST Member States have common military-political and economic interests, existing military-technical base and infrastructure, as well as willingness to conduct coordinated policy of collective security. It also envisages that the formation of a collective security system will be implemented in phases. During the first stage, it was necessary to complete the formation of the Member States' armed forces, to develop a program of military and military-technical cooperation, as well as to approve legal acts to regulate the work of the collective security system. In the second stage, it was planned to create coalition (joint) troops (forces) to reflect possible aggression, to create a joint (combined) air de-

² In particular, on December 30, 1991 an Agreement on Strategic forces was reached, and on February 14, 1992 – an Agreement on the General-purpose Forces. Both the Strategic forces and the General purpose Forces were to become integral parts of CIS Joint Armed Forces. On February 14, 1992 the Commander-in-Chief of the CIS Joint Armed Forces was appointed, and the Ministry of Defence of the USSR was transformed into the CIS Joint Forces Command. Further, on March 20, 1992 were approved the Regulation of the High Command of Joint CIS Forces, Agreement on the CIS Joint Forces for the transitional period, and the Agreement on principles of recruitment in the CIS Joint Forces and on military service.

fence system, as well as to consider establishing joined armed forces. The third phase planned for the completion of the collective security system of Member States. Also, in accordance with the Concept, the Parties agreed to hold consultations in order to coordinate their positions and policy in the field of security in relation to NATO and other military-political organizations. Noting that the end of the global confrontation between the East and the West has greatly reduced the danger of a world war, they at the same time stated that there are a significant number of regional inter-governmental and internal issues, which could aggravate and lead to escalation of armed conflicts and local wars.

Thus, despite the end of the Cold War, the confrontation between Russia and NATO continued. Therefore, in 1994 NATO launched the "Partnership for Peace" program which allowed for close military cooperation between NATO and the European states and the former Soviet republics in the Caucasus and Central Asia, as they were not members of the organization. On February 10, 1995 (the same day when the Concept on collective security of the CST was adopted), the heads of CST Member States adopted a Declaration stating that they considered NATO "Partnership for Peace" program as a viable alternative to NATO mechanical expansion. In their view, its practical implementation had to be focused on the formation of a universal pan-European structure for military-political cooperation, strengthening the foundation of the OSCE, and the specific forms and content of such a partnership shall become subject of discussion by Member States. However, these hopes of CST Member States, above all Russia, did not materialize. On April 24-25, 1999, the first group of countries involved in the "Partnership for Peace" (Hungary, Poland and the Czech Republic) became NATO members at NATO 50th anniversary summit in Washington, and another group of countries, including former Soviet republics, began deliberately to prepare for accession to the North Atlantic bloc.

It is interesting that in the same month, on April 2, 1999, Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia and Tajikistan, in view of the fact that the Collective Security Treaty expired on 20 April 1999, decided not only to continue their cooperation within the Treaty, but also to ensure the continuity of its work. Thus, they extended the CST term for five years and agreed that the Treaty will be automatically renewed for successive periods of five years. At the same time, it is worth noting that the original members of the CST—Azerbaijan, Georgia and Uzbekistan—refused to renew the Treaty. At the same Washington jubilee summit on April 24-25, 1999, these countries together with Ukraine and Moldova decided to create the organization GUUAM (an abbreviation from the names of member countries). This group aimed to be an alternative to integration projects promoted by Russia. In addition, the group sought to establish close cooperation between member countries for their joint progress towards accession to the European Union and NATO.

Still, Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia and Tajikistan were determined to continue the development of their military and political alliance. This not only contributed to a negative attitude towards NATO expansion and willingness to maintain close ties with Russia, but also to the promotion of the Taliban in Afghanistan, a sharp increase in Islamic fundamentalism.

Following the adoption in 1995 of the Concept and Guidelines, the above six states made a series of decisions and documents directly related to the formation of a practical collective se-

curity system.³ On May 24, 2000, at a regular meeting of the CSC, the following documents were approved:

- Regulations on the adoption and implementation of collective decisions on the use of forces and means of the collective security system which determine the sequence and interaction of all bodies of the collective security system, as well as the newly formed intergovernmental structures;
- Basic provisions in the CST coalition strategy and Model of regional collective security system including a number of aspects of the theory and practice of preventing war, forms and methods of training and implementation of joint actions in order to prevent aggression, the organization of management of collective security by forces and means and their full support, as well as specific measures to form regional collective security systems; and
- Memorandum of enhancing the effectiveness of the CST and its adaptation to the current geopolitical situation, securing the consent of the Parties, regular exchange of information on current international issues of mutual interest, and high-level consultations to develop coordinated positions.

On June 20, 2000, CST Member States signed the Agreement on basic principles of military-technical cooperation. Recognizing military-technical cooperation as one of the most important factors in the formation of the collective security system, the CST member states have decided to supply military products on preferential terms, i.e. on the basis of prices set for the national armed forces and other paramilitary forces (Article 1 of the Agreement). In the event of a situation that would be regarded by the CSC as a threat of an act of aggression against one CST Member State, or when it becomes the subject of acts of terrorism or other threats to its sovereignty and territorial integrity, other Parties pledged to provide promptly all possible military-technical assistance (Article 10 of the Agreement). In addition, CST Member States committed themselves to protect information constituting a state secret, as well as intellectual or industrial property of the Parties. In addition, the Agreement provides that if a Member State leaves the CST, it shall compensate the party who has supplied military products at a discounted price, will pay the difference between the paid price and the price for similar products in the world market. Furthermore, on 5 February 2002, CSC decided on the mechanism of implementation of the Agreement on the basic principles of military and technical cooperation between the Parties, which in particular fixed the procedure for exercising control over the targeted use of military goods supplied under the above Agreement.

On October 11, 2000, an Agreement on the status of forces and means of the collective security system was signed, which is the legal basis for temporary deployment of military forces from one country (several countries) on the territory of another country to fight aggression and conduct joint anti-terrorist operations.

On May 25, 2001, an Agreement on the Collective Rapid Deployment Forces in the Central Asian region was signed. The forces were formed on August 1, 2001 and included formations

³ According to N.N. Bordyuzha "The fight against terrorism demands a more advanced level of military and political integration, leading to the formation of truly allied relations." N.N. Bordyuzha, "CSTO: from a military-political alliance to a multifunctional organization of regional security," *Eurasian integration: economics, law, politics*, no. 3 (2008), p. 25.

of the armed forces of Kazakhstan, Kyrgyzstan, Russia and Tajikistan.⁴ On the same day a Protocol was signed on the formation and functioning of forces and assets of CST collective security system to allow for the creation, preparation, implementation and overall support of regional troops (forces).

The terrorist attacks in the United States on September 9, 2001 and the beginning of the war against terrorism radically changed international relations. Russia and other CST Member States declared their full support to the United States in the struggle against new threats and challenges to international security. On September 12, 2001, they issued a joint Statement in connection with the terrorist attacks in the United States, and on December 7, 2001 the foreign ministers of NATO member states and Russia issued a statement on the need for joint efforts and the start of joint action in the fight against terrorism. The Rome Declaration "NATO-Russia Relations: A New Quality" was signed on May 28, 2002, establishing the NATO-Russia Council. However, despite these positive developments, NATO was determined to continue its further expansion. Bulgaria, Latvia, Lithuania, Romania, Slovakia, Slovenia and Estonia were actively preparing for simultaneous entry in NATO and the European Union.

Under these circumstances, the six CST member states decided to strengthen relations between them and to form a full-fledged international organization. As a result, on October 7, 2002, they founded the Collective Security Treaty Organization, adopting two fundamental acts: the CSTO Charter and Agreement on the legal status of CSTO. As noted in one of the documents of the Interparliamentary Assembly of the CIS "Military cooperation from fragmentary became comprehensive and aimed at the formation of full and effective military capability to respond adequately to possible challenges and threats to national and collective security of CSTO member states."⁵

CSTO: legal nature, bodies and decision-making process

Established on the basis of an international treaty, pursuing clearly defined goals, a system of permanent bodies and designed to coordinate on a regular basis the actions of the Member States in accordance with the authority conferred upon it, the CSTO has the legal nature of a classical international organization. Thus, the CSTO is certainly an international legal entity and therefore can express its will which does not necessarily coincide with the will of each member. Thus, CSTO Charter clearly states that CST provisions and the international agreements and decisions of the CSC are binding for member states of the Organization and to the Organization itself.

It should also be noted that according to its Charter, the CSTO is an organization of a regional nature (Article 1 of the Charter). CSTO member states can be any state in the region that shares the goals and principles of the Collective Security Treaty Organization and is ready to take on the obligations contained in CSTO international treaties and decisions. In addition, a

⁴ By 2006, CRRF CAR included 10 battalions (three from Russia and Tajikistan each and two from Kazakhstan and Kyrgyzstan each) with a personnel strength of about 4,000. By decision of the Collective Security Council in April 2003, the CRRF included an air component – Russian airbase stationed in Kant (Kyrgyzstan).

⁵ Resolution of the Members of the Interparliamentary Assembly of the CIS states – members of the Collective Security Treaty Organization on April 27, 2006 no. 3 "On the legal support to further development of military cooperation within the Collective Security Treaty Organization."

state may be granted observer status in accordance with its official written appeal. The decision on admission to the Organization and granting an observer status is made by the CSC. Also, any Member State shall be entitled to withdraw from the Collective Security Treaty Organization after the settlement of its obligations within the Organization and upon submitting an official notification of withdrawal no later than six months prior to the date of withdrawal.

CSTO can cooperate with non-member States, maintain relations with international inter-governmental organizations working in the field of security, conclude with them international agreements aimed at the establishment and development of such cooperation. The agreement on CSTO legal status provides permanent bodies of the Organization with privileges and immunities which are fully consistent with international practice and standards. Funding for the permanent working bodies shall be ensured from the CSTO budget, which is formed by equity contributions from Member States and cannot have deficit.⁶

The objectives of the Collective Security Treaty Organization are to strengthen peace and international and regional security and stability, ensure collective independence, territorial integrity and sovereignty of the Member States by political means. CSTO has pledged to act on the basis of strict respect for the independence, voluntary participation, equality of rights and obligations of Member States, and non-interference in the affairs that fall under the national jurisdiction of Member States (Article 5 of CSTO Charter). The creation of the CSTO stands for the idea of creating a so-called multipolar world, i.e., an international system with several poles of power, states or alliances of states – centres of economic and political influence, acting in order to ensure global stability, security and independence of development. Proof of this is the provision that the CSTO “promotes a just and democratic world order based on the universally recognized principles of international law” (Article 4 of the CSTO).

CSTO works in the following areas: 1) formation of an effective collective security system, providing collective security in the event of a threat to security, stability, territorial integrity and sovereignty; 2) coordination of efforts in the fight against international terrorism and extremism, illicit trafficking of narcotic drugs and psychotropic substances, weapons, transnational organized crime, illegal migration and other threats to the security of the Member States; 3) harmonization and coordination of foreign policy positions on international and regional security issues; and 4) development of the legal framework governing the functioning of the collective security system, as well as the harmonization of national legislation on defence, force development and security. In addition, Member States decided not to deploy on their territories troops and military facilities of CSTO non-member states without holding urgent consultations and coordination with other Member States.

According to the Charter, CSTO bodies are: a) Collective Security Council; b) Foreign Ministers Council; c) Defence Ministers Council; g) Committee of Security Councils Secretaries; and e) the Permanent Council. Furthermore, there are permanent working bodies: Secretariat, CSTO Joint Staff, as well as inter-parliamentary cooperation body – Parliamentary Assembly of the Collective Security Treaty Organization.

⁶ In this connection it is interesting to note that in the event of failure by Member States to repay debts to the budget of the Organization for two years, CST may decide to suspend the right to nominate nationals of that State in the quota positions in the framework of the CSTO, as well as to deprive that state of the right to vote in the Organization until full repayment of the debt (Article 25 of the Charter).

The CSC is the highest body of the CSTO; its members are the heads of member states.⁷ The CSC considers fundamental issues of the Organization and takes decisions aimed at implementing its goals and objectives, and ensures the coordination and collaboration of the Member States to implement these goals. Also, the Council approves the budget of the Organization and may create permanent or temporary working and subsidiary bodies. Chairman of the CSC is the head of state hosting the regular session of the Council unless the Council decides otherwise. He retains his rights and obligations until the next session of the Council.

The Council of Foreign Ministers, Council of Defence Ministers and the Committee of the Secretaries of Security Councils are advisory and executive bodies. The CFM coordinates the interaction of the Member States in the field of foreign policy, the CDM – in the field of military policy, force development and military-technical cooperation, and CSSC – in their national security. During the meetings, these bodies consider the most urgent problems in their area of responsibility, prepare decisions to ensure security and promote collective interests of the Member States on the world stage. There is a permanent mechanism for political consultations on the most pressing issues of regional and global security.⁸ The Permanent Council, consisting of the permanent representatives nominated by the heads of member states in accordance with their internal procedures is a coordinating body that between sessions of the CSC deals with issues of cooperation within the Collective Security Treaty Organization, and in conjunction with the permanent working body ensures the implementation of decisions taken by the CSC, CFM, CDM and CSSC. Under the Agreement on CSTO legal status, permanent representatives and other members of the mission, as well as representative offices have diplomatic privileges and immunities.

CSC is entitled to make decisions in a limited format, provided that Member States do not object this order of making decisions. The decision in a limited format may be accepted if none of the member states argues against such a decision. A Member State, which has not voted for a decision in a limited format, is not responsible for the consequences of the decision.

Decisions taken by the CSC and enforced by the Foreign Ministers Council, Defence Ministers Council and CSSC are binding for the Member States and implemented as prescribed by national legislation. Decisions by CSC, CFM, CDM and CSSC on issues other than procedural are taken by consensus. The working language of the CSC, CFM, CDM and CSSC is Russian. A State may reflect its special position on specific aspects or specific questions in a document, which does not hamper the decision-making process in general. This position is reflected in the minutes of the session. Decisions of the Council on procedural matters shall be taken by a simple majority. When voting, each Member State shall have one vote. The procedure for voting, including on matters of procedure shall be governed by the Rules of Procedure of the Organization, approved by the CSC.

⁷ Council meetings may also be attended by foreign ministers, defence ministers, secretaries of security councils of the Member States, the Secretary General of the Organization, Permanent and Plenipotentiary Representatives of the Member States, and invited guests.

⁸ It should also be noted that informal meetings of foreign ministers take place on the eve of sessions of OSCE Foreign Ministerial Council and the UN General Assembly. Besides, the above-mentioned authorities can establish working groups. Thus, currently the Working Group on Afghanistan is effectively working under CFM, which has adopted and implemented the CSTO Action Plan on countering challenges and threats emanating from that country.

Thus, in accordance with the Rules of CSC Procedure dated May 26, 1995, decisions on the date and provisional agenda of each regular session of the Council, as a rule, are taken at the previous session of the Council. The draft agenda is worked out by the Secretariat and shall be agreed, as a rule, no later than 30 days before the regular session of the Council. Any proposal for the inclusion of an item on the agenda of the Council session is accompanied by an explanatory note. Topics may be included in the draft agenda after the deadline only when immediate decisions are to be taken in case of situations involving a threat to peace, breach of the peace or an act of aggression. The draft agenda for the next session of the Council shall be deemed approved if it is supported by at least half of the Member States.

Although according to the Rules of Procedure and the Statutes of the Collective Security Council of July 6, 1992 CSC sessions shall be held at least twice a year, the usual practice is to hold one session per year. CSC extraordinary sessions are also possible. As a rule, CSC sessions are held in the city of Moscow. However, by agreement of the Council sessions can be held on the territory of any other Member State.⁹ The Council session is chaired by the head of State hosting the session, or the Council shall elect the chair from among its members. Sessions of the Council, as a rule, are closed, unless the Council decides otherwise.

Development of the legal framework of the CSTO from 2002 to date

As stated above, one of the main objectives of the CSTO is foreign policy cooperation, coordination and development of common approaches to the current international situation. Therefore, coordinated actions of CSTO member states in the UN and other international forums are of particular importance. It is worth noting that on December 2, 2004, the UN General Assembly adopted a resolution to grant the CSTO the status of observer in the General Assembly. On October 5, 2007, a Memorandum of understanding between CSTO and SCO Secretariats was signed, and on 18 March 2010 a Joint Declaration on Cooperation between UN and CSTO Secretariats was adopted. However, the CSTO failed to establish any formal relationship with NATO.

While the United States and many other NATO countries actively supported the so-called “colour revolutions” in Georgia (2002), Ukraine (2004) and Kyrgyzstan (2005), Russia and other CSTO countries reacted very negatively to such political processes. This negative attitude to the “colour revolutions” and the role of Western countries in them, especially after the events in Andijan in May 2005, was the main reason for CSTO rapprochement with Uzbekistan. As a result, on June 23, 2006 CSC decided “On restoring Uzbekistan’s membership in the CSTO.”

Further, on April 28, 2003, a set of documents was adopted regulating the activities of CSTO Joint Staff; as of January 1, 2004 it enabled a permanent CSTO working body responsible for the preparation of proposals and implementation of decisions concerning the military

⁹ Thus, the CSTO constituting session took place on 7 October 2002 in Chisinau, in 2003 the session was in Dushanbe (28 April), in 2004 – Astana (18 June), in 2005 – Moscow (23 June), in 2006 – Minsk (23 June), in 2007 – Dushanbe (6 October), in 2008 – Moscow (5 September), in 2009 – Moscow (4 February – an extraordinary session, and 14 June), in 2010 – Moscow (December 10), in 2011 – Moscow (20 December), in 2012 – Moscow (19 December), in 2013 – Sochi (September 23), in 2014 – Moscow (23 December).

component of the CSTO, which could be converted by decision of the CSC into an interstate body of military command of the collective security system.¹⁰ On the same day, an Agreement was signed on the establishment of a unified system of technical protection of railways in CSTO member states, providing for the main railway lines, subject to prior technical maintenance, development and implementation of appropriate measures for its implementation, the procedure for the use of forces and means of CSTO member states to recover railways. Later, in 2005, the Unified Plan of technical maintenance and Regulations on technical maintenance were approved.

On June 18, 2004, an Agreement was signed on the operational equipment of areas and joint use of military infrastructure of CSTO member states. This Agreement sets out the procedure for operational equipment and the joint use of military infrastructure to prevent and repel external military aggression or to conduct anti-terrorist operations, as well as for command staff and military exercises in peacetime to ensure the military security of the Parties.

Later, on June 18, 2004, Basic guidelines of CSTO coalition military building until 2010 and beyond were adopted, and on June 23, 2005 – Plan for their implementation. These documents take into account almost all aspects of military development in CSTO. Also, on June 23, 2005, an Agreement was made on personnel training for CSTO member states, aimed at the establishment and development of a unified military training system. It obliges Member States to allocate quotas for training military personnel of other countries on a grant and concessional basis, to develop joint military training on the basis of coordinated programs. In addition, as a follow on to this Agreement, in November 2005—by decision of the CSTO Council of Defence Ministers—a List of universities for joint training of military personnel was approved, and other documents on the mechanism for its implementation are worked out.¹¹ Also, an agreement was reached with the Russian Ministry of Defence on training senior staff members in executive bodies from CSTO member states in the General Staff Academy.

On the same day, an Agreement was signed on the security of sensitive information in the CSTO, which regulates the procedure for the protection of classified information in the sphere of foreign policy, military, military-technical, economic, scientific, technical, intelligence, counterintelligence, operations, investigations, and other aspects in CSTO.

On June 23, 2005, the Interstate Commission for Military and Economic Cooperation in the CSTO was established, and a Regulation was approved to allow the use of military-technical cooperation to further military-economic integration, e.g. in the military-industrial complex of CSTO member states; in particular, practical steps were taken to establish a joint venture to develop, manufacture and repair weapons.

On June 23, 2006, CSTO member states adopted a Declaration on further improving and increasing the efficiency of the organization. Noting CSTO positive developments in cooperation in the field of foreign and defence policy, CSTO member states adopted a series of guide-

¹⁰ The Joint Staff provides organizational and information-analytical support to the CDM; it is responsible for the preparation of proposals for the CSTO military component, the organization and coordination of the practical implementation of CSTO decisions on issues of military cooperation in collaboration with the military authorities of the Member States.

¹¹ Every year, thousands of citizens of the Member States enrol in Russian military and civilian universities for free or at reduced rates in accordance with the existing agreements in the CSTO. See: Collective Security Treaty Organization (reference information), (Electronic resource), available at <http://www.odkb-csto.org/structure>.

lines, including the refusal to damage the interests of collective security, the priority of allied commitments of CSTO member states, as well as coordination of foreign policy, protection of collective and national interests of CSTO member states in the international arena. In this connection, it is interesting to note that, for example, in recent years CSTO member states have had a common position on the settlement of conflicts and crises in North Africa, the Middle East and Afghanistan, advocating non-interference in the internal affairs of these countries and resolution of problems by diplomatic means only.¹²

The next step in the development of the CSTO was the Agreement on CSTO peacekeeping forces dated October 6, 2007. Member States agreed to provide permanent peacekeeping contingents. These troops undergo a single CSTO training program, they are equipped with uniform or compatible armaments and communications and take part in regular joint exercises. The decision to conduct a peacekeeping operation on the territory of the Member States is taken by CSC based on an official request by a Member State¹³ or a decision of the UN Security Council to conduct a peacekeeping operation in the territory of any state that is not member of CSTO. The decision of the CSC to conduct a peacekeeping operation is made on the recommendation of the Council of Foreign Ministers, the Council of Defence Ministers and the CSSC. In order to participate in a peacekeeping operation, CSTO collective peacekeeping forces are formed. The composition, structure and size of the collective forces are determined by the CSC for each peacekeeping operation. The collective peacekeeping forces (CPF) are under the Commander of the CPF, who is appointed by and reports to the CSC. Coordination of collective peacekeeping forces and peacekeeping operations rests with the CSTO Joint Staff.¹⁴

Another important step was the signing on June 14, 2009 of the Agreement of CSTO Collective operational forces. The Collective Rapid Reaction Forces (CRRF) are on constant alert and their mission is to react to threats and challenges to the Member States. These forces are assigned specific tasks: a) prevention and response to armed attacks and localization of armed conflicts; b) fight against international terrorism, illegal drug trafficking and other types of transnational organized crime; c) protection of the population from dangers ensuing from military acts, as well as reaction to emergencies and provision of humanitarian aid. The composition of the Collective Rapid Reaction Forces is confirmed by the CSC based on proposals by the

¹² See: Statement of CSTO member states "On the situation in Syria and around it," dated September 23, 2013; Communiqué of the CSTO Collective Security Council session of September 23, 2013; Statement by the Foreign Ministers of CSTO member states on April 3, 2014.

¹³ CSC shall immediately inform the UN Security Council of its decision to conduct a peacekeeping operation on the territory of a Member State. Based on the situation, the scale of the conflict and its possible impact on the situation in the region, the CSC may request the authority (mandate) from the UN Security Council for a peacekeeping operation or establish a procedure for the periodic update of the UN Security Council on the status of the peacekeeping operation.

¹⁴ Simultaneously with the Agreement on CSTO peacekeeping, Agreements were signed also "On creation of a command and control system of the CSTO Collective Security," "On mutual protection of rights to intellectual property produced and used in the course of military-economic cooperation within the Collective Security Treaty Organization," "On cooperation in the field of advertising and exhibition activities in the sphere of military-economic cooperation between the CSTO member states," and "On concessional supply of special equipment."

Member States.¹⁵ Decision on the term of deployment of the Collective operational forces is made by the CSC after an official request of one or more member states or after the consent of Parties to this Agreement. After approval of the Council of Defence Ministers and/or the CSSC, a Commander from the hosting member nation is appointed. In addition, the CRRF may be reinforced with special task forces comprising personnel from the Ministry of Interior, police, internal troops, security agencies and special services, as well as staff responsible for the prevention and liquidation of emergencies.¹⁶

Due to economic disputes with Russia, Belarus signed the Agreement on the Collective operational forces on October 15, 2009, while Uzbekistan refused to sign it. Uzbekistan insisted on observing the principle of consensus when making the decision on deployment of the Collective Rapid Reaction Forces. In its opinion, the decision on deployment and use of the Collective forces shall be based on consensus, and not “with the consent of countries for which this Agreement has entered into force.” Besides, Uzbekistan expressed its considerations with regard to the fact that the CRRF shall not be used as a military element on CIS territory and in CSTO member states for the settlement of disputes that might arise between these countries. For these reasons, Uzbekistan did not ratify the Agreement on peacekeeping in CSTO dated October 6, 2007, and in December 2010 did not sign the Statement of CSTO Peacekeeping forces.¹⁷

In the Statement of December 10, 2010, CSTO member states expressed their readiness, using the peacekeeping potential of the Organization, to contribute to armed conflict prevention and peaceful settlement of emerging conflicts and crisis situations. They also stated that permanent CSTO Peacekeeping forces can be an effective tool in maintaining peace and security, acting on their own or in cooperation with other interested parties in strict compliance with the UN Charter.¹⁸

¹⁵ Russia made the greatest contribution to the CRRF – one airborne division and one airborne assault brigade. Belarus and Kazakhstan each provided one air assault brigade. Other countries sent a battalion. All units are included in the Collective Rapid Reaction Force and are in constant combat readiness. See “The amount of force,” *Rossiyskaya Gazeta*, 5 February 2009 (Electronic resource), available at <http://www.rg.ru/2009/02/05/armiya.html>.

¹⁶ Transit, deployment, order and conditions of temporary stay of CRRF contingents on the territories of the Parties, as well as their status, social and legal guarantees for the personnel are determined by the Agreement on the status of forces and means of the collective security system on October 11, 2000, by the Protocol on the formation and operation of forces and means of the collective security system of the CST of May 25, 2001, and the Protocol on the mechanism of providing military and technical assistance to CSTO Member States in cases of aggression or an act of aggression of October 6, 2007.

¹⁷ It should be noted that Tashkent, after having for a long time a special position in the CSTO, on June 28, 2012 sent a note to notify of suspension of its membership in the CSTO. On December 19 the same year, Uzbekistan’s membership was officially suspended, despite the fact that temporary membership suspension is not discussed in the CSTO Charter. This step, however, was made based on Uzbekistan’s possible return to the Organization.

¹⁸ It is interesting to note that on June 15, 2009 Russian President approved the Government’s decision on the allocation of the Russian peacekeeping contingent in the peacekeeping forces of the CSTO. From the Russian Armed Forces – a separate motorized rifle brigade (2,251 men), from the Russian Interior Ministry – OMON “Zubr” (100), special forces “Rys” (50), observers and advisors (50) from the central apparatus, educational institutions and territorial services of the Russian Ministry of Interior.

In 2010, in the wake of the events in south Kyrgyzstan, steps were taken to enhance CSTO crisis response system. It was supplemented by a political mechanism for monitoring and prevention of possible conflicts. Responsibilities for mutual support, including military support, were allocated in case of armed attacks by illegal armed groups. An option for making decisions in limited format was approved by interested member states, as well as regulations for urgent consultations and decision making, including through video conferences.

Furthermore, on December 10, 2010, CSTO member states signed an Agreement on the status of forces and assets for the CSTO collective security system. According to this Agreement, the armed forces of one of the Member States may be sent to the territory of the host country in accordance with the official request of the latter for the realization of the right to collective defence in the event of a threat and/or an armed attack (aggression) against one or more of the Parties, to counter other challenges and threats to collective security, emergency response, as well as for joint command-staff and troop exercises.¹⁹

On December 20, 2011, a Protocol was signed on the placement of military facilities on the territory of CSTO member states, according to which the CSTO member states may decide to place on their territories troops (forces), military facilities of non-member states only after holding urgent consultations (coordination) with other Parties and the absence of a formal objection.

On December 19, 2012, CSC made a decision "On the main directions of development of military cooperation of the CSTO member states for the period until 2020" in order to further improve military cooperation and increase the combat potential of forces and means of the collective security system. The document provides for the extension of the CSTO Collective Rapid Reaction Forces, the improvement of their equipment with modern weapons, as well as improving their preparation through joint integrated exercises such as "Frontier," "Cooperation," "Invincible Brotherhood," "Cobalt" and "Thunder."

On September 23, 2013, at a regular meeting CSC approved the document "On assistance to the Republic of Tajikistan to strengthen the Tajik-Afghan border." It was noted that the CSTO attaches fundamental importance to the prevention of external threats and interference, joint counteraction against international terrorism and extremism, drug trafficking and arms trafficking, illegal migration and trafficking in human beings, the use of information and communication technologies for illegal purposes, including through international recognition of complex preventive operations "Channel,"²⁰ "Illegal,"²¹ and "Proxy."²²

Other CSTO countries (except Uzbekistan) also sent national contingents to the CSTO peacekeeping forces. The total number of peacekeeping forces amounted to over 3.5 thousand people. In September 2010, the CSTO Joint Staff conducted a meeting of peacekeeping force unit commanders. See: *CSTO: responsible safety*, ed. I.Y. Jurgens (Moscow, 2011), p. 54.

¹⁹ With the consent of the receiving Party, formations can conduct in its territory within the limits of certain terrain (districts), command and staff exercises, as well as other operational and combat training related to the performance of their tasks. Import and export of movable property for the purpose of implementing this Agreement shall be carried out on a priority basis without the use of bans, restrictions and collection of any duties, taxes and fees on the basis of the lists agreed by the competent authorities of the sending and receiving Parties. No visa control is applied on unit personnel when entering the territory of the host Party and when leaving its territory.

²⁰ The regional counter-narcotic operation "Channel" is carried out continuously under the auspices of the CSTO. Observers in the operation are representatives of about 30 non-member countries, including the US, EU, several Latin American countries, as well as international experts from the OSCE,

Conclusion

To summarize, we can say that the creation of a common military-political space based on CST between a number of post-Soviet states immediately after the collapse of the USSR played a positive role in maintaining peace and security in Eurasia. Relevance and viability of the close cooperation between the Eurasian countries in the military-political sphere is obviously proved by the fact that a decade after the signing of the Collective Security Treaty a full-fledged international organization—the Collective Security Treaty Organization—was set up to further organizational cohesion between Member States and ensure an integrated approach to the construction of the collective security system.

It can be argued that during the existence of the CSTO a solid legal framework was established regulating the activities of the organization in all major areas of security. To date, there are 43 signed and ratified international treaties on the most fundamental issues of interstate cooperation in the field of collective security solutions, 173 Collective Security Council decisions, approving provisions on cooperation in certain areas, plans and programs on specific issues of collective security, financial, administrative and personnel matters.²³ Cooperation with other international organizations is increasing. Working contacts with the United Nations were established, regular meetings with officials of the SCO, the CIS and EAEU were held, which optimizes the distribution of functions between regional organizations, the responsibility of which is to ensure security in Eurasia. Also, the CSTO is trying to establish an equal dialogue with NATO, the European Union and the OSCE.

There is an ongoing development of the military component, currently composed of military groups in the Eastern European and Caucasus regions, CRRF-CAR and CSTO CORF, also the CSTO Peacekeeping forces.²⁴ The delivery of weapons and military equipment to CSTO

Interpol and Europol. In total, about 245 tons of drugs and 9,300 firearms were seized from illicit trafficking during the operation "Channel." See N.N. Bordyuzha, "CSTO – guarantee of stability and security in Eurasia" (Electronic resource), *Nezavisimaya Gazeta*, 20 April 2012, available at http://nvo.ng.ru/concepts/2012-04-20/1_odkb.html.

²¹ In recent years, the problem of illegal migration and human trafficking is growing. Coordinated operational and preventive measures and special operations to combat illegal migration under the name "Illegal" are carried out. For example, as a result of the operation "Illegal-2011," CSTO migration services and law enforcement agencies have revealed more than 96,000 violations of migration legislation. See "On the outcome of CSTO work for the period 2002-2012 and priority areas of the Organization" (Electronic resource), available at www.odkb-csto.org/news/detail.php?ELEMENT_ID=360.

²² Particular attention is paid to the joint efforts in the field of international information security. Cooperation is developing between special units in the security and internal affairs in order to prevent crimes in the sphere of modern information technologies within operation "Proxy." According to the latest results, the work of 1,126 information resources has been terminated, 1,500 criminal cases have been initiated against persons involved in their creation and functioning. See: Theses of CSTO Secretary General N. Bordyuzha on the topic "20 Years Collective Security Treaty Organization: Yesterday, Today and Tomorrow" (Electronic resource), available at www.odkb-csto.org/general_secretary/detail.php?ELEMENT_ID=3571&SECTION_ID=105.

²³ See: The legal framework of the CSTO (Electronic resource), available at http://www.odkb-csto.org/documents/detail.php?ELEMENT_ID=1672.

²⁴ In December 2010, Russian President Dmitry Medvedev stated that CRRF were established with 20 thousand men and the peacekeeping forces amount to 3.5 thousand men. See D.A. Medvedev,

allies is organized at reduced, domestic prices. Cooperation is developing at the level of military-industrial complexes of CSTO member states. An important element of cooperation is the joint training for the armed forces, law enforcement agencies and special services of the Member States.

Thus, today the CSTO is a multipurpose regional collective security organization acting on the principles of equality and mutual respect, exerting a stabilizing influence on the situation in Eurasia. At the same time, the future of the CSTO certainly depends on the further development of its Member States and above all Russia, on their ability to create a competitive economy, to successfully implement plans for economic integration, build an economic union and, based on it, constantly improve its military and political cooperation.

References

1. Bordyuzha, N.N., "CSTO: from a military-political alliance to a multifunctional organization of regional security," *Eurasian integration: economics, law, politics*, no. 3 (2008): 24–27.
2. Resolution of the Members of the Council of the Interparliamentary Assembly of the CIS states – members of the Collective Security Treaty Organization on April 27, 2006 no. 3 "On legal support to further development of military cooperation within the Collective Security Treaty Organization."
3. The Collective Security Treaty Organization (reference information) (Electronic resource). Available at <http://www.odkb-csto.org/structure> (accessed 23 December 2014).
4. Statement by the CSTO member states "On the situation in Syria and around it," dated September 23, 2013; Communiqué of the CSTO Collective Security Council session on September 23, 2013.
5. Statement of the Foreign Ministers of CSTO member states on April 3, 2014.
6. "The amount of power" (Electronic resource), *Rossiyskaya Gazeta*, 5 February 2009. Available at <http://www.rg.ru/2009/02/05/armiya.html> (accessed 23 December 2014).
7. *CSTO responsible safety*, edited by I.Y.Jurgens (Moscow, 2011).
8. Bordyuzha, N.N., "CSTO – guarantee of stability and security in Eurasia" (Electronic resource), *Nezavisimaya Gazeta*, 20 April 2012. Available at http://nvo.ng.ru/concepts/2012-04-20/1_odkb.html (accessed 23 December 2014).
9. "On the main outcomes of the CSTO for the period 2002-2012 and priority areas of the Organization" (Electronic resource). Available at www.odkb-csto.org/news/detail.php?ELEMENT_ID=360 (accessed 23 December 2014).
10. Bordyuzha, N.N., "20 Years of the Collective Security Treaty: Yesterday, Today and Tomorrow" (Electronic resource). Available at www.odkb-csto.org/general_secretary/detail.php?ELEMENT_ID=3571&SECTION_ID=105 (accessed 23 December 2014).

Chapter 6

Implementation of the Commitments Undertaken in the Framework of the CSTO by Member States

A.F. Douhan

At present, 43 international agreements have been signed within the framework of the CSTO (including a Protocol on amendments) regulating the main directions of cooperation between Member States. These include:

- Treaty on Collective Security of 15 May 1992 (ed. 10 December 2010);
- Agreement on the basic principles of military and technical cooperation between CSTO Member States of 15 May 1992 on 20 June 2000 (ed. 10 December 2010);
- Charter of the Collective Security Treaty Organization of 7 October 2002 (ed. 10 December 2010);
- Agreement on the Legal Status of the Collective Security Treaty Organization of 7 October 2002 (ed. 6 October 2007);
- Protocol on the order of exercising control over the targeted use of military goods supplied under the Agreement on basic principles of military and technical cooperation between the CST Parties of 15 May 1992 from 7 October 2002;
- Protocol on the mechanism of military and technical assistance to CSTO member states in case of a threat of aggression or an act of aggression of 6 October 2007;
- Agreement on the establishment of a unified system of technical protection of railways of CSTO member states on 28 April 2003 (ed. 23 June 2006);
- Agreement on mutual securing of sensitive information within the CSTO on 18 June 2004;
- Protocol on ensuring technical and informational compatibility of arms and military equipment of forces and means of CSTO collective security system on 10 December 2010;
- Agreement on mutual protection of rights to intellectual property produced and used in the military and economic cooperation in CSTO of 6 October 2007;
- Agreement on operational equipment of areas, joint use of military infrastructure of the CSTO member states on 18 June 2004;
- Agreement on personnel training for CSTO member states on 23 June 2005;

- Agreement on the operational deployment, use and overall support to the Collective Rapid Deployment Forces of the Central Asian collective security region on 23 June 2006;
- Agreement on Cooperation in the field of advertising and exhibitions in the sphere of military-economic cooperation between the CSTO member states on 6 October 2007;
- Agreement on concessional supply of special equipment for law enforcement agencies and special services of the CSTO member states on 06 October 2007 (ed. 10 December 2010);
- Agreement on CSTO peacekeeping activity from 6 October 2007;
- Agreement on creating a system of management of forces and means of CSTO collective security system from 6 October 2007;
- Agreement on training personnel for law enforcement, fire, rescue bodies and special services of the CSTO member states on 5 September 2008;
- Agreement on Collective Rapid Reaction Force from 14 June 2009;
- Agreement on the basic principles for the creation of a hidden command and control system of the CSTO collective security system of 14 June 2009;
- Agreement on cooperation of CSTO member states in the development, production, operation, repair, modernization, extension of the operation and utilization of military products from 10 December 2010;
- Agreement on the preservation of specialization of enterprises and organizations involved in the production of military products in the framework of the CSTO on 10 December 2010;
- Agreement on the status of forces and means of CSTO collective security system on 10 December 2010;
- Agreement on the general principles for the creation of interstate scientific and production associations in the CSTO for the production of military products from 10 December 2010;
- Agreement on the formation and functioning of forces and means of the CSTO collective security system on 10 December 2010;
- Protocol for the placement of military facilities on the territory of the CSTO member states on 20 December 2011.

These documents, related to the work of the Collective Security Treaty Organization to maintain international peace and security, govern the cooperation of member states in the military-political sphere and are not intended to create direct rights and obligations for natural and legal persons of the states.

In this regard, when implementing the commitments undertaken in the framework of the CSTO, states shall first of all demonstrate their political will. Implementation at the national level requires measures to ensure the realisation of such commitments.

The implementation of the commitments undertaken by Belarus in the framework of the CSTO

Belarus declared mandatory all treaties concluded within the CSTO (Report on the Inter-parliamentary activities of the National Assembly of the Republic of Belarus in 2012).¹ Every year, the budget of the Republic of Belarus allocates funds for the costs associated with membership in the CSTO (see the Law of the Republic of Belarus of 31 December 2005 no. 81-3 “On the budget of the Republic of Belarus for 2006”²; Law of the Republic of Belarus of 26 October 2012 no. 432-3 “On the republican budget for 2013”).³

The Republic of Belarus takes an active part in the work of the CSTO, including its parliamentary bodies. Thus, in 2011 the Republic of Belarus chaired the CSTO Parliamentary Assembly and contributed to improving CSTO legal framework, the practical implementation of the decisions and international activities of the CSTO, including the expansion of its cooperation with leading international organizations.

The upper house of the National Assembly (Parliament) of the Republic of Belarus – the Council of the Republic, was actively involved in the efforts to improve the legal framework of the CSTO, ensuring the recognition of international treaties within the Collective Security Treaty Organization as binding (Report on the Inter-parliamentary activities of the Council of the Republic of the National Assembly of the Republic of Belarus in 2012⁴.) It also proposed to develop plans for inter-parliamentary cooperation, particularly in combating terrorism and extremism, and information security.

Before assessing the implementation of commitments of the Republic of Belarus in the framework of the CSTO, it is necessary to characterize the mechanism of implementation of international obligations in the country as a whole.

Belarusian legislation does not contain general provisions on the primacy of international law. According to Art. 8 of the Constitution of the Republic of Belarus “*The Republic of Belarus recognizes the priority of universally accepted principles of international law, and ensures compliance of the law.*” It is not permitted to conclude international treaties that contravene the Constitution.⁵

It should be noted that the universally recognized principles of international law include only a very short list of mandatory norms.⁶ At the same time, one of these principles is the principle

¹ Resolution of the National Assembly of the Republic of Belarus of 10 October 2012 no. 689-CP4 / IX “On the inter-parliamentary work of the Council of the National Assembly of the Republic of Belarus in 2012” – all the regulations, unless otherwise indicated, are by ConsultantPlus: Belarus. Technology 3000 (Electronic resource) (OOO “YurSpektr”), Nat. Centre for Legal Inf. Rep. Belarus (Minsk, 2014).

² Law of the Republic of Belarus of 31 December 2005 no. 81-3 (ed. 5 October 2006, amended on 22 December 2006) “On the Budget of the Republic of Belarus for 2006.”

³ Law of the Republic of Belarus of 26 October 2012 no. 432-3 (amended on 13 August 2013) “On the republican budget for 2013.”

⁴ Resolution of the Council of the National Assembly of the Republic of Belarus of 10 October 2012 no. 689-CP4 / IX “On the inter-parliamentary work of the Council of the National Assembly of the Republic of Belarus in 2012.”

⁵ Constitution of the Republic of Belarus of 1994 (with amendments and additions adopted at the republican referenda on 24 November 1996 and 17 October 2004).

⁶ Delimitation of the maritime boundary in the Gulf of Maine Area (Canada/USA), Judgement of 12 October 1984, I.C.J. Reports 1984 (The Hague: ICJ, 1984), pp. 288–290.

of implementation of international commitments – *pacta sunt servanda* (UN Charter, Preamble, Art. 2 (2); Vienna Convention on the right of international treaties of 23 May 1969, art. 26-27⁷; the Declaration on Principles of international law concerning friendly relations and cooperation among states in accordance with UN Charter 1970⁸).

Article 18 of the Constitution reiterates the commitment of the Republic of Belarus to recognize the principles and norms of international law, i.e., actually includes in the list of norms universal international customs.

Article 33 of the Law “On International Treaties of the Republic of Belarus” dated 23 July 2008 (ed. 12 July 2013) stipulates that “*International treaties of the Republic of Belarus shall be implemented by the Republic of Belarus in accordance with international law.*”⁹ The “*legal norms contained in the international treaties of the Republic of Belarus are part of the legislation enforced on the territory of the Republic of Belarus; are directly applicable, except in cases where the international treaty provides that the application of these norms requires the adoption (publication) of a domestic legal act; and have the force of a normative legal act, which expresses the consent of the Republic of Belarus to be bound by the relevant international treaty.*”

The fact that the provisions in the international treaties of the Republic of Belarus are part of the current legislation includes them in a set of regulations of the Republic of Belarus and makes them mandatory for the law enforcer.

However, the provisions of such agreements are not usually *directly applicable*. The rule of the direct application of international agreements applies primarily to the so-called “self-executing” norms that directly define the rights and obligations for individuals and legal entities.¹⁰ Liabilities undertaken in the framework of CSTO create rights and obligations for Member States and, as a result, require implementation.

The legislation of the Republic of Belarus provides a very wide range of cases when a special regulatory legal act is required in order to recognize an agreement as mandatory. In particular, according to the Law on normative legal acts of the Republic of Belarus of 10 January 2000 (ed. 2 July 2009), the approval of the act is required if the “*subject of international treaties of the Republic of Belarus are issues related to the sphere of legislative norms, but are not regulated by the legislation of the Republic of Belarus; implementation of international commitments made under international treaties is impossible without acceptance (publication) of the normative legal act.*”¹¹ Thus, the sphere of legislative regulation includes a very wide range of issues.

With regard to the *place of international treaties of the Republic of Belarus in the national legal system*, this is a controversial issue. Thus, Art. 116 of the Constitution of the Republic of Belarus, consolidating the powers of the Constitutional Court of the Republic of Belarus to de-

⁷ Vienna Convention on the Law of Treaties of 23 May 1969.

⁸ Resolution 2625(XXV), available at http://www.un.org/ru/documents/decl_conv/declarations/intlaw_principles.shtml.

⁹ Law of the Republic of Belarus of 23 July 2008 no. 421-3 (ed. 12 July 2013) “On international treaties of the Republic of Belarus.”

¹⁰ V.Y. Kalugin, L.V. Pavlova, “Implementation of International Law,” *International Public Law*, General Part (Minsk: Amalhteia, 2011), p. 198.

¹¹ Law of the Republic of Belarus of 10 January 2000 no. 361-3 (ed. 2 July 2009) “On normative legal acts of the Republic of Belarus.”

termine “the relevance of laws, decrees, presidential decrees, international treaties and other obligations of the Constitution and international instruments ratified by the Republic of Belarus,” allows some authors to conclude that international treaties recognized as compulsory are placed in the hierarchy of normative legal acts of the Republic of Belarus second after the Constitution (G.A. Vasilevich¹²; L.V. Pavlova¹³). However, there are opponents to this approach, for example, A.I. Zybailo, who refers exclusively to Art. 33 of the Law on international treaties that “international treaties [...] have the power of that normative legal act, which expresses the consent of the Republic of Belarus to be bound by the relevant international treaty.”¹⁴

It shall be noted that the procedure for verifying the compliance of the regulatory framework of the Republic of Belarus with its international obligations is regulated in detail. In particular, the Law on International Treaties of the Republic of Belarus provides that the act of ratification (adoption of the law by the Parliament) recognizes as compulsory interstate and intergovernmental agreements, “establishing rules other than those contained in the laws of the Republic of Belarus, decrees and edicts of the President of the Republic of Belarus; which are the subject of questions relating only to the sphere of legislative regulation, but are not regulated by the laws of the Republic of Belarus, decrees and edicts of the President of the Republic of Belarus; [...] on the participation of the Republic of Belarus in international and interstate organizations” (Art. 19). As a result, the vast majority of treaties concluded in the framework of the CSTO are subject to ratification by the Republic of Belarus.

Only some of them (Agreement on basic principles of military and technical cooperation between CST Member States of 15 May 1992 (ed. 10 December 2010); Agreement on mutual protection of rights on intellectual property received and used in the course of military-economic cooperation within the CSTO of 6 October 2007; Agreement on cooperation in the sphere of advertising and exhibitions in military-economic cooperation between CSTO member states of 6 October 2007; Agreement on the establishment of a command and control system of CSTO collective security system of 6 October 2007; Protocol on ensuring technical and informational compatibility of weapons and military equipment of forces and means of CSTO collective security system of 10 December 2010; Agreement on preserving the specialization of factories and organizations involved in the production of military products in the CSTO of 10 December 2010) were recognized as binding by a decree of the President of the Republic of Belarus.

As a result, following the adoption of the law on ratification or the decree on the approval, the norms in a treaty will have the same effect as the laws of the Republic of Belarus or edicts and decrees of the President of the Republic of Belarus, respectively, and they will be the law enforcers in the absence of legal regulation on this issue in Belarus, and in the case of conflict between national legislation and recognized as binding international treaties. At the same time, as noted in the doctrine (A.I. Zybailo), a situation is possible when in the event of a subse-

¹² G.A. Vasilevich, *Parliament of the Republic of Belarus: Constitutional and legal aspects* (Minsk, 1995), p. 173.

¹³ L.V. Pavlova, “The place of international law in the legal system of the Republic of Belarus and ways of influence its reform,” *International Public Law, General Part* (Minsk: Amalhteia, 2011), p. 205.

¹⁴ For example, A.I. Zybailo is criticized in Commentaries “Scientific-practical commentary to the Law of the Republic of Belarus of 23 July 2008 no. 421-3 “On international treaties of the Republic of Belarus” (ed. L.V.Pavlova) (as of 28 December 2011), Art. 33.

quent law its provisions will have priority as the *lex posterior* over the rules of an international treaty, ratified by a law or approved by the decree of the President of the Republic of Belarus.¹⁵

Despite the fact that this statement is true in theory, it should be noted that a significant number of laws of the Republic of Belarus (including those on the security of the Republic of Belarus) defer the priority of international treaties, recognized by the Republic of Belarus as binding, over national law in the case of a conflict (for example, the laws “On National Security Bodies of the Republic of Belarus” dated 10 July 2012, Art. 3¹⁶; “On the Armed Forces of the Republic of Belarus” dated 3 November 1992 (ed. 12 May 2009), Art. 2¹⁷; “On the state border of the Republic of Belarus” dated 27 July 2008 (ed. 25 November 2011), Art. 3¹⁸; “On Combating Terrorism” of 3 January 2002 (ed. 26 October 2012, Art. 1¹⁹); “On protection of population and territories from emergency situations of natural and technological nature” from 5 May 1998 (ed. 10 July 2012), Art. 25²⁰; Decree “On improvement of the legal regulation of certain relations in the economic sphere” from 3 November 2005 (ed. 14 March 2013), para. 2.3²¹), or call for engagement in international cooperation in accordance with the international obligations of the Republic of Belarus (for example, p. 10, Chapter 3 of the Military Doctrine of the Republic of Belarus²²). The provisions in certain laws (e.g., Law “On the state border of the Republic of Belarus” of 27 July 2008, Art. 24, 25; Law on Combating Terrorism of 3 January 2002, Art. 4) contain individual references to international treaties that can establish a different procedure for actions, regulated by such laws.

The analysis of the Belarusian legislation for compliance with international obligations takes place at all stages of recognition of international treaties as binding. In particular, at the stage of proposing negotiations or signature of the draft treaty, it is required to obtain feedback from all involved ministries and departments, the conclusion of the Ministry of Foreign Affairs of the Republic of Belarus on the conformity of the international treaty draft (international treaty) and (or) the position of the Republic of Belarus in the negotiations on international obligations of the Republic of Belarus and the conclusion of the Ministry of Justice regarding the conformity of the draft with the Constitution of the Republic of Belarus, the laws of the Republic of Belarus, decrees and edicts of the President of the Republic of Belarus and the Council of Ministers of the Republic of Belarus. The project shall also be accompanied by a list of the laws of the Republic of Belarus, decrees and edicts of the President of the Republic of Belarus and the Council of Ministers of the Republic of Belarus (their structural elements) to be amended, altered, re-

¹⁵ Ibid.

¹⁶ Law of the Republic of Belarus of 10 July 2012 no. 390-3 “On state security bodies in the Republic of Belarus.”

¹⁷ Law of the Republic of Belarus of 3 November 1992 no. 1904-XII (Ed. 12 May 2009) “On the Armed Forces of the Republic of Belarus.”

¹⁸ Law of the Republic of Belarus of 21 July 2008 no. 419-3 (ed. 25 November 2011) “On the State Border of the Republic of Belarus.”

¹⁹ Law of the Republic of Belarus of 3 January 2002 no.77-3 (ed. 26 October 2012) “On the fight against terrorism.”

²⁰ Law of the Republic of Belarus of 5 May 1998 no. 141-3 (ed. 10 July 2012) “On protection of the population and territories from emergency situations of natural and technological nature.”

²¹ Decree of the President of Belarus of 3 November 2005 no. 520 (ed. 14 March 2013) “On improving the legal regulation of certain relations in the economic sphere.”

²² Law of the Republic of Belarus of 3 January 2002 no. 74-3 (ed. 26 October 2012) “On the approval of the Military Doctrine of the Republic of Belarus” in the wording of 26 October 2012.

pealed, recognized invalid or accepted in connection with the conclusion of an international treaty (Law on international treaties of the Republic of Belarus, Art. 5).

In addition, at the final stage since 2008, according to the Decree of the President of the Republic of Belarus of 26 June 2008 no. 14 “On some measures to improve the work of the Constitutional Court of the Republic of Belarus,”²³ the Constitutional Court of the Republic of Belarus “carries out a mandatory preliminary review of the constitutionality of all laws, adopted by the House of Representatives of the National Assembly of the Republic of Belarus and approved by the Council of Republic of the National Assembly of the Republic of Belarus or adopted by the House of Representatives of the National Assembly of the Republic of Belarus” (Sec. 1.1), as well as “on the proposal of the President of the Republic of Belarus sets out the position on the constitutionality of international treaties for the signing by the President of the Republic of Belarus normative legal acts on the consent of the Republic of Belarus to be bound by these treaties”(Sec. 1.2).

Typically, the recognition of a binding international treaty requires the necessary changes to be made in the national legislation regulating these issues. However, the situation with the *implementation of international treaties, adopted in CSTO*, is very specific. The legal basis has only a few national legal acts specifically adopted to implement international agreements concluded in the framework of the CSTO. These include, for example, the Presidential Decree of 6 February 2009, no. 67 “On some issues of military and technical assistance to Member States of the Collective Security Treaty Organization,” which approves the Regulations on the procedure for the preparation of proposals for making and implementing decisions to provide military and technical assistance to CSTO member states in case of a threat of aggression or an act of aggression, and amends para. 1.10.1, item 1 of Presidential Decree no. 94, giving the State Military-Industrial Committee the authority to exercise “within its powers coordination of all matters relating to the range of military products, volumes, conditions and terms of practical implementation of the provision of military supplies to CSTO Member States.”²⁴ Pursuant to the Agreement on the basic principles of military and technical cooperation between CST Member States of 15 June 2000, the state authorities of Belarus adopted Instructions on ordering supplies of military products for the needs of state bodies with military formations and paramilitary organizations of the Republic of Belarus (para. 1, 2, 7)²⁵ and for the needs of the Armed Forces of the Republic of Belarus (para. 1, 2, 7).²⁶

References to the Collective Security Treaty Organization are also available in a number of policy documents. For example, improving the efficiency of the CSTO is one of the main inter-

²³ Presidential Decree of 26 June 2008 no. 14 “On some measures to improve the work of the Constitutional Court of the Republic of Belarus.”

²⁴ Presidential Decree of 6 February 2009 no. 67 “On some issues of military and technical assistance to Member States of the Collective Security Treaty Organization.”

²⁵ Resolution of the State Military Industrial Committee of Belarus, the Ministry of Internal Affairs of the Republic of Belarus, the Ministry of Emergency Situations of the Republic of Belarus, the State Security Committee of Belarus, the State Border Committee of Belarus of 12 June 2008 no. 8/165/50/28/15 “On approval of the Instructions on ordering supplies of military products for the needs of state bodies with military formations and paramilitary organizations of the Republic of Belarus.”

²⁶ Regulation of the Ministry of Defence of the Republic of Belarus, the State Military-Industrial Committee of the Republic of Belarus of 30 May 2007 no. 39/7 “On approval of the Instructions on ordering supplies of military products for the needs of the Armed Forces of the Republic of Belarus.”

ests of the Republic of Belarus in the military field (Concept of National Security of the Republic of Belarus of 9 November 2010, para. 15, 55).²⁷ Cooperation within the CSTO is an element of international cooperation of the Republic of Belarus in the fight against terrorism (Concept of the fight against terrorism in the Republic of Belarus, para. 36),²⁸ and drug trafficking (State program of measures against drug abuse, illicit drug trafficking and related offenses in the Republic of Belarus for 2009-2013, para. 76).²⁹ The commitments made in the framework of the CSTO are taken into account in the development of complex programs or technical norms and standards (State program of development of technical regulation and standardization in relation to defence products in 2008-2015, Chapter 5).³⁰ Ministry of Foreign Affairs Regulations assign the Ministry the responsibility for coordinating the work of representatives of the Republic of Belarus, including in the CSTO (para. 6.4³¹).

These documents are mainly of a program nature and in most cases do not give the rights and obligations to the implementing agency.

International agreements, concluded in the framework of the CSTO, often contain rules other than those that are fixed in the laws and other normative legal acts of the Republic of Belarus. For example, as noted by the Constitutional Court of the Republic of Belarus in the Decision on the compliance of the Constitution with the Law "On ratification of the Protocol of placement of military facilities on the territory of CSTO member states" from 17 October 2012,³² the procedure for making decisions on the placement of military facilities after holding urgent consultations (agreements) with other CSTO member states and in the absence of a formal objection (Protocol on the placement of military facilities on the territory of CSTO member states³³), is contrary to paragraph 4, section 1 of Article 20 of the Law "On the Council of Ministers of the Republic of Belarus"³⁴ and part 5 of paragraph 14 of Chapter 2 of the Military Doctrine of the Republic of Belarus, approved by the Law of the Republic of Belarus of

²⁷ Presidential Decree of 9. November 2010 no. 575 (ed. 30 December 2011) "On Approval of the Concept of National Security of the Republic of Belarus."

²⁸ Resolution of the Council of Ministers of the Republic of Belarus of 25 July 2013 no. 658 "On Approval of the Concept of the fight against terrorism in the Republic of Belarus."

²⁹ Resolution of the Council of Ministers of Belarus of 30 October 2008 no. 1634 "On approval of the State program of comprehensive measures against drug abuse, illicit drug trafficking and related offenses in the Republic of Belarus for 2009-2013."

³⁰ Resolution of the Council of Ministers of Belarus of 14 December 2007 no. 1742 (ed. 22 December 2012) "On approval of the State program of development of technical regulation and standardization in relation to defence products for 2008-2015."

³¹ Resolution of the Council of Ministers of the Republic of Belarus of 31 July 2006 no. 978 (ed. 21 June 2013) "Issues of the Ministry of Foreign Affairs of the Republic of Belarus," with the "Regulations of the Ministry of Foreign Affairs of the Republic of Belarus," "Regulations on the Foreign Economic Relations Department of the Ministry of Foreign Affairs Belarus."

³² Decision of the Constitutional Court of the Republic of Belarus of 17 October 2012 no. P-766/2012 "On the conformity of the Constitution of the Republic of Belarus with the Law "On ratification of the Protocol on the deployment of military infrastructure on the territory of member states of the Collective Security Treaty Organization"."

³³ Protocol on the placement of military facilities on the territory of the Member States of the Collective Security Treaty Organization of 20 December 2011.

³⁴ Law of the Republic of Belarus of July 23, 2008 no. 424-3 (ed. 12 December 2012) "On the Council of Ministers of the Republic of Belarus."

3 January 2002.³⁵ These provisions reinforce the power of the Council of Ministers to decide on the construction and deployment of defence installations on the territory of Belarus and does not provide for the need for prior consultation on this matter with CSTO member states, as required by the Protocol.

The same approach applies to other international agreements concluded within the CSTO. For example, the Agreement on the formation and functioning of forces and means of the CSTO collective security system dated December 10, 2010³⁶ does not comply with the laws “On the Armed Forces of the Republic of Belarus” from November 3, 1992 (ed. 12 May 2009), “On the Internal troops of the Ministry of Internal Affairs of the Republic of Belarus” dated June 3, 1993 (ed. 26 May 2012)³⁷; Agreement on the formation and functioning of forces and means of the collective security system of the Collective Security Treaty Organization of December 10, 2010³⁸ – provisions of the laws of the Republic of Belarus “On the Armed Forces of the Republic of Belarus” dated November 3, 1992; “On the state border of the Republic of Belarus” dated July 27, 2008³⁹; Agreement on the basic principles of military and technical cooperation between CST Member States of 15 May 1992 dated June 20, 2000 (ed. 10 December 2010) – provisions of the Law of the Republic of Belarus “On Customs Tariff” of February 3, 1993 (ed. 13 November 2008), Presidential Decree of November 3, 2005 no. 520 “On improvement of legal regulation of certain relations in the economic sphere” (ed. 14 March 2013)⁴⁰; Agreement on Collective Rapid Reaction Force from June 14, 2009 – certain provisions of the Law of the Republic of Belarus “On the fight against organized crime” from June 27, 2007 (ed. 14 June 2010), “On Combating Terrorism” of January 3, 2002 (ed. 26 October 2012), “On protection of population and territories from emergency situations of natural and technological character” from May 5, 1998 (ed. 10 July 2012), “On the Armed Forces of the Republic of Belarus” and others.⁴¹ These national legal acts were not amended.

³⁵ Law of the Republic of Belarus of January 3, 2002 no. 74-3 (ed. 26 October 2012) “On the approval of the Military Doctrine of the Republic of Belarus in the wording of October 26, 2012.

³⁶ Agreement on the status of forces and means of the collective security system of the Collective Security Treaty Organization, signed in Moscow December 10, 2010.

³⁷ Decision of the Constitutional Court of the Republic of Belarus of November 16, 2011 no. P-641/2011 “On the conformity of the Constitution of the Republic of Belarus with the Law “On ratification of the Agreement on the status of forces and means of the collective security system of the Collective Security Treaty Organization”.”

³⁸ Agreement on the formation and functioning of forces and means of the collective security system of the Collective Security Treaty Organization (signed in Moscow on December 10, 2010).

³⁹ Decision of the Constitutional Court of the Republic of Belarus of October 28, 2011 no. P-633/2011 “On the conformity of the Constitution of the Republic of Belarus with the Law “On ratification of the Protocol amending the Charter of the Organization of the Collective Security Treaty of October 7, 2002”.”

⁴⁰ Decision of the Constitutional Court of the Republic of Belarus of July 7, 2011 no. P-623/2011 “On the conformity of the Constitution of the Republic of Belarus with the Law “On ratification of the Agreement on the general principles for the creation of interstate scientific and industrial associations in the Collective Security Treaty Organization on the issue of military products”.”

⁴¹ Decision of the Constitutional Court of the Republic of Belarus of June 18, 2010 no. P-459/2010 “On the conformity of the Constitution of the Republic of Belarus with the Law “On ratification of the Agreement on Collective Rapid Reaction Force of the Collective Security Treaty Organization”.”

This situation, however, does not mean that the Republic of Belarus fails to take measures to implement the international commitments it has taken in the framework of the CSTO. The relevant national legal acts determine, first of all, the status, powers and activities of specific state bodies of the Republic of Belarus: the Council of Ministers, the armed forces, the national security bodies, internal troops of the Ministry of the Interior, the trade regime and state borders, i.e. they define the general mode of operation of a particular body or site.

Treaties concluded in the CSTO regulate the duties of States to ensure fulfilment of specific actions in specific cases involving one international organization – the CSTO. Since Belarus is a Party to a number of international organizations, it is not reasonable to include in the laws and regulations of the Republic special rules of conduct of each state body in connection with the membership in each of these international organizations, as it would unnecessarily increase the volume of the laws due to excessive detail, and would harm the harmony of the legal system and complicate the straightforwardness of the law.

In this context, the legislator chose a different path. International agreements concluded in the Collective Security Treaty Organization are recognized as binding through ratification (the adoption of the Law on ratification by the National Assembly of the Republic of Belarus) or are approved (more rarely) by Presidential Decree. As a consequence, as a general rule they have the force of a law (in the case of ratification) or decree (in case of approval) and are to be approved as received later (*lex posterior*), thus having priority over normative legal acts of the Republic of Belarus.

Moreover, international agreements concluded in the framework of the CSTO do not contain norms governing the same relations as the national law. They usually determine the mechanism of inter-state cooperation, but not the functions of specific internal organs, obliged to carry out specific activities in accordance with such agreements. As a consequence, being recognized as binding for the Republic of Belarus by the adoption of the law on ratification, provisions in agreements concluded in the framework of the CSTO are special rules (*lex specialis*) and as such they will have priority over national legal acts, even if they would be taken after the recognition of the relevant treaty as binding.

It is also significant that, as noted above, a considerable number of national regulations, which do not fully comply with the provisions of international treaties concluded within the CSTO, acknowledge the priority of the international obligations if they are in conflict with the obligations of the national act.

In general, the use of this mechanism of implementation may be quite difficult for the law-enforcers, as they do not always have the necessary skills to make a decision about a specific conflict of law and the provisions of the international agreement, as reflected in the law on the ratification and the mechanism of resolution of such conflicts. Since the process of recognition of such agreements as binding for Belarus includes a mandatory assessment of the compliance of national legislation with the obligations arising from international treaties, and involves ministries and agencies which are responsible for issues subject to the treaties, such ministries are aware of the existence of the obligations arising from treaties and will be able to draw the attention of their subordinate bodies to the need for the application of the relevant treaties.

Moreover, given the fact that international treaties concluded within the framework of the CSTO do not affect the rights and obligations of individuals and legal entities, the special significance of issues for each State, the execution of obligations arising from such treaties is performed under the direct supervision of the respective ministries and departments.

The implementation of the commitments undertaken by the Republic of Kazakhstan within the framework of the Collective Security Treaty

Zh. Kembaeu

The Republic of Kazakhstan is one of the most active participants in the integration processes in the post-Soviet space. At the same time, Kazakhstan is interested in the promotion of integration projects, not only of economic, but also of military-political nature. Therefore, trying to form an effective national security system in the framework of an effective international security structure, Kazakhstan is one of the founders of the Collective Security Treaty Organization and plays a major role in this international organization. At the same time, Kazakhstan is striving to ensure its national security policy based on cooperation and good neighbourly relations between countries, their equality and non-interference in internal affairs, peaceful settlement of international disputes, non-use of armed force, strengthening of the military organization of the state based on expected threats, definition and use of the most effective forms and methods of their neutralization.⁴²

Within the framework of the CSTO, the Republic of Kazakhstan has undertaken a number of commitments, among which the Charter of the organization contains a number of important provisions. It should be noted that the Republic of Kazakhstan is interested in these measures and actions, and specifically contributes to their implementation, as the Kazakh leadership sees the CSTO as a reliable tool reflecting both external and internal threats. The implementation of the commitments, undertaken by the Republic of Kazakhstan in the framework of the CSTO, is clearly visible in the legislative acts of the Republic of Kazakhstan, such as: Law of the Republic of Kazakhstan dated February 16, 2012 no. 561-IV "On military service and the status of servicemen," Law of the Republic of Kazakhstan of January 7, 2005 no. 29-III "On Defence and the Armed Forces of the Republic of Kazakhstan," Law of the Republic of Kazakhstan of March 5, 2003 no. 391-II "On Martial Law," "Law of the Republic of Kazakhstan dated January 6, 2012 no. 527-IV "On National Security of the Republic of Kazakhstan," Law of the Republic of Kazakhstan dated July 13, 1999 no. 416-I "On Combating Terrorism," as well as the Military Doctrine of the Republic of Kazakhstan, approved by a Decree of the President of Kazakhstan dated October 11, 2011 no. 161.

With regard to the commitments made by the Republic of Kazakhstan in the CSTO, especially (*first of all*), it should be noted that Kazakhstan is committed in conjunction with other Member States to take measures to establish an efficient CSTO collective security system, providing collective security in the event of a threat to security, stability, territorial integrity and sovereignty and the realization of the right to collective defence (Art. 7 of the CSTO Charter).

⁴² It should be noted that the Republic of Kazakhstan is implementing the so-called multi-vector foreign policy. Therefore, along with its active role in the CSTO, Kazakhstan is also seeking to deepen its strategic partnership based on common military and political interests in the framework of the SCO, to enhance cooperation in military and military-technical areas with the US and EU member states, as well as to establish mutually beneficial cooperation with foreign companies in order to supply arms and military equipment, resulting in joint ventures in Kazakhstan. See: Military Doctrine of the Republic of Kazakhstan, approved by the Decree of the President of the Republic of Kazakhstan dated October 11, 2011 no. 161.

According to the Law of the Republic of Kazakhstan dated January 6, 2012 no. 527-IV "On National Security of the Republic of Kazakhstan," the efforts of the Republic of Kazakhstan on international security shall include, in addition to a number of other fundamental factors,⁴³ also the formation and strengthening of an efficient system of collective security in the geopolitical environment in Kazakhstan.⁴⁴ In accordance with this Law and in order to obtain international guarantees for its national security, the Republic of Kazakhstan participates in ensuring international (global, regional) security, as it is an integral part of the national security of Kazakhstan.

The provisions in the Law of the Republic of Kazakhstan of January 7, 2005 no. 29-III "On Defence and Armed Forces of the Republic of Kazakhstan" are also of primary importance. This Act clearly reflects the CSTO collective security concept, namely that a state of war is declared by the Parliament of the Republic of Kazakhstan not only in the event of an armed attack on the Republic of Kazakhstan by another state (group or coalition of states), but also in cases stipulated by international treaties ratified by the Republic of Kazakhstan (Art. 28 of the Law). At the same time, the Law of the Republic of Kazakhstan dated March 5, 2003 no. 391-II "On Martial Law" states that in the case of declaring martial law on the territory of the Republic of Kazakhstan or in particular areas, the President of the Republic of Kazakhstan shall act in accordance with the obligations of the Republic under international treaties of the Republic of Kazakhstan (Art. 15 of the Act).

Also, according to the Law "On Defence and the Armed Forces of the Republic of Kazakhstan" state regulation in the field of defence among other things includes also international cooperation for the collective security and common defence (para. 15, Art. 4 of the Law). The Law also states that cooperation of the Republic of Kazakhstan with other countries to ensure joint defence against aggression, peace and security is in accordance with the Constitution of the Republic of Kazakhstan and international treaties ratified by the Republic of Kazakhstan (para. 1, Art. 32 of the Law). It should also be noted that the Law of the Republic of Kazakhstan dated January 6, 2012 no. 527-IV "On National Security of the Republic of Kazakhstan" defines as a

⁴³ Such as: a) strengthening the role of Kazakhstan in the establishment of the global order; b) participation in international organizations and forums, the activity of which is in the interests of national security of the Republic of Kazakhstan; c) participation in activities abroad aimed at ensuring national security in accordance with the international treaties of the Republic of Kazakhstan; d) decision, where necessary, in cooperation with the neighbouring countries on issues related to national security; and e) the conclusion of international agreements that meet the national security interests of the Republic of Kazakhstan.

⁴⁴ Currently, the following external threats to the security of the Republic of Kazakhstan exist: 1) socio-political instability in the countries of the region and the possibility of armed provocations; 2) the presence of military conflicts near the borders of Kazakhstan; 3) the use by foreign states or organizations of military and political pressure, new technologies of information and psychological warfare to interfere in the internal affairs of the Republic of Kazakhstan in their own interests; 4) influence of military-political organizations and alliances to the detriment of the military security of Kazakhstan; 5) the activities of international terrorist and radical organizations and groups, including cyber-terrorism, strengthening the position of religious extremism in neighbouring countries; 6) implementation by some states of programs for developing weapons of mass destruction and their means of delivery, the illegal distribution of technologies, equipment and components used to produce it, as well as dual-use technologies. See: Military Doctrine of the Republic of Kazakhstan, approved by Decree of the President of the Republic of Kazakhstan dated October 11, 2011 no. 161.

basic function of the national security system the participation in ensuring international and regional security in accordance with international treaties, ratified by the Republic of Kazakhstan (para. 7, Art. 8 of the Law).

Moreover, the Law “On Defence and the Armed Forces of the Republic of Kazakhstan” states that the Armed Forces of the Republic of Kazakhstan are intended not only to repel aggression, for armed defence of the territorial integrity and sovereignty of the Republic of Kazakhstan, protection and defence of the state and military facilities, protection of the air space, fight with illegal armed groups, but also to carry out tasks in accordance with the international treaties ratified by the Republic of Kazakhstan (para. 1, Art. 18 of the Law). At the same time, the use of the Armed Forces of the RK to perform tasks ensuing from the international obligations of the Republic of Kazakhstan, are carried out under the conditions and in the manner stipulated in the international treaties ratified by the Republic of Kazakhstan (para. 3, Art. 18 of the Law).

Moreover, it should be noted that Kazakhstan has ratified:

- a. Agreement on the status of forces and means of the CSTO collective security system of October 11, 2000,⁴⁵ under which the parties may send to Member States, upon their request, military forces for joint action to counter external military aggression, to conduct joint counter-terrorist operations or command post and military exercises; and
- b. Agreement on the formation and work of forces and means of CSTO collective security system of December 10, 2010,⁴⁶ according to which part of the forces and means of the CSTO collective security system may include military units of the national armed forces and other troops of the Party, special purpose units (groups of experts) of internal affairs, internal troops, security agencies and special services, as well as a coalition group of forces, regional (combined) groups of troops, groups of joint military systems, as well as collective peacekeeping forces (the strategic nuclear forces of the Russian Federation act as deterrent against possible attempts of armed attack against one or more parties).

Second, Kazakhstan has pledged to contribute to the establishment and operation, within the CSTO, of a system for crisis response to situations threatening the security, stability, territorial integrity and sovereignty of Member States, including the creation of the coalition (collective) CSTO forces, regional (combined) troops (force), peacekeeping force, combined systems and command bodies, and military infrastructure (Art. 7 and 8 of the CSTO Charter).

In this regard, it should be noted that the Law “On Defence and the Armed Forces of the Republic of Kazakhstan” fully takes into account the fact that within the CSTO there are Peacekeeping forces on the basis of the Agreement on CSTO peacekeeping of October 6, 2007,⁴⁷ and CRRF in accordance with the Agreement on CSTO CRRF dated June 14, 2009.⁴⁸

⁴⁵ Ratified by the Law of the Republic of Kazakhstan dated March 15, 2012 no. 1-V.

⁴⁶ Ratified by the Law of the Republic of Kazakhstan dated March 16, 2012 no. 3-V.

⁴⁷ The Agreement entered into force for Kazakhstan after the adoption of the Law of the Republic of Kazakhstan dated October 24, 2008 no. 73-IV “On ratification of the Agreement on peacekeeping of the Collective Security Treaty Organization.”

⁴⁸ The Agreement entered into force for Kazakhstan after the adoption of the Law of the Republic of Kazakhstan dated February 17, 2010 no. 251-IV “On ratification of the Agreement on Collective Rapid Reaction Force of the Collective Security Treaty Organization.”

Thus, according to the Law part of the Armed Forces may be included in the combined armed forces or be under the joint command in accordance with the international treaties ratified by the Republic of Kazakhstan (para. 4, Art. 18 of the Law). In addition, the Law allows for the deployment of military units and formations of the Armed Forces of RK outside the territory of the Republic of Kazakhstan on the basis of international treaties ratified by the Republic of Kazakhstan (para. 3, Art. 25 of the Law).

Another piece of legislation, the Law of the Republic of Kazakhstan dated February 16, 2012 no. 561-IV "On military service and the status of servicemen," indicates that this Act applies to all military personnel of the Republic of Kazakhstan, including militaries of the Republic of Kazakhstan serving in combined (coalition) forces, as well as peacekeeping forces, in accordance with the international treaties ratified by the Republic of Kazakhstan (Art. 4). Furthermore, according to this Law militaries shall be obliged not only 1) to abide by the Constitution and other legal acts of the Republic of Kazakhstan, but also to comply with military regulations; 2) to take the military oath in the prescribed manner; 3) accurately and on time to fulfil orders of commanders (chiefs); and 4) to take part in the composition of military units of the Armed Forces and combined (coalition) forces in accordance with international treaties in armed conflicts.

The above-mentioned legal provisions are reflected in the Military Doctrine of the Republic of Kazakhstan, according to which the Republic of Kazakhstan aims to strengthen cooperation with CSTO Member States in the coalition force development, carried out in the interests of common security and collective defence in the event of military aggression.⁴⁹ Also, the Military doctrine states that peacekeeping is an important part of the policy of the Republic of Kazakhstan to strengthen the collective and national security. Peacekeeping is of great importance for the promotion of military-political positions and interests of Kazakhstan in international affairs, and raises the prestige of the country in the international arena. The Republic of Kazakhstan is committed to take an active part in peacekeeping operations under the auspices of the United Nations, held on the basis of a legal mandate. The main principles of Kazakhstan's participation in peacekeeping operations are complete impartiality and neutrality, absence of a special relationship with any of the conflicting parties, refusal to directly or indirectly assist the interests of one party, if that leads to the infringement of the interests of other parties to the conflict.⁵⁰

⁴⁹ The focus of the coalition force development in the Republic of Kazakhstan in the medium term is: 1) improvement of the legal framework for coalition force development; 2) improving the efficiency of joint planning for the use of coalition forces; 3) preparation of military contingents to carry out tasks in the interest of common security and collective defence of the agreed programs and plans; 4) improving interaction of forces and means of the collective security system, forms and methods of joint action; 5) establishment of the united air defence system of the CSTO member states and its regional components; 6) increasing joint efforts in the fight against international terrorism, religious extremism, separatism and drug trafficking; 7) participation in the process of non-proliferation of weapons of mass destruction; 8) establishment of joint ventures for repairing arms and military equipment, joint research and development work on their modernization; and 9) training of military personnel and development of military science.

⁵⁰ In addition, it is worth noting that essential to Kazakhstan peacekeeping is the principal position of the state in the consolidation of collective efforts in accordance with the decisions of the UN Security Council and recognized norms of international law to ensure regional and international security. In order to strengthen the peacekeeping capacity, the regional peacekeeping centre will continue to develop. The operations to maintain and restore peace rest on a specially prepared, according to inter-

It should also be noted that Kazakhstan ratified the Agreement on establishing a command and control system of the CSTO collective security system of October 6, 2007,⁵¹ under which the system was set up, i.e. a set of functionally interconnected command bodies, control stations and means of control (communication systems, automated control systems and special systems) that make up the organizational and technical basis of coalition (regional) troops (forces) management in the interests of national and collective security of the parties. The system of command and control elements of the Collective Security Treaty Organization is based on the control systems of the parties in the regions (areas) of collective security based on community defence space, equipment and operational infrastructure of the regions (areas) of collective security.

Moreover, Kazakhstan also ratified the Agreement on the basic principles of establishing the hidden control of the forces and means of CSTO collective security system⁵² in order to preserve secret activities on the management of forces and means of CSTO collective security under all conditions of work and the adopted system of management.

Third, within the framework of the CSTO, Kazakhstan pledged to coordinate and combine efforts with other Member States in the fight against international terrorism and extremism, illicit trafficking in narcotics and psychotropic substances, weapons, transnational organized crime, illegal migration and other threats to the security of the Member States (Art. 8 of CSTO Charter).⁵³

In this respect, it should be noted that the Law of the Republic of Kazakhstan dated July 13, 1999 no. 416-I "On Combating Terrorism" stipulates that, in accordance with the international treaties ratified by Kazakhstan, where necessary, special purpose units from foreign countries may be involved in anti-terrorist operations (para. 2, Art. 14 of the Law). Also, the Law of the Republic of Kazakhstan dated February 18, 2005 no. 31 "On combating extremism" from February 18, 2005 declares the readiness of Kazakhstan to cooperate with foreign states and international organizations to prevent, detect and combat extremism. In addition, in accordance with the State program on combating religious extremism and terrorism in the Republic of Kazakhstan for 2013-2017, special state and law enforcement agencies of Kazakhstan should actively engage with the CSTO.⁵⁴

Fourth, according to the Charter of the Collective Security Treaty Organization, Kazakhstan pledged to make decisions about deployment on its territory of troops (forces) and military facilities of CSTO non-member states only after holding urgent consultations (agreements) with

national standards, divisions of the Armed Forces, other troops and military formations of the Republic of Kazakhstan. Their participation in the peacekeeping operations is carried out by the decision of the Parliament of the Republic of Kazakhstan, made in accordance with the Constitution and laws of the Republic of Kazakhstan and ratified international treaties.

⁵¹ Law of the Republic of Kazakhstan dated October 24, 2008 no. 75-IV.

⁵² Law of the Republic of Kazakhstan dated February 17, 2010 no. 252-IV.

⁵³ In this regard, we shall mention the following internal threats to the security of the Republic of Kazakhstan: 1) the activity of extremist, nationalist and separatist movements, organizations and structures aimed at destabilizing the internal situation in the country, change the constitutional order by using the methods of armed violence; 2) the establishment and activities of illegal armed groups; 3) illegal distribution of weapons, ammunition, explosives and other tools that can be used for sabotage, acts of terrorism or other illegal activities. See: Military Doctrine of the Republic of Kazakhstan, approved by Decree of the President of the Republic of Kazakhstan dated October 11, 2011 no. 161.

⁵⁴ Approved by Decree of the President of the Republic of Kazakhstan on September 24, 2013 no. 648.

the other Member States (Art. 7 CSTO Charter). Moreover, according to the Protocol on the placement of military facilities on the territory of CSTO member states dated December 20, 2011, Parties shall make such decisions not only after holding urgent consultations (coordination) with other Parties, but also in the absence of a formal objection (Art. 1 of the Protocol).⁵⁵

In this regard, it is important to note that the Law of the Republic of Kazakhstan dated January 6, 2012 no. 527-IV "On National Security of the Republic of Kazakhstan" states that it is not allowed, except in cases stipulated by international treaties ratified by the Republic of Kazakhstan: 1) to deploy in Kazakhstan military bases of foreign states and (or) international organizations; 2) to transfer through the territory of Kazakhstan military units, weapons and military equipment of foreign countries and (or) international organizations (para. 4 of Art. 20 of the Law).

Furthermore, under the Agreement on the operational equipment of areas and joint use of military infrastructure of CSTO member states of June 18, 2004 the Parties have developed and approved a List of military facilities for joint use by the coalition (regional) troops (forces) and a long-term plan for their creation, development and maintenance, as well as shared with each other tactical and technical data of existing and planned for development military infrastructure for joint use (Art. 4 and 5 of the Agreement).⁵⁶

Fifth, Kazakhstan has made a commitment to cooperate in the sphere of military-technical (military and economic) relations and support for the armed forces, law enforcement agencies and special services with regard to necessary weapons, military and special equipment, training of military personnel and specialists for the national armed forces, special services and law-enforcement agencies (Art. 7 of CSTO Charter).

In this respect, first of all, it should be noted that the Republic of Kazakhstan ratified the Agreement on the main principles of military-technical cooperation between CSTO Parties of May 24, 2000⁵⁷ and the Agreement on the establishment of a unified system of technical protection of railways of CSTO member states on April 28, 2003.⁵⁸ Also, Kazakhstan has ratified the Protocol on the mechanism of military and technical assistance to CSTO member states in case of a threat of aggression or an act of aggression of October 6, 2007,⁵⁹ which defines the order and conditions of rendering military and technical assistance (i.e. military products on a grant or preferential basis) in order to maintain and restore the readiness of the Armed Forces of the CSTO member states in case of a threat of an act of aggression against any CSTO member states, or when it is the object of acts of terrorism or other threats to the sovereignty and territorial integrity. Kazakhstan also ratified the Agreement on concessional

⁵⁵ The Protocol entered into force for Kazakhstan after the adoption of the Law of the Republic of Kazakhstan dated January 30, 2014 no. 170-V "On ratification of the Protocol on the deployment of military infrastructure on the territory of member states of the Collective Security Treaty Organization."

⁵⁶ The Agreement entered into force for Kazakhstan after the adoption of the Law of the Republic of Kazakhstan dated May 20, 2005 no. 52-III "On ratification of the Agreement on operational equipment of territories with joint use of military infrastructure by the Member States of the Collective Security Treaty Organization."

⁵⁷ Ratified by the Law of the Republic of Kazakhstan dated April 2, 2001 no. 174.

⁵⁸ Ratified by the Law of the Republic of Kazakhstan dated April 22, 2008 no. 27-IV.

⁵⁹ Ratified by the Law of the Republic of Kazakhstan dated December 15, 2008 no. 105-IV.

supply of special equipment for law enforcement agencies and special services in CSTO member states.⁶⁰

On December 10, 2010, Kazakhstan signed and then ratified the following documents: a) Protocol on technical and informational compatibility of arms and military equipment of forces and means of CSTO collective security system,⁶¹ the aim of which is to ensure the suitability of arms and military equipment in compounds, formations and units allocated from the national armed forces and other troops of the Parties to the forces of the collective security system under the given conditions, for the implementation of the agreed operational and tactical standards, maintenance and repair with the use of technical support from the armed forces of the Parties; b) Agreement on the preservation of specialization of enterprises and organizations involved in military production in the CSTO,⁶² according to which member states provide the necessary conditions for the preservation of specialization of enterprises and organizations involved in the production of military goods and supplies required for these materials, components, and products, as well as for the provision of works and services for military use, regardless of their organizational and legal form and form of ownership; c) Agreement on cooperation of CSTO member states in the development, production, operation, repair, modernization, extension of the life cycle of military products,⁶³ under which the parties shall cooperate in the development, testing and production of military products, operation of weapons and military technology, training of specialists for the maintenance and repair of weapons and military equipment, repair and modernization of weapons and military equipment, life extension of arms and military equipment and disposal (liquidation) of weapons and military equipment with expired service life; and d) Agreement on the general principles for the creation of interstate research and development associations in the CSTO for the production of military products.⁶⁴

Sixth, within the CSTO, Kazakhstan pledged to harmonize and coordinate its foreign policy with other Member States on international and regional security problems, using CSTO consultation mechanisms and procedures.

Kazakhstan is concerned by the escalation of international instability associated with conflict and crisis situations, particularly in the post-Soviet space, the Middle East and Afghanistan. Therefore, Kazakhstan considers it important to implement foreign policy cooperation, coordination and development of common approaches to the development of the international situation in the CSTO. Kazakhstan is regularly exchanging information with other CSTO countries on topical issues on the international situation, and especially regional security, as well as key international issues of mutual interest. Kazakhstan regularly conducts, especially on the eve of

⁶⁰ Ratified by the Law of the Republic of Kazakhstan dated June 16, 2011 no. 441-IV. This technology and equipment include communications, information protection, technical means of information and communication systems, radio control equipment, specialized geographically distributed automation systems, standard local computer networks, life support, personal protective equipment, including body armour, operational, forensic and search engine technologies, engineering and technical means of protection, monitoring and control, operational and service transport, technical means of ensuring road safety, as well as other types of equipment and their components, supplied to law enforcement bodies and special services of the Parties and not considered military products according to the legislation of the Parties.

⁶¹ Ratified by the Law of the Republic of Kazakhstan on April 8, 2012 no. 9-V.

⁶² Ratified by the Law of the Republic of Kazakhstan on April 23, 2012 no. 13-V.

⁶³ Ratified by the Law of the Republic of Kazakhstan on April 8, 2012 no. 8-V.

⁶⁴ Ratified by the Law of the Republic of Kazakhstan on March 16, 2012 no. 4-V.

important international forums, high-level consultations between interested ministries and departments of the Parties on issues of international and regional security, in order to develop a coordinated position. It is also worth noting that Kazakhstan and other CSTO member states share a common understanding that the primary responsibility for the maintenance of international peace and security shall be with the UN Security Council.

Conclusion

Based on the foregoing, we can draw the following conclusions. The Republic of Belarus and the Republic of Kazakhstan sustainably implement their commitments undertaken in the framework of the CSTO.

The mechanism of observing international obligations in the Republic of Belarus, despite the lack of changes in the national legislation in connection with the recognition of international treaties signed within the CSTO as binding, allows for the fulfilment of obligations of the Republic of Belarus under such contracts.

Kazakhstan is guided by the following principles:

- formation of a collective security system in combination with the expansion and strengthening of confidence-building measures, openness and partnership on a multilateral basis;
- development of a legal framework in the field of military and military-technical cooperation with CSTO member states, based on the need to consolidate efforts to create a unified defence space and ensure collective military security, as well as the further development of CSTO forces and means;
- effective struggle against international terrorism and extremism, illicit trafficking in narcotic drugs and psychotropic substances, weapons, transnational organized crime, illegal migration and other threats to the security of the Member States; and
- harmonization of national legislation on defence, military construction and security.

References

1. Collective Security Treaty of May 15, 1992 (ed. 10 December 2010).
2. Law of the Republic of Belarus of January 10, 2000 no. 61-3 (ed. July 2, 2009) "On normative legal acts of the Republic of Belarus."
3. Law of the Republic of Belarus of July 23, 2008 no. 421-3 (ed. July 12, 2013) "On international treaties of the Republic of Belarus."
4. Pavlova, L.V., "The place of international law in the legal system of the Republic of Belarus and the methods for its reform," *International Public Law*, General Part (Minsk: Amaltheia, 2011).
5. "Scientific and practical commentary to the Law of the Republic of Belarus of July 23, 2008 no. 421-3 "On international treaties of the Republic of Belarus" (ed. L. Pavlova).
6. Protocol on the mechanism of military and technical assistance to CSTO member states in case of a threat of aggression or an act of aggression from October 6, 2007.
7. Protocol on monitoring the use of military products supplied under the Agreement on the basic principles of military and technical cooperation between the Collective Security Treaty member states of May 15, 1992 (ed. October 7, 2002).

8. Protocol on the disposition of military facilities on the territory of CSTO member states of December 20, 2011.
9. Protocol on the provision of technical and informational compatibility of arms and military equipment of forces and means of CSTO collective security system of December 10, 2010.
10. Agreement on mutual protection of rights to intellectual property derived and used in the course of military-economic cooperation within the CSTO on October 6, 2007.
11. Agreement on mutual securing of sensitive information within the CSTO of June 18, 2004.
12. Agreement on Cooperation in the field of advertising and exhibitions in the sphere of military-economic cooperation between CSTO member states of October 6, 2007.
13. Agreement on Collective Rapid Reaction Force of June 14, 2009.
14. Agreement on favourable terms of supply of special equipment for law enforcement agencies and special services in CSTO member states of October 6, 2007 (ed. December 10, 2010).
15. Agreement on CSTO peacekeeping of October 6, 2007.
16. Agreement on personnel training for CSTO member states of June 23, 2005.
17. Agreement on training for law enforcement, fire, rescue bodies and special services of the CSTO member states of September 5, 2008.
18. Agreement on the operational deployment, application and comprehensive support of the Collective Rapid Deployment Forces of the Central Asian region of collective security of June 23, 2006.
19. Agreement on the Legal Status of the Collective Security Treaty Organization of October 7, 2002 (ed. October 6, 2007).
20. Agreement on the establishment of a single system of technical protection of railways of CSTO member states of April 28, 2003 (ed. June 23, 2006).
21. Agreement on the establishment of a command and control system of the CSTO Collective Security Council of October 6, 2007.
22. Agreement on cooperation of CSTO member states in the development, production, operation, repair, modernization, extension of the operation and utilization of military products of December 10, 2010.
23. Agreement on the preservation of specialization of enterprises and organizations involved in the production of military products in the framework of the Collective Security Treaty Organization, dated December 10, 2010.
24. Agreement on the status of forces and means of CSTO collective security system of December 10, 2010.
25. Agreement on the general principles for the creation of interstate research and production associations in the CSTO for military products of December 10, 2010.
26. Agreement on operational equipment of areas and joint use of military infrastructure of CSTO member states of June 18, 2004.
27. Agreement on the basic principles of military and technical cooperation between Collective Security Treaty member states of May 15, 1992, dated June 20, 2000 (ed. December 10, 2010).
28. Agreement on the basic principles for the creation of a hidden command and control system of the CSTO collective security of June 14, 2009.
29. Agreement on the formation and functioning of forces and means of CSTO collective security system of December 10, 2010.

30. Charter of the Collective Security Treaty Organization of October 7, 2002 (ed. December 10, 2010).

Chapter 7

Legal Basis and Practices of Cooperation between the CSTO and Third Countries and International Organizations

A.F. Douhan

In today's interconnected world, threats to international peace and security are threats to the entire international community, and no state or regional organization, no matter how strong they may be, can independently provide security on their territory. This is what generated the concept of comprehensive security, in the context of which security is understood as widely as possible and includes not only military-political but also economic, environmental, humanitarian aspects and requires the participation and cooperation of all countries in the world (Charter of Paris for a New Europe, 1990¹; Report of the high-level panel on challenges, threats and change, 2004, pp. 17-23²; Commemorative declaration of OSCE summit in Astana, 2010, p. 6³).

As a result, security in any region can be achieved only through the joint efforts of the states in the region, regional organizations, the UN, states and organizations of neighbouring regions. At the same time, cooperation of international organizations in the field of collective security is hardly covered in literature. There are only a few studies on CSTO work.⁴ Furthermore, most of them are of political and not legal character.⁵

¹ "Charter of Paris for a New Europe," Paris, 19–21 November 1990, OSCE (Electronic resource): Organization for Security and Cooperation in Europe, available at <http://www.osce.org/mc/39516> (accessed 15 February 2013).

² *A more secure world: our shared responsibility*, Report of the High-level Panel on Threats, Challenges and Change (New York: UN, 2004), 129 pp.

³ Astana Commemorative Declaration "Towards a Security Community," 3 December 2010, SUM.DOC/1/10/Corr.1*, OSCE (Electronic resource): Organization of Security and Co-operation in Europe, available at <http://www.osce.org/cio/74985> (accessed 15 February 2013).

⁴ See: A.F. Douhan, A.A. Rozanov, *Collective Security Treaty Organization (2002-2009)* (Minsk: The Ark, 2010), 140 pp.; A.F. Douhan, "The participation of the Republic of Belarus to the law-making of the CSTO," in *Participation of the Republic of Belarus in the codification and progressive development of international law*, ed. Y.A. Lepeshkov (Minsk: Biznesofset, 2011), 121-155.

⁵ N.N. Bordyuzha, "Collective Security Treaty Organization," *International Affairs* 2 (2005): 72-82; N.N. Bordyuzha, "How the CSTO improves the collective security system," *International Affairs* 10 (2009):

CSTO is actively cooperating with third countries and international organizations in the sphere of its competences. Willingness to cooperate with non-member states and other international organizations is demonstrated in Art. 4 of CSTO Charter.⁶ Such co-operation is determined by the CSTO as one of the directions of its foreign policy (Decision of CSTO Collective Security Council “On implementation of the decisions of Astana (2004) session of CSTO Collective Security Council” from June 23, 2005).⁷

In the context of this cooperation, CSTO Charter gives the possibility of granting an observer status upon written request addressed to CSTO Secretary-General based on the decision of the CSTO Collective Security Council (Art. 21). Observers do not participate in the discussion of agenda topics and decision-making, and cannot be elected in the Collective Security Treaty Organization (CSTO Charter, Art. 21; Rules of Procedure of the CSTO, 2004, Rule 15⁸). The decision to suspend or cancel an observer status is taken by the Collective Security Council. CSTO non-member states and states not holding the observer status may take part in CSTO work (Rules of Procedure of the CSTO, 2004, Rule 16).

Given the focus of the Collective Security Treaty Organization to cooperate in preserving international peace and security, its co-operation with third countries (non-member states) is rather limited. The focus is on cooperation with the UN and regional organizations in maintaining international peace and security, primarily in the same region.

Definition of “cooperation” and “the right to cooperation” is not contained in any international agreement or even international organization resolution. Typically, cooperation is considered as a kind of an obvious concept, reflecting the usual understanding of the concept. It is viewed as an attempt to achieve the objectives through joint action,⁹ without specifying their nature or kind, or even as introducing subjects of international law into contact with each other,¹⁰ which does not consider, however, that contacts can be made without common goals,

100-103; V. Nikolaenko, “10 Years of the Collective Security Treaty,” *International Affairs* 3 (2003): 60-66; A.L. Rekuta, “Collective Security Treaty Organization: problems and ways of development for the prevention of threats to security in the Central Asian region,” *Military Thought* 11 (2006): 2-9.

⁶ Charter of the Collective Security Treaty Organization, adopted in Chisinau on October 7, 2002, Consultant Plus: Version Prof. Technology 3000 (Electronic resource) (OOO “YurSpektr”) (Moscow, 2012).

⁷ On implementation of the Decisions of the Astana (2004) session of the Collective Security Council of the Collective Security Treaty Organization, on the approval of the Priorities of the Collective Security Treaty Organization in the second half of 2005 – first half of 2006, and the Plan of measures for the comprehensive strengthening of international cooperation, formation and development of a system of collective security within the Collective Security Treaty Organization in 2006-2010: decision of the CSTO Collective Security Council, 23 June 2005, Consultant Plus: Version Prof. Technology 3000 (Electronic resource) (OOO “YurSpektr”) (Moscow, 2013).

⁸ Rules of Procedure of the Collective Security Treaty Organization, approved by Decision of CSTO Collective Security Council “On the documents regulating the work of the Collective Security Treaty Organization” of June 18, 2004, Consultant Plus: Version Prof. Technology 3000 (Electronic resource) (OOO “YurSpektr”) (Moscow, 2013).

⁹ R. Wolfrum, *Cooperation, International Law*, Volume 2 of *Encyclopaedia of Public International Law* (in 10 vol.), ed. by R. Wolfrum (Oxford, 2012), 783 pp.

¹⁰ Jost Delbrück, “The International Obligation to Cooperate – An Empty Shell or a Hard Law Principle of International Law? A Critical Look at a Much Debated Paradigm of Modern International Law,” in *Coexistence, Cooperation and Solidarity: Liber Amicorum Rüdiger Wolfrum* (in 2 volumes), ed. by

and have place in case of violation of one of the subjects of international law. Thus, generally the minimum criteria apply to the concept of “cooperation” in international law.

Cooperation between international organizations and UN bodies and organizations

Despite the fact that the United Nations Organization was created primarily for upholding international peace and security (UN Charter, Preamble¹¹), and the UN Charter expressly prohibits the use of force in international relations (Art. 2(4)), the duty of all actors to cooperate in concrete forms to maintain international peace and security is not fixed in the UN Charter.

The provisions of the UN Charter on cooperation of international organizations in the maintenance of international peace and security are rather concise. The Charter defines the mechanisms of interaction between regional organizations in the maintenance of international peace and security, one of which is the CSTO, with the UN Security Council. Such cooperation shall include the relations in the field of peaceful settlement of international disputes (Chapter VI, Art. 52), the right of the UN Security Council to use regional organizations for enforcement action (which includes both military and non-military measures) under its control (Art. 53(1)), the duty of the regional organizations to receive the sanction of the UN Security Council to carry out such enforcement action (Art. 53(1)), and to inform the UN Security Council on the action taken or planned by regional organizations for the maintenance of international peace and security (Art. 54) or on actions taken in the course of collective self-defence (Art. 51). These provisions were included in the UN Charter in order to ensure previous and subsequent monitoring of the UN Security Council over the activities of regional organizations in the maintenance of international peace and security.

The UN Charter does not contain any provisions governing the cooperation between other agencies or organizations of the United Nations and regional organizations, or cooperation among regional organizations in the maintenance of international peace and security.

During the “Cold war,” cooperation between the United Nations and regional organizations in maintaining international peace and security was not discussed by UN bodies, nor by regional organizations. The need for such co-operation was first announced by the UN Security Council in 1993, when the President of the Security Council invited regional organizations to discuss ways to coordinate their activities with the Council (S/25859 from May 28, 1993). A year later, he also admitted that when deciding on peacekeeping operations the United Nations should take into account the existence and activities of regional organizations (Statement by the President of the UN Security Council S/PRST/1994/22 of May 5, 1994). In the same year, the first meeting at the highest level between the UN and regional and subregional organizations took place.

Particular attention has been paid to cooperation between the UN and regional organizations since 2005. Since that time, annual summits between the UN Secretary General and the Secretaries-General of regional organizations were held. To coordinate these meetings, six working groups were set up and a Standing Committee (Report of the UN Secretary General of

H.P. Hestermeyer, et al. (Leiden, 2012), Volume 1: Coexistence, Cooperation and Solidarity in International Law. Human Rights in the Global Society. Global Commons, pp. 4–5.

¹¹ United Nations Charter, *Operating international law*, textbook in 3 v., comp.: Y.M. Kolosov, E.S. Krivchikova (Moscow, 1996), Volume 1, pp. 7-33.

January 14, 2008 A/2008/18, para. 8); the UN Security Council also began to hold regular meetings with States and regional organizations involved in the implementation of specific operations (e.g., East Timor – February 9, 2012, Haiti – November 14, 2011, Darfur – July 18, 2011).

At the same time, the problem of cooperation with regional organizations was included in the agenda of the various UN bodies, including the UN Security Council (resolution 1631 (2005) of October 17, 2005; 1809 (2008) of April 16, 2008; 2033 (2012) of January 12, 2012; statement of the President of UN Security Council 2007/42 of November 6, 2007; 2010/1 of January 13, 2010; 2013/12 of August 6, 2013; meeting of the UN Security Council 6257 of January 13, 2010; 6702 of January 12, 2012; 7015 of August 6, 2013).

The UN General Assembly stressed the need for cooperation with regional security organizations (Declaration on the Enhancement of Cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security of December 9, 1994, A/RES/49/57) and included in the agenda of cooperation with specific regional organizations—including the Collective Security Treaty Organization (resolution 64/256 of March 2, 2010; 67/6 of November 19, 2012; 69/12 of November 11, 2014)—co-operation in certain areas: arms control (resolution 67/62 of December 3, 2012), confidence-building measures (resolution 67/61 of December 3, 2012), disarmament (resolution 67/57 of December 3, 2012).

UN Secretary-General has repeatedly addressed the issue of cooperation with regional organizations in the reports (Supplement to An Agenda for Peace in 1995, A/50/60-S/1995/1¹²; In Larger Freedom, Report of March 21, 2005, para. 213-215¹³; reports A/2008/18 of January 14, 2008; A/67/280-S/2012/614 of August 9, 2012).

The UN documents offer a wide range of possible forms and mechanisms of cooperation: consultations, mutual diplomatic and operational efforts, joint deployment, joint operations, financing of regional operations, joint participation in the work of coordinating bodies, exchange of information, conclusion of memoranda of understanding, special agreements (agreements on supply of resources) and formalized agreements between the secretariats, involvement of organizations in the work of the UN Security Council, cooperation with the Peacebuilding Commission of the United Nations, participation in high level meetings, etc. (Addendum to the report of the UN Secretary General “Agenda for Peace,” 1995, para. 86; report of the UN Secretary-General “In Larger Freedom,” 2005, para. 213-215; report of the UN Secretary-General to the UN Security Council 2008/18 of January 14, 2008, para. 71-76; UN Security Council Resolution 1631 (2005), para. 7-8; World Summit Outcome 2005, para. 170¹⁴; Statement by the President of the UN Security Council from January 13, 2010, para. 6, 7, 9).

¹² Supplement to An Agenda for Peace: Position Doc. Secretary General on the occasion of the fiftieth anniversary of the United Nations, 25 January 1995, A/50/60-S/1995/1, The United Nations (Electronic resource), available at http://www.un.org/ru/siteindex/agenda_peace.pdf (accessed 15 November 2013).

¹³ “In Larger Freedom: Towards Development, Security and Human Rights for All,” Report of the Secretary General, 21 March 2005, The United Nations (Electronic resource), available at http://www.un.org/russian/largerfreedom/a59_2005.pdf (accessed 15 May 2011).

¹⁴ World Summit Outcome 2005, adopted by resolution 60/1 UN General Assembly, 16 September 2005 United Nations (Electronic resource), available at www.un.org/ru/documents/decl_conv/declarations/outcome2005.shtml (accessed 21 August 2012).

Despite these efforts, a comprehensive system of cooperation has not been established yet, and cooperation is carried out on *ad hoc* basis. The UN Security Council is not using regional organizations for their own purposes, but rather welcomes any activities undertaken by them in order to maintain peace and security in the region (resolution 1150 (1998) of January 30, 1998, Preamble; 1371 (2001) of June 29, 2001, Preamble; 1423 (2002) of September 12, 2002, para. 20; 1575 (2004) of November 22, 2004, para. 11).

Analysis of UN Security Council resolutions, adopted with regard to conflicts in Europe and Central Asia over the past 20 years, illustrates the situation adequately. The UN Security Council does not practically refer to Chapter VIII in its resolutions (with the exception of resolutions 757 (1992) of May 30, 1992, Preamble; 787 (1992) of November 16, 1992, para. 12; 816 (1993) of March 31, 1993, Preamble), and does not authorize directly regional organizations but the States to act independently or through regional organizations (resolution 1031 (1995) of December 15, 1995, para. 14-17, 36; 1247 (1999) of August 18, 1999, para. 10-13; 1785 (2007) of November 21, 2007, para. 10, 14-16; 1973 (2011) of March 17, 2011, para. 4, 8, 15).

Regional organizations are free to decide on their participation in the conflict (preamble to resolution 937 (1994) of July 21, 1994; 1311 (2000) of July 28, 2000; 1427 (2002) of July 29, 2002). The UN Security Council takes into account their documents and decisions (preamble to resolution 959 (1994) of November 19, 1994; 1255 (1999) of July 30, 1999; 1462 (2003) of January 30, 2003; 1575 (2004) of November 22, 2004; 1895 (2009) of November 18, 2009) and adapts the mandate, funding and competence of UN missions to the work of regional organizations (resolution 993 (1995) of May 12, 1995, para. 2; 1255 (1999) of July 30, 1999, para. 12; 1393 (2002) of January 21, 2002, para. 17, 1554 (2004) of July 29, 2004, para. 28; 1666 (2006) of March 31, 2006, para. 11).

Cooperation between regional organizations is welcome, but the UN Security Council does not name or offer any forms and mechanisms of such cooperation (preamble to resolution 937 (1994); 1089 (1996) of December 13, 1996; 1206 (1998) of November 12, 1998, 1274 (1999) of November 12, 1999; 1462 (2003); 1554 (2004); 1666 (2006); 1808 (2008) of April 15, 2008). The UN Security Council does not require from the regional organizations information on their actions in accordance with Art. 54 of the UN Charter. This obligation is transferred from the UN Security Council to the States (resolution 787 (1992), para. 14; 1174 (1998) of June 15, 1998, para. 18; 1575 (2004), para. 18; 1722 (2006) of November 21, 2006, para. 18; 1948 (2010) of November 18, 2010, para. 18) or the UN Secretary-General (resolution 822 (1993) of April 30, 1993, para. 4; 1808 (2008) of April 15, 2008, para. 15).

Cooperation between UN agencies and organizations and regional collective security organizations

Cooperation between UN agencies and organizations and regional organizations in maintaining international peace and security is very diverse. For example, the African Union is working with:

- UN agencies and related organizations directly concerned with the maintenance of international peace and security: UN Security Council, UN Office of Political Affairs, Department of Peacekeeping Operations; UN Counter-Terrorism Committee, UN Office of Field Support, UN Peacekeeping Commission, UN Office on Drugs and Crime,

Regional Centre for Peace and Disarmament, UN Office for the Coordination of Humanitarian Affairs, International Atomic Energy Agency;

- agencies and organizations whose activities are aimed at human rights observation during conflicts, stabilization of the situation and prevention of conflicts: Office of the High Commissioner for Human Rights, Office of the High Commissioner for Refugees, UN Development Fund for Women, United Nations Children's Fund, World Food Program, UN Office for Gender Equality;
- other UN agencies and organizations: UN Food and Agriculture Organization, the International Labour Organization, World Health Organization, the United Nations Educational, Scientific and Cultural Organization, United Nations Development Programme, Department of Public Information, Office for Economic and Social Affairs, Regional Economic Commission, United Nations Environment Programme, United Nations Population Fund (reports of the UN Secretary-General A/65/382-S/2010/490 of September 20, 2010, para. 3-27; A/67/280-S/2012/614 of August 9, 2012, para. 5-25).

UN and AU hold joint operations (hybrid operation in Darfur – report of the UN Secretary-General A/65/382-S/2010/490 of September 20, 2010, para. 5, 8), and also carry out joint actions in the field of preventive diplomacy and peacebuilding in Guinea-Bissau, Madagascar, Mali, between Sudan and the Republic of South Sudan (UN Secretary-General's report A/67/280-S/2012/614 of August 9, 2012, para. 6, 7).

Cooperation with other UN bodies and organizations is less intensive; however, it was activated after 2005. Quite often, cooperation is carried out by means of agreements on cooperation between the secretariats of the United Nations and relevant regional organizations. Such agreements may be in the form of a joint declaration on cooperation, as was the case with the CSTO (Joint Declaration on Cooperation of March 18, 2010¹⁵); Joint Declaration on Partnership (with ASEAN, November 19, 2011¹⁶), Memorandum of Understanding (with ASEAN, September 27, 2007¹⁷), agreements (with the OAS, April 17, 1995¹⁸) or Arrangements on cooperation (with the Council of Europe, November 19, 1971¹⁹).

¹⁵ Joint declaration on UN/CSTO secretariat cooperation, Moscow, 18 March 2010, The Ministry of Foreign Affairs of the Russian Federation, available at http://www.mid.ru/brp_4.nsf/0/A11ED61A82FAD2FCC32576F0004904F4 (accessed 2 September 2013).

¹⁶ Joint declaration on comprehensive partnership between the Association of Southeast Asian Nations (ASEAN) and the United Nations (UN): Final declaration, Bali, 19 November 2011, Association of Southeast Asian Nations, available at <http://www.asean.org/archive/documents/19th%20summit/UN-JD.pdf> (accessed 5 October 2012).

¹⁷ Memorandum of understanding between the Association of Southeast Asian Nations (ASEAN) and the United Nations (UN) on ASEAN-UN cooperation, signed in New York, 27 September 2007, Centre for International Law, available at <http://cil.nus.edu.sg/rp/pdf/2007%20MOU%20Between%20ASEAN%20And%20UN%20On%20ASEAN-UN%20Cooperation-pdf.pdf> (accessed 15 November 2013).

¹⁸ Cooperation between the United Nations and the Organization of American States, 17 April 1995, Rep. of the Secretary-General, A/51/150, United Nations, available at <http://www.un.org/documents/ga/docs/51/plenary/a51-297.htm> (accessed 11 November 2013).

¹⁹ Arrangements on cooperation and liaison between the Secretariats of the Council of Europe and of the United Nations: exchange of letters, 19 November 1971, Council of Europe (Electronic resource), available at <http://www.coe.int/t/der/docs/UNCoEArrangement1971.pdf> (accessed 8 November 2013).

The scope and content of the documents regulating cooperation with regional organizations in maintaining international peace and security reflects the level of such cooperation. For example, declarations on cooperation are very short (about one page). They state commitment to the purposes and principles of the United Nations, note the importance of cooperation (Declaration on cooperation between the Secretariats of UN and CSTO, para. 1, 2), fix the scope of cooperation in the maintenance of international peace and security (para. 2), and a very narrow list of potential mechanisms of cooperation – contacts, exchange of information and strengthening of mechanisms for responding in each organization (para. 3).

Other types of agreements typically provide a wide range of possible mechanisms of cooperation, including consultation, participation in the sessions of the supreme bodies, technical cooperation (Regulation on cooperation with the Council of Europe), a comprehensive exchange of information (Agreement with the OAS, para. 1-4), exchange of practices, assistance in the peaceful settlement of international disputes, participation in peacekeeping operations, technical assistance, establishment of direct contacts in each organization (Declaration on Partnership with ASEAN, para. D2.3).

In recent years, cooperation agreements were also concluded with specific UN bodies and organizations, for example, the UN Office on Drugs and Crime – with ASEAN, SCO; Office of humanitarian cooperation – with the African Union, the League of Arab States; Department of Peacekeeping Operations – with the CSTO; United Nations Office for Disarmament – with OSCE) (report of UN Secretary General A/67/280-S/2012/614 of August 9, 2012, para. 87, 97, 129). Such agencies can also act as coordinating bodies, for example, in terms of information exchange, creation of a directory of contact points in different organizations, cooperation between UN regional organizations and bodies on human rights, dissemination of proven practices and mechanisms to combat international terrorism, creation of a joint action matrix, technical assistance (Action Plan from the special meeting of UN Counter-Terrorism Committee with international and regional organizations, January 26-27, 2005, para. 1²⁰).

The analysis of the existing practice of interaction between the UN and regional organizations leads to the conclusion that the establishment of cooperation mechanisms goes through several stages:

1. cooperation with the UN Security Council in accordance with the provisions of the UN Charter;
2. contacts with the UN Secretariat, including mutual visits, exchange of information, participation in annual meetings and, at some point, conclusion of framework declarations or agreements on cooperation, which allows to study the ways and mechanisms for further cooperation;
3. contacts with UN bodies and organizations on specific issues through the Secretariat of the United Nations;
4. direct work and cooperation with UN bodies and organizations, including through the signing of cooperation agreements.

²⁰ Counter-Terrorism Committee “Follow-up Action Plan”: 4th UN Security Council special meeting with international, regional and sub-regional organizations, Almaty, 26–27 January 2005, United Nations, available at http://www.un.org/en/sc/ctc/specialmeetings/2005-almaty/Almaty_action_plan.pdf (accessed 20 March 2013).

The duty of regional organizations to cooperate with the UN in the maintenance of international peace and security

In light of the above-mentioned enhancement of cooperation between regional organizations and UN agencies and organizations, it is also necessary to find out the basis of this cooperation: the free will of the countries, or the duty of the United Nations and regional organizations to cooperate in the maintenance of international peace and security.

As noted above, the problem of the legal basis of cooperation in international relations has been rarely the subject of research in the legal doctrine. Typically, it indicates the absence in international law of a general duty to cooperate, and it can only be set on the basis of international treaties governing the specific scope of relations with states and international organizations.²¹ As noted above, the UN Charter stipulates directly only the mechanisms of interaction between regional organizations and the UN Security Council in accordance with Chapters VI and VIII of the UN Charter, and does not include provisions on cooperation with the UN Security Council in other forms, with other UN bodies and organizations, or with other regional organizations.

Cooperation agreements concluded between regional organizations and specific UN bodies and organizations, in spite of their framework character, establish in the relevant agreements the obligation of specific regional organizations to cooperate with specific UN bodies and organizations in forms which are not equivalent to the general duty to cooperate with the UN in the maintenance of international peace and security.

However, Art. 2 (5) of the Charter establishes the obligation of the UN member states “to give every assistance in any action it takes in conformity with the Charter.” This article does not specify concrete methods of assistance. The doctrine usually points out that this obligation includes primarily, or exclusively, assistance in the implementation of UN Security Council resolutions under Chapter VII of the UN Charter.²² However, the provision of armed forces requires a special agreement between the states and the UN. From our perspective, the restriction in Art. 2 (5) of Chapter VII of the Charter to provide all possible assistance is not justified. This article sets the limit—“in accordance with the present Charter”—so we can speak of the duty of States to provide assistance to the Organization for an unlimited range of issues, but in accordance with the provisions of the UN Charter.

It appears that theoretically the obligation in Art. 2 (5) in the UN Charter to provide assistance to the Organization is indirectly extended to regional organizations, despite their independent international legal status, through a set of obligations of Member States. As noted above, regional organizations often act as a mediator in the maintenance of international peace and security. For example, the UN Security Council in its resolutions provides sanctions and imposes obligations on States “acting independently or through international organizations” (resolution 1031(1995), para. 14-17, 36; 1575(2004), para. 10, 14-16; 1948(2010), para. 10, 14-16; 1973(2011), para. 4, 8, 15).

²¹ Delbrück, “The International Obligation to Cooperate – An Empty Shell or a Hard Law Principle of International Law?” p. 13, 16; Wolfrum, *Cooperation, International Law*, p. 791.

²² H.R. Aust, “Article 2(5),” in *The Charter of the United Nations : A Commentary* (in 2 volumes), Volume I, ed. B. Simma, 3rd ed. (Oxford, 2012), p. 237.

Equally, widely recognized is the right of regional organizations to carry out actions that can be legally undertaken by the Member States.²³ Thus, we can conclude that regional organizations are indirectly obliged to assist the United Nations in maintaining international peace and security. However, since the United Nations Charter does not establish specific forms of cooperation, such duty is of general character only.

It should also be noted that at present the need for cooperation between the UN and regional organizations in maintaining international peace and security is unanimously recognized both by the bodies of the United Nations (UN Security Council Presidential statement of January 13, 2010, of August 6, 2013), and regional organizations, representing all geographical regions, including the Collective Security Treaty Organization, and the UN member states (Minutes of meetings of the UN Security Council from January 13, 2010; from August 6, 2013).

Cooperation between CSTO and UN agencies and organizations

As noted above, the CSTO is open for cooperation with international organizations in the sphere of its competences attached directly to Article 4 of the CSTO Charter. This cooperation is determined by the CSTO as one of the directions of its foreign policy (Decision of the CSTO Collective Security Council "On implementation of the decisions from the 2004 Astana session of CSTO Collective Security Council" from June 23, 2005).

Thus, the CSTO directly expresses commitment to the obligations arising from UN Security Council resolutions (CSTO Charter, Preamble, the Collective Security Treaty as amended by the Protocol of December 10, 2010, Art. 6 (2)²⁴; Agreement on the formation and functioning of forces and means of CSTO collective security system of December 10, 2010, Preamble²⁵). CSTO obligation to inform UN Security Council on measures taken in self-defence, as well as to strengthen and maintain international peace and security in accordance with Art. 51, 54 of the UN Charter, is fully reflected in the documents of the CSTO (Agreement on CSTO peace-keeping of 2007, Art. 4; Agreement on the Collective Rapid Reaction Forces of 2009, Art. 4).

²³ J.A. Frowein, "Reactions by not-directly affected states to breaches of public international law," *Rec. des Cours de l'Acad. de Droit Intern. de La Haye* 4:248 (1994), pp. 388-389; Dorothee Geyrhalter, *Friedenssicherung durch Regionalorganisationen ohne Beschluss des Sicherheitsrates* (Münster: Köln University, 2001), s. 65; Hans Kelsen, *The Law of the United Nations: A Critical Analysis of Its Fundamental Problems*, London Inst. of World Affairs (London: Stevens, 1964), p. 724; Rüdiger Pernice, *Die Sicherung des Weltfriedens durch Regionale Organisationen und die Vereinten Nationen: eine Untersuchung zur Kompetenzverteilung nach Kapitel VIII der UN-Charta* (Hamburg: H. Gildenverlag, J. Heitmann u. Co., 1972), s. 112; Christian Walter, *Security Council Control over Regional Action*, Max Plank Yearbook of the United Nations Law, ed. J.A. Frowein, R. Wolfrum (London, 1997), pp. 130, 137-138, 191.

²⁴ The Collective Security Treaty was signed in Tashkent on May 15, 1992, Consultant Plus: Belarus. Technology 3000 (Electronic resource) (OOO "YurSpektr"), Nat. Centre for Legal Inf. Rep. Belarus (Minsk, 2013).

²⁵ Agreement on the formation and operation of forces and means of the collective security system of the Collective Security Treaty Organization, signed in Moscow on December 10, 2010, Consultant Plus: Version Prof. Technology 3000 (Electronic resource) (M.: OOO "YurSpektr," 2012).

CSTO supports the need to consolidate the central role of the UN in maintaining international peace and security (Statement of CSTO Foreign Ministers on May 23, 2013²⁶).

In 2004, the Collective Security Treaty Organization was granted observer status at the UN General Assembly (Resolution 59/50 of December 16, 2004²⁷). The issue of cooperation with the CSTO since 2009 is included in the UN General Assembly agenda (Resolution 64/256 of May 19, 2009; 65/122 of December 13, 2010; 67/6 of November 19, 2012; 69/12 of November 11, 2014).

The UN General Assembly in its resolutions evaluates CSTO as a regional organization under Chapter VIII of the United Nations Charter (Resolution 64/256 of May 19, 2009). The UN General Assembly also points to the importance of cooperation with the CSTO (Resolutions 65/122 of December 13, 2010, para. 2) and encourages UN specialized agencies to start such cooperation (para. 3). In Resolution 67/6 of November 19, 2012, the UN General Assembly positively evaluates the contribution and efforts of the CSTO in maintaining international peace and security in the region (para. 2), states the need for regular contacts between the UN and CSTO Secretariats, in particular, under the relevant inter-agency contacts and forums in various formats, including annual consultations between UN Secretary-General and heads of regional organizations, contacts with UN specialized agencies and programs in combating terrorism and in other areas of mutual interest (para. 3-7).

In resolution 69/12 of November 11, 2014 the General Assembly commends the work of the CSTO in the fight against international terrorism, CSTO results in anti-drug operation "Channel," CSTO contribution in 2009-2019 to the implementation of the Political Declaration and the Action Plan on International Cooperation to an integrated and balanced strategy to counter the world drug problem (Preamble); welcomes CSTO efforts in the field of counter-terrorism, drug trafficking, illegal migration, trafficking in human beings (para. 2). The UN General Assembly, in the provisions of Resolution 67/6, also calls for enhanced cooperation between UN specialized agencies and programs and the CSTO in areas of common interest, i.e., in all directions (para. 6-7).

Since 2004, the Collective Security Treaty Organization is involved in high-level meetings between the UN and other regional organizations (document of the Sixth Meeting, para. 7²⁸), takes part in the meetings of the UN General Assembly and the UN Security Council.²⁹ The UN and CSTO Secretariats have regular official and working level contacts, including visits of the Secretary Generals and their speeches at top level meetings (reports of the Secretary-General of the United Nations A/65/382-S/2010/490 from September 20, 2010, pra. 55; A/67/280-S/

²⁶ Statement of the Foreign Ministers of CSTO member states on May 23, 2013 (Electronic resource), available at http://www.odkb-csto.org/news/detail.php?ELEMENT_ID=1937&SECTION_ID=91 (accessed 9 November 2014).

²⁷ The Collective Security Treaty Organization is granted the observer status in the General Assembly, Resolution 59 ses. General Assembly, December 16, 2004, A/RES/59/50, The United Nations (Electronic resource), available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/479/28/PDF/N0447928.pdf> (accessed 2 November 2013).

²⁸ Sixth high-level meeting between the UN and regional and other intergovernmental organisations held at UNHQ in New York on 25–26 July 2005, The electronic newsletter of UNU-CRIS, available at http://www.cris.unu.edu/fileadmin/newsletter/newsletter_aug_05.pdf (accessed 15 March 2013).

²⁹ *20 years Collective Security Treaty (1992-2012), 10 years Collective Security Treaty Organization (2002-2012)* (M.: CSTO, 2012), p. 14.

2012/614 of August 9, 2012, para. 49³⁰). As noted above, in March 2010, the Declaration on Cooperation between the Secretariats of the UN and the CSTO was signed.

CSTO cooperates with UN specific bodies and organizations at the highest and working levels with the UN Office of Political Affairs; Department of Peacekeeping Operations; Counter-Terrorism Committee of the United Nations; Office on Drugs and Crime, the International Organization for Migration (UN Secretary-General's report A/67/280-S/2012/614 of August 9, 2012, para. 49, 51-52), including through the conclusion of agreements on cooperation. For example, Protocol on cooperation between the CSTO and the International Organization for Migration was signed in 2006; and a Memorandum of understanding between the CSTO Secretariat and the Department of Peacekeeping Operations was signed on September 28, 2012. The latter document reflects the meetings between the CSTO Secretariat and the Department of Peacekeeping Operations (e.g. on September 4, 2014³¹).

At the Moscow session of the Collective Security Council on September 5, 2008, CSTO member states expressed their support for strengthening the role of the UN as a universal mechanism for maintaining international peace and security.³² The same approach is reflected in more recent documents (Declarations of CSTO Foreign Ministers on May 23, 2013).

In accordance with UN Security Council Resolution 1540(2004) in order to implement the UN Global Counter-Terrorism Strategy and the counter-terrorism resolutions of the UN Security Council, CSTO member states expressed their willingness to cooperate among themselves and with other states in the fight against the proliferation of weapons of mass destruction, their delivery and other materials (Declaration from Moscow session of the Collective Security Council). Since 2010, the CSTO stands for the use of its peacekeeping troops in UN operations (Statement of CSTO member states on December 10, 2010, para. 5³³). The above-mentioned Memorandum of Understanding between the CSTO Secretariat and the Department of Peacekeeping Operations in 2012 establishes the conditions for the use of CSTO troops in UN peacekeeping operations.³⁴

Recently, in view of the forthcoming withdrawal of International Security Assistance Force in Afghanistan, the UN and the CSTO discussed security in the region after 2014. For example, on January 22, 2014 consultations were held between CSTO Secretary General and the Special Representative of the UN Secretary General in Afghanistan, head of the UN Assistance Mission in Afghanistan on the coordination of the United Nations and the Collective Security

³⁰ OSCE and CSTO Secretaries General discussed cooperation between organizations: Press Release, 26 March 2009 (Electronic resource), available at <http://www.dkb.gov.ru/start/index.htm> (accessed 10 May 2013).

³¹ CSTO Deputy Secretary General Valery Semerikov meets with representatives of the UN Department of Peacekeeping, 9 April 2014 (Electronic resource), available at www.odkb-csto.org/news/detail.php?ELEMENT_ID=3326&SECTION_ID=91 (accessed 6 November 2014).

³² Declaration of the Moscow session of the CSTO Collective Security Council, 5 September 2008, official site, available at <http://archive.kremlin.ru/text/docs/2008/09/206174.shtml> (accessed 14 November 2013).

³³ Declaration of the Organization of the Collective Security Treaty, 10 December 2010 (Electronic resource), available at http://www.odkb.gov.ru/session_twelve/a.htm (accessed 14 November 2013).

³⁴ "CSTO allowed to deploy 'blue chapkas' in Syria under UN mandate," [voltairenet.org](http://www.voltairenet.org), available at <http://www.voltairenet.org/art.176061.html> (accessed 14 April 2013).

Treaty Organization in order to resolve the crisis in Afghanistan, including after the withdrawal of International forces.³⁵

Cooperation of regional organizations in the maintenance of international peace and security

Effective maintenance of international peace and security is possible only in the case of cooperation of regional organizations not only with the United Nations, but with other regional organizations involved in the maintenance of international peace and security in the region concerned. The need for such “horizontal” cooperation and sharing of responsibilities between regional organizations in accordance with the principle of complementarity, that is, taking into account the strengths and weaknesses of each of them, is recognized by UN bodies (UN Security Council Resolution 2033(2012) of January 12, 2012, Preamble, para. 3, 7, 14; Statement of the Security Council President from November 6, 2007; Report of the UN Secretary-General A/2008/18, para.71 (d)), regional organizations (Statement of CSTO Secretary General Nikolai Bordyuzha at the International Seminar “Afghanistan after NATO”³⁶) and states (UN Security Council meetings on January 13, 2010 and January 12, 2012).

As noted above, the UN Charter does not stipulate the obligation of regional organizations to cooperate with other organizations in the maintenance of international peace and security. The UN Security Council never imposed or offered any forms or mechanisms of cooperation between the organizations involved, even during operations under its control under the auspices of the UN. As a consequence, every international organization develops its own rules and practices of cooperation with other actors.

However, cooperation between regional organizations is underdeveloped and currently is carried out mainly on *ad hoc* basis. International treaties governing the areas and forms of cooperation between regional organizations are rare. As a consequence, in the presence of a significant number of international organizations with coinciding or overlapping membership, similar or related functions, it often happens that either several organizations are willing to participate in the resolution of a particular conflict, or none of them wants to be involved.

These problems are clearly seen in the European region in the absence of stable contacts between the Eurasian and Euro-Atlantic Organizations. At the same time, the prospects for Russia to enter the proposed European Security Treaty,³⁷ as well as the creation of a common security space on the OSCE platform, offered by the OSCE since 1992 (Declaration of the Hel-

³⁵ Consultations between the CSTO Secretary General Nikolai Bordyuzha and the Special Representative of the UN Secretary General in Afghanistan, the head of the UN Assistance Mission in Afghanistan Jan Kubis (Electronic resource), available at www.odkb-csto.org/news/detail.php?ELEMENT_ID=3167&SECTION_ID=91 (accessed 5 November 2014).

³⁶ CSTO Secretary General Nikolai Bordyuzha spoke at the international conference “Afghanistan after NATO” in Milan: “The results which the North Atlantic Alliance has achieved in Afghanistan – this is a serious blow to the reputation of NATO” (Electronic resource), available at www.odkb-csto.org/news/detail.php?ELEMENT_ID=2070&SECTION_ID=91 (accessed 3 November 2014).

³⁷ European Security Treaty Draft (Electronic resource), official site, available at www.kremlin.ru/news/6152 (accessed 14 November 2013).

sinki OSCE Summit in 1992, para. 2³⁸; Charter for European Security 1999, para. I.1³⁹; Declaration of Astana summit in 2010, para. 1, 5) are low.

It should be noted that cooperation between regional organizations in the settlement of specific conflicts is generally welcomed by the UN Security Council (Resolution 937 (1994) of July 21, 1994; 1582 (2005) of January 28, 2005; 1615 (2005) of July 29, 2005, etc.) and the need for it, as mentioned above, is recognized at all levels. However, the UN Charter does not directly state the duty of regional organizations to cooperate in maintaining international peace and security, and a direct contractual obligation of cooperation is secured only in the agreements on cooperation concluded between certain regional organizations which, like the agreements concluded by regional organizations with UN organizations, are limited in number and content.

The Preamble of the UN Charter contains declarations of the United Nations member countries on their determination "to save succeeding generations from the scourge of war" and to this end "to unite our strength to maintain international peace and security." As a main goal of the United Nations the Charter identifies the need to "maintain international peace and security and, to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace" (Art. 1(1)). It is indicative that the preamble which usually determines the cause and purpose of the treaty⁴⁰ and, consequently, is not a direct source of international obligations, in this case establishes the mechanism to achieve this goal, that is, contains the obligation of UN member states to cooperate in the field of international peace and security.

The Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States of October 24, 1970 (resolution 2625 (XXV)⁴¹) both in the preamble and in the main body, interpreting the principles of the UN Charter, establishes the existence of direct obligations of States to cooperate in accordance with the UN Charter: "States have the duty to co-operate with one another, irrespective of the differences in their political, economic and social systems, in the various spheres of international relations, in order to maintain international peace and security..." including in the maintenance of international peace and security "states shall co-operate with other States in the maintenance of international peace and se-

³⁸ Helsinki Summit Declaration, Helsinki, 10 July 1992, Organization for Security and Cooperation in Europe, available at <http://www.osce.org/mc/39530> (accessed 14 April 2013).

³⁹ Charter for European Security, Istanbul, November 1999, UN Econ. Comm. for Europe, available at www.unece.org/fileadmin/DAM/trans/osce/osceunece/istachart99e.pdf (accessed 12 April 2013).

⁴⁰ Hans Kelsen, *The Law of the United Nations: A Critical Analysis of Its Fundamental Problems* (New York: Frederick A. Praeger, 1950), 903 pp., pp. 9-11; L.V. Pavlova, "The Law of Treaties," *Public international law. The special part*, textbook, ed. Y.P. Brovki, Y.A. Lepeshkov, L.V. Pavlova (Minsk: Amalhteia, 2011), pp. 9-61.

⁴¹ "Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations," 24 October 1970, *Current international law*, textbook in 3 v., comp.: Y.M. Kolosov, E.S. Krivchikova (Moscow, 1996), Vol. 1, pp. 65-73.

curity.” The same obligation is stipulated in Principle IX of the Helsinki Final Act of the CSCE in 1975.⁴²

It should also be noted that the Declaration of Principles of International Law of 1970, regardless of the fact that it is not an international agreement and as a UN General Assembly resolution has only recommendatory force, was adopted without voting.⁴³ This suggests, at least, the existence of a consensus (agreement), including the presence of the duty to cooperate in the maintenance of international peace and security. In addition, the Declaration of 1970 enshrines the principles of international law, which are imperative norms of general character, and derogation from which is prohibited.⁴⁴

Thus, as regional organizations, as noted above, can acquire certain obligations through their Member States, and have a general duty to cooperate in the maintenance of international peace and security. However, in practice, this duty is often not performed.

CSTO cooperation with other organizations in the maintenance of international peace and security

The Collective Security Treaty Organization, in accordance with Art. 4 of CSTO Charter, cooperates with regional organizations in the maintenance of international peace and security. Particular attention is paid to the cooperation with the OSCE⁴⁵ and other organizations operating in the post-Soviet space (CIS, SCO, EurAsEC, Conference on Interaction and Confidence Building Measures in Asia, the Central Asian Regional Information and Coordination Centre for combating illicit trafficking in narcotic drugs, psychotropic substances and their precursors, the Union State (Declaration of CSTO member states of December 19, 2012⁴⁶).⁴⁷

OSCE. The CSTO member states expressed their commitment to the principles of the Helsinki Final Act of 1975, as well as praised the role of OSCE in confidence-building measures and security (Statement of CSTO member states of December 19, 2010). Officials of both organizations cooperate by visits of Secretaries-General⁴⁸ or at working level, for example, with

⁴² “CSCE Final Act, August 1, 1975,” *Current international law*, textbook 3 v., comp. Y.M. Kolosov, E.S. Krivchikova (Moscow, 1996), Vol. 1, pp. 73-79.

⁴³ Declaration on principles of international law concerning friendly relations and co-operation among states in accordance with the Charter of the United Nations, New York, 24 October 1970, Audio-visual Library of International Law, available at <http://untreaty.un.org/cod/avl/ha/dpilfrscsun/dpilfrscsun.html> (accessed 11 November 2013).

⁴⁴ A.I. Zybalyo, “Basic principles of international law,” *Public international law. General part*, textbook, ed. Y.P. Brovki, Y.A. Lepeshkov, L.V. Pavlova (Minsk, 2010), pp. 121-149, 137-139; V.J. Suvorova, “International law norms,” in *International Law*, textbook, ed. G.V. Ignatenko, O.I. Tiunov, 4th ed., Rev. and add. (M.: Norma, 2008), pp. 96-110, 104-105.

⁴⁵ N. Bordyuzha, “The Collective Security Treaty Organization: A Brief Overview,” *OSCE Yearbook 2010* (Hamburg: Inst. for Peace Research and Security, 2011), pp. 339–350, 347-349.

⁴⁶ Statement by the Heads of State of the Collective Security Treaty Organization, Moscow, December 19, 2012, Collective Security Treaty Organization (Electronic resource), available at http://www.odkb-csto.org/information/detail.php?ELEMENT_ID=1543 (accessed 15 November 2013).

⁴⁷ 20 years Collective Security Treaty, p. 15.

⁴⁸ 20 years Collective Security Treaty, p. 14.

the Office for Combating Terrorism in the OSCE Conflict Prevention Centre,⁴⁹ or between counterparts on issues of border security in Central Asia (March 6, 2014⁵⁰), as well as in combating new challenges and threats.⁵¹

Currently, working meetings between the CSTO and the OSCE are held on a regular basis, there is exchange of information, joint events, points of contact are specified including at the secretariat level, key units, working missions.

After 2010, the CSTO member states coordinate their position at OSCE meetings,⁵² including in the ongoing process of "Helsinki + 40," aimed, among other things, to strengthen the role of the OSCE.⁵³

OSCE sends observers to CSTO exercises (for example, exercises of the collective rapid reaction forces "Interaction" in 2012⁵⁴), or to the annual operation "Channel."⁵⁵

In the cooperation between OSCE and CSTO, particular attention is paid to the situation in Afghanistan. Organizations cooperate at the mission level,⁵⁶ implement joint measures to prevent the aggravation of the situation on the borders with Afghanistan and within the Central Asian CSTO member states after the withdrawal of the International Security Assistance Force in Afghanistan in 2014, including the possibility of training personnel for customs and border services in the states of Central Asia and Tajikistan (Statement by CSTO Secretary General Nikolai Bordyuzha, December 6, 2013⁵⁷).

Organizations in the post-Soviet space. As noted above, the CSTO evolved from the military-political cooperation within the CIS, but with a limited number of states. To date, there

⁴⁹ "OSCE and CSTO Secretaries General discussed cooperation between the organizations," press release, 26 March 2009 (Electronic resource), available at <http://www.dkb.gov.ru/start/index.htm> (accessed 10 May 2013).

⁵⁰ "Consultations in Moscow between representatives of CSTO and OSCE Secretariats on co-operation in ensuring border security of Central Asian states" (Electronic resource), available at www.odkb-csto.org/news/detail.php?ELEMENT_ID=3260&SECTION_ID=91 (accessed 3 November 2014); 20 years Collective Security Treaty, p. 21.

⁵¹ 20 years Collective Security Treaty, p. 20.

⁵² On November 20, 2012 the CSTO Secretariat held consultations "On improving the work of the OSCE" (Electronic resource), available at http://odkb-csto.org/international_org/detail.php?ELEMENT_ID=1523 (accessed 12 September 2013).

⁵³ "On the consultations of CSTO representatives on improving the work of the OSCE and foreign policy coordination in international organizations, 25 October 2013" (Electronic resource), available at www.odkb-csto.org/news/detail.php?ELEMENT_ID=2954&SECTION_ID=91 (accessed 3 November 2014); Joint Statement by CSTO Foreign Ministers on the process of "Helsinki +40" at the 20th meeting of the OSCE Council of Ministers of Foreign Affairs (Electronic resource), available at www.odkb-csto.org/news/detail.php?ELEMENT_ID=3118&SECTION_ID=91 (accessed 3 November 2014).

⁵⁴ "CSTO CRRF Exercise "Cooperation 2012" in Armenia ended with the victory of allies" (Electronic resource), available at http://odkb-csto.org/training/detail.php?ELEMENT_ID=1157 (accessed 15 April 2013).

⁵⁵ 20 years Collective Security Treaty, p. 23.

⁵⁶ "OSCE, CSTO eye deeper cooperation in Afghanistan after 2014," available at http://news.xinhuanet.com/english/world/2012-10/25/c_123866589.htm (accessed 15 April 2013).

⁵⁷ "In Kyiv, "on the side-lines of the OSCE ministerial meeting," CSTO foreign ministers together with CSTO Secretary General Nikolai Bordyuzha discussed cooperation with the Organization for Security and Cooperation in Europe" (Electronic resource), available at www.odkb-csto.org/news/detail.php?ELEMENT_ID=3112&SECTION_ID=91 (accessed 3 November 2014).

are separate institutional links between the CSTO and the CIS. For example, the Inter-Parliamentary Assembly of the CSTO operates within the CIS Interparliamentary Assembly, but decisions concerning CSTO are taken only by CSTO member states. As a result, the organizations closely cooperate in the maintenance of international peace and security.

The Secretariats of the CSTO and the SCO signed a Memorandum of Understanding⁵⁸ on October 5, 2007. This document defines the main areas of cooperation – the fight against emerging challenges and threats (para. I). Mechanisms of cooperation are consultations, exchange of information, including at the working level, development of and participation in joint programs and activities, an invitation to conduct related activities as guests (para. II-III). On June 14, 2011, CSTO Secretariat and the RATS SCO signed a Protocol on cooperation.⁵⁹

At a meeting on October 12, 2010, CSTO, CIS, SCO and EurAsEC decided to cooperate in the field of security, economy and social issues, as well as to establish an ad hoc working group responsible for cooperation between them.⁶⁰ At present, cooperation between CSTO, CIS, EurAsEC and SCO takes place on a regular basis – working meetings of senior administrative officials (e.g., on December 2, 2013,⁶¹ on November 7, 2014⁶²) and their deputies (e.g., on April 24, 2014⁶³), joint action plans, coordination of positions for the international arena.

CSTO is actively cooperating in the fight against transnational organized crime, including the fight against international terrorism, and with counterparts of the above organizations.⁶⁴ In recent years, the focus is on coordination between CSTO and SCO in connection with the planned withdrawal of ISAF from Afghanistan.⁶⁵

It is not clear how the relations between the CSTO and the Eurasian Economic Union will develop after the termination of the EEC; however, in his capacity of CSTO Secretary General, N. Bordyuzha points out the example of NATO and the European Union, where all European

⁵⁸ Memorandum of Understanding between the Secretariat of the Collective Security Treaty Organization and the Secretariat of the Shanghai Cooperation Organization, 5 October 2007 (Electronic resource), available at <http://infoshos.ru/ru/?id=31> (accessed 18 November 2013).

⁵⁹ “The CSTO Secretariat and the SCO RATS agreed to intensify efforts to combat terrorism and extremism” (Electronic resource), available at www.odkb-csto.org/news/detail.php?ELEMENT_ID=3166&SECTION_ID=91 (accessed 3 November 2014).

⁶⁰ N. Bordyuzha, “The Collective Security Treaty Organization: A Brief Overview,” *OSCE Yearbook 2010* (Hamburg: Institute for Peace Research and Security, 2011), p. 345.

⁶¹ “CSTO Secretary General spoke at a meeting of senior administrative officials of the EAEC, CSTO, CIS and SCO held in Moscow” (Electronic resource), available at www.odkb-csto.org/news/detail.php?ELEMENT_ID=3102&SECTION_ID=91.

⁶² “On working meeting of senior administrative officials of the CSTO, CIS, EurAsEC and SCO,” 7 November 2014 (Electronic resource), available at www.odkb-csto.org/news/detail.php?ELEMENT_ID=4101&SECTION_ID=91 (accessed 3 November 2014).

⁶³ “CSTO Secretariat hosted a meeting of deputy heads of executive bodies of the EurAsEC, CSTO, CIS and SCO on the cooperation in a complicated international situation” (Electronic resource), available at www.odkb-csto.org/news/detail.php?ELEMENT_ID=3372&SECTION_ID=91 (accessed 3 November 2014).

⁶⁴ 20 years Collective Security Treaty, p. 20.

⁶⁵ “CSTO Secretariat and the SCO RATS agreed to intensify efforts to combat terrorism and extremism” (Electronic resource), available at www.odkb-csto.org/news/detail.php?ELEMENT_ID=3166&SECTION_ID=91 (accessed 3 November 2014).

Union Member States should be NATO members with divided spheres of competence (Statement of the CSTO Secretary General, June 25, 2014⁶⁶).

Observers from the recently established international organization Eurasian Group on combating money laundering and terrorist financing are involved in the operation “Channel.”⁶⁷

NATO. In connection with the forthcoming withdrawal of International Security Assistance Force in Afghanistan, cooperation between the CSTO and NATO is gaining higher importance. This issue has been debated in the legal literature.⁶⁸ For example, Zbigniew Brzezinski in 2009 suggested an agreement between NATO and the CSTO.⁶⁹ Despite the cautious attitude of both sides, this idea initially was not rejected by NATO.⁷⁰

CSTO has repeatedly made attempts to start cooperation with NATO, at least in the fight against international terrorism, extremism, drug trafficking and weapons (for example, on July 8, 2004, CSTO Secretary General, Nikolai Bordyuzha, sent a letter to NATO Secretariat with a proposal to start cooperation on a range of issues to reach a Memorandum of Understanding⁷¹), especially with regard to threats originating from Afghanistan. However, in practice, these proposals were ignored by NATO.⁷²

In 2014, as a result of different attitudes to the conflict in Ukraine between the CSTO and NATO, the CSTO decided to suspend all attempts to establish contacts with NATO (statements by CSTO Secretary General Nikolai Bordyuzha, April 24, 2014, October 24, 2014⁷³). Bordyuzha repeatedly advocated that none of the organizations (neither the CSTO, nor NATO) shall interfere in the conflict in Ukraine (statements on March 19, 2014,⁷⁴ May 16, 2014⁷⁵). CSTO

⁶⁶ N. Bordyuzha, “BELTA: Relations between the CSTO and EAEC can be developed following the principle of NATO and the European Union” (Electronic resource), available at http://www.odkb-csto.org/news/detail.php?ELEMENT_ID=3502&SECTION_ID=92 (accessed 3 November 2014).

⁶⁷ 20 years Collective Security Treaty, p. 23.

⁶⁸ Jim Nichol, “Central Asia’s Security: Issues and Implications for U.S. Interests,” CRS Report for Congress # RL30294 (Washington, D.C.: Congressional Research Service, March 2010), p. 18, available at <http://fas.org/sgp/crs/row/RL30294.pdf>.

⁶⁹ Zbigniew Brzezinski, “An Agenda for NATO: Toward a Global Security Web,” *Foreign Affairs* 88:5 (September/October 2009), available at www.foreignaffairs.com/art.s/65240/zbigniew-brzezinski/an-agenda-for-nato (accessed 10 November 2011).

⁷⁰ A. Blinov, “CSTO is pushed to NATO,” *Nezavisimaya Gazeta*, 3 September 2009 (Electronic resource), available at www.ng.ru/world/2009-09-03/1_odkb.html (accessed 2 November 2014).

⁷¹ Alena F. Douhan and Anatoly A. Rozanov, *Collective Security Treaty Organization (2002–2012)* (Geneva/Minsk: Geneva Centre for the Democratic Control of Armed Forces, 2013), p. 66.

⁷² “NATO refuses “a misalliance” with CSTO. The calculation is incorrect,” Collective Security Treaty Organization (Electronic resource), available at http://www.odkb-csto.org/obzor-pressy/detail.php?ELEMENT_ID=2956&sphrase_id=4587 (accessed 18 November 2013); “Cooperation between CSTO and NATO would increase the level of security – Bordyuzha,” Moscow, 25 April 2012 (Electronic resource), available at http://odkb-csto.org/general_secretary/detail.php?ELEMENT_ID=120 (accessed 20 November 2013).

⁷³ “Secretary General: CSTO is ready to cooperate with NATO, but now this is impossible” (Electronic resource), available at http://www.odkb-csto.org/news/detail.php?ELEMENT_ID=4088&SECTION_ID= (accessed 3 November 2014).

⁷⁴ Comments of CSTO Secretary General Nikolai Bordyuzha concerning statements of NATO leaders on the situation in Ukraine, 19 March 2014 (Electronic resource), available at http://www.odkb-csto.org/news/detail.php?ELEMENT_ID=3276&SECTION_ID=91 (accessed 3 November 2014).

also declared its readiness to respond to NATO actions, for example, to position a CSTO air base in Belarus in response to a NATO base in the Baltic States, or NATO exercises in Ukraine.⁷⁶

At the same time, Bordyuzha made a negative assessment of NATO's role in Afghanistan in his speech at the international conference "Afghanistan after NATO" on June 13, 2013, saying that this operation seriously ruined NATO reputation⁷⁷ and did not reach the goal of reducing the threat of terrorism and drug trafficking.⁷⁸ He also accused some Western countries and NATO in the collapse of the antiterrorist coalition at the working meeting of senior administrative officials of the CSTO, CIS, EurAsEC and SCO, held on November 7, 2014.⁷⁹

Thus, interaction of any kind between the CSTO and NATO is currently suspended, the organizations are extremely critical of each other, which does not contribute to strengthening international peace and security, including, after the withdrawal of International Security Assistance Force in Afghanistan.

Other organizations. CSTO cooperates with other international intergovernmental organizations and NGOs. For example, observers from Interpol, Europol and EAG are invited to attend CSTO exercises⁸⁰ in the course of the operation "Channel."⁸¹

Among NGOs, the Collective Security Treaty Organization is interested in cooperation, first of all, with the ICRC, whose representatives are also invited as observers to the exercises of the CSTO.⁸² In 2009, the Collective Security Treaty Organization and the ICRC signed a Proto-

⁷⁵ "The intervention of NATO or the CSTO in the conflict in Ukraine would lead to an escalation of tension in the country, says CSTO Secretary General Nikolai Bordyuzha" (Electronic resource), available at http://www.odkb-csto.org/news/detail.php?ELEMENT_ID=3423&SECTION_ID=91 (accessed 3 November 2014).

⁷⁶ "CSTO will adequately react to NATO actions," 23 September 2014 (Electronic resource), available at www.odkb-csto.org/news/detail.php?ELEMENT_ID=3917&SECTION_ID=92 (accessed 3 November 2014).

⁷⁷ CSTO Secretary General Nikolai Bordyuzha spoke at the international conference "Afghanistan after NATO" in Milan: "The results which the North Atlantic Alliance has achieved in Afghanistan – this is a serious blow to the reputation of NATO" (Electronic resource), available at http://www.odkb-csto.org/news/detail.php?ELEMENT_ID=2070&SECTION_ID=91 (accessed 3 November 2014).

⁷⁸ "ITAR-TASS: CSTO prepares preventive measures to reduce the risks after the withdrawal of NATO troops from Afghanistan," 27 March 2014 (Electronic resource), available at http://www.odkb-csto.org/news/detail.php?ELEMENT_ID=3286&SECTION_ID=92 (accessed 3 November 2014); CSTO Secretary General Nikolai Bordyuzha in an interview with ITAR-TASS on the situation in Afghanistan: "We worked out a plan to combat the Afghan challenges" (Electronic resource), available at http://www.odkb-csto.org/news/detail.php?ELEMENT_ID=3291&SECTION_ID=91 (accessed 3 November 2014).

⁷⁹ "On the working meeting of senior administrative officials of the CSTO, CIS, EurAsEC and SCO," 7 November 2014 (Electronic resource), available at www.odkb-csto.org/news/detail.php?ELEMENT_ID=4101&SECTION_ID=91 (accessed 3 November 2014).

⁸⁰ 20 years Collective Security Treaty, p. 22.

⁸¹ 20 years Collective Security Treaty, p. 23.

⁸² A. Aleksandrov, "Peace-making laws of the CSTO," *Krasnaya zvezda* (Electronic resource), available at http://old.redstar.ru/2011/11/08_11/3_02.html (accessed 3 November 2014).

col of Intent and adopted an Action Plan for 2012-2014.⁸³ The action plan aims to develop concrete forms of cooperation between institutions: briefings, joint events, training. For example, in 2011 the ICRC took part in the regular session of the CSTO Permanent Council. Representatives of the CSTO, including the Deputy Secretary General, visited ICRC headquarters in Geneva to meet with senior officials of the ICRC. On October 31, 2011, there was a meeting between CSTO Secretary General and the Director General of the ICRC in Moscow.⁸⁴ The organizations exchanged views on humanitarian issues at the working level, and during the plenary discussion.⁸⁵ On September 26, 2014, the CSTO Secretariat and ICRC regional office held a seminar on international humanitarian law.⁸⁶

Cooperation with third countries

CSTO cooperation with non-member states is quite insignificant. So far, none of these States has been granted observer status.

At the same time, there is ongoing cooperation within CSTO operations: to combat drug trafficking – operation “Channel,” and the fight against illegal migration – “Illegal,” held annually since 2003.⁸⁷ For example, according to the CSTO Secretariat, 26 countries participated as observers in the operation “Channel” in 2011 (Afghanistan, Azerbaijan, Bolivia, Bulgaria, China, Colombia, Estonia, Finland, Germany, Italy, Iran, Latvia, Lithuania, Mongolia, Nicaragua, Pakistan, Peru, Poland, Romania, Spain, Syria, Turkey, Turkmenistan, Ukraine, the United States, Venezuela)⁸⁸; in 2014 – representatives of Afghanistan, China, Iran, Pakistan⁸⁹, as well as representatives of the EAG.⁹⁰ In 2011, in a local operation “Channel-West,” in addition to the law

⁸³ “CSTO Secretariat and the delegation of the International Committee of the Red Cross in Russia, Armenia and Uzbekistan agreed to cooperate” (Electronic resource), available at www.inform.kz/eng/article/2213442.

⁸⁴ “CSTO Secretary General on the prospects of working with the Red Cross” (Electronic resource), available at http://www.sovinformburo.com/news/detail/?item_id=9502&type=0 (accessed 3 November 2014).

⁸⁵ “ICRC plays its humanitarian role in military exercises,” available at <http://www.icrc.org/eng/resources/documents/interview/2012/09-20-csto-building-respect-ihl.htm> (accessed 1 November 2014); 20 years Collective Security Treaty, p. 15.

⁸⁶ “CSTO Secretariat and the regional delegation of the International Committee of the Red Cross in Belarus, Moldova and Russia held a joint seminar on international humanitarian law” (Electronic resource), available at www.odkb-csto.org/news/detail.php?ELEMENT_ID=4040&SECTION_ID=91 (accessed 3 November 2014).

⁸⁷ Speech of the CSTO Secretary General N.N. Bordyuzha at the meeting of the OSCE Permanent Council (13 February 2007); Speech by the CSTO Deputy Secretary General T.I. Buzubaeva at the OSCE conference for combating illegal drugs (Vienna: Hofburg, 28-29 June 2007); Speech by the Permanent Representative of Belarus Andrey Dapkyunas at the UN on behalf of the CSTO member states to the plenary meeting of the UN General Assembly session (28 November 2006).

⁸⁸ 20 years Collective Security Treaty, pp. 22–23.

⁸⁹ “On the results of the special anti-drug operation “Channel-South trap,” 20-25 May 2014 (Electronic resource), available at http://www.odkb-csto.org/ksopn/detail.php?ELEMENT_ID=3531 (accessed 3 November 2014).

⁹⁰ “Summary of the operation Channel-Valley,” 25 September 2014 (Electronic resource), available at <http://mvd.gov.by/main.aspx?guid=217003>.

enforcement agencies of Belarus, Kazakhstan and Russia, counterpart agencies from Lithuania, Latvia, Poland and Ukraine took part.⁹¹

In addition, the Collective Security Treaty Organization is making efforts to disseminate information on its activities, including to States in other regions, such as Latin America⁹² and China.⁹³

Conclusion

Currently, in the light of the transboundary nature of modern challenges and threats, as well as the number of internal and international conflicts, a good example of which is the conflict in and around Ukraine, international security can only be achieved through the joint efforts of universal and regional organizations and States. The last decade is characterized by unquestionable intensification of cooperation between international organizations in the field of security, as well as recognition of the need for such cooperation to ensure peace and security in every region of the globe. However, such cooperation to date remains insufficiently active and effective.

Cooperation of bodies and organizations of the United Nations with regional organizations is currently being implemented in four phases: 1) engagement with the UN Security Council under Chapter VIII of the UN Charter; 2) cooperation with the UN Secretariat, including through the conclusion of agreements on cooperation in various forms; 3) interaction with the specific bodies and organizations of the United Nations through the Secretariat of the United Nations; 4) direct cooperation with specific UN agencies and organizations.

Formally, this approach means that the system of relations between the Security Council of the United Nations and regional organizations has shifted from subsidiarity in its pure form to a combination of subsidiarity (in terms of control of the UN Security Council over the activities of the regional organizations) and complementarity (in terms of complementary functions implemented). The UN Security Council is increasingly seen as a controlling and coordinating body, while the main action is carried out by regional organizations.

The obligation for regional organizations to cooperate with the United Nations and with each other to maintain international peace and security, except for the obligation to communicate with the United Nations Security Council in accordance with Chapters VI, VIII of the Charter, follows indirectly from the duty of States to provide assistance to the United Nations (Art. 2(5)), and their duty to cooperate in the maintenance of international peace and security (UN Charter, Preamble, Art. 1(1), 1970 Declaration of Principles of International Law). Concrete forms and mechanisms of cooperation are fixed in international agreements concluded by regional organizations.

In the past few years, the CSTO has significantly expanded its cooperation with the United Nations, having signed the Declaration on cooperation with the UN Secretariat and the Memo-

⁹¹ 20 years Collective Security Treaty, p. 23.

⁹² "The CSTO Secretariat for the first time held a briefing for military attaches of Latin America on the theme: "CSTO system of collective security and the prospects of its development"" (Electronic resource), available at www.odkb-csto.org/news/detail.php?ELEMENT_ID=4076&SECTION_ID=91 (accessed 3 November 2014).

⁹³ "On October 28, CSTO Secretariat will have a meeting with experts from the PRC on the new global challenges and threats" (Electronic resource), available at www.odkb-csto.org/news/detail.php?ELEMENT_ID=4084&SECTION_ID=91 (accessed 3 November 2014).

randum of Understanding with the Department of Peacekeeping Operations. However, as recognized by the UN General Assembly, this cooperation requires deepening and establishing direct contacts with the United Nations agencies (resolution 65/122 of December 13, 2010, para. 3; 67/6 of November 19, 2012, para. 6; 69/12 of November 11, 2014, para. 6-7), that is, it is moving to the third stage of development.

The same trend can be seen in the framework of cooperation of the CSTO with other international organizations, with the exception of NATO. CSTO is generally open for cooperation at the top and working levels, discussions on issues of mutual interest, exchange of information, joint events, concludes cooperation agreements, e.g. with the International Organization for Migration, the SCO, the Permanent Council of the Union State of Belarus and Russia, the ICRC. Evidence of the willingness to cooperate is the establishment of an ad hoc working group to ensure cooperation between the CIS, EurAsEC, CSTO and SCO in 2010.

However, in practice, there are still a significant number of problems. Typically, cooperation is carried out mainly with the bodies and organizations of the United Nations, the OSCE and regional organizations operating in the same region. However, even this cooperation is poorly regulated. Despite the involvement of a large number of CSTO member states in the SCO and EAG, or all – in the OSCE and CIS, so far it cannot be claimed that the distribution of tasks and competences between them (principle of complementarity) is adequately used.

In general, CSTO collective forces could be used in OSCE and CIS operations. In the absence of a developed mechanism for the peaceful settlement of disputes in the framework of the CSTO, it is possible to use tools developed within the framework of the OSCE, or resort to the Economic Court of the CIS, for example, on the basis of jurisdictional clauses included in the agreements under CSTO international treaties. In the long term, an agreement between the CSTO and the CIS is possible, by which the CIS Economic Court will have the power not only for the peaceful settlement of international disputes in the framework of the CSTO, but also on the interpretation of provisions of international treaties concluded within the CSTO, and CSTO legal acts. Currently, there is no clear mechanism of relationships between CSTO and EAEU.

Relations between the CSTO and Euro-Atlantic organizations (NATO, EU) at this stage are practically non-existent. Organizations somehow interact through the Member States in the framework of the UN and OSCE, however, due to different assessment of the situation in Ukraine and the operations of the International Security Assistance Force in Afghanistan, contacts ceased on both sides, which is not conducive to maintaining peace and security in the region.

Given the need to protect the interests of the CSTO member states, especially those that are most clearly exposed to the threat of terrorism and drug trafficking on the way from Central Asia to Europe, the Organization shall initiate cooperation between such organizations within the OSCE, and actively cooperate with states neighbouring CSTO member states, for example, in the framework of operation “Channel,” “Illegal,” or in the implementation of the European policy of good neighbourhood.

References

1. Bordyuzha, N., “BeITA: The interaction of the CSTO and EAEU can be developed according to the principle of relations between NATO and the European Union” (Electronic resource). Available at www.odkb-csto.org/news/detail.php?ELEMENT_ID=3502&SECTION_ID=92 (accessed 3 November 2014).

2. Bordyuzha, N., "How is CSTO improving the system of collective security," *International Affairs* 10 (2009): 100–103.
3. "In Kyiv, "on the side-lines of the ministerial meeting of the OSCE" the foreign ministers of the CSTO member states with the participation of the CSTO Secretary General Nikolai Bordyuzha discussed cooperation with the Organization for Security and Cooperation in Europe" (electronic resource). Available at www.odkb-csto.org/news/detail.php?ELEMENT_ID=3112&SECTION_ID=91 (accessed 3 November 2014).
4. "The intervention of NATO or the CSTO in the conflict in Ukraine would lead to an escalation of tension in the country, says CSTO Secretary General Nikolai Bordyuzha" (electronic resource). Available at www.odkb-csto.org/news/detail.php?ELEMENT_ID=3423&SECTION_ID=91 (accessed 3 November 2014).
5. "CSTO Secretary General Nikolai Bordyuzha stated at the international conference "Afghanistan after NATO" in Milan: "The results achieved by the North Atlantic Alliance in Afghanistan – this is a serious blow to NATO reputation"" (electronic resource). Available at www.odkb-csto.org/news/detail.php?ELEMENT_ID=2070&SECTION_ID=91 (accessed 3 November 2014).
6. Declaration of the Organization of the Collective Security Treaty, 10 December 2010 (electronic resource). Available at www.odkb.gov.ru/session_twelve/a.htm (accessed 14 November 2013).
7. Declaration of the Moscow session of the Collective Security Council, 5 September 2008 (Electronic resource), official site. Available at <http://archive.kremlin.ru/text/docs/2008/09/206174.shtml> (accessed 14 November 2013).
8. "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations," 24 October, 1970, International law in operation, handbook in 3 v., authors: Y.M. Kolosov, E.S. Krivchikova, Vol. 1 (M., 1996), pp. 65-73.
9. Declaration on the Enhancement of Cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security (resolution 49/57 adopted of 49 session of UN General Assembly of December 9, 1994), Consultant Plus: Version Prof. Technology 3000 (Electronic resource), (Moscow: OOO "YurSpektr," 2013).
10. Douhan, A.F., "The participation of Belarus in the legislative activities of the CSTO," in *Participation of the Republic of Belarus in the codification and progressive development of international law*, ed. Y.A. Lepeshkova (Minsk: Biznesofset, 2011), pp. 121-155.
11. Douhan, A.F., A.A. Rozanov, *Collective Security Treaty Organization (2002-2009)* (Minsk: Kovcheg, 2010), 140 pp.
12. Collective Security Treaty (signed in Tashkent on May 15, 1992), Consultant Plus: Belarus. Technology 3000 (Electronic resource) (Minsk OOO "YurSpektr," Nat. Centre for Legal Inf. Rep. of Belarus, 2013).
13. *Collective Security Treaty – 20 years (1992-2012), Organization of Collective Security Treaty – 10 years (2002-2012)* (M.: CSTO, 2012), 33 pp.
14. Supplement to An Agenda for Peace: position. doc. Secretary General on the occasion of the fiftieth anniversary of the United Nations, 25 January 1995, A/50/60-S/1995/1, the United Nations (electronic resource). Available at http://www.un.org/ru/siteindex/agenda_peace.pdf (accessed 15 November 2013).
15. Statement by the CSTO Heads of States, Moscow, December 19, 2012, Collective Security Treaty Organization (electronic resource). Available at www.odkb-csto.org/information/detail.php?ELEMENT_ID=1543 (accessed 15 November 2013).

16. Outcome of the World Summit 2005, adopted with resolution 60/1 UN General Assembly, 16 September 2005, the United Nations (Electronic resource). Available at www.un.org/ru/documents/decl_conv/declarations/outcome2005.shtml (accessed 21 August 2012).
17. Memorandum of Understanding between the Secretariat of the Collective Security Treaty Organization and the Secretariat of the Shanghai Cooperation Organization, 5 October 2007 (electronic resource). Available at <http://infoshos.ru/ru/?id=31> (accessed 3 November 2014).
18. "Consultations between the CSTO Secretary General Nikolai Bordyuzha and the Special Representative of the UN Secretary General in Afghanistan, the head of the UN Assistance Mission in Afghanistan Jan Kubis" (electronic resource). Available at www.odkb-csto.org/news/detail.php?ELEMENT_ID=3167&SECTION_ID=91 (accessed 5 November 2014).
19. "On the outcome of the working meeting of senior administrative officials of the CSTO, CIS, Eur-AsEC and SCO," 7 November 2014 (Electronic resource). Available at http://www.odkb-csto.org/news/detail.php?ELEMENT_ID=4101&SECTION_ID=91 (accessed 3 November 2014).
20. Provision to the Collective Security Treaty Organization the observer status in the General Assembly, Resolution of the 59 session of UN General Assembly, 16 December 2004, A/RES/59/50, The United Nations (electronic resource). Available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/479/28/PDF/N0447928.pdf> (accessed 2 November 2013).
21. "In larger freedom: towards development, security and human rights for all," Report Secretary General, 21 March 2005, The United Nations (Electronic resource). Available at www.un.org/russian/largerfreedom/a59_2005.pdf (accessed 15 May 2011).
22. Joint Statement of the Foreign Ministers of CSTO member states on the process of "Helsinki + 40" at the 20th meeting of the Council of Ministers of Foreign Affairs of the OSCE Member States (electronic resource). Available at www.odkb-csto.org/news/detail.php?ELEMENT_ID=3118&SECTION_ID=91 (accessed 3 November 2014).
23. Agreement on the formation and functioning of forces and means of the collective security system of the Collective Security Treaty Organization (signed in Moscow on December 10, 2010), Consultant Plus: Version Prof. Technology 3000 (Electronic resource) (M.: OOO "YurSpektr," 2012).
24. Charter of the Collective Security Treaty Organization (adopted in Chisinau on October 7, 2002), Consultant Plus: Version Prof. Technology 3000 (Electronic resource) (M.: OOO "YurSpektr," 2012).
25. "The United Nations Charter," *The current international law*, Handbook in 3 volumes, Edited by Y.M. Kolosov, E.S. Krivchikova, vol. 1 (Moscow, 1996), pp. 7-33.
26. Aust, H.R., "Article 2(5)," *The Charter of the United Nations: A Commentary* (in 2 vol.), Vol. 1, ed. B. Simma, 3rd ed. (Oxford, 2012), pp. 235-251.
27. Bordyuzha, N., "The Collective Security Treaty Organization: A Brief Overview," *OSCE Yearbook 2010* (Hamburg: Institute for Peace Research and Security, 2011), pp. 339-350.
28. Brzezinski, Zbigniew, "An Agenda for NATO: Toward a Global Security Web," *Foreign Affairs* 88:5 (September/October 2009). Available at www.foreignaffairs.com/art.s/65240/zbigniew-brzezinski/an-agenda-for-nato (accessed 10 November 2011).
29. Cooperation between the United Nations and regional and other organizations, 9 August 2012, Report of the Secretary-General, A/67/280-S/2012/614, United Nations. Available at http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_2012_614.pdf (accessed 11 November 2013).

30. Counter-Terrorism Committee “Follow-up Action Plan,” 4th UN Security Council spec. meet. with intern., regional and sub-regional organizations, Almaty, 26–27 January 2005, United Nations. Available at http://www.un.org/en/sc/ctc/specialmeetings/2005-almaty/Almaty_action_plan.pdf (accessed 20 March 2013).
31. “CSTO allowed to deploy “blue chapkas” in Syria under UN mandate,” *voltairenet.org*. Available at <http://www.voltairenet.org/art.176061.html> (accessed 14 April 2013).
32. Delbrück, Jost, “The International Obligation to Cooperate – An Empty Shell or a Hard Law Principle of International Law? A Critical Look at a Much Debated Paradigm of Modern International Law,” in *Coexistence, Cooperation and Solidarity: Liber Amicorum Rüdiger Wolfrum* (in 2 volumes), edited by H.P. Hestermeyer, et al. (Leiden, 2012), Volume 1: Coexistence, Cooperation and Solidarity in International Law. Human Rights in the Global Society. Global Commons, pp. 3–16.
33. Douhan, Alena F., Anatoly A. Rozanov, *Collective Security Treaty Organization (2002–2012)* (Geneva/Minsk: Geneva Centre for the Democratic Control of Armed Forces, 2013), 105 pp.
34. Frowein, J.A., “Reactions by not-directly affected states to breaches of public international law,” *Rec. des Cours de l’Acad. de Droit Intern. de La Haye* 4:248 (1994): 345–437.
35. Geyrhalter, D., *Friedenssicherung durch Regionalorganisationen ohne Beschluß des Sicherheitsrates* (Munster: Köln University, 2001), 239 s.
36. Joint declaration on UN/CSTO secretariat cooperation, Moscow, 18 March 2010, The Ministry of Foreign Affairs of the Russian Federation. Available at http://www.mid.ru/brp_4.nsf/0/A11ED61A82FAD2FCC32576F0004904F4 (accessed 2 September 2013).
37. Kelsen, Hans, *The Law of the United Nations: A Critical Analysis of Its Fundamental Problems*, London Inst. of World Affairs (London: Stevens, 1964), 994 pp.
38. Pernice, Rüdiger, *Die Sicherung des Weltfriedens durch Regionale Organisationen und die Vereinten Nationen: eine Untersuchung zur Kompetenzverteilung nach Kapitel VIII der UN-Charta* (Hamburg: H. Gildenverlag, J. Heitmann u. Co., 1972), 178 s.
39. Walter, Christian, *Security Council Control over Regional Action*, Max Plank Yearbook of the United Nations Law, ed. J.A. Frowein, R. Wolfrum (London, 1997), pp. 129–193.
40. Wolfrum, R., *Cooperation, International Law*, Volume 2 of *Encyclopaedia of public international law* (in 10 vol.), ed. R. Wolfrum (Oxford, 2012).

Chapter 8

The Collective Security Treaty Organization and Information Security

A.F. Douhan, N.O. Moroz

Emerging challenges and threats in the information sphere are currently being considered in the context of international and national security. This is due to the following reasons. Firstly, the use of modern information technology for destructive purposes can destabilize society and threaten national security. Second, illegal intervention, aimed at both computer and telecommunication systems and networks, committed with the help of such technology, can infringe on citizens' rights and the interests of legal entities, as well as international relations emerging in connection with international cooperation with regard to the use of telecommunication computer systems or networks. This purposeful information misuse of information technologies may infringe on international peace and security. Thus, the UN General Assembly in its resolutions on the achievements in the field of information and telecommunications in the context of international security has repeatedly expressed concern that information technologies can be used for purposes inconsistent with the objectives of maintaining international stability and security (for example, resolution 53/790 of December 4, 1998; 60/45 of December 8, 2005; 68/243 of December 27, 2013). Since 1998, these resolutions have been adopted annually by the UN General Assembly.

International information security in recent years has become the focus of attention in a number of regional international organizations: NATO, SCO, CSTO and others. According to Art. 8(3) of the CSTO Charter "Member States cooperate in the field of protection of state borders, exchange of information, information security [...]."¹ Thus, information security means protection of the individual, society, the state and their interests from threats, destructive and other negative impacts in the information domain (Regulation on the cooperation of CSTO member states in the field of information security dated December 10, 2010 (further – Regulation)).² However, it should be noted that at present the issue of information security has not been restated in a special international treaty signed within the CSTO. There is no universal international agreement regulating issues of international information security either. However, due to

¹ The Charter of the Collective Security Treaty Organization of October 7, 2002, as amended by the Protocol of 7 October 2002, Collective Security Treaty Organization (Electronic resource), available at http://www.odkb-csto.org/documents/detail.php?ELEMENT_ID=124 (accessed 16 September 2014).

² "On the Regulation of cooperation of CSTO member states in the field of information security," Decision of the CSTO Collective Security Council, 10 December 2010, Consultant Plus: Version Prof. Technology 3000 (Electronic resource) (M.: OOO "YurSpektr," 2014).

the fact that international information security is a component of the overall international security, we believe that it should be viewed in the context of international security legislation.

The international law doctrine defines international security as a state of international relations which eliminates the threat to peace, peace violation and aggression in any form, and the relations between states are based on generally accepted norms and principles of international law.³

International information security has its own characteristics: 1) sources of threats to information security can be not only the states, but also organized criminal groups or individuals;⁴ 2) subjects of information security are the state information infrastructure in the broadest sense, information, and the attitude of the population.

Thus, in order to consider cooperation of CSTO member states in the field of information security it is necessary to focus on the following: the concept of information security; legal bases of cooperation of CSTO member states in the field of information security; the most important areas of cooperation of the CSTO member states regarding information security.

The concept of information security

The cooperation of CSTO member states in the field of information security is governed by the decisions of the Collective Security Council, which are legally binding for the CSTO member states (Art. 2 of the CSTO Charter).

The main document regulating the cooperation of CSTO member states in the field of information security is the Decision of the Collective Security Council of December 10, 2010, which approved the Regulation on the cooperation of CSTO member states in the field of information security.

According to para. 1.2(2) in the Regulation, *information security* is a state of protection of the individual, society, the state and their interests from threats, destructive and other negative impacts in the information space. This definition exactly reproduces the definition in the Agreement between the governments of SCO member states in the field of international information security⁵ – the only special international multilateral intergovernmental agreement regulating issues of information security. According to I.L. Bachilo (Russia), the concept of information security, contained in this document, covers the most pressing threats in the social and humanitarian aspect and is now the most complete.⁶

As CSTO Secretary General N. Bordyuzha noted in an interview, information security has two aspects: protection of vital infrastructure from information attacks and protection of infor-

³ R.A. Kalamkaryan, Y.I. Migachev, *International law*, textbook, 2nd ed., Rev. and add. (M.: Exmo, 2004), p. 321.

⁴ A.A. Pawlowski, "Some aspects of information security threats in the international sphere," *Information security as a component of national security* (materials Intern. Scientific and practical Conf., Minsk, 11-13 July 2013, in 3 v. In-t nat. security Rep. Belarus Editorial Board. S.N. Knyazev (Ch. ed.) et al.), vol. 2 (Minsk, 2013), pp. 105-109.

⁵ "Agreement between the Governments of the Member States of the Shanghai Cooperation Organization on cooperation in ensuring international information security" (signed in Yekaterinburg on June 16, 2009), *Bul. Intern. contracts*, no. 1 (2012), pp. 13-21.

⁶ I.L. Bachilo, V.V. Bondurovsky, M.A. Vus, M.M. Kucheryavy, O.S. Makarov, "On the improvement and harmonization of national legislation of CIS member states in the field of information security," *Information law* 1 (2013), p. 26.

mation that passes through electronic information networks and telecommunication, as well as counteraction to information attacks against CSTO member states, which is associated with the attempts to destabilize the situation in the society through information structures.⁷

CSTO member states adhere to a comprehensive approach to the definition of information security threats. Thus, according to CSTO Secretary General N. Bordyuzha, information security threats to CSTO member states are:

1. deliberate dissemination of information, prohibited by national legislation, slanderous and misleading information with negative impact on the socio-political attitude of the population and the socio-economic situation in the country or region; information contrary to national values, social and moral norms;
2. insufficient protection of restricted information leading to its disclosure;
3. illegal activities of individuals, criminal groups and organizations in the sphere of high technologies.⁸

Currently, information security problems are actively discussed in the legal doctrine.⁹ According to U.E. Gattiker, information security is a broad and complex subject whose content depends on the branch of knowledge which gives its interpretation.¹⁰ There is a need to distinguish between the concepts of "information security," "information security of the state," "information security of the individual."¹¹ We believe that it is necessary to separate the term "international information security" from the above concepts, as well as to distinguish between information security in the broad sense and information security within the CSTO.

However, these concepts are quite vague. For example, information security is considered from a *technological* (protection of information, information and telecommunication systems, etc.);¹² *psychological* (protection of the individual, society and state from the destructive influ-

⁷ E. Pivovar, From magazine "Journalist" of the Republic of Belarus: Nikolai Bordyuzha – "CSTO is ready in case of a threat to render assistance to any state," Collective Security Treaty Organization (Electronic resource), available at www.odkb-csto.org/general_secretary/detail.php?ELEMENT_ID=3565&SECTION_ID=107 (accessed 16 September 2014).

⁸ K. Troitskiy, N. Bordyuzha, "Operation 'Proxy,'" *Military-Industrial Courier* (Electronic resource), available at <http://vpk-news.ru/articles/6787> (accessed 22 September 2014).

⁹ Bachilo, Bondurovsky, Vus, Kucheryavy, Makarov, "On the improvement and harmonization of national legislation of CIS member states in the field of information security," p. 26; I.L. Bachilo, *Information law: textbook for high schools* (M.: Higher Education, Yurayt-Izdat, 2009), p. 399; R.M. Yusupov, *Science and National Security*, 2nd ed., Rev. and compl. (St. Petersburg: Nauka, 2011), p. 374; V.I. Yarochkin, *Information Security* (M.: Academic Project), pp. 6, 16; O.S. Makarov, *Current aspects of information security of CIS states: a monograph*, the KGB Rep. Belarus, state educational establishment "Institute of National Security of the Republic of Belarus" (Minsk: INB, 2013), p. 11 and others.

¹⁰ Urs E. Gattiker, *The Information Security Dictionary* (Boston: Kluwer Academic Publishers, 2004), p. 160.

¹¹ N.N. Kunjaev, "Legal provision of national interests of the Russian Federation in the information environment," Cand. Dis. Doctor jur. sc., GOU VPO "Russian University Friendship among Peoples" (Moscow, 2010), p. 5; A.A. Chebotareva, "Scientific approaches to the definition of "information security"," *Information law* 1 (24) (2011), pp. 3-5.

¹² A.Y. Prikhodko, *Dictionary of Information Security* (Moscow: SINTEG, 2001), p. 33; Bachilo, *Information law: textbook for high schools*, p. 399; Gattiker, *The Information Security Dictionary*, p. 159.

ence of the information from the outside);¹³ *sociological* (protection of the individual, society and state from threats in the information sphere);¹⁴ *humanitarian* (protection of the interests of the individual, society and state)¹⁵ and *philosophical* (the ability of the system to meet the information needs of the subjects)¹⁶ points of view.

The definition of information security, stated in para. 1.2 (2) of the Regulation not only combines the sociological, psychological and humanitarian approaches, but distinguishes between the security of individuals, society and the state and the security of their interests, as well as security against threats in the sphere of information and the safety of the destructive information exposure.

The Regulation on several occasions uses the term “international information security” (para. 1.4, 2.3). However, it is not defined in the document, and therefore it is not distinguished from the concept of state information security. All this leaves the question about the concept, objectives and mechanisms of cooperation in the field of international information security.

The legal and organizational basis of the information security system within the CSTO

As rightly pointed out by Belarusian scientist A.A. Rozanov, the CSTO has a special niche in the Eurasian region, being in fact the only integration structure which has a pronounced military dimension within the diverse efforts to create a system of collective security of certain post-Soviet states.¹⁷

CSTO has been active in matters related to information security, including legal regulation and institutional information security, coordination of joint preventive operations in combating the criminal misuse of information technologies.

The international legal basis of cooperation between CSTO member states in the field of information security consists of international treaties concluded within the framework of the CSTO and regulating general issues of collective security and information exchange (The Collective Security Treaty of May 15, 1992, CSTO Charter of October 7, 2002, Agreement on mutually securing sensitive information within the CSTO of June 18, 2004), as well as special decisions of the Collective Security Council (Regulation; Decision of CSTO Collective Security Council of September 5, 2008 “On the Program of Joint Action to create a system of information security of CSTO member states” (hereinafter – the Program)).

The Regulation defines the legal, political and organizational framework for cooperation, tasks and participants in CSTO member states’ cooperation in the field of information security,

¹³ S.P., Rastorguev, *Fundamentals of Information Security*, 2nd ed., Stereotypical (Moscow Academy, 2009), p. 14.

¹⁴ Kunjaev, “Legal provision of national interests of the Russian Federation in the information environment,” p. 10.

¹⁵ N.A. Brusnitsyn, *Information Warfare and Security* (M.: Vita-Press, 2001), p. 183; V.Y. Asanovich, G.G. Manshin, *Information Security: Analysis and Forecast of information influence* (Minsk: Amalhteia, 2006), p. 14; V.I. Yarochkin, *Information Security* (M.: Academic Project), pp. 6, 16; Makarov, Current aspects of information security of the Commonwealth of Independent States, p. 11.

¹⁶ A.A. Chebotareva, “Scientific approaches to the definition of “information security”,” *Information law* 1 (24) (2011), p. 3.

¹⁷ Douhan, Rozanov, *Collective Security Treaty Organization (2002-2009)*, p. 8.

functions and the interaction between them in the formation of the information security system of CSTO member states.

The Regulation defines four objectives of cooperation in the field of information security:

1. Coordination of activities to protect military and civil information resources from unlawful influence;
2. Coordination of activities to counter unlawful influence in the information and telecommunication space of CSTO member states;
3. Proposals on communication and coordination and their implementation in order to counter modern threats;
4. Coordination on the dissemination of objective and reliable information concerning other members of the Organization in the information space of CSTO member states.

The Regulation also defines the areas of cooperation between CSTO member states in the field of information security. They can be roughly divided into the following groups:

1. Technical aspect of information security (para. 1.7 (2, 5, 8, 10));
2. Scientific and personnel aspect of information security (para. 1.7(6));
3. Information cooperation of competent authorities on information security (para. 1.7(3, 6));
4. Ensuring the reliability, availability and objectivity of information in the framework of information and telecommunication space of CSTO member states, as well as protection of classified information (para. 1.7(1, 9, 10));
5. Legal aspect of information security (para. 1.7(7, 10));
6. Countering crimes committed with the help of modern information technologies and the use of the national segment of the Internet for unlawful purposes (para. 1.7(4)).
7. Countering threats to information security of the CSTO member states of a military and political nature (para. 1.7(3, 9, 10)).

All of the above directions are to some extent implemented in the framework of the CSTO.

Thus, in the first and second areas of cooperation (technical, scientific and human resources aspects of information security) measures have been taken to equip specialized units of security and interior services with modern technical devices, as well as to establish a system of training and professional development of specialists working in the field of information security. A Centre of modern information technologies was established by Decision of the President of the Russian Federation on the basis of Moscow State University. It organized training of specialists in information security in CSTO member states.¹⁸ In addition, scientific and practical conferences on information security are held under the auspices of the CSTO.¹⁹

¹⁸ A.V. Kozhevnikov, "On the collective efforts of CSTO member states in the field of information security," Centre for Analysis of terrorist threats (Electronic resource), available at <http://catu.su/index.php/arhiv-materialov/155-2011-11-18-13-13-16.html> (accessed 27 September 2014).

¹⁹ V.V. Zainetdinov, "The CSTO Secretariat held a "round table" of CSTO Analytical Association and CSTO University League on the theme "Information war: today and tomorrow", Collective Security Treaty Organization (Electronic resource), available at http://www.odkb-csto.org/news/detail.php?ELEMENT_ID=4065&SECTION_ID=91 (accessed 29 October 2014); V.V. Zainetdinov, "CSTO held the first joint seminar on the problem of "information warfare", Collective Security Treaty Organization

The third area of cooperation (information cooperation of competent authorities on information security) is elaborated in Section III of the Regulation, which describes the procedure for cooperation between national authorities in CSTO member states on information security. Thus, executive agencies in CSTO member states, which possess relevant information and practical opportunities, interact directly.

As part of the fourth area of cooperation on ensuring reliability, availability and objectivity of the information in the framework of information and telecommunication space of CSTO member states, as well as the protection of classified information, the focus is on information support to CSTO activities. "CSTO Allies" Journal is published. The International TV and Radio Company "MIR" broadcasts the weekly program "Allies" on cooperation in the sphere of collective security. Radio "Voice of Russia" broadcasts the monthly program "CSTO. World Politics."²⁰

In 2013, the Association of information and analytical institutions of CSTO member states was established. The Association was established to strengthen the information-analytical cooperation and information-analytical capacity of the CSTO.²¹ As part of the CSTO Analytical Association, in 2013 an exchange of analytical and forecasting information was organized among the leading think tanks and institutes of the CSTO member states (40 institutions), roundtables were held with representatives of the expert communities of the Republic of Armenia, Belarus, Kazakhstan, Kyrgyz Republic and the Russian Federation. In 2013, 11 roundtables and 6 international scientific conferences were held with the participation of the Analytical Association.²²

In addition, the Secretariat developed and submitted for approval a Draft List of basic principles of the CSTO member states in the field of information policy. It is assumed that their adoption and implementation will establish an effective mechanism for information management of the Organization.²³ We believe that these actions contribute sufficiently to the dissemination of accurate and objective information about the Collective Security Treaty Organization, which is also an important factor in the prevention of negative influence on the CSTO informa-

(Electronic resource), available at www.odkb-csto.org/presscenter/detail.php?ELEMENT_ID=3495&sphrase_id=8165 (accessed 29 October 2014); "CSTO Secretary General Nikolai Boryuzha spoke in Minsk on April 10 at the "round table" on countering external interference and "colour revolutions"," Collective Security Treaty Organization (Electronic resource), available at http://www.odkb-csto.org/general_secretary/detail.php?ELEMENT_ID=3564&SECTION_ID=108&sphrase_id=8166 (accessed 29 October 2014).

²⁰ Theses of CSTO Secretary General Nikolai Boryuzha on the theme: "20 Years of the Collective Security Treaty Organization: Yesterday, Today and Tomorrow," Collective Security Treaty Organization (Electronic resource), available at www.odkb-csto.org/general_secretary/detail.php?ELEMENT_ID=3571&SECTION_ID=105 (accessed 20 September 2014).

²¹ V.V. Zainetdinov, "CSTO has set up Analytical Association of information and analytical structures," Collective Security Treaty Organization (Electronic resource), available at www.odkb-csto.org/news/detail.php?ELEMENT_ID=1710 (accessed 29 October 2014).

²² Speech of CSTO General Secretary at the Council of the Parliamentary Assembly of the Collective Security Treaty Organization in St. Petersburg, April 17, 2014, Collective Security Treaty Organization (Electronic resource), available at www.odkb-csto.org/general_secretary/detail.php?ELEMENT_ID=3570&SECTION_ID=108 (accessed 20 September 2014).

²³ *Ibid.*

tion space, as well as on citizens of other States regarding the objectives, principles and work of the Collective Security Treaty Organization.

Protection and exchange of classified information in the CSTO member states is in accordance with the Agreement on mutually securing sensitive information within the CSTO of June 18, 2004.

The program of joint measures to create a system of information security of CSTO member states (approved by Decision of the Collective Security Council of September 5, 2008) defines the basic principles of the CSTO information security system. It includes seven sections, dedicated to the political, legal and organizational foundations of the information security system, its human, financial, scientific support, and information security facilities with cross-border significance.

The Program outlines the prospects of cooperation in the framework of the fifth area of cooperation of CSTO member states in the field of information security. Thus, the legal basis of the information security system includes:

1. Analysis of the national legislation of CSTO member states in the field of information security, preparation of proposals for its improvement, including the development of models of normative legal acts and approval of a single conceptual and categorial apparatus; development of proposals on the mechanism of the exchange of experience of law enforcement in the field of information security.
2. Development of Agreement on Cooperation of CSTO member states in the field of information security.
3. Development of CSTO legal framework in the field of protection of intellectual property to determine the right of ownership and use of newly created methods and means of information security.
4. Protection of classified information in the establishment of the information security system (para. 2.1-2.4 of the Program).

Planning and implementation of coordinated practical measures, aimed at creating an information safety system, are included in the Plan of priority events for the formation of a coordinated information policy in the interests of CSTO member states, approved by Decision of the CSTO Collective Security Council of December 20, 2011. Among 14 such events, it is worth noting the development and adoption of the Concept on cooperation of CSTO member states to counter emerging threats in the information sphere in 2013-2014, as well as the elaboration on the feasibility and organization of Coordination meetings on information policy for the benefit of CSTO member states and the CSTO Situational-analytical centre with the CSTO Secretariat.

It should be noted that currently the CSTO is working on the harmonization of legislation of Member States in the field of information security. For example, a meeting of CSTO Parliamentary Assembly on October 15, 2014 discussed a draft Recommendation on the harmonization of CSTO member states' legislation regarding safety of critical objects and Recommendations on the harmonization of CSTO member states' national legislation on information and communication security.²⁴

²⁴ "The legislation of the CSTO countries in the field of defence and security needs to be harmonized – Valevach," *News of Belarus*, Belarusian Telegraph Agency (Electronic resource), available at

The sixth area of cooperation between CSTO member states in the field of information security (fight against crimes committed through the use of modern information technologies and the national segment of the Internet for unlawful purposes) will be discussed in detail.

As for the seventh area of cooperation – countering threats to information security in CSTO member states, which are of a military and political nature, in our opinion are not given due consideration in the Regulation, nor in the Program. For example, the Regulation touches only the political side of these threats: counteraction and neutralization of information flows forming negative attitude and untruthful picture of the CSTO member states, as well as opposition to foreign technical intelligence. In addition to the above measures, the Program includes cooperation in protection of information space and information resources of the CSTO member states. Section VII of the Program lists a set of measures to ensure information security of sites of transboundary importance that can be considered in the context of countering military threats to information security in the CSTO.

However, on the basis of para. 1.3 of the Program, it could be concluded that the problem of hostile use of information and communication technologies on a global scale is a subject of joint political decisions by CSTO member states.

The implementation of the seventh area of cooperation of CSTO member states in the field of information security will be discussed in detail in the section “Countering military-political threats to information security within the CSTO.”

Analysing the legal framework of CSTO cooperation in the field of information, it should be noted that neither the Regulation, nor the Program outlines the threats to information security of CSTO member states. Without a clear definition of the threats, it is impossible to speak about an effective mechanism to counter threats to information security in general.

Institutional aspects of information security within the CSTO are also reflected in the Regulations. This document clearly delineates the competences of CSTO bodies among themselves, and with the national coordinating and (or) authorized bodies in the field of information security.

CSTO Collective Security Council takes decisions to determine the strategy, main directions and prospects for joint work on the formation, development, improvement of the information security system of the Member States.

The Committee of Secretaries of Security Councils, the Council of Defence Ministers and the Council of Foreign Ministers will organize the implementation of decisions of the CSTO Collective Security Council on the formation, development and improvement of the information security system, prepare proposals for the coordination of cooperation in the field of international information security.

A temporary Working group on information and security policy with the Committee of Secretaries of Security Councils of the CSTO was established by Decision of the Committee of Secretaries of Security Councils of November 24, 2006.²⁵ In accordance with the Regulation it

www.belta.by/ru/all_news/society/Zakonodatelstvo-stran-ODKB-v-oblasti-oborony-i-bezopasnosti-nuzhdaetsja-v-garmonizatsii---Valevach_i_683177.html (accessed 30 October 2014).

²⁵ “On the establishment with the CSTO Committee of Secretaries of Security Councils of a Working Group on Information Policy and Security,” Decision of the CSTO Committee of Secretaries of Security Councils, 24 November 2006, Consultant Plus: Version Prof. Technology 3000 (Electronic resource) (M.: OOO “YurSpektr,” 2014).

was planned to establish a Working Group for cooperation in the field of information security with the Committee of Secretaries of Security Councils of the CSTO.

Thus, at present the institutional mechanism for coordination of cooperation in the field of information security within the CSTO is at an initial stage.

Counteracting military-political threats to information security within the CSTO

Recently, the topic of information war has been on the CSTO agenda together with foreign information intervention for destabilization of the socio-political situation in the country.²⁶ This section will cover two aspects of countering military and political threats to information security within the CSTO:

1. destructive information impact, including propaganda;
2. abuse of information technologies, the consequences and scope of which are commensurate with a real armed attack.

According to the Permanent Representative of the Russian Federation in the Collective Security Treaty Organization I. Lyakin-Frolov, the protection of information space is an important area of cooperation within CSTO, which is just beginning to develop.²⁷ In order to improve the legal basis of cooperation between CSTO member states in the field of information security, there is a plan to elaborate and adopt a Concept of cooperation between CSTO member states to counter modern threats in the information sphere and to conclude an Agreement on cooperation of CSTO member states in the field of information security.²⁸

Both the Regulation and the Program in the context of countering military-political threats in the information sphere are rather general in nature, and focus primarily on the fight against crime in the sphere of information technologies, as well as on the protection of CSTO information space from destructive information attacks.

Measures aimed at combating political-military threats to information security, referred to in the above-mentioned documents, in our opinion, include:

²⁶ V. Zainetdinov, "CSTO held the first joint seminar on the problem of "information warfare", Collective Security Treaty Organization (Electronic resource), available at http://odkb-csto.org/presscenter/detail.php?ELEMENT_ID=3495 (accessed 20 September 2014); Press conference of CSTO Secretary General Nikolai Bordyuzha on April 30, 2014, Collective Security Treaty Organization (Electronic resource), available at http://odkb-csto.org/presscenter/detail.php?ELEMENT_ID=3909 (accessed 22 September 2014).

²⁷ I. Lyakin-Frolov, "CSTO guarantees the security in Eurasia," *International Affairs* 5 (2012), p. 30.

²⁸ "On the Program of joint measures to create a system of information security of CSTO member states," Decision of the CSTO Collective Security Council, 5 September 2008, Consultant Plus: Version Prof. Technology 3000 (Electronic resource) (M.: OOO "YurSpektr," 2014); "On the Annual Report of the Secretary General of the Collective Security Treaty Organization and Priorities of the Collective Security Treaty Organization for the second half of 2009 – first half of 2010," Decision of the CSTO Collective Security Council, 14 June 2009, Consultant Plus: Version Prof. Technology 3000 (Electronic resource) (M.: OOO "YurSpektr," 2014).

- development of a political framework of the information security system in CSTO member states and coordination of their positions on information security (para. 1.4 of the Regulation, items a-c of para. 1.1., para. 1.3 of the Program);
- formulation of objectives and areas of cooperation related to combating illegal in terms of international law use of information resources and the impact on the information and telecommunication space of CSTO member states (para. 1.6, para. 17 (9-10) of the Regulation);
- institutional support to international cooperation of CSTO member states in the field of international information security (para. 1.5, Section II of the Regulation; para. 3.1-3.2. of the Program);
- improvement of the legal framework of the information security system of the CSTO member states (para. 1.4 of the Program);
- human, financial, scientific aspects of information security of CSTO member states (Sections IV-VI of the Program);
- definition of the basic principles of information security of facilities of cross-border value (Section VII of the Program);
- formation of a mechanism to ensure information security of CSTO member states (para. 2.2 of the Program).

The Program outlines possible retaliatory steps of CSTO member states to external information attacks (para. 2.2). Among them are: mutual assistance to prevent destructive information impact and emergency situations in the field of information security, coordination of operational response; opposition of special services and CSTO law enforcement agencies to foreign technical intelligence, information technology crime, including exchange of information regarding foreign intelligence and research centres in the field of information security.

However, neither the Regulation, nor the Program defines the main threats to information security within the CSTO. In addition, these documents do not make a clear distinction between information security threats, which according to their impact could be equated to an armed attack, and the negative effect of external information. Due to the fact that these basic documents lack special rules governing the counteraction to threats to information security, which may be regarded as military aggression, it is necessary to consider the international agreements concluded in the framework of the CSTO, as well as acts of CSTO Collective Security Council on collective security.

In accordance with Art. 4 of the Collective Security Treaty, the right to collective defence arises when one of the CSTO member states is subjected to aggression. This aggression is understood as an "armed attack threatening the security, stability, territorial integrity and sovereignty."²⁹ The so-called "information operations" against CSTO member states are not considered among the factors that could lead to the escalation of direct military threat to the Concept of collective security of May 15, 1992.³⁰

²⁹ "The Collective Security Treaty of May 15, 1992, as amended by the Protocol of May 15, 1992," Consultant Plus: Version Prof. Technology 3000 (Electronic resource) (M.: OOO "YurSpektr," 2014).

³⁰ "On the Concept of collective security," Decision of the Collective Security Council, 10 February 1995 (Electronic resource), available at <http://www.dkb.gov.ru/b/azc.htm> (accessed 27 September 2104).

Article 2 of the Agreement on the formation and functioning of forces and means of CSTO collective security system of October 7, 2002 states that “the parties shall consider an armed attack (aggression) and other challenges and threats to one or more Parties as an armed attack (aggression) and other challenges and threats to all Parties and will take appropriate countermeasures using all forces and means at their disposal, thus giving preference to political-diplomatic and other non-military means of preventing, localizing and neutralizing military threats.”³¹

Based on the above, we can conclude that the power potential of the CSTO can be used in the event of a real armed threat to the security, stability, territorial integrity and sovereignty of the CSTO member states.

In this context, a question arises that is most discussed in the western doctrine: in what cases an attack facilitated by information technology may be qualified as an armed attack?³²

The majority of scholars share the view that the above actions can be qualified as an armed attack only under certain conditions (the theory of equivalent effect).³³ These conditions include the reality and tangible consequences (material, physical harm or injury of individuals).³⁴ Other criteria are severity, immediacy, measurable effects, speed of the consequences, the scale of affected area, the presumption of legality consequences.³⁵

Tallinn Manual on international law applicable to cyberwar states that cyber operations use force if their scale and consequences are comparable to conventional operations with use of force.³⁶

We believe it is appropriate to take into account two criteria: 1) reality and tangible effect; 2) the scale of such effects.

³¹ “Agreement on the formation and functioning of forces and means of the collective security system of the Collective Security Treaty Organization of October 7, 2002,” Consultant Plus: Version Prof. Technology 3000 (Electronic resource) (M.: OOO “YurSpektr,” 2014).

³² L. Dervan, “Information Warfare and Civilian Populations: How the Law of War Addresses a Fear of the Unknown,” *Goettingen Journal of International Law* 3:2 (2011): 373–396; Todd A. Morth, “Considering our position: Viewing information warfare as a use of force prohibited by article 2(4) of the UN Charter,” *Case Western Reserve Journal of International Law* 30:2–3 (1998), p. 567; A.L. Kozik, “International legal aspects of cyber attacks,” *Information security as a component of national security* (Editorial Board S.N. Knyazev et al.), Volume 1 (Minsk: INB, 2013), pp. 89-95.

³³ Dorothy E. Denning and Bradley J. Strawser, “Moral Cyber Weapons,” in *The Ethics of Information Warfare*, ed. M. Taddeo and L. Floridi (New York: Springer, 2014), pp. 85–104; Michael N. Schmitt, “Computer Network Attack and the Use of Force in International Law: Thought on a Normative Approach,” *Columbia Journal of Transnational Law* 37 (1998–99), p. 931; Michael N. Schmitt, “International Law in Cyberspace: The Koh Speech and Tallinn Manual Juxtaposed,” *Harvard International Law Journal* 54 (2012), p. 15; Ryan Kaminski, “Clash of Interpretations: Cyberattacks as ‘Weapons of Mass Destruction,’” *Social Science Research Network*, available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2107008 (accessed 28 September 2014).

³⁴ Schmitt, “Computer Network Attack and the Use of Force in International Law: Thought on a Normative Approach,” p. 934.

³⁵ Ph. Pool, “War of the Cyber World: The Law of Cyber Warfare,” *International Lawyer* 47:2 (2013): 299–323.

³⁶ *Tallinn Manual on the International Law Applicable to Cyber Warfare*, available at <https://ccdcoe.org/tallinn-manual.html> (accessed 20 September 2014).

The consequences of an attack with the use of information technology, an armed attack – this is, above all, a situation that refers to Article 51 of the UN Charter.

Scientists unanimously believe that cyberspace is not an environment outside the law, and it is affected by universally recognized principles of international law.³⁷ In this regard, currently the ban on the use of force or threat of force applies to the information space. However, the possibility of self-defence in response to a cyber attack requires a very cautious approach, particularly with regard to the complexity of proving the existence of state control on the activities of the person carrying out the attack.

Widely spread is the position on the need for a universal international agreement on information security.³⁸ The rationale behind this is that international relations concerning the prevention of hostile use of information and communication technologies, systems, and networks have their own specifics and require special regulation.

According to Art. 8 (2) of the CSTO Charter, Member States shall ensure the establishment and functioning of response to crisis situations threatening the stability, territorial integrity and sovereignty of the Member States.

Due to the fact that a number of countries have already set up new types of units (cybernetic armed forces), whose main task is not only defence, but also waging “information war,”³⁹ special forces will be created within the CSTO, designed to provide forms and methods of support to the work of different armed groups in the framework of the CSTO. These special forces will be able to counteract cyber attacks. As suggested by CSTO Secretary General N. Bordyuzha, there will be a number of departments, such as the division of information and psychological operations.⁴⁰ In addition, there is an ongoing discussion in the CSTO on the prospect of establishing a collective centre to counter cyber incidents.⁴¹ The development of a legal framework for the Centre for countering cyber incidents is to be completed by December 2014. The

³⁷ Lawrence T. Greenberg, Seymour E. Goodman and Kevin J. Soo Hoo, *Information Warfare and International Law* (Washington: National Defense University Press, 1998), p. 9.

³⁸ Duncan B. Hollis, “New Tools, New Rules: International Law and Information Operations,” Temple University Legal Studies Research Paper # 15 (2007): 1-18; Pool, “War of the Cyber World: The Law of Cyber Warfare”; Yusupov, *Science and national security*, pp. 355-360; N.M. Gabdyzhamalov, “Information Security in the framework of integration processes: political analysis,” Cand. Dis. cand. Polit. Sciences, 23.00.02 (Astana: Eurasian. Nat. Univ. L.N. Gumilyov, 2010), p. 17.

³⁹ A.L. Bankovsky, “Information security: some issues of theory and practice,” *Information security as a component of national security*, materials Intern. scientific and practical conf., Minsk, 11-13 July 2013, in 3 v., Editorial Board S.N. Knyazev (Ch. Ed.) et al., Vol. 2 (Minsk: Institute of nat. security Rep. of Belarus, 2013), pp. 7-12.

⁴⁰ E. Pivovar, “Interview with the state news agency of the Republic of Belarus “BeITA”: Nikolay Bordyuzha – Threats emanating from outside force the CSTO to strengthen its power potential,” Collective Security Treaty Organization (Electronic resource), available at www.odkb-csto.org/general_secretary/detail.php?ELEMENT_ID=3560&SECTION_ID=110 (accessed 20 September 2014).

⁴¹ E. Pivovar, “From the journal “Journalist” of the Republic of Belarus: Nikolai Bordyuzha – “CSTO is ready in case of a threat to render assistance to any state”,” Collective Security Treaty Organization (Electronic resource), available at www.odkb-csto.org/general_secretary/detail.php?ELEMENT_ID=3565&SECTION_ID=107 (accessed 16 September 2014).

Centre will focus on the prevention of attempts to disrupt the work of information resources of the states.⁴²

International legal approaches to information security (its military-political aspects) were considered by individual CSTO member states, as well as by other integration structures involving CSTO member states.

Thus, the Republic of Belarus and the Russian Federation signed a bilateral intergovernmental agreement on international information security.⁴³ Article 2 in this international treaty considers the development and application of information weapons, training and information warfare as one of the major threats to international information security.

Earlier, a similar approach was stipulated in Art. 2 of the Agreement between the Governments of the SCO member states on cooperation in the field of international information security of June 16, 2009,⁴⁴ where all members are virtually part of the CSTO.

The above-mentioned intergovernmental agreements contain identical areas of cooperation in the field of international information security (Art. 3 of these agreements).

Specific areas of cooperation in order to prevent an information war are: 1) definition, coordination and implementation of the necessary joint measures in the field of ensuring international information security; 2) creation of a system for monitoring and joint response to emerging threats; 3) designing measures for the development of international law regulations in limiting the spread and use of information weapons, posing a threat to defence, national and public security; 4) development and implementation of joint confidence-building measures that contribute to international information security; 5) cooperation within international organizations and fora on issues of international information security.

We believe that this experience can be taken into account in the formation of a special legal framework for cooperation of CSTO member states to ensure information security.

In addition, the above-mentioned international treaties give definitions of such terms as "information warfare" and "information weapons." Given the fact that these concepts are still not fixed in the CSTO legislation, we believe it is reasonable to elaborate on their interpretation according to the above intergovernmental agreements.

Information war means a confrontation between two or more states in the information space with the aim of damaging information systems, processes and resources, and other critical structures, undermining the political, economic and social systems, massive psychological manipulation of the population to destabilize society and the State, as well as forcing the state to take decisions in the interest of the opposing side.

Thus, this definition encompasses two types of actions that can be undertaken by the information aggressor:

1. harm information systems, processes and resources, critical and other structures;

⁴² "Bordyuzha: CSTO will present in December the legal basis for the Centre for cyber incidents," *Interstate TV and Radio "MIR"* (Electronic resource), available at <http://mir24.tv/news/community/11401600> (accessed 30 October 2014).

⁴³ Agreement between the Government of the Russian Federation and the Government of the Republic of Belarus on cooperation in international information security of December 25, 2013, Consultant Plus: Version Prof. Technology 3000 (Electronic resource) (M.: OOO "YurSpektr," 2014).

⁴⁴ SCO members are the People's Republic of China, the Russian Federation, Kazakhstan, Tajikistan, Kyrgyzstan and Uzbekistan. Thus, with the exception of the Republic of Belarus and the Republic of Armenia, all CSTO member states are members of the SCO.

2. conduct a massive psychological manipulation of the population.

These actions can be performed in order to:

- a. undermine the political, economic and social systems (damage the information systems, processes and resources, critical and other structures);
- b. destabilize society and the state (conduct massive psychological manipulation of the population);
- c. force the state to take decisions in the interests of the opposing side (by massive psychological manipulation of the population).

According to the Agreement between the Governments of the SCO member states on cooperation in ensuring international information security, as well as the Agreement between the Government of the Russian Federation and the Government of the Republic of Belarus on cooperation in ensuring international information security, *information weapons* are information technologies, tools and methods used for the purpose of information warfare.

It seems that the definition of information weapons is not entirely successful, since the same information technologies, tools and methods can be used both for creative and destructive purposes. Moreover, it is obvious that not all technologies, means and methods used to damage information systems, processes, resources, etc. can be used for massive psychological manipulation of the population.

Such broad interpretation of the concept cannot be used for one of the areas of international cooperation in the field of international information security – to limit the spread and use of information weapons. This definition does not outline the specific features of information weapons, which does not allow to distinguish information weapons from other information technologies, methods and tools, and, consequently, to monitor the implementation of the provisions on limiting the spread and use of information weapons.⁴⁵ The assumptions made by American scientist D. Denning raise particular interest. She has formulated and substantiated the need to ban “offensive information weapons,” which include malware programs, whose designing, dissemination and use by natural and legal persons, as a rule, is a criminal offense: computer viruses; Trojans; worms; tools, causing denial of service; bombs in the mail; scripts and programs in order to gain unauthorized access using computer system vulnerabilities such as exchange overflows; rootkits, system utilities, containing a Trojan; backdoor programs; filter system logfiles to hide electronic traces; copyright crackers.⁴⁶

We believe that it is impossible to ban information weapons for the massive psychological manipulation of the population. According to many scientists, this kind of intervention is not new and throughout history has always been used by States in varying degrees.⁴⁷ We believe that

⁴⁵ Paul Rosenzweig, “The International Governance Framework for Cybersecurity,” *United States Law Journal* 37:2 (2012): 405–432; Paul Rosenzweig, *Cyber Warfare: How Conflicts in Cyberspace are Challenging America and Changing the World* (Santa Barbara, CA: ABC-CLIO, 2013), p. 3.

⁴⁶ Dorothy Denning, “Reflections on Cyberweapons Controls,” *Computer Security Journal* 16:4 (2000): 43–53.

⁴⁷ Jack M. Beard, “Legal Phantoms in Cyberspace: The Problematic Status of Information as a Weapon and a Target Under International Humanitarian Law,” *Vanderbilt Journal of Transnational Law* 47:67 (2014), p. 138; William Hutchinson, “Information Warfare and Deception,” *Informing Science* 9 (2006), p. 217; Scot Macdonald, *Propaganda and Information Warfare in the Twenty-first Century: Altered*

only after specifying the types and methods of intervention or clear evidence of such information weapons, its use can be restricted.

Currently, there is no single definition of the terms “information warfare” and “information weapons” in science. It should be noted that political scientists in the post-Soviet space often replace the notion of “propaganda” (enemy propaganda) with the new term “information war,” while the means of this propaganda are declared information weapons,⁴⁸ which should be banned by international treaties.⁴⁹ At the same time, subject to legal regulation are issues of combating crime committed through the use of information technology, as well as restrictions on the use of information tools and methods of operations, the scope and consequences of which are commensurate with an armed attack. Criteria for determining such means and methods should be very specific (see Denning’s criteria discussed above).

We consider unreasonable the approach according to which the concept of “information war” includes propaganda and information attack comparable in their effect to an armed attack.⁵⁰ This is due to the different legal qualifications of such actions and various legal consequences under international law.

We believe that in the process of development of the Agreement on cooperation of CSTO member states in the field of information security it would be appropriate:

1. to limit the scope of the concept of “information warfare” to actions related to damage to information systems, processes and resources, and critically important structures;
2. to specify the conditions under which such actions may be qualified as an armed attack (real and tangible consequences; the scale of the consequences);
3. to determine the collective measures that CSTO member states shall undertake in case of such an information attack.

Thus, the current system for countering information threats of military-political character is formed only in the CSTO. The development of CSTO information security system is linked with the improvement of the legal regulation of cooperation, as well as with the institutional and organizational coordination of such cooperation, the formation of special units to counter foreign informational attacks as part of joint military forces of CSTO member states.

Para. 1.4. of the Regulation, para. 1.1 (c), 1.3 in the Program outline CSTO special mission in strengthening the international information security globally, in particular to restrict or prohibit the use of some information weapons, hostile use of information technologies, including the

Images and Deception Operations (Abington: Routledge, 2006), p. 4.

⁴⁸ E.V. Protsenko, “Information Security of political communication in modern Russia,” Cand. Dis. Cand. Polit. Sciences 23.00.02 (Stavropol: Stavropol'sk State University, 2009), pp. 9, 15; Yusupov, *Science and National Security*, pp. 121-122; V.G. Mashlykin, A.M. Konovalov, *Realities of the “information apocalypse”: cybercrime, cyber terrorism, cyber weapons* (M.: Kvadrat C, 2003), p. 41; A.A. Lazarevic, et al., *The problem of information security in the post-industrial society* (Minsk: National Academy of Sciences of Belarus, Belaruskaya Navuka, 2005), pp. 89-90.

⁴⁹ Yusupov, *Science and National Security*, pp. 121-122; I.J. Alekseeva, et al., *Information Challenges to National and International Security* (M.: PIR-Centre polit. studies, 2001), pp. 146, 151, 175.

⁵⁰ S.V. Tkachenko, *Information war against Russia* (St. Petersburg, Peter: Leader, 2011), pp. 8-12; I.J. Alekseeva, et al., *Information Challenges to National and International Security* (M.: PIR-Centre polit. studies, 2001), p. 151; Protsenko, “Information Security of political communication in modern Russia,” pp. 9, 15.

acts of information aggression, as well as combating criminal misuse of information technologies, etc.

Combating crime in the field of information technology within the framework of the CSTO

A priority area of cooperation between the CSTO member states, set forth in para. 1.7 of the Regulation on cooperation of CSTO member states in the field of information security, is counteraction to: 1) crimes committed with the help of modern information technologies; 2) the use of national segments of the Internet to commit other illegal activities specified in the national legislation of CSTO member states.

The concept of “unlawful influence” should be interpreted broadly. Thus, “unlawful influence” is contradictory both in national and international law. This allows to include all types of crimes committed with the help of information technology in the sphere of cooperation of CSTO member states.

According to item 4 of para. 1.7 in the Regulation, one of the main areas of cooperation between CSTO member states in the field of information is “countering crimes committed through the use of modern information technologies, and the use of the national segments of the Internet in order to provide other illegal activities specified in the national legislation of CSTO member states.” Such illegal acts can be targeted at public relations (in national law), international relations with regard to international cooperation in the use of telecommunications, computer systems or networks, as well as international peace and security (in international law).

Consequently, according to the Regulation, the CSTO member states are obliged to cooperate to counter national crimes, crimes of international character and international crimes in the sphere of information security. However, not all national crimes committed through the use of modern information technologies can cause damage to the international information security within the CSTO. Moreover, not all national crimes committed through the use of modern information technologies can cause damage to the national security of the CSTO member states (for example, unauthorized access to information on the personal page on a social network and adding offensive information about its legitimate user). In this regard, it is necessary to strictly formulate shared responsibilities of CSTO member states in this area.

Without entering into a discussion about the term for a wrongful act committed by computer and (or) communication technologies and networks, as traditionally the name computer crime has been used within the legal framework of the CSTO, these crimes can be divided into three types:

1. international crime (cyber terrorism);
2. crime of international character (Art. 3 of the Agreement on cooperation of CIS member states in the fight against crimes in the sphere of computer information of June 1, 2001⁵¹);
3. national crime (only prohibited by CSTO member states national legislation). The possibilities of international cooperation between law enforcement bodies with regard to crimes in this group are limited.

⁵¹ All CSTO member states are parties to this agreement.

According to Art. 8 of the CSTO Charter, terrorism is considered as a threat to the security of CSTO member states. This is consistent with the UN Security Council practice in this area. As A.F. Douhan rightly assumes, a number of Security Council resolutions indicate that international terrorism represents a threat to the peace and security of mankind and "is a challenge to all States and to all humanity."⁵² For example, UN Security Council resolution of September 28, 2001 no. 1373 states that "any act of international terrorism constitutes a threat to international peace and security."⁵³

In connection with the above, more and more often international terrorism is regarded as an international crime in view of the target and the means and methods of committing it.⁵⁴ Acts of international terrorism through information and communication technologies is a way of committing international terrorism and, therefore, in our view, is an international crime.⁵⁵ Terrorism with the use of information technologies has been banned by a regional international agreement – Art. 15 of the Arab Convention for the Suppression of computer crime of December 21, 2010.⁵⁶ In addition, information terrorism is seen as a threat to information security in the Agreement between the Governments of the Member States of the Shanghai Cooperation Organization on cooperation in the field of information security.⁵⁷

Despite the fact that the legal acts of the Collective Security Treaty Organization recognize information terrorism as a threat to international security, and in practice joint events to combat certain manifestations of information terrorism are conducted (for example, operation "Proxy"), we believe that the current measures are not sufficient. Special legal rules are required to govern the cooperation within the CSTO against information terrorism.

The legal basis for cooperation in criminal matters are international agreements that regulate in detail the grounds, conditions and procedural modalities of such cooperation.

⁵² Douhan, A.F., "On the question of the legitimacy of armed anti-terrorist measures in the context of the principle of non-interference in the internal affairs of states," *Belarusian Journal of International Law and International Relations* 3 (2003): 3-12.

⁵³ "Threats to international peace and security caused by terrorist acts," UN Security Council Resolution, 28 September 2001, no. 1373, United Nations (Electronic resource), available at <http://daccess-ods.un.org/TMP/8569735.28862.html> (accessed 16 February 2014).

⁵⁴ N.I. Kostenko, *International Criminal Law: Modern theoretical problems* (M.: Yurлитinform, 2004), p. 209; E.G. Lyakhov, *Terrorism and bilateral relations* (M.: Intern. Relations, 1991), pp. 23, 29; L.V. Inogamova-Khegai, *International Criminal Law* (SPb.: Jurid. Centre Press, 2003), p. 226; I.P. Blishchenko, et al., *International Criminal Law, Handbook for higher schools*, Ros. Acad. Sciences, Institute of State and Law, ed. V.N. Kudryavtseva, 2nd ed., Rev. and add. (M.: Nauka, 1999), p. 107; Ciara Damgaard, *Individual criminal responsibility for core international crimes: selected pertinent issues* (Berlin: Springer, 2008), p. 7; Antonio Cassese and Paola Gaeta, *Cassese's International Criminal Law* (Oxford: Oxford University Press, 2013), p. 21.

⁵⁵ N.O. Moroz, "On the question of the international legal nature of crime in the sphere of high technologies," *Vesn. Grodzen. dzyarzh. Univ. Ser. 4, Praveznaŭstva*, no. 3 (2012): 99-105.

⁵⁶ Arab Convention on Combating Information Technology Offences, 21 December 2010, League of Arab States, Gen. Secretariat, available at <https://cms.unov.org/DocumentRepository/Indexer/GetDocInOriginalFormat.drx?DocID=3dbe778b-7b3a-4af0-95ce-a8bbd1ecd6dd> (accessed 2 April 2013).

⁵⁷ Agreement between the Governments of the Member States of the Shanghai Cooperation Organization on cooperation in international information security (concluded in Ekaterinburg on June 16, 2009), *Bul. Intern. contracts*, no. 1 (2012), pp. 13-21.

National criminal legislation of CSTO Member States specifies various crimes committed through information technology. For example, gambling is prohibited in a number of CSTO member states, including via the use of information technology (Art. 278 of the Criminal Code of Uzbekistan,⁵⁸ Art. 259-1 of the Criminal Code of Kyrgyzstan,⁵⁹ etc.). However, this is not illegal in Belarus).

The Agreement on cooperation of CIS member states in the fight against crimes in the sphere of computer information of June 1, 2001, in which all CSTO member states are Parties, identifies only four types of offenses that the States Parties undertake to include in their penal legislation.⁶⁰ In addition, since the Agreement does not provide for specific procedural forms of cooperation between the states against computer crime, and it also contains a number of other uncertainties,⁶¹ it is difficult to recognize the adequacy of legal regulation of the Agreement in this area.

Legislation on criminal procedures in CSTO member states also contains various rules to ensure the safety, access to and use of electronic evidence in the criminal process. At the same time, CSTO member states are parties to the Convention on legal assistance and legal relations in civil, family and criminal cases of October 7, 2002.⁶² However, this Convention does not include provisions for the harmonization of rules of criminal procedure, and does not contain specific legal rules governing the procedural aspects of cooperation in the fight against crimes committed using information technology (for example, international legal assistance in the collection of real time data).

In this regard, we assume that cooperation of CSTO member states to combat crimes committed with the help of modern information technologies, as well as the use of the national segment of the Internet for unlawful purposes, only on the basis of the legal instruments developed in the framework of the CSTO, is problematic. The operating Program of joint measures to create an information security system in CSTO member states does not contain any specific measures related to improvement of the cooperation mechanism to combat crimes committed through the use of information technology, neither to harmonization of legislation of CSTO member states in this area.

International agreements between CSTO members do not regulate all the aspects of cooperation in the fight against crime in the information sphere. First of all, it is necessary to harmonize substantive and procedural legislation of CSTO member states, as well as to coordinate the terms, conditions, forms and procedures of providing international legal assistance in case of crime committed using information technologies.

⁵⁸ Criminal Code of the Republic of Uzbekistan, September 22, 1994, no. 2012-XII, as amended by Law Rep. Uzbekistan dated December 29, 2012, *Legislation of the CIS countries* (Electronic resource), OOO "SoyuzPravoInform," available at http://base.spinform.ru/show_doc.fwx?rgn=1013 (accessed 21 May 2013).

⁵⁹ Criminal Code of the Kyrgyz Republic, October 1, 1997, no. 68, as amended by Law Kyrgyz Rep. dated April 18, 2013, *Legislation of the CIS countries* (Electronic resource), OOO "SoyuzPravo Inform," available at http://base.spinform.ru/show_doc.fwx?rgn=233 (accessed 21 May 2013).

⁶⁰ "Agreement on cooperation of CIS member states in the fight against crimes in the sphere of computer information" (signed in Minsk on June 1, 2001), *Sodruzhestvo*, no. 1 (2001), p. 139.

⁶¹ N.O. Moroz, "The legal basis in the fight against crime in the sphere of advanced technologies," *Pravo.by*, no. 1 (2010): 41-47.

⁶² "Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters" (signed in Chisinau on October 7, 2002, *Sodruzhestvo*, no. 2 (2002): 82-130.

We believe that the full implementation of item 4, para. 1.7 of the Regulation on cooperation between CSTO member states in the field of information security is associated with the adoption of specific legal measures to combat crime in the sphere of information technologies. Such measures shall be based on the tools developed to date in the doctrine and international law practice of cooperation in combating crime (international criminal law). Thus, the increase in the number of transnational crimes in the sphere of information technologies shall be seen as a threat to national and regional security within the CSTO. At the same time, international legal cooperation in the fight against crimes committed through the use of information technology shall be carried out based on special international agreements.

According to CSTO Secretary General N. Bordyuzha, the CSTO is primarily focused on the practical aspects of information security.⁶³ “The main purpose of the CSTO is to enter practical cooperation between relevant services ... To this end, special collective preventive operations are conducted under the auspices of the CSTO.”⁶⁴

As follows from the Collective Security Council Communiqué of September 23, 2013, the CSTO attaches fundamental importance to the prevention of external threats and interference, strengthening joint counteraction against international terrorism and extremism, the use of information and communication technologies for illegal purposes, including through complex preventive operations receiving international recognition.⁶⁵

In 2008, a Decision of the Collective Security Council approved a Program of joint action on the formation of the information security system. It provided for joint operations “Proxy” to combat crime and manifestations of extremism on the Internet.⁶⁶ The active phase of preventive operation “Proxy” was launched on March 15, 2009.⁶⁷

In the first year of the operation, 1.7 thousand Websites with criminal content were revealed and about ten of a terrorist nature, including those which recruited suicide bombers; for the period 2009-2010 more than 500 criminal cases were initiated.⁶⁸ Of these, 30 sites were used for dissemination of information, causing political damage to the national and allied interests; 16 – to distribute information inciting national and religious hatred; 100 – for the dissemination of information for terrorist and extremist purposes.⁶⁹ In addition, Internet resources were used for distribution of pornography involving minors. During the operation, certain activities were con-

⁶³ N. Bordyuzha, “CSTO: 10 years of countering threats and challenges,” *International Affairs* 7 (2011): 32-43.

⁶⁴ N. Bordyuzha, ““Channel,” “Arsenal,” “Proxy” and other operations of the CSTO,” *International Affairs* 2-3 (2009), p. 25.

⁶⁵ “Communiqué of the Collective Security Council of the CSTO, Sochi, 23 September 2013,” Collective Security Treaty Organization (Electronic resource), available at http://odkb-csto.org/documents/detail.php?ELEMENT_ID=2722 (accessed 20 September 2014).

⁶⁶ “On the Annual Report of the Secretary General of the Collective Security Treaty Organization and the Priorities of the Collective Security Treaty Organization in the second half of 2009 – first half of 2010: Decision of the CSTO Collective Security Council.”

⁶⁷ Bordyuzha, “CSTO: 10 years of countering threats and challenges.”

⁶⁸ S.V. Zas, et al., *National Security of the Republic of Belarus*, ed. M.V. Myasnikovich and L.S. Maltsev (Minsk, Belarus: Navuka 2011), p. 147.

⁶⁹ A. Sukhareno, “The Internet in the service of terrorists,” Consultant Plus: Version Prof. Technology 3000 (Electronic resource) (M.: OOO “YurSpektr,” 2014).

ducted aimed at the prevention, detection and control of sites in the national segment of Internet space, including those registered in third countries.⁷⁰

“Proxy” operations have been conducted annually by special security forces and Interior units since 2009. Moreover, in accordance with the decisions of CSTO presidents in 2010, an additional sub-regional operation “Proxy-South-2010”⁷¹ was carried out in a period of social and political instability in Kyrgyzstan in 2010. During the operation, Internet sites were revealed targeted for re-inciting riots and inciting inter-ethnic strife in Kyrgyzstan. As a result, several of these Internet sites that were aimed at aggravation of the situation in southern Kyrgyzstan, were closed.⁷²

Unfortunately, statistical data relating to the outcome of the operation “Proxy” for 2011-2012 is not present in the public domain. In our opinion, this situation is not conducive to ensuring the reliability, availability and objectivity of information on the work of the CSTO.

Operation “Proxy” in 2013 revealed more than 4,000 Internet sites with crime elements. As a consequence, operational, technical and investigative activities were carried out. The work of over 2,300 information resources was suspended, more than 1,100 criminal cases were initiated, more than 400 websites closed.⁷³

We believe that the experience from the operation “Proxy” under the Collective Security Treaty Organization is unique and has great practical value for the purposes of countering crime committed by using modern information technologies. Analysis of the work carried out by CSTO competent authorities will help to identify the causes and conditions of committing crimes in the sphere of information technologies and to develop measures to improve cooperation between CSTO member states, to track the new ways and means of committing such crimes. Currently, there is a need for adequate legal framework for the implementation of the full range of cooperation in combating crimes committed through the use of information technologies.

A priority for CSTO member states in this area is the creation of an effective mechanism for practical cooperation to curb the illegal use of the information space, and to prevent destructive information influence from the outside.

⁷⁰ Kozhevnikov, “On the collective efforts of CSTO member states in the field of information security.”

⁷¹ Sukhareenko, “The Internet in the service of terrorists.”

⁷² NIAT “Khovar”: Nikolai Bordyuzha – “The CSTO takes very seriously the issues of information security of its members,” Collective Security Treaty Organization (Electronic resource), available at http://odkb-csto.org/news/detail.php?ELEMENT_ID=2087&SECTION_ID=92 (accessed 20 September 2014).

⁷³ Speech of CSTO Secretary General at the Council of Parliamentary Assembly of the Collective Security Treaty Organization in St. Petersburg, April 17, 2014, Collective Security Treaty Organization (Electronic resource), available at www.odkb-csto.org/general_secretary/detail.php?ELEMENT_ID=3570&SECTION_ID=108 (accessed 20 September 2014); V. Zainetdinov, “On January 21, ITAR-TASS hosted the final press conference of CSTO Secretary General Nikolai Bordyuzha and awarding ceremony of representatives of the media,” Collective Security Treaty Organization (Electronic resource), available at http://www.odkb-csto.org/presscenter/detail.php?ELEMENT_ID=3153 (accessed 21 September 2014).

Conclusion

The mechanism of cooperation in the field of information security within the CSTO is still emerging. Not all important aspects of interaction between the CSTO member states were settled in the CSTO legal acts. The creation of special units in the CSTO for coordination and cooperation on information security is still being planned.

In order to improve the legal basis of cooperation between CSTO member states in the field of information security, it is necessary:

1. To define the concept of international information security within the CSTO in the Regulation on cooperation of CSTO member states in the field of information security.
2. In developing the Agreement on cooperation of CSTO member states in the field of information security it would be appropriate:
 - To limit the scope of the concept “information warfare” to actions related to damage to information systems, processes and resources, critical and other structures;
 - To specify the conditions under which such actions may be qualified as an armed attack (real and tangible consequences; the scale of the consequences);
 - To determine the collective measures that CSTO member states shall undertake in case of an information attack.
3. To intensify law-making efforts of the CSTO member states in order to conclude an agreement on combating crime committed through the use of information technology. The scope of joint commitments of CSTO member states shall be clearly formulated, as well as specific types of crime the fight against which shall be coordinated within the CSTO. In addition, harmonization of criminal procedural law is required, as well as special legal assistance by Parties to this agreement in case of crimes committed using information technology.
4. To take practical measures to provide information on the CSTO work (e.g., publishing on the official website of the organization official documents of the CSTO, including the annual report of the CSTO Secretary General). Such measures are directly related to the CSTO information security, and they will form a positive image of the organization, as well as discourage unfounded speculations about the information practices of the CSTO.

References

1. Beard, Jack M., “Legal Phantoms in Cyberspace: The Problematic Status of Information as a Weapon and a Target Under International Humanitarian Law,” *Vanderbilt Journal of Transnational Law* 47:67 (2014): 67–144.
2. Cassese, Antonio, and Paola Gaeta, *Cassese’s International Criminal Law* (Oxford: Oxford University Press, 2013), 414 pp.
3. Damgaard, Ciara, *Individual criminal responsibility for core international crimes: selected pertinent issues* (Berlin: Springer, 2008), 456 pp.
4. Denning, Dorothy E., and Bradley J. Strawser, “Moral Cyber Weapons,” in *The Ethics of Information Warfare*, ed. M. Taddeo and L. Floridi (New York: Springer, 2014), pp. 85–104.
5. Denning, Dorothy, “Reflections on Cyberweapons Controls,” *Computer Security Journal* 16:4 (2000): 43–53.

6. Dervan, L., "Information Warfare and Civilian Populations: How the Law of War Addresses a Fear of the Unknown," *Goettingen Journal of International Law* 3:2 (2011): 373–396.
7. Gattiker, Urs E., *The Information Security Dictionary* (Boston: Kluwer Academic Publishers, 2004), 411 p.
8. Hollis, Duncan B., "New Tools, New Rules: International Law and Information Operations," Temple University Legal Studies Research Paper # 15 (2007): 1-18
9. Hutchinson, William, "Information Warfare and Deception," *Informing Science* 9 (2006), 213–223.
10. Kaminski, Ryan, "Clash of Interpretations: Cyberattacks as 'Weapons of Mass Destruction'," *Social Science Research Network*, available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2107008 (accessed 28 September 2014).
11. Greenberg, Lawrence T., Seymour E. Goodman, and Kevin J. Soo Hoo, *Information Warfare and International Law* (Washington: National Defence University Press, 1998), 53 pp.
12. Macdonald, Scot, *Propaganda and Information Warfare in the Twenty-first Century: Altered Images and Deception Operations* (Abington: Routledge, 2006), 224 pp.
13. Morth, Todd A., "Considering our position: Viewing information warfare as a use of force prohibited by article 2 (4) of the UN Charter," *Case Western Reserve Journal of International Law* 30:2–3 (1998): 567–601.
14. Pool, Ph., "War of the Cyber World: The Law of Cyber Warfare," *International Lawyer* 47:2 (2013): 299–323.
15. Rosenzweig, Paul, *Cyber Warfare: How Conflicts in Cyberspace are Challenging America and Changing the World* (Santa Barbara: ABC-CLIO, 2013), 290 pp.
16. Rosenzweig, Paul, "The International Governance Framework for Cybersecurity," *United States Law Journal* 37:2 (2012): 405–432.
17. Schmitt, Michael N., "Computer Network Attack and the Use of Force in International Law: Thought on a Normative Approach," *Columbia Journal of Transnational Law* 37 (1998–99): 890–937.
18. Schmitt, Michael N., "International Law in Cyberspace: The Koh Speech and Tallinn Manual Juxtaposed," *Harvard International Law Journal* 54 (2012): 13–37.
19. *Tallinn Manual on the International Law Applicable to Cyber Warfare*, available at <https://ccdcoe.org/tallinn-manual.html> (accessed 20 September 2014).
20. Alekseeva, I.Y., et al., *Information Challenges to National and International Security* (M.: PIR Centre polit. research, 2001), p. 327.
21. Asanovich, V.Y., G.G. Manshin, *Information Security: Analysis and Forecast of information influence* (Minsk: Amalhteia, 2006), p. 203.
22. Bankovsky, A.L., "Information security: some issues of theory and practice," *Information security as a component of national security*, materials Intern. scientific and practical. conf., Minsk, 11-13 July 2013, in 3 v., Editorial Board. S.N. Knyazev (Ch. Ed.) et al., Vol. 2 (Minsk: Institute of nat. security Rep. of Belarus, 2013), pp. 7-12.
23. Bachilo, I.L., *Information law: textbook for high schools* (M.: Higher Education, Yurayt-2009), 454 pp.

24. Bachilo, I.L., V.V. Bondurovsky, M.A. Vus, M.M. Cucheryavy, O.S. Makarov, "On the improvement and harmonization of national legislation of CIS member states in the field of information security," *Information law* 1 (2013): 24-27.
25. Blishchenko, I.P., et al., *International Criminal Law*, textbook for higher schools, Ros. Acad. Sciences, Institute of State and Law under the ed. V.N. Kudryavtseva, 2nd ed., Rev. and add. (M.: Nauka, 1999), 269 pp.
26. Bordyuzha, N., "'Channel," "Arsenal," "Proxy" and other CSTO operations," *International Affairs* 2-3 (2009): 20-26.
27. Bordyuzha, N., "CSTO: 10 years of countering threats and challenges," *International Affairs* 7 (2011): 32-43.
28. "Bordyuzha: CSTO will present in December the legal basis for the Centre for cyber incidents" *Interstate TV and Radio "Mir"* (electronic resource). Available at <http://mir24.tv/news/community/11401600> (accessed 30 October 2014).
29. Brusnitsyn, N.A., *Information Warfare and Security* (M.: Vita-Press, 2001), 279 pp.
30. Douhan, A.F., "On the question of the legitimacy of armed anti-terrorist measures in the context of the principle of non-interference in the internal affairs of states," *Belarusian Journal of International Law and International Relations* 3 (2003): 3-12.
31. Douhan, A.F., A.A. Rozanov, *Collective Security Treaty Organization (2002-2009)* (Minsk: The Ark, 2010), 140 pp.
32. Douhan, A.F., *International legal bases of the activities of regional organizations in the maintenance of international peace and security* (Minsk: BSU, 2014), 295 pp.
33. Zas, S.V., et al., *National Security of the Republic of Belarus*, ed. M.V. Myasnikovich and L.S. Maltsev (Minsk: Belarus. Navuka, 2011), 557 pp.
34. Inogamova-Khegai, L.V., *International Criminal Law* (SPb.: Jurid. Centre Press, 2003), 493 pp.
35. Kozhevnikov, A.V., "On the collective actions of CSTO member states in the field of information security," Centre for Analysis of terrorist threats (electronic resource). Available at <http://catu.su/index.php/arhiv-materialov/155-2011-11-18-13-13-16.html> (accessed 27 September 2014).
36. Kozik, A.L., "International legal aspects of cyber attacks," *Information security as a component of national security* (Editorial Board S.N. Knyazev et al.), Vol. 1 (Minsk: INB, 2013), pp. 89-95.
37. Kostenko, N.I., *International Criminal Law: Modern theoretical problems* (M.: Yurlitinform, 2004), 445 pp.
38. Kunjaev, N.N., "Legal provision of national interests of the Russian Federation in the information environment," Cand. Dis. Doctor Legal Sci., GOU VPO "Russian University Peoples' Friendship" (Moscow, 2010), 55 pp.
39. Lazarevich, A.A., et al., *The problem of information security in the post-industrial society* (Minsk: National Academy of Sciences of Belarus, Belaruskaya Navuka, 2005), 174 pp.
40. Lyakin-Frolov, I., "CSTO guarantees the security in Eurasia," *International Affairs* 5 (2012): 26-39.
41. Lyakhov, E.G., *Terrorism and intergovernmental relations* (M.: Intern. Relations, 1991), 212 pp.
42. Makarov, O.S., *Current aspects of information security of the Commonwealth of Independent States: a monograph*, The KGB Rep. Belarus, state educational establishment "Institute of National Security of the Republic of Belarus" (Minsk: INB, 2013), 217 pp.

43. Mashlykin, V.G., A.M. Konovalov, *The realities of the "information apocalypse": cybercrime, cyber terrorism, cyber weapons* (M.: Kvadrat, 2003), 105 pp.
44. Moroz, N.O., "The legal activities in the fight against crime in the sphere of high technologies," *Pravo.by*, no. 1 (2010): 41–47.
45. Moroz, N.O., "On the question of international legal nature of crime in the sphere of advanced technologies," *Vesn. Grodzen. dzyarzh. Univ. Ser. 4, Pravaznaŭstva*, no. 3 (2012): 99–105.
46. "On the Annual Report of the Secretary General of the Collective Security Treaty Organization and Priorities of the Collective Security Treaty Organization in the second half of 2009 – first half of 2010: Decision of the Collective Security Council of the Collective Security Treaty Organization, June 14, 2009," Consultant Plus: Version Prof. Technology 3000 (Electronic resource) (M.: OOO "YurSpektr," 2014).
47. "On the cooperation of CSTO member states in the field of information security: Decision of the CSTO Collective Security Council, December 10, 2010," Consultant Plus: Version Prof. Technology 3000 (Electronic resource) (M.: OOO "YurSpektr," 2014).
48. "On the Program of joint measures to create a system of information security of CSTO member states: Decision of the CSTO Collective Security Council, 5 September 2008," Consultant Plus: Version Prof. Technology 3000 (Electronic resource) (M.: OOO "YurSpektr," 2014).
49. Pawlowski, A.A., "Some aspects of information security threats in the international sphere," *Information security as a component of national security* (materials Intern. Scientific and practical. Conf., Minsk, 11-13 July 2013, in 3 v.), Editorial Board S.N. Knyazev (Ch. Ed.) et al., Vol. 2 (Minsk: Institute of nat. security Rep. of Belarus, 2013), 332 pp.
50. Rastorguev, S.P., *Fundamentals of Information Security*, 2nd ed., Stereotypical (Moscow Academy, 2009), 186 pp.
51. Agreement between the Governments of the Member States of the Shanghai Cooperation Organization on cooperation in international information security (concluded in Ekaterinburg on June 16, 2009), *Bul. Intern. treaties*, no. 1 (2012), pp. 13–21.
52. Agreement between the Government of the Russian Federation and the Government of the Republic of Belarus on cooperation in international information security of December 25, 2013, Consultant Plus: Version Prof. Technology 3000 (Electronic resource) (M.: OOO "YurSpektr," 2014).
53. Agreement on the formation and operation of forces and means of the collective security system of the Collective Security Treaty Organization of October 7, 2002, Consultant Plus: Version Prof. Technology 3000 (Electronic resource) (M.: OOO "YurSpektr," 2014).
54. Agreement on Cooperation of the Commonwealth of Independent States in the fight against crimes in the sphere of computer information (signed in Minsk on June 1, 2001), *Sodruzhestvo*, no. 1 (2001): 138–145.
55. Trahimenok, S.A., *State security* (Minsk: Bel.izd.tovarischestvo "Hata," 1997), 190 pp.
56. Troitskiy, K., N. Boryuzha, "Operation "Proxy"," *Military-Industrial Courier* (electronic resource). Available at <http://vpk-news.ru/articles/6787> (accessed 22 September 2014).
57. Chebotareva, A.A., "Scientific approaches to the definition of "information security"," *Information law* 1 (24) (2011): 3-5.
58. Yarochkin, V.I., *Information Security* (M.: Academic Project), 542 pp.

Conclusion

Since its inception, the CSTO has passed a certain path of development and currently is an international organization with clearly defined functions, tasks and powers. Today, it is the only organization whose focus is solely at maintaining international peace and security in the Eurasian region.

It should be noted that the CSTO is quite strictly implementing all tasks included in the documents. In addition to creating quasi-permanent collective armed forces, the CSTO continuously conducts a number of operations—"Channel," "Illegal," "Proxy"—which deal effectively with such forms of transnational organized crime as drug trafficking, illegal migration, crime in the area of information technologies. Moreover, given the cross-border nature of these crimes, CSTO operations are carried out not only by CSTO member states, but also by other neighbouring states.

In its history, the CSTO has made efforts to develop mechanisms for crisis response. 2014 was characterized by the emergence or deterioration of these two situations: the conflict in Ukraine and the withdrawal of ISAF from Afghanistan. In this context, the question arises how developed is currently the cooperation within the CSTO; is the organization ready to act under crisis circumstances of various kinds.

On the basis of interdisciplinary research it is possible to draw the following conclusions.

CSTO is now a major component of the security system in the post-Soviet space. However, it should be noted that during the 23 years that followed the collapse of the Soviet Union, its former republics – CIS countries failed to turn the system in an efficient and effective instrument for settlement and prevention of regional conflicts. The minimum related capabilities, available within CIS, were exhausted already in the early 1990s. In 2014, the Ukrainian crisis, including the events surrounding the Crimea and the south-east of Ukraine led to the formation of "special" interests of Russia in the sphere of security in the post-Soviet space, which led to the formation of a new political climate in international relations in the region. First of all, no common approaches on the nature and resolution of the conflict in the south-east of Ukraine in the framework of existing regional organizations, including the CSTO, have been worked out, so the decision to de-escalate the crisis was made by the OSCE. Secondly, the establishment of EAEU, scheduled for 2014, did not result in any significant enhancement of military-political cooperation between its member states, although it created the necessary preconditions for this process. As a consequence, the Collective Security Treaty Organization in the near future may become a regional organization facilitating military-political interaction between the participants in Eurasian integration. Third, a number of post-Soviet states in 2014 made their geopolitical choice in favour of European integration, and thus started a steady pursuit of accession to the Euro-Atlantic system of regional security. In the context of a political conflict between Russia and the West, such processes do not contribute to strengthening the stability in the region. Thus, taking into account the political changes in the post-Soviet space, CSTO and its Member States were faced with new challenges which require a certain redefinition of

the role and functions of the organization in the region, development of new mechanisms of interaction between Member States, improvement and enhancement of cooperation with other international actors.

Currently, the CSTO has a developed framework of international agreements and decisions that form the legal basis of the organization. These treaties create obligations, primarily for the states, but not directly for the implementing agencies. In this regard, the transposition of the norms in such treaties to the national level is minimal. On the one hand, as demonstrated on the example of the Republic of Belarus and the Republic of Kazakhstan, enforcing international commitments undertaken in the framework of the CSTO is not problematic; on the other hand, the implementation of such commitments in a large number of cases is contingent on the political will of a particular state.

Given the transnational nature of modern challenges and threats, the CSTO is quite actively developing cooperation to maintain international peace and security with other international organizations and non-members. Particular attention has been given to such cooperation in the past five years. In particular, the CSTO has expanded cooperation with the United Nations, signing the Declaration on cooperation with the UN Secretariat and the Memorandum of Understanding with the Department of Peacekeeping Operations; the process of establishing contacts between the CSTO and the specific bodies and organizations of the UN is ongoing.

The same trend can be seen in the cooperation between the CSTO and other international organizations, except for NATO. CSTO cooperates at senior and working levels, discusses issues of mutual interest, exchange of information, joint events, concludes cooperation agreements, in particular with the International Organization for Migration, SCO, the Permanent Council of the Union State of Belarus and Russia, and the ICRC. Since 2010, the CIS, EurAsEC, CSTO and SCO coordinate their positions on the most important issues before submitting a common position to other international organizations.

However, there are still a significant number of problems. Cooperation with UN bodies is still predominantly carried out through the UN Secretariat or is *ad hoc* in nature. Cooperation with other organizations includes, first and foremost, cooperation with the OSCE, CIS, EurAsEC, SCO, EAG. Moreover, since the question of the continuity of the EAEU has not been resolved regarding the participation of the Eurasian Economic Community in international relations, including cooperation with other international organizations, it is not clear whether the working group established in 2010 will continue to contribute to the cooperation between CIS, SCO, CSTO, and EurAsEC. In addition, despite the involvement of a large number of CSTO Member States in the SCO and the EAG, or all of them in the OSCE and the CIS, the distribution of tasks and competences (principle of complementarity) is not being used adequately.

Relations between the CSTO and Euro-Atlantic organizations (NATO, EU) at this stage are practically non-existent. Organizations interact through Member States in the framework of the UN and OSCE; however, due to different assessments of the situation in Ukraine and the work of ISAF in Afghanistan contacts have been terminated by both sides, which is not conducive to maintaining peace and security in the region.

One of the new areas of cooperation of the CSTO is to ensure information security. Currently, a substantial number of legal acts in this area are being accepted and institutions are being established.

The mechanism of cooperation between the CSTO member states in this area is still in the process of formation. Given the controversial nature of the concept of "information security," the lack of universal treaties that define basic concepts and terms in this area, as well as the novelty of the issue, attention is often paid to the sonorous political science, rather than the legal structures, such as "information wars, interventions," and so on.

However, for the effective information security in CSTO member states attention shall be focused on combating not only military and political threats to information security, but also crime in the sphere of information technologies. Since not all the important aspects of interaction between the CSTO member states were settled in CSTO legal acts, and the creation of special units for coordination and cooperation on information security is only being planned, for the improvement of legal regulation of cooperation between CSTO member states in the field of information security it would be reasonable:

- To define the concept of international information security within the CSTO in the Regulation on cooperation of CSTO member states in the field of information security;
- In the development of the Agreement on cooperation of CSTO member states in information security to restrict the scope of "information warfare" to actions related to damage to information systems, processes and resources, and other critical structures, and specify the conditions under which such actions may be qualified as an armed attack and to determine the collective measures that CSTO member states may take in case of an information attack;
- To enhance law-making efforts of the CSTO member states in order to conclude an agreement on combating crime committed through the use of information technologies. It should clearly articulate the scope of joint commitments of the CSTO member states in this field, specifying types of crime, the fight against which will be coordinated within the CSTO. In addition, it is necessary to promote harmonization of criminal procedural law, as well as special types of legal assistance that States Parties to this agreement will provide in case of crimes committed using information technology.
- To take practical measures to provide information on the CSTO work (e.g., publishing on the official website of the organization official documents of the CSTO, including the annual report of the CSTO Secretary General). Such measures are directly related to the CSTO information security, and they will form a positive image of the organization, as well as discourage unfounded speculations about the information practices of the CSTO.

Thus, we can conclude that the Collective Security Treaty Organization is making significant efforts to ensure the security of the Member States both on a regular basis and in the event of a crisis. However, the effectiveness of these efforts will largely depend on the political will of Member States.

About the Authors

Douhan Alena Fedorovna, born 1979, Doctor of Law, Associate Professor, Professor at the Department of International Law of the Belarusian State University, Head of the Department of International Law, International University “MITSO,” member of the Committee on the use of force of the International Association of International Law, member of the European Association of International Law, expert at the Foreign Policy and Security Research Centre. Her research interests include public international law, international security, peaceful settlement of disputes, law of international organizations and integration associations. Author of over 100 scientific papers.

Kembaev Jenis Muhtarovich, born 1975, Doctor of Law (University of Cologne, Germany), Professor of Law, University of KIMEP. His research interests include public international law, law of international organizations, European Union law, the law of Eurasian integration associations, constitutional law of the Republic of Kazakhstan. Author of over 100 scientific papers.

Laumulin Murat Turarovich, 1959, Doctor of Political Sciences, Counsellor–Ambassador of the Embassy of the Republic of Kazakhstan to the Republic of Belarus. He worked in research institutions, universities, the Ministry of Foreign Affairs of Kazakhstan, research centres in Europe and the United States. Main areas of research: problems of security and geopolitics, terrorism, the national interests of the Republic of Kazakhstan, Kazakhstan’s relations with the West. Author of over 1,000 articles and 30 monographs on the history and historiography of Kazakhstan and Central Asia, Oriental studies, international relations and foreign policy of Kazakhstan.

Moroz Natalia Olegovna, born 1986, Lecturer, Department of Constitutional and Administrative Law of the Academy of Management under the President of the Republic of Belarus. In November 2014, she defended her thesis for the degree of Candidate of Legal Sciences on the theme “International legal cooperation in the fight against crime in the sphere of high technologies.” Author of over 30 scientific publications.

Rusakovich Andrey Vladimirovich, born 1965, Candidate of Historical Sciences, Associate Professor, Head of the Diplomatic and Consular Service Department of International Relations of the Belarusian State University, chairman of the public association “Foreign Policy and Security Research Centre” (Minsk). Research interests: foreign policy of Belarus, the Belarusian-German relations, European security, international relations in the 20th century, integration processes in the post-Soviet space. Author of over 160 scientific papers.

Tihomirov Aleksander Valentinovich, born 1965, Candidate of historical sciences, Associate Professor. In 1994-2004, he worked in the Institute of History of the National Academy of Sciences in Belarus, since 2004 – at the Department of International Relations, Faculty of International Relations of the Belarusian State University. Author of over 40 scientific papers, including several monographs. Research interests: foreign policy of Belarus, Russia, Ukraine and countries of Europe and North America in the 20th – 21st centuries.

All rights reserved. No part of this publication may be produced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of the Geneva Centre for the Democratic Control of Armed Forces.

This publication is circulated subject to the condition that it shall not by way of trade or otherwise, be lent, sold, hired out or otherwise circulated without the publisher's prior consent in any form of binding or cover other than in which it is published and without a similar condition including this condition being imposed on the subsequent publisher.

Collective Security Treaty Organization and Contingency Planning after 2014, edited by A.F. Douhan and A.V. Rusakovich, DCAF Regional Programs series no. 20 (Geneva/ Minsk: Geneva Centre for the Democratic Control of Armed Forces, Foreign Policy and Security Research Centre, 2016).

DCAF, Regional Programs series no. 20

Geneva Centre for the Democratic Control of Armed Forces
< www.dcaf.ch >
P.O.Box 1360, CH-1211 Geneva 1, Switzerland

Cover Design: OGS Press

Format: 6.25 x 9

ISBN 978-92-9222-346-5



The Geneva Centre for the Democratic Control of Armed Forces

The Geneva Centre for the Democratic Control of Armed Forces is one of the world's leading institutions in the areas of security sector reform (SSR) and security sector governance (SSG).

DCAF provides in-country advisory support and practical assistance programmes, develops and promotes appropriate democratic norms at the international and national levels, advocates good practices and makes policy recommendations to ensure effective democratic governance of the security sector.

DCAF's partners include governments, parliaments, civil society, international organisations and the range of security sector actors such as police, judiciary, intelligence agencies, border security services and the military.

www.dcaf.ch



The Kazakhstan Institute for Strategic Studies under the President of the Republic of Kazakhstan (KazISS)

The Kazakhstan Institute for Strategic Studies under the President of the Republic of Kazakhstan (KazISS) was established by Presidential Decree on 16 June 1993. As a national think tank, its main mission is to provide analytical and research support to the President of Kazakhstan. With a pool of professional staff with expertise in political science, history, economics and sociology, the Institute gained a reputation of the leading analytical centre of Kazakhstan. Many highranking officials of the presidential administration, ministries and agencies, diplomats and university professors started their career at KazISS.

www.kisi.kz



The publication of this book has been funded by the Directorate for Security Policy (SIPOL) – Swiss Federal Department of Defense, Civil Protection and Sports.

DCAF Regional Programmes Series no. 20