

DCAF REGIONAL
PROGRAMMES

**COLLECTIVE
SECURITY TREATY
ORGANISATION
2002-2009**

Anatoliy A. Rozanov and Elena F. Dovgan



The Geneva Centre for
the Democratic Control
of Armed Forces

**Collective Security Treaty
Organisation
2002–2009**

**Anatoliy A. Rozanov
Elena F. Dovgan**

Geneva/ Minsk, June 2010

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

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.

**Collective Security Treaty
Organisation
2002-2009**

**Anatoliy A. Rozanov
Elena F. Dovgan**

Geneva/ Minsk, June 2010

Anatoliy A. Rozanov and Elena F. Dovgan, *Collective Security Treaty Organisation 2002–2009*, DCAF Regional Programmes Series no. 6 (Geneva and Minsk: Geneva Centre for the Democratic Control of Armed Forces and Foreign Policy and Security Research Centre, 2010).

DCAF Regional Programmes Series no. 6

© Geneva Centre for the Democratic Control of Armed Forces, 2010

© Foreign Policy and Security Research Centre – for the original text in Russian, 2010

Executive publisher: Procon Ltd., <www.procon.bg>

Editor of the English version: Petya Ivanova

Cover design: Hristo Bliznashki

ISBN 978-92-9222-142-3

PREFACE

The Geneva Centre for the Democratic Control of Armed Forces (DCAF, www.dcaf.ch) has since its beginnings in the year 2000 enjoyed an inspiring and enriching cooperation with member states of the CSTO, as well as with the Parliamentary Assembly of the CIS. The Russian Federation, Armenia, Azerbaijan, Belarus, Moldova and Ukraine were founding members of our organisation. CSTO member states in Central Asia have been invited to participate in our organisation and may decide to do so in the future.

A first phase of bi- and multilateral cooperation with parliaments led to model laws, jointly designed with the CIS Parliamentary Assembly, on the parliamentary oversight of the state military apparatus, and peacekeeping.¹ In cooperation with the Foundation for Democratic Centrism, the Russian Federation's Security Legislation was documented, analysed and made accessible in both Russian and English to a larger group of experts and lawyers throughout the CIS and Europe.² A second phase, in cooperation with the OSCE's ODIHR, yielded the *Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel*, also available in Russian.³

This publication by Profs. Rozanov and Dovgan will hopefully not only fill an important information gap on the legal and political persona of the CSTO, but also help contribute to an enlightened discourse on the nature of European and Eurasian security and cooperation.

DCAF seeks to be a platform for such discussion. It does, however, depend on its member states to initiate and facilitate such processes.

¹ Philipp Fluri and Alexander Nikitin, eds., *Commonwealth of Independent States Model Law on the Parliamentary Oversight of State Military Organisation* (Geneva: DCAF and CPIS, 2002), available in English, French, Russian and Spanish, www.dcaf.ch/publications/kms/details.cfm?ord279=title&q279=model+law&lng=en&id=20136&nav1=5.

² Alexei G. Arbatov and Evgeniy L. Chernikov, *Russian Federation Legal Acts on Civil-Military Relations* (Geneva: DCAF, 2003), available in English and Russian, <http://www.dcaf.ch/publications/kms/details.cfm?ord279=title&q279=russian+federation+legal+acts&lng=en&id=18545&nav1=5>.

³ Hans Born and Ian Leigh, *Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel* (Warsaw: OSCE Office for Democratic Institutions and Human Rights, 2008), available in English, Bosnian, Croatian, French, Russian and Serbian, www.dcaf.ch/publications/kms/details.cfm?ord279=title&q279=fundamental+freedoms&lng=en&id=54310&nav1=5.

On behalf of DCAF I would like to congratulate Profs. Rozanov and Dovgan on this comprehensive and well-documented publication and commend it to the attention of security experts all over the world.

Geneva and Brussels, June 2010

Philipp Fluri
Deputy Director DCAF

CONTENTS

List of Acronyms.....	ix
Introduction	1
<i>Anatoliy A. Rozanov</i>	
CSTO Evolution	3
<i>Anatoliy A. Rozanov</i>	
Origins of CSTO	3
<i>The Treaty on Collective Security and its specifics</i>	3
<i>Evolution of the TCS system</i>	6
Creation and Evolution of CSTO	13
CSTO's International Legal Framework	19
<i>Elena F. Dovgan</i>	
CSTO as an International Organisation	19
<i>The evolution of TCS/CSTO from the perspective of international law</i>	19
<i>Membership in the CSTO</i>	22
CSTO Competencies	23
<i>Creation of a defence alliance</i>	26
<i>Shaping the system for peaceful resolution of disputes</i>	27
<i>Creation of collective military formations</i>	29
<i>Fight against crime</i>	34
CSTO Bodies	37
<i>The system of CSTO bodies</i>	37
<i>Decision-making mechanism and legal force of the decisions of CSTO bodies</i>	44
<i>Control over the implementation of international treaties, signed in the framework of CSTO, and the decisions of CSTO bodies</i>	48
CSTO Political and Military Dimensions	53
<i>Anatoliy A. Rozanov</i>	
The Foreign Policy Component of CSTO	53
CSTO and the United Nations	54
<i>Political dimension</i>	54
<i>International legal assessment of the cooperation between CSTO and the UN</i>	55
<i>Elena F. Dovgan</i>	
CSTO and NATO	58

The Military Dimension of CSTO	61
Conclusion	67
List of References	69
List of Normative Sources	73
Annex I. Tasks and Functions of CSTO Bodies	81
<i>Collective Security Council</i>	81
<i>Council of Foreign Ministers</i>	82
<i>Council of Defence Ministers</i>	84
<i>Committee of the Secretaries of Security Councils of CSTO</i>	85
<i>CSTO Permanent Council</i>	86
<i>CSTO Secretariat, Secretary General</i>	87
<i>CSTO Parliamentary Assembly</i>	89
Annex II. A List of International Treaties signed in the framework of TCS or CSTO	91

List of Acronyms

AT	Administrative Tribunal
CDM	Council of Defence Ministers (of CSTO member states)
CFM	Council of Foreign Ministers (of CSTO member states)
CHS	Council of the Heads of States (of the CIS)
CIS	Commonwealth of Independent States
CORF	Collective Operational Reaction Forces
CPF	Collective Peacekeeping Forces
CRRF	Collective Rapid Reaction Forces
CSC	Collective Security Council
CSSC	Committee of the Secretaries of Security Councils (of CSTO member states)
CSTO	Collective Security Treaty Organisation
EAEC	Eurasian Economic Community
EAPC	Euro-Atlantic Partnership Council
ECSC	European Coal and Steel Community
EU	European Union
IAEA	International Atomic Energy Agency
ICAO	International Civil Aviation Organization
ICMEC	Interstate Commission on Military-Economic Cooperation
ILO	International Labour Organization
IMO	International Maritime Organization
IOM	International Organization for Migration
IPA	Inter-parliamentary Assembly (of the CIS)
ISAF	International Security Assistance Force (in Afghanistan)
NATO	North Atlantic Treaty Organization
OSCE	Organization for Security and Co-operation in Europe
PA	Parliamentary Assembly (of the CSTO)
PC	Permanent Council (of the CSTO)
PF	Peacekeeping Forces
SC	(UN) Security Council

SCO	Shanghai Cooperation Organisation
SCR	Security Council Resolution
TCS	Treaty on Collective Security
UN	United Nations
UNAT	United Nations Administrative Tribunal
UNEP	United Nations Environment Programme
UNO	United Nations Organization

INTRODUCTION

Anatoliy A. Rozanov

The Collective Security Treaty Organisation (CSTO) fills in a particular niche in the system of international relations in the Euroasian region. Actually, among the diverse efforts of several post-Soviet states to create a collective security system, this is the only integrating structure in Euroasia with a clear military dimension. CSTO functions, however, in the lack of a single Euroasian security and defence space; this space continues to be fragmented and fuzzy, ripe with internal contradictions and potential conflicts.

The countries participating in CSTO have quite differing views on its goals and objectives. The Russian analyst A. Hramchihin states for example that Russia “sees in it one of the rudiments of USSR, which are highly valued in Kremlin on considerations of a purely psychological nature.”¹ Furthermore, Moscow may examine the territories of its CSTO allies as a peculiar “foreland” on the three most important strategic routes – the European, the Caucasian, and the Central Asian one. On the other hand, the allies of the Russian Federation often see Russia as the country that will not only provide a “security umbrella” (including a nuclear “umbrella”), but will also assist the modernisation of their weapon systems and equipment on a preferential basis.

The declared mission, scale and complexity of the tasks the CSTO faces considerably outweigh the level of cooperation and military-political integration achieved so far. In fact, CSTO is still in the beginning of the road, leading towards the creation of a really effective collective security system.

There is quite a number of Russian-language and foreign CSTO-related publications; however, among them there are neither specific, comprehensive analytical works nor in-depth studies. Assessments of CSTO from the perspective of international law are totally absent. It can be noted, for example, that the topic of CSTO is barely addressed in the studies of the well known Foreign and Defence Policy Council of Russia, the authoritative U.S. Institute for National Strategic Studies at the National Defense University and the Research & Assessment Branch of the

¹ A. Hramchihin, “The ‘Paper Tigers’ NATO and CSTO,” *Nezavisimoe Voennoe Obozrenie* (6 March 2009), http://nvo.ng.ru/forces/2009-03-06/1_tigers.html (7 March 2009).

U.K. Defence Academy, all of which employ highly qualified experts on Russia and the post-Soviet states.

The bulk of the CSTO-related publications consists of short newspaper articles that, as a rule, cover the CSTO summits. For instance, the Western media published articles with sensationalist flavour on the latest high-level meeting of the CSTO Collective Security Council (Moscow, 14 June 2009), in which the delegation of the Republic of Belarus did not participate.² Western authors sometimes raise issues related to CSTO in a broader context, e.g. in the examination of regional security aspects in Central Asia.³

Among the publications in Russian, it is necessary to single out the articles by Nikolai Bordyuzha in "Mezhdunarodnaya Zhizn,"⁴ which present the official view on the place and role of CSTO on the Eurasian landscape, its tasks and functions. The publications of Valeriy Nikolaenko and Alexander Rekuta also deserve mentioning.⁵

This particular publication is a result of a comprehensive study of the CSTO status, evolution, foreign policy, legal, and military dimensions, conducted by experts in foreign policy and international law. It is prepared on the basis of analysis and generalisation of the CSTO legal foundation, analytical and reference materials, statements by officials from the United Nations and CSTO, and documents of other international organisations.

² See, for example, Tony Halpin, "Belarus strongman Alexander Lukashenko takes on ally Russia in 'milk war,'" *Times Online* (6 June 2010), www.timesonline.co.uk/tol/news/world/europe/article6499866.ece (15 June 2009); Ellen Barry, "'Milk War' Strains Russia-Belarus Ties," *The New York Times* (15 June 2009), www.nytimes.com/2009/06/15/world/europe/15belarus.html?_r=1&ref=world (6 June 2010); Jason Vaughn, "The Next Cold War?" *Diplomatic Courier* (22 June 2009), www.diplomaticcourier.org/kmitan/articleback.php?newsid=388 (6 June 2010).

³ Jim Nichol, "Central Asia's Security: Issues and Implications for U.S. Interests," (Washington, D.C.: Congressional Research Service, March 2010), pp. 17–18; Roy Allison, "Virtual regionalism, regional structures and regime security in Central Asia," *Central Asian Survey* 27:2 (2008): 185–202.

⁴ Nikolai Bordyuzha, "Collective Security Treaty Organisation," *Mezhdunarodnaya Zhizn* 2 (2005): 72–82; Nikolai Bordyuzha, "How CSTO enhances the collective security system," *Mezhdunarodnaya Zhizn* 10 (2009): 100–103.

⁵ Valeriy D. Nikolaenko, "10 years of the Treaty of Collective Security," *Mezhdunarodnaya Zhizn* 3 (2003): 60–66; Alexander L. Rekuta, "CSTO: Challenges and Ways Ahead towards the Prevention of Security Threats in the Central Asian Region," *Voennaya Myisl* 11 (2006): 2–9.

CSTO Evolution

Anatoliy A. Rozanov

Origins of CSTO

The Treaty on Collective Security and Its Specifics

The dissolution of the Soviet Union and the emergence of new independent states on its former territory posed acutely the task of finding a model to guarantee their security that is adequate to the new realities. The military cooperation in the framework of the Commonwealth of Independent States (CIS) evolved along three main axes:

- Multilateral military and military-technical cooperation in the framework of the Council of Defence Ministers of the CIS member states
- Multilateral military, political-military and military-technical cooperation in the framework of the Treaty on Collective Security
- Bilateral cooperation in the military field based on bilateral treaties and agreements.

So far, most advanced is the military, political-military and military-technical cooperation in the framework of TCS/CSTO. Since 1992, Russia consistently works towards the creation of an effective system for collective security on the basis of TCS.

How realistic is the very idea of forming a system of collective security in the post-Soviet space? Basically similar was the idea in the foundations of the League of Nations, and then the United Nations Organisation. However, the lack of capacity, and mainly of political will of the world community, led to a situation where the collective security systems continue to “loose” and their effectiveness is limited.

Also, so far there are no convincing examples of effectively functioning collective security systems on regional level. We can claim that OSCE has to a great extent exhausted its potential in the military-political dimension of security; there has been a lot of talk in recent years about the “crisis” of OSCE related to its functional and geographic disbalances.

Currently, as well as in the foreseeable future, there is no collective security system in Asia. Increasingly, NATO takes upon itself selected functions in the area

of collective security, but in its substance it continues to be a collective defence organisation. It has an outward orientation and, officially, it does not deal with the management of “internal” conflicts and disputes among the NATO member states.

As for the post-Soviet space, the full-scale realisation of the idea of collective security is hindered by the lack of a clear uniting external threat that could have been countered precisely with the instruments of the collective security system, as well as by serious disagreements among CSTO member states on a number of issues. There is also lack of trust of the new independent states that emerged with the dissolution of the USSR in Russia’s long-term objectives and intentions, often seen through the prism of possible recurrences of the traditional “Russian imperialism.”

The Treaty on Collective Security was signed on 15 May 1992 in Tashkent (earlier, it was often referred to as the Tashkent Treaty, but that became inadequate once Uzbekistan left the Treaty in 1999). Armenia, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, and Uzbekistan were the initial parties to the Treaty, joined later by Azerbaijan (24 September 1993), Belarus (31 December 1993), and Georgia (9 December 1993). The ratification process was completed on 20 April 1994 and the Treaty entered into force. Following the requirements of article 102 of the UN Charter, the Treaty was registered with the UN Secretariat on 1 November 1995. Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, and Uzbekistan are currently state parties to the Treaty.

The Treaty on Collective Security consists of 11 articles, according to which the states parties to the Treaty are obliged to refrain from the use of force and the threat of use of force in the relations among each other, will coordinate their positions on security issues and will create corresponding coordination bodies.

The member states, in accordance with article 2 of the TCS, took upon themselves the obligation to consult each other on all important international security issues in their interests, and to coordinate their positions. In case of emergence of a threat to the security, territorial integrity and sovereignty of one or several of the member states, or threats to the international peace and security, the member states will immediately enact the mechanism of joint consultations in order to coordinate their positions and apply measures for elimination of the threat.

Of fundamental importance is article 4 of TCS, according to which an aggression against one of the parties to the Treaty will be examined as an aggression against all states parties to TCS:

In the case of an act of aggression against any of the member states, all other member states will provide to it all necessary assistance, including military assis-

tance, and will as well support it with all available means in the implementation of the collective defence rights in accordance with Article 51 of the UN Charter.

Member states have to inform immediately the UN Security Council on measures applied on the basis of this article and to adhere to the relevant stipulations of the UN Charter.

The decision to use armed forces to repel aggression as per article 3 of TCS is taken by the heads of the member states. Armed forces can be used beyond the territory of the member states exclusively in the interests of international security and in strict compliance with the UN Charter and the laws of the TCS member states.

In substance, and partially in terms of terminology, articles 2 and 4 of the TCS are close to articles 4 and 5 of The North Atlantic Treaty, signed in Washington on April 4th, 1949. There is an impression that the TCS architects endeavoured to create on its basis a construct just as solid as NATO, or at least of an identical significance.

In the first decades of its existence, however, the Atlantic Alliance was cemented in the face of the uniting, disciplining “Soviet threat”—real or imaginary—in Europe and more broadly – the threat of “the spread of communism” in Eurasia. And once again, there was no perception of such a comprehensive threat in the post-Soviet space, not accounting for attempts to present the Eastward advance of NATO infrastructure as a destabilizing factor, which in essence was genuine only for representatives of the Russian and Belorussian leadership.

An important component of TCS was the commitment articulated in article 1, banning the entry in military alliances and groups directed at another member state. At the same time, the Treaty allows for participation of its signatories in broader systems of collective security in Europe and Asia. Article 10 of TCS leaves open the opportunity for other countries that share the goals and the principles of the Treaty to join it.

Conceptually, TCS is of a strictly defensive nature, with priority on political tools for prevention and resolution of military conflicts. States parties to the Treaty do not consider anyone as an adversary and call for mutually beneficial cooperation with other states in the area of international security.

Interactions within TCS and the collective security system being shaped in its framework are defined by:

- its political and legal foundation: fundamental norms of international law universally formulated in the UN Charter, steady adherence to its principles and norms, as well as fulfilment of applicable international obligations, including those in the framework of OSCE;

- exclusively defensive and open nature of the TCS and the collective security system; priority is assigned to preventive political means;
- exercise of the collective defence rights of the members states that eliminates interference in their internal affairs (essential here is the fact that collective military measures may be used only upon a lawful request of a member state subjected to aggression, and only on the decision of the highest collective body – the Collective Security Council, with obligatory notification of the UN Security Council);
- readiness to cooperate with other international organisations and collective security structures adhering to the same principles and approaches, including cooperation on practical issues of mutual interest for enhancing dialogue and interaction.

Evolution of the TCS system

From a geopolitical point of view, TCS had considerable flaws initially. Ukraine—a country hosting one of the largest military-industrial centres of the USSR, with inherited infrastructure for production of various types of weapons (“heavy” intercontinental ballistic missiles, aircraft carrying cruisers, military transport aircraft, main battle tanks, etc.)—was not among the participants. Azerbaijan and Georgia—countries with important strategic location in the Caucasus—did not join the Treaty in the beginning; they joined in 1993, but by 1999 renounced their membership in the Treaty. The loss of military-strategic bases in the Baltics and the course of the Baltic countries on integration in Western structures complicated Russia’s geopolitical position. All that was only partially compensated by the participation in TCS of such strategically located countries as Belarus and Kazakhstan. The participation of Belarus was essential not only because of its strategic location, but also in account of its compact, capable armed forces on the Western approach. The participation of Kazakhstan was especially important given the huge military-strategic infrastructure of the former USSR, ranges and a cosmodrome on its territory.

Then, in the first half of the 1990s—with the strengthening of the process of lowering the nuclear threat, the active development of the relations with NATO, EU, and OSCE member states, and the improving relations with the People’s Republic of China—the post-Soviet states did not feel quite threatened. The Central Asian countries were actively increasing the cooperation with Asian and Muslim neighbours. The only alarming issues were the local and regional conflicts on the periphery of the former USSR (Tajikistan, Caucasus, Transnistria), the sharp deterioration of the economic conditions in all newly independent states and, as a result, the widespread decline in living standards, and the aggravation of interethnic

relations. Under those conditions, TCS did not become the structure capable to conduct peace operations, preventive diplomacy, and conflict resolution. For example, Russian peacekeepers were sent to Abkhazia, but with a CIS mandate. The presence of a Russian contingent in Transnistria seemed hardly convincing from a legal perspective.

The situation was aggravated by interstate contradictions, born along “fault lines” among states participating in TCS. These “fault lines” became most apparent in the relationships between Russia and Georgia, Uzbekistan and Tajikistan, and Armenia and Azerbaijan.

Against this background, in February 1995 in Almaty, the TCS member states attempted to strengthen the created structure through a more clear conceptualisation of its mission, objectives, and most important areas of activity, and adopted the following fundamental documents: *Declaration of the states participating in TCS*, *Concept of Collective Security*, and *Main directions of deepening the military cooperation among the TCS participating states*.

The *Concept of Collective Security of the states parties to TCS* of 1995 represents a set of views of the participating states on the joint protection against aggression, prevention and elimination of threats to peace and securing their territorial integrity and sovereignty. It is structured in three parts: (1) fundamentals for providing collective security; (2) foundations of the military policy of member states; and (3) main stages and objectives in the creation of the collective security system.

According to the Concept, the goal in the provision of collective security is to prevent war and armed conflict and, in the case one occurs, to guarantee protection of interests, sovereignty and territorial integrity of the participating states. In peacetime this goal is achieved through settlement of contentious issues, international and regional crises primarily via political means, as well as by maintaining the defence potential of each state with account of both national and collective interests.

In the emergence of threat to the security, territorial integrity and sovereignty of one or more participating states or a threat to international peace, the participating states immediately enact the mechanism of joint consultations in order to coordinate their positions and undertake specific measures for elimination of the threat. In the case of aggression, the participating states—in accordance with article 4 of TCS—repel it and take measures to force the aggressor to terminate the military actions. Towards that purpose, the states define and plan in a timely manner the content, forms and ways of joint action.

According to the Concept, the collective security of the participating states is based on the following main principles:

- Indivisibility of security: an aggression against one participating states is considered an aggression against all participating states
- Equal responsibility of the participating states in providing security
- Observance of the territorial integrity, respect for the sovereignty, non-interference in internal affairs, and account for each others' interests
- Collective nature of the defence, provided on a regional basis
- Consensus-based decision making on key issues of providing collective security
- Correspondence of force organisation and readiness to the scale of military threat.

The Concept defines the following main directions in the creation of the collective security system:

- Holding regular consultations on issues of organising and training the armed forces of the participating states
- Convergence of the main provisions of the legal acts of participating states in the area of security and defence
- Attaining multilateral agreements on the use of elements of military infrastructure, air and sea spaces of the participating states
- Elaborating common approaches on issues of raising the combat readiness of troops, forms and ways of their training, operational and combat use, as well as the coordination of mobilisation preparedness of the economies of the participating states
- Coordinating the issues of operational preparedness of the territories of the participating states for collective defence purposes
- Conducting joint activities in the operational and combat training of the armed forces and other troops of the participating states
- Coordinating the plans for development, production, delivery, and repair of weapon systems and military equipment
- Coordinating the programmes for education and training of military personnel and defence specialists
- Elaboration of common approaches to defining norms for creation and maintenance of material reserves.

The evolution of the collective security system was envisioned in three main stages:

1. Completing the creation of armed forces of the participating states, developing a programme of military and military-technical cooperation among participating states and starting its implementation, developing and adopting legal acts regulating the functioning of the collective security system;
2. Creating coalition (combined) groups of forces to repel a possible aggression, introducing related operational planning, creating a joint (combined) air defence system;
3. Completing the creation of the collective security system.

Irrespective of the adoption of important documents in Almaty in February 1995, in reality TCS was gradually—and ever more clearly—turning into an inefficient structure with severe internal contradictions among the participating states. Therefore, and no matter that in April 1999 the countries signed a Protocol extending the TCS by five years (and introducing the principle of automatic further extension), three countries—Azerbaijan, Georgia, and Uzbekistan—renounced their membership in the Treaty, each for its own reasons.

Apparently, the main reason for the decision of the President of Uzbekistan Islam Karimov, who survived a dramatic attempt on his life in February 1999, to leave TCS was his discontent with the policy of the leadership of Tajikistan—unable to control the situation in their own country—and, as the Uzbek leader was convinced, even encouraging and covering for Islamic fighters. The exit from TCS was also a peculiar demonstration of Tashkent *vis a vis* Russia. Karimov was clearly disaffected by Moscow's support to the Rahmonov regime, combined with Russia's inability to provide security guarantees against the incursion of Islamic fighters into Uzbekistan.

Georgia's renouncement was conditioned by the growing contradictions between Georgia and Russia, primarily in relation to Abkhazia and South Ossetia. Evidently, with their support to forces opposing the leadership of Georgia, Russia's ruling elites attempted to influence the policy of Georgia – a country with an important geostrategic location. Since its first years of independence, Georgia did not try to hide neither its clear pro-Western orientation nor its endeavours to be integrated into NATO. Facing the question of strategic partners, Georgia unequivocally and openly put its stakes on the West.

Quitting its participation in TCS, Azerbaijan also expressed a certain disagreement with the policy of participating states on the Armenian-Azerbaijani conflict on the issue of Nagorni Karabakh. The active Russian support to Armenia was not accepted in Baku, and that led to Azerbaijan quitting the TCS.

Another challenge the participants in TCS faced in that period was the tendency towards the creation of GUUAM – a new, to a certain extent opposing block in the framework of CIS that included Georgia, Ukraine, Uzbekistan, Azerbaijan, and Moldova. This tendency—with evident anti-Russian and pro-Western leaning—was actively encouraged by the United States and several Western countries. A real threat appeared on the distant horizon – to have TCS and GUUAM as two opposing blocks on the territory of the former USSR. Thus, by 1999 TCS was in a serious crisis.

Towards the end of the 1990s, the geopolitical situation around the TCS countries, and the CIS countries as a whole, started to deteriorate, while the level of security declined. Since the end of 1994 the situation was extremely restless in the Caucasus. Russia began its military activities in Chechnya. In 1999 the threat of Islamic radicalism touched Dagestan, and the second war in Chechnya followed. The situation in Central Asia became more complicated with the victory of the Taliban in Afghanistan in 1996 and especially with the relocation of groups of their military closer to the CIS borders in 1998. The events in Batken in 1999 and their repetition in 2000 when armed groups of Islamists easily entered the territories of Kyrgyzstan and Uzbekistan through Tajikistan demonstrated that in practice the collective security system was ineffective.

The changed foreign policy environment and the emergence of real threats to TCS participants in 2000-2001 resulted in new measures of response to the security challenges. Three summits of the TCS heads of states in those years were of essential importance for increasing the TCS efficiency.

The Minsk session of the Collective Security Council, 24 May 2000

The session examined and adopted a broad package of important documents and decisions, including:

- *Memorandum on increasing the efficiency of the Treaty on Collective Security of 15 May 1992 and its adaptation to the contemporary geopolitical situation*
- *Provision on the procedure for taking and implementing collective decisions for the use of forces and means of the collective security system*
- *On the main principles of the coalition strategy of the states participating in the Treaty on Collective Security of 15 May 1992*
- *Model of the regional system for collective security.*

The session examined and approved the main parameters of the regional collective security system. This model assumed a geostrategic sub-division of the

collective security regions (areas), according to which there are European, Caucasian, and Central Asian security sub-systems within TCS.

The Council's endorsement of the *Model of the regional system for collective security* made it possible to undertake practical steps in the creation of regional structures in the collective security system and mechanisms for use of multinational forces and means in providing the necessary support to TCS participating states in crisis situations. The issue of practical arrangement of the regional collective security systems as the nexus of interaction among the participating states in the joint provision of military security gradually turned into a priority.

The Bishkek session of the Collective Security Council, October 2000

The Council's session in Bishkek in October 2000 adopted a set of interrelated decisions defining the process of practical creation of components of the collective security system, and the system as a whole. Essential for Central Asia was the agreement of all parties to initiate the creation of the Central Asian regional forces with the formation of their nucleus – limited in scale Collective Rapid Reaction Forces (CRRF). It was also decided to prepare specific proposals on the creation of a Central staff body with the task to provide for the interaction among the regional collective security systems.

In Bishkek, the parties signed an Agreement on the status of the forces of the collective security system and adopted a Plan for the main activities in the creation of the collective security system 2001-2005. The Agreement regulates the legal aspects of hosting collective forces on the territories of the states participating in TCS. The Plan was a complex of interconnected steps in key areas for implementation of the Treaty: political, military-organisational, and for cooperation in countering new threats and challenges.

The Yerevan session of the Collective Security Council, May 2001

The session of the Council in Yerevan analysed the first results in the new phase in the implementation of TCS since the Minsk session. Essential was the signing by the heads of states of the Protocol on the procedures for creating and functioning of the forces of the collective security system of the states participating in TCS. The countries declared their intention to create a unified system for collective security founded on the principles of international law and accounting for the international obligations in regard to the confidence and security building measures.

Article 2 of the Protocol declares that in the case of an act of aggression against any of the states, on the request of one or several states, units of the regional group of forces of one region (area) of collective security may participate in repelling the aggression (armed attack) in another region in accordance with arti-

cles 4 and 6 of TCS. The Protocol reflects the understanding that every regional group ought to find its place in the overall system for collective security with account of the differences in states' legislation, their geographic and strategic location.

Important in this regard was the Council's decision to create an intergovernmental body for military command of the collective security system of the states participating in TCS. This body should be solving tasks in the practical creation of the regional systems for collective security and the organisation of their interaction.

However, not all planned measures for enhancing and increasing the efficiency of TCS were carried out in full, as was envisioned in the adopted documents. There were severe problems in the relations among the participants in TCS in the area of military-technical modernisation that depended fully on the political will, economic and technical capacity of the central participant – Russia. Russia not always could, and sometimes did not wish to provide the necessary military supplies to its allies.

The complicated bureaucratic procedures of the TCS states also posed certain obstacles to the process of military cooperation. Many agreements adopted at the level of heads of states were not implemented at the executive level. The chosen concept of reform also played a role for the limited efficiency of the Treaty. The differentiation of security sub-systems influences the integrity of the whole collective security system based on the TCS.

The emphasis on the regional security sub-systems within the TCS became evident, and that led to a return to bi-lateral relations between Russia and Belarus, Russia and Armenia, Russia and Kazakhstan, etc. From the outset, the Western and Caucasian security sub-systems were based on bi-lateral relations. Only the Central Asian sub-system has features of multilaterality.

Another essential problem was the ever-clearer exhibition of the contradictions between specific interests of TCS states, as well as the discrepancy among priorities in the framework of TCS. For example, in 2000–2001 one key concern of the Central Asian states participating in TCS was the fight against terrorism and extremism, while for Belarus and Armenia, given their geographic location, the problem with terrorism and extremism, e.g. that originating in Afghanistan, was not of such priority. In addition, financial constraints were among the main reasons for the limited efficiency of TCS. None of the TCS states could afford to allocate meaningful funds in strengthening the collective TCS system.

In the beginning of the new century, the TCS states encountered a set of challenges. The situation in Afghanistan continued to generate threats to Central Asia. By the summer of 2001 the TCS states came very close to a common understanding of the need to create their own Collective Rapid Reaction Forces. Central

Asia was seen as the initial area of their implementation, while in the future CRRF were to be used in any region (covered by TCS) generating a threat of international terrorism.

In 2001, the TCS state parties took practical steps towards the establishment of rapid reaction forces of the Central Asian region of collective security with 1,300 personnel (with Russia, Kazakhstan, Kyrgyzstan, and Tajikistan contributing one battalion each) and their command body. CRRF included the Kazakh attack battalion "Kazbat," a Kyrgyz mountainous infantry battalion, Russian tactical battalion group and a separate communications battalion, and a Tajik assault battalion. A number of aircraft, including transport and attack aircraft and helicopters, was also allocated to these forces.

The rapid reaction forces were adapted to conduct mobile operations and swift engagements for eradication of limited groups of terrorists. These forces were not sufficient to repel a large-scale incursion or to conduct significant peace operations on regional level.

Creation and Evolution of CSTO

Until the end of 2001 neither the United States nor China claimed to be a lead military-political actor in Central Asia, seemingly admitting this to be Russia's prerogative. By the middle of 2001, a certain balance of power was reached "by default" in the Caspian and Central Asia among the United States, Russia, and China: for Russia was the military-political presence, primarily through the instruments of TCS and the 201st infantry division stationed in Tajikistan; for the United States – the economic consolidation in strategic economic spheres, primarily the petroleum industry; for China – the export of goods and import of raw materials.

This geopolitical balance was shattered after September 11, 2001. The United States became not only economic, but also a military-political power in Central Asia and thus began to fill in the niche up until then "preserved" for Russia. In the global context, Russia had to accept the setting of U.S. military bases in a zone of its traditional interests.

The participants in TCS were in the phase of active formation of CRRF when the events of September 11th brought a realignment of geopolitical powers in the region. However, the TCS states did not have military-technical and financial capacity to afford a full-scale contribution to the antiterrorist operation in Afghanistan, where the main security threat to Central Asia originated; most importantly, the political imperatives needed for such contribution were not there. Nevertheless, TCS states provided assistance to the Northern Alliance, without which the success of

the ground element of the antiterrorist operation and the relatively quick defeat of the main Taliban groups would have been impossible.

In the beginning of the century, the situation in the Central Asian region was paradoxical. Individual TCS states provided territory and airfields as bases for the armed forces of third countries, thus in practice establishing with them relations as with military allies. The presence of armed forces of the antiterrorist coalition to a certain extent depreciated the importance of developing further CRRF since CRRF was being created to deal with the threat from Afghanistan in the first place. The set of military bases of NATO countries in Afghanistan and Central Asian states provided them with a certain control over the region.

In these conditions, steps were taken to further strengthen TCS, turning it into a full-fledged regional formation. At the anniversary session of the Collective Security Council on 14 May 2002 in Moscow, the presidents of the states participating in TCS took a decision to transform TCS into an international regional organisation – CSTO. The states parties to TCS expressed readiness for cooperation between NATO and the Shanghai Cooperation Organisation (SCO).

CSTO's creation went along not only with the deepening internal integration of the states, but also with the growing international importance of this organisation and the boost in its relations with other states and international organisations. The transformation of the Treaty into an organisation seemed to open new opportunities for realisation of the TCS potential.

The CSTO Charter and the Agreement on the legal status of the TCS states were signed at the summit in Chisinau in October 2002. The following features of the CSTO Charter attract most attention: using the CSTO consultation mechanisms and procedures so that the member states agree on and coordinate, among others, their foreign policy positions on international and regional security issues; decisions of CSTO members to host forces and military infrastructure of states that are not members of CSTO are taken after urgent consultations (agreement) with the rest of the CSTO member states; the decisions of the Collective Security Council and the consequent implementation decisions of the Council of Foreign Ministers (CFM), the Council of Defence Ministers (CDM), and the Committee of the Secretaries of the Security Councils (CSSC) are mandatory for the member states; the responsibilities and the competencies of CFM, CDM, and CSSC were increased, thus making them not only consultative, but also executive bodies; sanctions were introduced for members in cases when decisions and obligations, including financial ones, are not implemented – from temporary suspension of their participation in CSTO activities to the option of expulsion from CSTO.

The CSC session in Chisinau discussed the necessity of a common approach to the development, production and upgrade of weapon systems of the CSTO

countries, as well as to sell these not at global prices, but at internal ones. It was decided that in military training the CSTO member states would adhere to coordinated programmes.

The CSTO Charter and the Agreement on the CSTO legal status entered into force on 18 September 2003.

Upon the transformation of TCS into an international regional organisation, the member states undertook goal-oriented measures to strengthen the new structure. The April 2003 session in Dushanbe approved Provisions on the CSC as the highest body of CSTO, on the Council of Foreign Ministers, the Council of Defence Ministers, and the Committee of the Secretaries of the Security Councils as consultative and executive bodies of the organisation, on the CSTO Permanent Council, and on CSTO Secretariat as a standing working body. In addition, the session approved a package of CSTO organisational and financial documents, and decided on the members' contributions in the CSTO budget, on the personnel, structure and the distribution of personnel quotas in the Secretariat.

According to a December 2003 decision of the CSTO Council of Defence Ministers, the personnel strength of the CRRF in the Central Asian region was increased 2.5 times. It was decided to add to the existing four battalions another five – one from Russia, Kazakhstan, and Kyrgyzstan each, and two from Tajikistan. Thus, the personnel strength of the CSTO real combat forces was to become more than 3,500 soldiers. Furthermore, the increase of troops did not have an impact on the number of CRRF HQ personnel acting on a permanent basis in Bishkek. The operational group of this HQ included 21 personnel, while it was envisioned to increase it to 81 in a “special” period.

The Multinational HQ of the armed forces of the member states tasked with operational command and control of the Collective Rapid Reaction Forces began functioning on January 1st, 2004. At the same time CSTO member states introduced the preferential regime of military-technical cooperation and, practically, a process of free training of military personnel. At that time, the Russian Federation contributed 50 percent of the financing of all activities in the framework of CSTO, while the other five members contributed 10 percent each. The speed of military integration within CSTO was directly related to the system of stimuli created by the leadership of the Russian Federation to entice the allies to cooperate.

The follow-up session of the Collective Security Council at the level of presidents took place in Astana on 18 June 2004. It examined and approved drafts of documents regulating key issue of activity in the military sphere: on the operational preparedness of the territory, on the legal and financial provisions for the activity of CRRF in the Central Asian region of collective security, and on information protection.

During the CSC session in Moscow on 23 June 2005 the presidents of the member states endorsed a CSTO Plan on coalition military construction till 2010 and beyond, Agreement on the training of military personnel for the CSTO member states, Concept for the Programme of military-technical cooperation of the CSTO member states for 2006–2010. The CSTO Collective Security Council took a decision to create an Interstate Commission on Military-Economic Cooperation (ICMEC) within CSTO and approved its Terms of Reference. The Commission was formed and began its work in 2006.

During the CSC session in Minsk on 23 June 2006 the presidents signed a Declaration of the CSTO member states on the further enhancement and the increase of efficiency of the organisation's activity and discussed the positions of the CSTO member states on the situation in OSCE. A CSC Decision to reinstitute Uzbekistan in CSTO was also signed at that session. According to official data, 187 people died during the events in Andijan, Uzbekistan, in 2005, and the nature of the international reaction brought a revision of Tashkent's foreign policy. Uzbekistan resolutely rejected the demands of the United States and the European Union for an independent international investigation of the tragedy in Andijan. Washington and Brussels introduced sanctions against Uzbekistan, accusing its leadership in inproportionate use of force in suppressing the disturbances in Andijan. According to one of the stories, Tashkent was upset most of all not by Washington's criticism, but by its involvement in the transfer of refugees from Andijan to Europe (the Uzbek authorities called these people "mutineers" and called for their return to the country).⁵

In response, the Uzbek authorities made Washington pull out of the Harshihanabad military base opened in September 2001 in the prelude to the operation in Afghanistan. The U.S. military base on the military airfield in Hanabad (in Uzbekistan's south) existed from 2001 till 2005 hosting a squadron of C-130 military transport aircraft, approximately ten Black Hawk helicopters and some 1,500 military personnel. Like the Manas base in Kyrgyzstan, it was used to support American and allied forces in Afghanistan.⁶

The Collective Security Council held its regular meeting on September 5, 2008 in Moscow and adopted a Declaration of the CSC Moscow Session. The heads of the member states signed documents supporting the establishment of a system for collective response to new challenges and threats, including an Agreement on the preparation of personnel for law enforcement and other services of the CSTO

⁵ M. Tyshchenko, "A Threat to the Yield of Milk," *Lenta.ru*, 22 August 2009 <<http://lenta.ru/articles/2009/08/22/visit>> (23 August 2009).

⁶ Ibid.

member states, the Decision “On additional measures to enhance the counter-narcotics activity within the CSTO,” a Programme of joint activities towards the establishment of an information security system, and a Plan for collective activities of the CSTO member states for the implementation of the UN Global Counter-Terrorism Strategy for the period 2008–2012. The participants in the session supported Russia’s initiative on the establishment of a Treaty on the European Security.

One of the substantial results of the meeting was the attainment of a relatively consolidated position in the assessment of the event in South Ossetia and Abkhazia in August 2008. The leaders of the CSTO member states expressed their “deep concern” of “Georgia’s attempt to resolve the conflict in South Ossetia by force that led to numerous casualties among the peaceful population and the peacekeepers and grave humanitarian consequences.” They supported the active role of Russia in assisting peace and cooperation in the Caucasus, called for provision of reliable security of South Ossetia and Abkhazia and not to apply double standards in the assessment of the ensuing situation.

CSTO's International Legal Framework

Elena F. Dovgan

CSTO as an International Organisation

The Evolution of TCS/CSTO from the Perspective of International Law

The modes of international security cooperation in the post-Soviet space evolved since the signing of the Treaty on Collective Security of 15 May 1992. In 1992, the Commonwealth of Independent States (CIS) did not exist yet as an international organisation¹ and, possibly, this is the reason that TCS was not seen as regulating the cooperation in this field within CIS (that is regulated by art. 34 of the CIS Charter). There was a close link between CSTO and CIS from the moment TCS was signed till the establishment of the CSTO in 2002. For example, according to article 3 of TCS, in addition to the heads of states, the commander in chief of the multinational armed forces of CIS is also a member of the Collective Security Council (CSC). The Regulations on the CSC, adopted later,² do not include in the CSC persons on administrative positions in the CIS. The linkage between TCS and CIS was visible at the institutional level. For example, the remuneration of the CSTO employees was calculated on the basis of the remuneration of personnel serving in CIS bodies,³ while since 1996 till 2005 the functions of the CSC Secretariat were performed by the Headquarters for coordination of the military cooperation of the CIS member states.⁴

According to the Decision of the CIS Council of the Heads of States of 24 December 2003 "On the priority measures for implementation of the Treaty on Collective Security of 15 May 1992," the implementation of the TCS has to take place in

¹ The CIS Charter was adopted on 21 January 1993.

² See for example art. 3 of the Regulations on the CSC adopted with the Agreement of 6 July 1992 and the respective article of the regulations as of 24 April 2003.

³ Decision of the heads of governments of the TCS member states "On the financing of the activity of the Collective Security Council and its working bodies" of November 3, 1995.

⁴ TCS decision "On the transfer of functions of the Collective Security Council Secretariat to the Headquarters for coordination of the military cooperation of the CIS member states" of January 19, 1996.

the framework of CIS. Therefore, one can agree with the opinion of the Head of the CSTO Council N.N. Bordyuzha in the sense that the TCS system from the start was seen by its architects as the military-political dimension of the activities in the framework of CIS.⁵

At the same time, notwithstanding the tendencies of the 1990s to include the TCS cooperation in the CIS system, the TCS mechanisms remained largely autonomous. The independence of the TCS as a system responsible for maintaining international peace and security was fixed in the Treaty itself. According to TCS article 5, the coordination of the joint activities of the member states in the implementation of the Treaty was not assigned to the Supreme Command of the Combined Armed Forces performing that function in the Commonwealth, but created instead the Collective Security Council. The TCS is financed from the contributions of the TCS members and not from the integrated budget of the CIS.⁶

With the adoption of the CSTO Charter on 7 October 2002 (in force as of 18 September 2003) CSTO was established as a regional international organisation as defined in article 1 of the Charter. The analysis of documents, competences, and practices of CSTO in examining the compliance of CSTO with the requirements towards international intergovernmental organisations leads us to the same conclusion.⁷ CSTO was established on the basis of an international treaty towards the achievement of specific objectives (strengthening peace, international and regional security and stability, collective protection of the independence, territorial integrity and the sovereignty of member states⁸), acts in accordance with the principles of international law,⁹ has an independent system of bodies¹⁰ and autonomous will, independent of the will of the member states, expressed in the rights to make decisions, including mandatory ones, and to conduct international cooperation activities.¹¹ CSTO has its own budget formed from the contributions of

⁵ Nikolai N. Bordyuzha, "The Collective Security Treaty Organisation – a Reliable Tool for Countering Terrorism in the Euroasian Space," *International Public and Private Law (Mezhunarodnoe Publichnoe i Chastnoe Pravo)* 3 (2007), p. 21.

⁶ *On the expenditures on the Collective Security Council in 1996* (3 November 1995); *On the rules of financing the activity of the Collective Security Council and its working bodies* (3 November 1995).

⁷ See K.A. Bekyashev, ed., *International Public Law: A Textbook* (Moscow: Prospect, 1999), pp. 239–41; Jan Brownlie, *Principles of Public International Law*, Sixth edition (Oxford: Oxford University Press, 2003), p. 649.

⁸ Article 3 of the CSTO Charter.

⁹ Preamble and article 5 of the CSTO Charter.

¹⁰ Article 1 of the CSTO Charter.

¹¹ Articles 5 and 12 of the CSTO Charter.

the member states.¹² Based on the Agreement on the legal status of the Collective Security Treaty Organisation of 7 October 2002, CSTO and its employees receive a number of privileges and immunities necessary for the performance of their functions. The conditions for the stationing of the CSTO bodies on the territory of the Russian Federation are regulated by specific international treaties such as the *Agreement between the Government of the Russian Federation and the Collective Security Treaty Organisation on the conditions of stationing the CSTO Secretariat on the territory of the Russian Federation* of 19 December 2003, the *Agreement between the Government of the Russian Federation and the Collective Security Treaty Organisation on the conditions of stationing the Multinational HQ on the territory of the Russian Federation* of 26 November 2007, etc. The status of CSTO as an intergovernmental organisation is recognised by governments and intergovernmental organisations acting outside the region. For example, since 2004 CSTO has the status of an observer at the United Nations on the basis of UN General Assembly Resolution A/RES/59/50 of 16 December 2004.

It has to be mentioned at the same time that in the period of transition from TCS to CSTO the states preferred to make collective declarations on their own behalf without referring to CSTO.¹³ This may be seen as evidence of a certain initial distrust in the newly founded structure. According to the norms of international law, international organisations such as CSTO are subjects of international law and have their own (autonomous) will different from the will of the member states.¹⁴ That means that CSTO decisions are adopted by the organisation itself and it is

¹² Article 24 of the CSTO Charter.

¹³ See for example the *Letter of the Permanent Representative of the Russian Federation to the United Nations Organization of 2 December 2005 to the UN Secretary General*; the *Address of the Minister of Foreign Affairs of Republic of Armenia, Republic of Belarus, Republic of Kazakhstan, Republic of Kyrgyzstan, the Russian Federation, Republic of Tajikistan and Republic of Uzbekistan to the Council of the Ministers of Foreign Affairs of the Organization for Security and Cooperation in Europe in Brussels*.

¹⁴ K.A. Bekyashev, ed., *International Public Law: A Textbook* (Moscow: Prospect, 1999), pp. 241–42; T.N. Neshataeva, *International Organisations and Law: New Tendencies in the International Legal Regulation* (Moscow: Delo, 1998), 93; E.A. Shibaeva and M. Potochnyi, *Legal Aspects of the Structure and the Activity of International Organisations* (Moscow: Moscow State University Publishing House, 1998), pp. 54–55; E.A. Shibaeva, *International Organisations' Law* (Moscow: International Relations, 1986), 34; José E. Alvarez, *International Organizations as Law-makers* (New York: Oxford University Press, 2005), pp. 130–132; C.F. Amerasinghe, *Principles of the Institutional Law of International Organizations*, Second edition (Cambridge: Cambridge University Press, 2005), pp. 10–11; *Reparation for Injuries Suffered in the Service of the United Nations*. Advisory Opinion, I.C.J. Reports 1949 (The Hague: I.C.J., 1949), pp. 179–180.

the CSTO that bears the responsibility for its own activity. Therefore, political declarations were then made by the “CSTO member states.”¹⁵

Membership in the CSTO

The membership of SCTO is of an open nature. Any state sharing the goals and the principles of CSTO may join the Organisation given the agreement of all member states.¹⁶ According to Article 19 of the CSTO Charter “any state that shares the goals and the principles and is ready to accept responsibilities outlined in the present Charter and other international treaties and decisions active in the framework of CSTO can become member of the Organisation.” There is no requirement that such a state is in a certain geographical region. The decision to accept a state as a member of CSTO is taken by the Collective Security Council. The procedure for adopting a member and terminating membership is regulated by the Provision on the procedure for accepting new members and terminating membership in the Collective Security Treaty Organisation of 18 June 2004.

Currently, Republic of Armenia, Republic of Belarus, Republic of Kazakhstan, Republic of Kyrgyzstan, the Russian Federation, Republic of Tajikistan and Republic of Uzbekistan are members of CSTO. The only case of accession of a state as a member of CSTO was the restoration of the membership of Republic of Uzbekistan through signing a treaty between CSTO and Republic of Uzbekistan¹⁷ on the basis of the CSC decision of 23 June 2006. The Protocol lists the international treaties and acts of CSTO, to which Republic of Uzbekistan agrees to sign up, and sets a date for completing the respective internal procedures (article 2).¹⁸ It is worth mentioning at the same time that, unlike other international organisations such as the Council of Europe and the European Union, the advanced signing up to the listed documents is not a condition for becoming a CSTO member. In such a case is possible that a state becomes a member of CSTO without implementing the procedures for signing up to the listed documents. In this case, the only method of influence remains the suspension of membership and later expulsion from CSTO based on article 20 of its Charter that, in our view, is of low probability.

¹⁵ *Declaration of the Ministers of Foreign Affairs of the member states of the Collective Security Treaty Organisation on the events in South Ossetia* (4 September 2009).

¹⁶ Article 10 of TCS; Protocol on the conditions, mechanism and procedure of accession to the Treaty on Collective Security by states that have not signed this treaty of 24 December 2003.

¹⁷ Protocol on the restoration of membership of 16 August 2006.

¹⁸ The problems with the legal status of the decisions taken by CSTO bodies are discussed separately below.

The suspension of the membership of a state in CSTO can be realised through the state leaving CSTO on its own initiative or its exclusion (articles 19 and 20 of the CSTO Charter). In order to leave CSTO, after settling its obligations in the framework of the Organisation, such a state communicates to the depositary of the Charter a formal notice of withdrawal no later than six months before the date of withdrawal.

The decision of excluding a state from CSTO is taken by the CSC in a case, when after suspending the membership of a state in CSTO due to its failure to adhere to the CSTO Charter, CSC decisions and decisions of other CSTO bodies towards their implementation, the state continues not to comply with these commitments.¹⁹

Countries that are not CSTO members and international organisations can receive an *observer status* upon a CSC decision on their written request addressed to the CSTO General Secretariat. Observers cannot take part in the discussion of the issues on the agenda of the session (the meeting), in decision making, and cannot be elected in CSTO bodies.²⁰ The Collective Security Council also takes the decision to suspend or terminate the observer status. States that are not CSTO members and do not have an observer status can also participate in the work of CSTO bodies.²¹

CSTO Competencies

The signing of the Treaty on Collective Security pursued the creation of a collective defence system and the establishment of mechanisms for consultations in critical situations. The objectives and functions enshrined in the CSTO Charter are much wider and include the enhancement of peace, international and regional security and stability, the protection—on collective basis—of the independence, territorial integrity and sovereignty of the member states. It should be noted that the obligation to conduct its activities in compliance with the principles and commonly recognised norms of international law were fully reflected in the CSTO documents.

The 1992 Treaty on Collective Security already enshrined the prohibition of the use of force or the threat of using force in international relations as a main TCS

¹⁹ Article 20 of the CSTO Charter; *Regulations on the order of suspension of participation of a member state in the activity of CSTO bodies or its exclusion from CSTO* (18 June 2004). The issue of suspending the participation of a member state in the activity of a CSTO body and its exclusion from CSTO is examined in detail in the last sub-section of this chapter.

²⁰ Article 21 of the CSTO Charter; Rule 15 of the *Rules of Procedure of the CSTO Bodies* (2004).

²¹ Rule 16 of the *Rules of Procedure of the CSTO Bodies* (2004).

principle. The obligation to resolve disputes both among member states and with third countries is also emphasised.²² The adherence to the obligations stemming from the UN Charter and the commonly recognised principles of international law, including the prohibition on the use of force and the threat of using force—including for the purposes of resolving international disputes—is enshrined also in articles 1 and 2 of the Declaration of the states parties to the Treaty on Collective Security of 10 February 1995. The Declaration strengthens the prohibition on the use of force through the provisions for friendship and cooperation among the member states, banning the entry in military alliances and the participation in any grouping of states, as well as in activities aimed at another member state.²³ The use of force and the interference in the internal affairs of states are considered as major sources of military threats.²⁴ Article 4 of the CSTO Charter underlines the respect for the principles of sovereign equality, performance of international obligations, and non-interference in internal affairs of states. The concept of cooperation among CSTO member states and the regulations for CSTO bodies also refer to the norms and principles of international law.²⁵

Articles 7 and 8 of the CSTO Charter define the main areas of state cooperation in the framework of CSTO:

- creation of an effective collective security system, including the creation of coalition (regional) groups of forces, command and control, military infrastructure, education and training of military personnel and specialists for the armed forces, provision of the necessary armaments and military equipment;
- fighting international terrorism and extremism;
- countering the illegal trafficking of drugs and psychotropic substances;
- countering the illegal trafficking of arms;
- fighting transnational organised crime;
- countering illegal migration and other threats.

The main cooperation areas and the concrete steps in implementing the cooperation measures in the framework of TCS/CSTO were defined in follow-up programmatic documents such as concepts, action plans and others, including:

²² Article 1(1).

²³ Article 2.

²⁴ Part I of the *Concept for Collective Security of the TCS Member States* (10 December 1995).

²⁵ Article 1 of the *Concept for Creating and Functioning of the Mechanism for the CSTO Peacekeeping Activity* (18 June 2004).

- the CSC decision “On the main directions of deepening the military cooperation among the states parties to the Treaty on Collective Security” of 10 December 1995 that envisions the necessity of coordinating the activities of the member states, repelling an aggression in a joint manner, converging the legislation related to TCS, developing armed forces in various directions;
- the CSC decision “On the Concept for Collective Security of the states parties to the Treaty on Collective Security” of 10 December 1995 that defines the foundations of the military policy of the member states, the basis for guaranteeing collective security, the main directions and the phases in creating a system for collective security, and the conduct of a coordinated policy *vis a vis* third countries;
- “The Plan for realising the activities of the second phase (till 2001) in constructing the system for collective security” of 2 April 1999 envisioned the creation of Coalition (regional) groups of forces as foundation of regional security structures, planning for the use of these forces, comprehensive support and command and control, improving the combined air defence system, aligning and coordinating the positions of the TCS member states on current issues of regional and international security.

The following documents were adopted after the creation of CSTO:

- The decision of the CSTO Collective Security Council “On the Concept for creating and functioning of the mechanism for the CSTO peacekeeping activity” of 18 June 2004;
- Priority directions for the activity of the Collective Security Treaty Organisation in the second half of 2005 and the first half of 2006, approved by a CSC decision of 23 June 2005;
- Plan for collective actions of the member states of the Collective Security Treaty Organisation for implementation of the UN Global Counter-Terrorism Strategy 2008–2012, approved by a CSC decision of 5 September 2009.

It can be concluded on that basis that the system for collective security, existing in the framework of CSTO, includes the creation of a defence alliance, a dispute settlement system, creation of collective military formations, fight against specific types of international crime and crimes of international nature ²⁶ – all these being

²⁶ On this issue the reader may refer also to Nikolai Bordyuzha, “Collective Security Treaty Organisation,” *Mezhdunarodnaya Zhizn* 2 (2005): 72–82; Nikolai Bordyuzha, “NATO and

specific to regional international organisations acting in the field of maintaining international peace and security.

Creation of a Defence Alliance

The creation of a defence alliance is the primary purpose of signing the Treaty on Collective Security. And this is the exact purpose that is in the foundation of most of the existing regional international organisations acting in the area of international peace and security, such as NATO²⁷ and the Organisation of the American States (OAS).²⁸

The commitment of the states to provide assistance to a state party to TCS, or a member of CSTO, in the order of collective self-defence is enshrined in a considerable number of legislative acts, including article 4 of the Treaty on Collective Security and article 3 of CSTO Charter. But it is also worth mentioning that while article 51 of the UN Charter recognises “the inherent right of individual or collective self-defence if an *armed attack* occurs against a Member of the United Nations,” CSTO documents use the term “aggression” as a reason to use corresponding collective measures.²⁹ The CSTO in its article 3 speaks of a defence on a collective basis of the “independence, territorial integrity and sovereignty of member states.”

It must be pointed out that the use of these formulations is fraught with abuses and may eventually be used to broaden the concept of self-defence accepted by modern international law and enshrined in article 51 of the UN Charter. The notions of “aggression,” “threat and violation of the independence, territorial integrity and sovereignty”—as is frequently reminded in the specialised literature³⁰—are

CSTO have to combine their efforts!” Verbatim report from the press conference of the CSTO Secretary General N.N. Bordyuzha, 11 March 2009, Brussels, Office of the Permanent Representative of the Russian federation at NATO, www.dkb.gov.ru/start/index.htm.

²⁷ See Article V of the North Atlantic Treaty (1949).

²⁸ See Article 28 of the Charter of the Organization of American States (1948).

²⁹ Article 10 of the “Agreement on the Main Principles of Military-Technical Co-operation among the parties to the Treaty on Collective Security of 15 May 1992” with Protocol of 19 September 2003; item 2.3 of the Plan for implementation of the Concept for Collective Security of the TCS Member States of 10 December 1995, items 5.3 and 6; Regulations on the Collective Security Council (28 April 2003), item 5.1.2; Regulations on the Council of Defence Ministers (28 April 2003); Protocol on the mechanism of providing military-technical assistance to member states of the Collective Security Treaty Organisation in cases of arising threat of aggression or given an act of aggression (6 October 2007).

³⁰ See for example E.I. Skakunov, *International Legal Guarantees for the Security of States* (Moscow: International Relations, 1983), pp. 104–5; S.V. Chernichenko, *Theory of International Law*, in two volumes (Moscow: National Institute of International Law, 1999). – vol. 1:

much broader than “armed attack” – the only basis for self-defence according to the UN Charter. For example, the definition of “aggression” that was approved in 1974 by Resolution 3314(XXIX) of the UN General Assembly is sufficiently broad in scope and includes acts, lacking significance, that are not considered as “armed attack.” Even more so, during the discussion on the draft article “On the definition of aggression,” the Soviet delegation proposed to consider ideological influence as one type of aggression that includes, *inter alia*, hostile ideological propaganda.³¹

The same broad approach transpires in the CSTO documents. For example, item 5.1.2 of the *Regulations on the Council of Defence Ministers* of 28 April 2003 treats the “military aggression” as an “armed attack.” Article 2(3) of the *Agreement on the CSTO Collective Rapid Reaction Forces* of 14 June 2009 defines as one of the CRRF tasks “the prevention and repelling of an armed attack, including aggression, and localisation of conflicts.” All this suggests the need to clarify the formulations of the reasons for implementing self-defence measures used in the texts of the CSTO international-legal acts (and to use consistently the term “armed attack”).

Shaping the System for Peaceful Resolution of Disputes

The CSTO documents practically do not describe the use of mechanisms for peaceful resolution of international disputes both in the framework of the Organisation and outside it. The only international treaty defining the role of CSTO in the peaceful resolution of conflicts is the 2007 *Agreement on the CSTO peacekeeping activity*. Its article 1 defines the peacekeeping activity of CSTO that includes “a set of measures, including peaceful means and actions aimed at resolution of disputes (in accordance with the UN Charter).” The Agreement does not examine any specific mechanisms for peaceful resolution of disputes. Nevertheless, we should not forget that the peacekeeping activity as such already has a positive impact on conflict resolution.

The mechanism for peaceful resolution of disputes emerging in the framework of CSTO is minimalistic. As a method of shaping a common security policy—that contributes to prevention of conflicts—article 2 of the TCS examines the possibility for *regular consultations* on important issues of the international and collective (in the framework of CSTO) security affecting the interests of the states parties to the TCS and *immediate consultations* on issues related to arising threats to the secu-

Modern theoretical problems, p. 113; Yoram Dinstein, *War, Aggression and Self-Defence*, Third edition (Cambridge: Cambridge University Press, 2001), p. 22; as well as the works of Stanimir Alexandrov and Jean Combacau.

³¹ Bruno Simma, ed., *The Charter of the United Nations: A Commentary* (New York: Oxford University Press, 1995), p. 312.

ity, territorial integrity and the sovereignty of the states parties to the Treaty, or threats to international peace and security. The procedure for conducting such consultations is defined in the *Provision on the procedure for conducting consultations*, approved by the Collective Security Council on 28 March 1997.

The *Regulations on the functioning of the mechanism for coordination of the foreign policy activity of the CSTO member states* adopted on 19 November 2003 preserves that system. *Foreign policy consultations* (part I, no. 2) take place during CSTO meetings at various levels—CSC, CFM, CDM, ad hoc meetings of the foreign ministers, the Committee of the secretaries of security councils of CSTO, the CSTO Permanent Secretariat, the deputy ministers of foreign affairs and defence, working groups of experts from the member states, representatives of foreign policy agencies, permanent representatives of member states in international organisations, meetings of ambassadors and other representatives of member states in third countries, and other formats—in order to achieve the CSTO objectives, prior to important international forums with the participation of CSTO member states, as well as for examination of issues of common interest. *Emergency consultations* are conducted in cases related to the emergence of a threat to the security, territorial integrity and sovereignty of member states, as well as threats to international peace and security, through the conduct of meetings, including ad hoc meetings of the ministers of foreign affairs of CSTO member states (part II, no. 3).

Disputes related to the implementation of interpretations of the Charter and international treaties signed in the framework of CSTO are resolved only through diplomatic means such as consultations and negotiations.³² That is explained either by the high importance of the regulated issues or by the general lack of trust of the CSTO member states in international institutional structures for peaceful resolution of disputes.³³ Article 27 of the CSTO Charter is the only text among all

³² Article 11 of the *Agreement on the Main Principles of Military-Technical Co-operation among the parties to the Treaty on Collective Security* (20 June 2000); Article 31 of the *Agreement on the legal status of the Collective Security Treaty Organisation* (7 October 2002); Article 16 of the *Agreement on education and training of military personnel for the Member States of the Collective Security Treaty Organisation* (23 June 2005); Article 11 of the *Agreement on the Peacekeeping Activity of the Collective Security Treaty Organisation* (6 October 2007); Article 14 of the *Agreement on the CSTO Collective Operational Reaction Forces* (14 June 2009).

³³ For the period of its existence, the Economics Court of CIS has issued decisions only in five cases of disputes among states, while more than 80 advisory opinions were given on issues of interpretation of norms of international treaties (see *Current Archives of the CIS Economics Court*). As of this moment, none of the states that are currently members of CSTO, or even of CIS, has not recognised the jurisdiction of the UN International Court based on

documents that provides the possibility to turn to the Collective Security Council if agreement cannot be reached through negotiations and consultations. Given the lack of specific regulations on resolution of disputes stemming from decisions of SCTO bodies, it seems to be assumed that they can be resolved through consultations among the parties concerned. Any other means of resolving disputes (irrespective of their category) can be applied only with the agreement of both sides to the dispute.

Hence, it can be ascertained that irrespective of the declared priority of political means for enhancing the peace, international and regional security and stability, protection on collective basis of the independence, territorial integrity and sovereignty of the member states, and the appeals to resolve conflicts through peaceful means of foreign policy,³⁴ the currently existing mechanism for peaceful resolution of disputes in the framework of CSTO is not sufficiently developed.

Creation of Collective Military Formations

The idea to create collective military formations evolved throughout the period of activity of TCS and CSTO. The commitment of the states to coordinate their positions on international and regional security problems, as well as in case of a threat to peace, was enshrined in article 9 of the Treaty on Collective Security and part II of the Concept of Collective Security of 1995. The 1995 Concept envisioned the creation of *coalition armed forces*, combined air defence system, etc., in order to prevent conflicts and to create conditions for comprehensive development of individuals, society and state. The CSC was tasked to create *collective peacekeeping forces* for peacekeeping operations conducted in implementation of decisions of the UN Security Council and OSCE.

The Agreement on the status of the forces of the collective security system, adopted by the states parties to TCS on 11 October 2000, regulates the possibility to send military contingents to/from requesting and agreeing parties on each other's territory, the decision making procedure and the legal status of the military formations created for the purpose of repelling outside military aggression against TCS states. At the CSC session in May 2001 it was decided to create *Collective Rapid Reaction Forces* (CRRF) in Central Asia.

The *Agreement on the main principles of military-technical co-operation among the parties to the Treaty on Collective Security* was amended with the Protocol of

article 36(2) of the *Status of the UN International Court*. See Elena F. Dovgan, A.Sh. Kerimbaeva, L.V. Pavlova, M.G. Pronina, *et al.*, *Fifteen Years of the Economics Court of the Commonwealth of the Independent States* (Minsk: Kovcheg, 2008), p. 8.

³⁴ Article 3 of the CSTO Charter; *Declaration of the Moscow session of the Collective Security Council of CSTO* (5 May 2008).

19 September 2003. The Protocol establishes the obligation of the member states to provide technical assistance to any of the Parties in a situation “that will be regarded by the Collective Security Council as a threat of an act of aggression against the said Party, or when a member state uses its right of individual or collective self-defence in accordance with article 51 of the UN Charter, or when a member state has been subjected to terrorist acts or other threats to its sovereignty and territorial integrity.”

Other international treaties signed later foresee an opportunity to create and the modus operandi of two types of collective armed forces: CSTO peacekeeping forces and Collective Operational Reaction Forces (CORF).

Peacekeeping Activity of CSTO

On 18 June 2004, the CSTO Collective Security Council approved a *Concept for creating and functioning of the mechanism for the CSTO peacekeeping activity*. Its article 2 describes the peacekeeping activity as a crucial stage of the early detection and timely prevention of emerging military-political crises and military conflicts by political means. In practice, the creation of collective peacekeeping forces became possible with the adoption of the *Agreement on the peacekeeping activity of the Collective Security Treaty Organisation* of 6 October 2007, which reflected many of the provisions of the 2004 Concept.

According to article 1 of the 2007 Agreement, the CSTO peacekeeping activity includes measures aiming at peaceful settlement of disputes; collective actions undertaken by the member states with the use of military, police and civilian personnel aimed at preventing, restraining, and terminating military actions between states or within a state through the intervention of a third party; and fostering peace and security.

The analysis of this definition from the point of view of the classification proposed by UN bodies allows to conclude that the CSTO “peacekeeping activity” includes measures for conflict prevention, peace-making, peace-keeping and peace enforcement.³⁵ From the definition follows that the CSTO “peacekeeping activity” does not include peace building measures.

The CSTO peacekeeping operation is described as a set of actions interrelated in terms of purpose, tasks, place and time by impartial military, police, and civilian personnel, undertaken to stabilise the situation in the area of potential or existing conflicts, and conducted in accordance with a mandate and aiming to create conditions that are favourable to conflict resolution and to maintain and restore peace

³⁵ *United Nations Peacekeeping Operations: Principles and Guidelines* (New York, NY: UN Department for Peacekeeping Operations, 2008), pp. 17–19.

and security.³⁶ Hence, a peacekeeping contingent cannot have self-defence as an objective.

Peacekeeping operations may be conducted on the territory of member states upon a decision of the CSTO Collective Security Council or on the territories of third countries upon a decision of the UN Security Council.³⁷ Accounting for the fact that peacekeeping operations can be conducted only with the agreement of the states that are sides to the conflict and the advanced, freely and clearly expressed agreement of the state to deploy troops on its territory is sufficient for the conduct of a peacekeeping operation,³⁸ this norm is not sufficiently defined. It seems that the people who wrote the text either tried to limit the employment of peacekeeping forces to conflicts on the territory of member states and contributions to UN peace operations on the basis of *Chapter VIII of the UN Charter*, or the reference to a decision of the UN Security Council relates to peace enforcement operations conducted on the basis of *Chapter VII of the UN Charter* with the sanction of the UN Security Council. Furthermore, according to article 4 of the Agreement, in the case operations are conducted outside the territory of member states (and in other cases on their territory as well), CSC requests a mandate of the UN Security Council that is necessary precisely for conducting enforcement operations on the basis of Chapter VII. Article 7 on the other hand allows CSC to take decisions on employing collective peacekeeping forces (CPF) for participation in peacekeeping operations of regional organisations that do not envision enforcement activities, given that there are legitimate decisions of the regional organisations and agreement of the state to conduct operations on its territory.

It can be concluded on that basis that there is a formal contradiction between the provisions of articles 3, 4, and 7 of the Agreement on the CSTO peacekeeping activity. It seems that the purpose of signing the Agreement was to provide opportunities for employing CSTO peacekeeping forces—upon a decision of the Collective Security Council—in operations that do not involve peace enforcement – both in the framework of CSTO and on the territory of other states as contribution to peace operations conducted by other regional intergovernmental organisations. Operations outside the territory of CSTO that do not involve peace enforcement

³⁶ Article 1 of the Agreement.

³⁷ Article 3 of the Agreement.

³⁸ Bruno Simma, ed., *The Charter of the United Nations: A Commentary* (New York: Oxford University Press, 1995), p. 50; Simon Duke, "The State and Human Rights: Sovereignty Versus Humanitarian Intervention," *International Relations* 12:2 (1994), p. 27; E.I. Skakunov, *International Legal Guarantees for the Security of States* (Moscow: International Relations, 1983), pp. 15; C.H.M. Waldock, "The Regulation of the Use of Force by Individual States in International Law," *Recueil des Cours* 81 (1952), p. 461.

can be performed by CSTO peacekeeping forces without linkage to other regional intergovernmental organisations only in the framework of cooperation with the UN Security Council on the basis of Chapter VIII. Any peace enforcement operation is conducted only with the sanction of the UN Security Council, adopted on the basis of Chapter VII of the UN Charter.

The CSTO peacekeeping forces are formed on a permanent basis (article 2) not as a standalone formation, but as a set of the peacekeeping contingents of the member states designated in accordance with national legal norms of each country (article 2). These contingents may participate in peacekeeping operations (article 1) with the agreement of the respective state (article 5) or are sent by the states to participate in peacekeeping operations of the UN or regional intergovernmental organisations on the basis of the stand-by agreement with the UN (article 7). In the latter case, it still remains unclear why it is necessary to have a stand-by agreement with the UN in order to contribute to peacekeeping operations of regional intergovernmental organisations.

The decision to conduct a specific operation is taken by the Collective Security Council (article 3). The collective peacekeeping forces (the units from the set of peacekeeping contingents designated by the member states for the duration of the peacekeeping operation) are created based on such decision. The composition, the organisation and the personnel strength of the Collective Peacekeeping Forces is determined by a CSC decision for each individual peacekeeping operation (article 5).

Collective Operational Reaction Forces (CORF)

The *Agreement on the CSTO Collective Operational Reaction Forces* of 14 June 2009 was taken on the basis of the *CSC Decision on the collective rapid reaction forces* of 4 February 2009.

CORF consists of two categories of contingents: military units and formations of special purpose forces (article 1). In addition to the operations for the protection of the territorial integrity and the political independence of the member states (self-defence, protection of military or other sites, border protection), the tasks of CORF, as determined in article 2(3) of the Agreement, include measures such as counter terrorism and elimination of the consequences of natural disasters. At the same time, unlike the conduct of peacekeeping operations, CORF are created to perform tasks *only* on the territory of the states parties to the Agreement of 14 June 2009.

The decision to form and employ a CORF contingent is taken by the Collective Security Council upon a request from one or more parties on the basis of consensus or with the agreement of the parties to the treaty (article 4). This procedure,

however, provides broad opportunities for abuse in cases when one part to the Agreement has become a victim of an armed attack (or a possible victim of an armed attack). In such a case, it is only the state-victim, and not other states, that can establish the fact of an armed attack and consequently turn to the CSC.³⁹ Furthermore, this decision-making mechanism—"with the consent of the parties for which the Agreement is in force"—theoretically provides an opportunity to take a decision on deploying military contingents in other CSTO member state without having their consent, and that would mean infringement of the territorial integrity and independence of such a state. In the framework of this interpretation, the norm of part 1, article 4 foresees an opportunity to create obligations for CSTO member states, for which the Agreement is not yet in force, i.e. for third parties. This is clearly prohibited by articles 34 and 35 of the *Vienna Convention on the Law of Treaties* of 23 May 1969.

Following the analogy with the CSTO peacekeeping forces, the CORF contingents remain under national jurisdiction until the moment when their commanders report to the CORF Command on crossing the state border of the host country (article 7). After that, they are transferred under the command of the CORF Command, i.e. CSTO has to be responsible for their further actions.⁴⁰ At the same time, according to article 13 of the CORF Agreement, the transit, entry, order, conditions of stay, and legal status of the personnel are determined by the *Agreement on the status of the force formations of the collective security system* of 10 November 2000. Article 13 of that Agreement, however, distinguishes the responsibility of the Command of the military formation as a collective entity (for the preservation of the used property of the host nation and for compliance with the norms of ecological security in the areas of dislocation of the military formations) and the responsibility of the sending state (for the damage that may be caused by military formations to physical persons and moveable and immovable property of the host nation in conditions that are not related to the performance of their tasks) no matter that in that period the sending state does not exercise command over the contingents subordinated to the CORF Command.

³⁹ Yoram Dinstein, *War, Aggression and Self-Defence*, Third edition (Cambridge: Cambridge University Press, 2001), p. 187; *Military and Paramilitary Activities in and against Nicaragua* (Nicaragua v. United States of America), Merits, Judgment (The Hague: International Court of Justice Reports, 1986), p. 103–105; S.V. Chernichenko, *Theory of International Law*, in two volumes (Moscow: National Institute of International Law, 1999). – vol. 1: Modern theoretical problems, p. 277–79; Mohamed Awad Osman, *The United Nations and Peace Enforcement: Wars, Terrorism and Democracy* (Hampshire: Ashgate, 2002), p. 95.

⁴⁰ See p. 5 of the draft article of the UN International Law Commission on the responsibility of international organizations of 2008.

Fight against Crime

Countering International Terrorism and Extremism

Currently, international terrorism is one of the major threats to international peace and security⁴¹ and all states and international organisations are obliged to fight it. Countering international terrorism and extremism is one of the main areas of cooperation among states in the framework of CSTO.⁴² A situation in which a state has been an objective of terrorism is seen as a threat to its sovereignty and territorial integrity.⁴³ Within the CSTO, just like in other international organisations, the fight against extremism parallels the fight against terrorism.

Just like in the whole world, state cooperation in this area intensified after the terrorist acts of 11 September 2001.⁴⁴ By analogy with other international organisations active in the region, special counter terrorism structures were established in the framework of CSTO. For example, CSTO established a Secretary General's working group on countering terrorism and extremism.⁴⁵

Existing military formations, as well as formations under creation, exercise special antiterrorist tasks in the process of their operational and combat training. Units that are created on the basis of the Agreement on the CSTO Collective Rapid Reaction Forces of 14 June 2009 may be involved, inter alia, in activities to counter international terrorism.⁴⁶

Efforts are being made to create a Common list of terrorist and extremist organisations representing a threat to the collective security of CSTO member states, to conduct regular meetings of the heads of units from law enforcement agencies and special services specialised in antiterrorism and fighting organised

⁴¹ See, for example, UN Security Council Resolutions 1735(2006), 1822(2008), and 1904(2009).

⁴² Article 8 of the CSTO Charter.

⁴³ Article 10 of the *Agreement on the Main Principles of Military-Technical Co-operation among the Parties to the Treaty on Collective Security* of 15 May 1992, amended with the Protocol of 19 September 2003.

⁴⁴ See the *Declaration of the states parties to the Treaty on Collective Security in relation to the terrorist acts in the U.S.A.* (12 September 2001).

⁴⁵ *On Provisions on working expert groups on counter terrorism and illegal migration issues to the Committee of the Secretaries of Security Councils of the Collective Security Treaty Organisation* (22 June 2005), approved by a decision of the CSTO Committee of the Secretaries of Security Councils.

⁴⁶ See article 2(3).

crime, of the heads of antinarcotics sections and the migration services of the CSTO member states.⁴⁷

In February 2007, in his speech to the OSCE Permanent Council, the CSTO Secretary General N.N. Bordyuzha declared the need to create Collective regional antiterrorist forces of the CSTO for operational reaction to any terrorist and extremist manifestations, to create a Combined group of forces in the Central Asian collective security region in order to maintain stability in the region and to neutralise threats of terrorist attacks.

Towards the implementation of the UN Global Counter-Terrorism Strategy,⁴⁸ on 5 September 2008, the CSTO Collective Security Council decided to adopt a "Plan for collective actions of the CSTO member states in the implementation of the UN Global Counter-Terrorism Strategy for the period 2008–2012." The plan includes a series of events aimed at developing regulations, harmonizing the legislation of the member states, preparing a CSTO information system for counter-terrorism, exchange of experience, education and training.

At the same time, it has to be noted that the CSTO activity is focused only on the military-political aspects of security without addressing such an important element of combating terrorism as the promotion and protection of human rights in order to prevent terrorist acts, as well as guaranteeing minimum procedural safeguards.⁴⁹

The fight against drug trafficking, illegal migration and arms trade

This fight has an important place in the CSTO activities. In the fight with drug trafficking in particular, a "Plan of actions for countering the drug threat emanating from outside" was adopted. The annual antinarcotics operation "Channel" and operations against illegal migration are conducted annually since 2003.⁵⁰ In order to

⁴⁷ Decision of the CSTO Committee of the Secretaries of the Security Councils "On the practical measures for enhancing the role of the Collective Security Treaty Organisation in the fight against terrorism, religious extremism, illegal migration and transborder crime."

⁴⁸ Resolution of the UN General Assembly A/Res/60/288.

⁴⁹ See para. 82, 83, 112–114 of the Report of the UN General Assembly "Uniting Against Terrorism" (2006), <www.un.org/unitingagainstterrorism/sg-terrorism-2may06.pdf>; Chapter IV of the UN Global Counter-Terrorism Strategy.

⁵⁰ Speech of the CSTO Secretary General N.N. Bordyuzha at the meeting of the OSCE Permanent Council (13 February 2007); Speech of the CSTO Deputy Secretary General T.I. Buzubaeva at the OSCE conference of combating illegal drugs (Vienna: Hofburg, 28-29 June 2007); Speech of the Permanent Representative of Belarus at the UN Andrey Dapkyunas on behalf of the CSTO member states to the plenary meeting of the UN General Assembly session (28 November 2006).

achieve its objectives, CSTO cooperates with other intergovernmental organisations active in the region. A working group of experts on the fight against illegal migration was created as a body supporting the Collective Security Council.⁵¹

The *Agreement on the main principles of military-technical co-operation among the parties to the Treaty on Collective Security* of 20 June 2000, together with the protocols of 7 October 2002, 19 September 2003, and 22 November 2004 determines the regime of delivery of weapons on preferential terms for the achievement of the CSTO objectives and provides an opportunity for the country delivering military products to exercise control over their use. In many respects, this control mechanism resembles a regime of inspections foreseen by a number of international treaties, e.g. the Antarctic Treaty of 1 December 1959 and the Treaty on Open Skies of 24 March 1994.

So far, the issue of combating the proliferation of weapons of mass destruction is barely regulated in the CSTO normative-legal acts. CSTO officials have made statements in UN bodies, e.g. in the UN Office of Legal Affairs, confirming the adherence of the CSTO member states to the regime of the Treaty on the Non-proliferation of Nuclear Weapons and the legal regime established by the UN Security Council Resolution 1540(2004).

Information Support

The collection and dissemination of information is a function of any international organisation. The CSTO framework provides for exchange of information, sending to the Secretariat information on new developments in the foreign and security policy, official statements, interviews, publications of representatives of the member states, international treaties and contacts of member states with third countries, joint statements with third countries and organisations, proposals, draft documents submitted for consideration by international and regional forums (prior to their submission), proposals and draft documents submitted for consideration by international and regional forums in which other member states do not participate, the content of certain open documents related to force development in member states, particularly important legislative acts, etc. Accounting for these materials, the Secretariat prepares assessments and forecasts. Steps are being taken also to disseminate information on the CSTO activity.⁵²

⁵¹ Provisions on the Working group of experts on the fight against illegal migration created by a decision of the CSTO Committee of the Secretaries of the Security Councils of 22 June 2005.

⁵² On the implementation of the decisions of the Astana session of the CSTO Collective security Council (2004); On the approval of the priority areas of the CSTO activity in the second half of 2005 and the first half of 2006; Plan of the main activities for comprehensive

CSTO Bodies

The System of CSTO Bodies

The system of CSTO bodies determined in article 11 of the CSTO Charter became more complex as the organisation evolved. The following structures function currently within CSTO:

- Collective Security Council (CSC);
- Council of the Foreign Ministers (CFM);
- Council of the Defence Ministers (CDM);
- Committee of the Secretaries of the Security Councils (CSSC);⁵³
- Permanent Council;
- CSTO Parliamentary Assembly;
- Secretariat;
- Supporting bodies of CSTO.

The functioning of the CSTO bodies—CSC, CFM, CDM, CSSC, the Permanent Council—is regulated by the CSC decision “On the provisions on the bodies of the Collective Security Treaty Organisation” of 28 April 2003. The procedures for acceptance and termination of membership in CSTO, the suspension of the participation of a member state in CSTO bodies and for expelling a member from CSTO, as well as the rules and procedures for CSTO bodies are defined by the Decision of the CSTO Collective Security Council “On the documents regulating the activity of the Collective Security Treaty Organisation” of 18 June 2004.

The *Collective Security Council* is the most senior body of CSTO.⁵⁴ CSC examines issues of the Organisation’s activity that are a matter of principle. It takes decisions aimed at achieving CSTO goals and objectives, provides for coordination and joint activity of the member states in realising these goals and objectives. Compared to the period of the Treaty on Collective Security, CSC received considerably more powers after CSTO was created.⁵⁵ The main tasks and functions of

strengthening of the cooperation among states, creation and development of the collective security system in the framework of the Collective Security Treaty Organisation for 2006–2010; Decision of the CSTO Collective Security Council of 23 June 2005.

⁵³ Article 11 of the CSTO Charter.

⁵⁴ Article 13 of the CSTO Charter.

⁵⁵ See the Agreement on the approval of the provisions on the Collective Security Council (6 July 1992), with amendments of 24 December 1993).

the CSC are regulated by articles 4 and 5 of the *Provisions on the CSC* of 28 April 2003.⁵⁶

The CSC consists of the heads of the CSTO member states.⁵⁷ The ministers of foreign affairs, the ministers of defence, the secretaries of the security councils of the member states, the CSTO Secretary General, the plenipotentiaries at CSTO and invitees can also take part in CSC meetings. Chairperson of the CSC is the head of the state that hosts the CSC meeting, unless the CSC decides otherwise. He or she retains the Chairperson's rights and obligations until the next regular session of the Collective Security Council.

The CSC activity is organised along its annual sessions. Extraordinary sessions are conducted on the proposal of two CSTO members and, in a case of a threat to the territorial integrity and aggression, on the proposal of the state – victim of the aggression.⁵⁸

The *Council of Foreign Ministers* (CFM) is a consultative and executive body of the Organisation on the issues of coordination of interaction among member states in the foreign policy area.⁵⁹ The CFM consists of the ministers of foreign affairs of the member states.⁶⁰ Articles 4 and 5 of the *Provisions on the CFM*, respectively regulate the tasks and the functions of the Council of Foreign Ministers.⁶¹

The meetings of the Council of Foreign Ministers are conducted as necessary, at least twice a year, while place alternates among member states.⁶² Extraordinary meetings are called upon a decision of the Council on the proposal of the CFM Chairperson or of at least two CFM members.

In a case of a threat to the state sovereignty, the territorial integrity of a member state, an act of aggression or a threat to the international peace and security, the meeting is called on the proposal of any member state within three days after an appeal to the CFM Chairperson.⁶³

The *Council of Defence Ministers* (CDM) is a consultative and executive body of CSTO in regard to the coordination of interaction among member states in the

⁵⁶ See Annex I.

⁵⁷ Article 13 of the CSTO Charter.

⁵⁸ Article 6 of the *Provisions on the CSC* (28 April 2003).

⁵⁹ Article 14 of the CSTO Charter; Article 1 of the *Provisions on the Council of Foreign Ministers* (28 April 2003).

⁶⁰ Article 3 of the *Provisions on the Council of Foreign Ministers* (28 April 2003).

⁶¹ See Annex I.

⁶² Article 6 of the *Provisions on the CFM*.

⁶³ Article 7 of the *Provisions on the CFM*.

areas of military policy, force development, and military-technical cooperation.⁶⁴ Articles 4 and 5 of the Provisions on the CDM, respectively regulate the tasks and the functions of the Council of Foreign Ministers.⁶⁵ The meetings of the Council of Defence Ministers are conducted when there is a need, but no less than twice a year, and the place of the meeting alternates among member states.⁶⁶

The *Committee of the Secretaries of the Security Councils* (CSSC) is a consultative and executive body of CSTO on issues of coordination of interaction among member states in guaranteeing their national security.⁶⁷ The secretaries of the (national) security councils of the member states are CSSC members.⁶⁸ Articles 4 and 5 of the Provisions on the CSSC regulate the tasks and the functions of the Committee of the Secretaries of the Security Councils respectively.⁶⁹ The meetings of the Committee of the Secretaries of the Security Councils are conducted as necessary, but no less than twice a year.⁷⁰

The *Permanent Council* (PS) coordinates the interaction among the member states in the implementation of the decisions taken by CSTO bodies in the periods between CSC sessions. It consists of plenipotentiaries designated by the member states in accordance with their internal procedures.⁷¹ The tasks and the functions of the Permanent Secretariat are regulated by articles 4 and 5 of the Provisions on the PS.⁷² The main type of activity of the Permanent Secretariat are the meetings (consultations) conducted regularly, but no less than twice a month.⁷³

During their meetings, the plenipotentiaries exchange assessments on the positions of their states on the military-political situation in the CSTO area of responsibility and the adjacent regions, as well as on the foreign policy activities planned or conducted by the member states and information on military-political contacts with third countries that are not part of CSTO and with international organisations. Meeting results are reflected in *protocols* sent expeditiously to the plenipotentiaries for transfer in the member states.

⁶⁴ Article 15 of the CSTO Charter; *Provisions on the Council of Defence Ministers* (2003).

⁶⁵ See Annex I.

⁶⁶ Article 6 of the *Provisions on the CDM*.

⁶⁷ Article 16 of the CSTO Charter; Article 1 of the *Provisions on the Committee of the Secretaries of the Security Councils* (28 April 2003).

⁶⁸ Article 3 of the *Provisions on the CSSC*.

⁶⁹ See Annex I.

⁷⁰ Article 6 of the *Provisions on the CSSC*.

⁷¹ Article 13 of the CSTO Charter; Articles 1 and 3 of the *Provisions on the CSTO Permanent Council* (28 April 2003).

⁷² See Annex I.

⁷³ Article 7 of the *Provisions on the Permanent Secretariat*.

The creation of temporary and/or ad hoc working groups is also foreseen when it is necessary to develop collective positions and/or statements on major issues. If necessary, and in order to react in a timely manner to world events, the Permanent Council jointly with the Secretary General may make official statements within the Organisation's existing position of principle.⁷⁴

The *Secretariat* is a permanent working structure of SCTO.⁷⁵ It provides organisational, information, analytic and consultative support to the activity of the Organisation's bodies, including—in coordination with the Permanent Secretariat—the drafting of decisions and other documents of the CSTO bodies.⁷⁶ The tasks and the functions of the Secretariat are regulated by articles 3 and 4 of the Provisions on the Secretariat of 2003.⁷⁷

The Secretariat consists of divisions, sections, and other organisational units and is formed from citizens of the member states on a quota basis—for officials—in proportion to each member state's contribution to the CSTO budget, while assistants are selected on a competitive basis and employed on a contract basis.⁷⁸

The *Secretary General* of CSTO is the most senior administrative official in the Organisation. He equally represents the interests of all member states, implements their common policies and, in performing his activities, cannot be affected by individual member states.⁷⁹ The Secretary General has two deputies. As a rule, the Secretary General and his deputies cannot be citizens of one member state. The powers of the Secretary General are determined in article 9 of the Provisions on the Secretariat of 2003.⁸⁰

CSTO Parliamentary Assembly (PA). Neither the Treaty on Collective Security nor the CSTO Charter stipulates the creation of a body for inter-parliamentarian cooperation. It was felt at the same time that there was a need for a body that is able to elaborate models of legislative acts and recommendations for improving the legislation of the member states. Since the year 2000, the CIS Inter-parliamentary Assembly (IPA) has turned into a forum to address such issues, while

⁷⁴ Article 6, Part II of the *Provisions on the functioning of the mechanism for coordination of the foreign policy activity of the member states of the Collective Security Treaty Organisation* approved by Decision of the Committee of Foreign Ministers (19 November 2003).

⁷⁵ Article 11 of the CSTO Charter; Article 1 of the *Provisions on the CSTO Secretariat*, approved with a Decision on 28 April 2003.

⁷⁶ Article 17 of the CSTO Charter.

⁷⁷ See Annex I.

⁷⁸ Article 17 of the CSTO Charter; Article 7 of the *Provisions on the Secretariat* (2003).

⁷⁹ Article 18 of the CSTO Charter; Article 8 of the *Provisions on the Secretariat* (2003).

⁸⁰ See Annex I.

only representatives of TCS (and later CSTO) member states participated in decision making on cooperation in the framework of CSTO.⁸¹

On 23 November 2001, at the first meeting of the CIS Inter-parliamentary Assembly Council, the representatives of the states parties to the Treaty on Collective Security adopted a Programme of Legal Support of the Plan for the main activities in the creation of the collective security system of the states participating in TCS in 2001-2005.⁸² Main types of activity of the CIS Inter-parliamentary Assembly in a TCS format were the regular meetings of the CIS IPA Council from TCS participating states and of the Standing Defence and Security Committee of the CIS IPA in a TCS format. Several models of legislative acts were adopted in that format, including the *Model law on the procedures of admitting and the conditions of stationing military formations of other states parties to the Treaty on Collective Security on the territory of a TCS state party* of 25 March 2002.

The CSTO Parliamentary Assembly was created on 16 November 2006 on the basis of a Ruling of the CIS IPA Council meeting in a CSTO format. The functioning of the CSTO Parliamentary Assembly is regulated by the *Provisional Regulations on the Parliamentary Assembly of the Collective Security Treaty Organisation* of 30 March 2007. According to this Regulation, the CSTO Parliamentary Assembly is a body of inter-parliamentarian cooperation of those states participating in the CIS Inter-parliamentary Assembly that are CSTO members, i.e. the CSTO Parliamentary Assembly is created and functions in the framework of CIS.

The possibility to have a body of one organisation performing the functions of a body for another one, or to use a more narrow composition, is not new in international relations. For example, the European Court of Justice, established initially as the Court of the European Coal and Steel Community,⁸³ later began to perform Court functions for all three communities⁸⁴ on the basis of the *Convention on certain institutions common to the European Communities* of 23 March 1957. The administrative tribunals of UN and ILO are considering labour disputes between international organisations and their employees. The United Nations Administrative Tribunal (UNAT) is competent to hear and pass judgment upon labour disputes in-

⁸¹ *On the procedure of discussing issues of inter-parliamentary cooperation in the framework of the Treaty on Collective Security*, Resolution of the Council of the CIS Inter-parliamentary Assembly (15 October 1999).

⁸² The Programme was approved by the Chairmen of the TCS Collective Security Council and the Council of the CIS Inter-parliamentary Assembly.

⁸³ Article 31 of Treaty for establishment of the European Coal and Steel Community of 18 April 1951.

⁸⁴ The European Coal and Steel Community, the European Economic Community (EEC), and the European Atomic Energy Community (Euratom).

volving 11 agencies and departments of the United Nations Organization, the International Maritime Organization (IMO), and ICAO,⁸⁵ and the ILO Administrative Tribunal – for 51 organisations.⁸⁶ Since 3 March 2004, the CIS Economic Court performs the functions of a court of the EurAsian Economic Community (EAEC) on the basis of the *Agreement between CIS and EAEC on the performance by the CIS Economic Court of the function of a Court for EAEC*, adopted on that same date. The International Atomic Energy Agency (IAEA) and the United Nations Environment Programme (UNEP) can perform the functions of a secretariat for other international treaties.⁸⁷ It can be concluded on that basis that this is a common practice in international institutional cooperation that allows to harmonise the activities of various organisational structures and to limit their expenditures.

The CSTO Parliamentary Assembly consists of the parliamentary delegations of the CSTO member states that, in turn, include representatives of parliament/parliamentarian chambers of each state – member of CSTO who are elected or appointed by the parliament among its members according to the corresponding procedures. The speakers of parliaments (the speakers of the chambers) lead countries' delegations. In exceptional cases a delegation may be led by another member of the delegation that has been authorized to lead it.⁸⁸ Three Standing Committees—on defence and security, on political affairs and international cooperation, and on socio-economic and legal affairs—as well as an Expert-Consultative Council and Information-Analytic Legal Centre were created and function on the basis of article 8 of the Provisional Regulations of the CSTO Parliamentary Assembly. Each of these bodies functions in accordance with specific provisions.⁸⁹

The powers of the CSTO Parliamentary Assembly are determined in article 3 of the Provisional Regulations.⁹⁰ As a rule, regular plenary meetings are conducted twice a year. The Collective Security Council can call extraordinary meetings.⁹¹

⁸⁵ Wolfgang Münch, Victor Vislykh, and M. Deborah Wynes, *Administration of Justice: Harmonization of the Statutes of the United Nations Administrative Tribunal and the International Labor Organization Administrative Tribunal*, JIU/REP/2004/3 (Geneva, UN Joint Inspection Unit, 2004), Annex I, <www.unjiu.org/data/reports/2004/en2004_3.pdf> (12 September 2010).

⁸⁶ International Labor Organization Administrative Tribunal, By organization, <www.ilo.org/dyn/triblex/triblexmain.byOrg> (12 September 2010).

⁸⁷ See Article 24 of the 1994 Convention on Nuclear Safety.

⁸⁸ Article 2(1, 2) of the Provisional Regulations.

⁸⁹ See the documents regulating the activity of the CSTO Parliamentary Assembly at www.paodkb.ru/html/?id=21 (10 March 2010).

⁹⁰ See Annex I.

⁹¹ Article 5.

The development of CSTO Parliamentary Assembly documents may be initiated by:

- Parliaments (chambers of Parliaments) of CSTO member states;
- Parliamentarian delegations;
- The Council of the CSTO Parliamentary Assembly;
- The Standing Committees of the CSTO PA;
- The Expert-Consultative Council to the CSTO PA Council;
- CSTO bodies created on the basis of its Charter.

The documents discussed during CSTO PA meetings are being developed by the Council, standing and ad hoc PA committees, the Expert-Consultative Council to the CSTO PA Council, and the CSTO PA Secretariat.⁹²

Supporting structures. The documents regulating the activity of CSTO bodies created on the basis of the Organisation's Charter and of the CSTO Parliamentary Assembly allow them to create standing and ad-hoc supporting structures, e.g. working groups of experts on issues like the fight on terrorism and combating illegal migration. This may be an ancillary structure, e.g. the Transitional working group on information policy and security⁹³ or an assembly of the heads of the respective agencies of CSTO member states such as the Coordination council of the heads of competent authorities of CSTO member states in countering drug trafficking,⁹⁴ the Coordination council on emergency situations of CSTO member states,⁹⁵ the Coordination council of the heads of competent authorities of CSTO member states on illegal migration.⁹⁶

The analysis of structures, procedures, and powers of the CSTO bodies leads to the conclusion that currently CSTO has a clear organisational structure, corresponding to a classic scheme of organisational bodies.⁹⁷ The CSTO organisation

⁹² Article 3 of the Concept for convergence and harmonization of the legislation of the CSTO member states in the field of collective security (3 December 2009).

⁹³ Decision of the CSTO Committee of the Secretaries of the Security Councils (24 November 2006).

⁹⁴ Decision of the CSTO Collective Security Council (23 June 2005).

⁹⁵ Decision of the CSTO Collective Security Council (6 October 2007).

⁹⁶ Decision of the CSTO Collective Security Council (6 October 2007).

⁹⁷ The classic scheme of an international organization includes senior, executive, administrative, and temporary bodies (see K.A. Bekyashev, ed., *International Public Law: A Textbook* (Moscow: Prospect, 1999), p. 240), and judiciary (C.F. Amerasinghe, *Principles of the Institutional Law of International Organizations*, Second edition (Cambridge: Cambridge University Press, 2005), pp. 131–59, 217).

includes a senior body (the CSTO Collective Security Council), executive-consultative bodies at the level of ministers (CFM, CDM, CSSC), an executive body acting in-between CSC sessions (the Permanent Secretariat), a structure of inter-parliamentary cooperation (the CSTO PA), ancillary and working bodies either at the level of heads of the respective agencies of CSTO member states or in the form of standing or temporary expert groups. There are no special structures designed to settle disputes between member states, disputes involving CSTO or labour disputes.

Decision-making Mechanism and Legal Force of the Decisions of CSTO Bodies

The decision-making procedure and the legal force of the decisions of CSTO bodies are determined by Article 12 of the *CSTO Charter* and the *Rules of procedures of the CSTO bodies* approved by Decision of the CSTO Collective Security Council of 18 June 2004. There is a uniform decision making mechanism for all CSTO bodies established by its Charter. The decisions of CSC, CFM, CDM, and CSSC, other than those related to procedural issues, are taken by consensus.⁹⁸ Consensus in this case is defined as “lack of formal objection from member states that could represent an obstacle to making a decision on the issue under consideration.” Decisions on procedural issues are taken by a simple majority of the votes of the member states participating in a session (meeting). Every member state has one vote.

Consensus as a method of decision making is used widely by international organisations, since it allows to a maximum degree to achieve concordance of the wills of its members.⁹⁹ At the same time, the goal of using consensus as a decision-making method is to coordinate positions on the problem as a whole, without regard to its individual elements. Thus, member states have the freedom not to agree with certain provisions of decisions taken by consensus, or to express a dissenting opinion on them.¹⁰⁰ Hence, it is possible to conclude that by consensus international organisations take decisions in the area of their subject competence

⁹⁸ Article 12 of the *CSTO Charter*, Rule 14(1) of the *Rules of procedures of the CSTO bodies* of 2004; Article 4.6 of the Provisions on the Council of Foreign Ministers.

⁹⁹ I.P. Blystenko, ed., *International Organisations. A Textbook* (Moscow: RUDN, 1994), pp. 215–18; N.F. Kasian, *Consensus in Contemporary International Relations: International-Legal Aspects* (Moscow: International Relations, 1983), p. 65; A.N. Kalyadin, V.I. Markusheva, G.I. Morozov, et al., *Current Issues in the Activity of International Organisations: Theory and Practice*, ed. G.I. Morozov (Moscow: International Relations, 1983), p. 67.

¹⁰⁰ I.P. Blystenko, ed., *International Organisations. A Textbook* (Moscow: RUDN, 1994), pp. 215–20.

of a recommendatory or framework nature or approve international treaties that then must be ratified by the member states (and thus making them mandatory).

The use of consensus by an international organisation as a decision making method requires detailed elaboration—in its founding documents or other international treaties—of the status and the procedures for making and implementing decisions both for the states supporting and those that did not express interest in a particular decision. Otherwise it becomes difficult, and sometimes impossible, to determine the legal status of the decisions and those states for which they are valid. This problem is inherent for international organisations existing in the CIS space. In particular, the decisions of the CIS senior bodies are made through signing and are mandatory only for the states that recognise them as mandatory for themselves. Since in the decision making in CSTO bodies states may declare that they are not interested, it is possible to create narrow groups of cooperation (of two or three states) as it often happens in the framework of CIS. All this would hinder the unity of the CSTO system and can lead to cooperation at different levels (speeds).

According to the CSTO Charter, the decisions of the Collective Security Council and the follow-on implementation decisions of CFM, CSD, and CSSC are mandatory.¹⁰¹ However, unlike the provisions of the CSTO Charter and the Rules of procedures of the CSTO bodies, article 4.8 of the Provisions on the Council of Foreign Ministers determines that “the decisions of the CFM taken by its Council in accordance with the instructions of the Collective Security Council come into force upon the approval by the Collective Security Council.”

Moreover, an Annex to the *Protocol on the restoration of the membership of the Republic of Uzbekistan in CSTO* of 16 August 2006 lists all international treaties and decisions of CSC, CFM, CDM, and CSSC, which Uzbekistan should join. At the same time, the accession as a form of recognising that a regulatory act is mandatory is specific to international treaties, but not to the decisions of international organisations which, if they are binding, must have an automatic effect for the state that accedes to or restores its membership in the organisation. There is a danger in that regard to mix treaties and the decisions taken in the framework of CSTO.

When it comes to the mandatory nature of international regulatory acts, be that international treaties or decisions of international organisations, the issue of their implementation by states is extremely important. The mandatory decisions of CSTO statutory bodies are implemented in an order established by national legis-

¹⁰¹ Articles 2 and 12 of the CSTO Charter; Article 2 of the 2003 Provisions on the CSC; Rule 14(1) of the *Rules of procedures of the CSTO bodies*.

lation.¹⁰² It follows that for the realisation of acts of CSTO bodies in member states, they need to have in place a special legislative procedure defining how mandatory decisions of international organisations such as CSTO are enforced. However, national legislations usually regulate in detail the mechanism for implementing international treaties, but do not contain rules for the implementation of *decisions* of international organisations (in particular, there are no such norms in the Republic of Belarus and, when a new decision has been made in the framework of CSTO, it is decided separately how it will be implemented). Therefore, the mechanism for implementing the decisions of CSTO bodies is considered an open issue.

The decisions on procedural issues are taken by simple majority of the votes of the member states participating in the session (meeting).¹⁰³ Further, according to article 1 of this rule the decisions on procedural issues are not mandatory for the member states. This provision, however, contradicts the very possibility for the functioning of any international organisation. There is a differentiation in international law between acts adopted in the framework of the subject competencies of international organisations and acts of the internal law. The latter are mandatory both for the bodies of the organisation and for all member states, and that was confirmed by the UN International Court already in 1962 in the Consultative conclusion on certain UN expenses.¹⁰⁴ Furthermore, in addition to the procedural issues (rules on procedures of the bodies of an international organisation, rules for personnel, rules for participation in the activity of the bodies of an international organisation), the issues of membership, budgeting and finances, resolution of disputes related to employment and labour relations, etc., are also a matter of internal law.¹⁰⁵

¹⁰² Article 2 of the CSTO Charter; Article 2 of the 2003 Provisions on the CSC.

¹⁰³ Rule 14(4) of the *Rules of procedures of the CSTO bodies*.

¹⁰⁴ Certain Expenses of the United Nations (Article 17, Paragraph 2 of the Charter), Advisory Opinion, I.C.J. Reports (The Hague: International Court of Justice, 1962), p. 163.

¹⁰⁵ E.A. Shibaeva, *International Organisations' Law* (Moscow: International Relations, 1986), p. 139; E.A. Shibaeva and M. Potochnyi, *Legal Aspects of the Structure and the Activity of International Organisations: A Tutorial*, Second edition (Moscow: Moscow State University Publishing House, 1998), p. 48; V.I. Margiev, *Internal Law of International Organisations*, synopsis of dissertation for doctor of jurisprudence 12.00.10 (Kazan: Kazan State University, 1999), p. 18; C.F. Amerasinghe, *Principles of the Institutional Law of International Organizations*, Second edition (Cambridge: Cambridge University Press, 2005), pp. 165–66; José E. Alvarez, *International Organizations as Law-makers* (New York: Oxford University Press, 2005), pp. 144.

All that speaks of insufficient development of decision-making mechanisms and the legal force of the decisions of CSTO statutory bodies both in the field of their subject competence and in the field of the organisation's internal law.

Harmonising legislations. The achievement of the objectives of any international organisation, and in particular of those acting in the fields of international peace and security and combating crime, is facilitated by convergence of the national legislations of member states in the sphere of organisations' competencies. Article 10 of the CSTO Charter mandates that member states take measures to harmonise their legislation in the fields of defence, force development, and security. This same requirement is stipulated in article 15 of the *Concept for creating and functioning of the mechanism for the CSTO peacekeeping activity*, approved by decision of the CSTO Collective Security Council of 18 June 2004. Till 2006, a number of model laws were adopted in CSTO format in the framework of the CIS Inter-parliamentary Assembly, including the *Model law on the procedures of admitting and the conditions of stationing military formations of other states parties to the Treaty on Collective Security on the territory of a TCS state party* of 25 March 2002.

The analysis of the CSTO legal and regulatory framework allows to conclude that the harmonization of the legislation of member states on all aspects of CSTO activities falls in the sphere of competence of the CSTO Parliamentary Assembly, and on specific areas of cooperation – in the competencies of the CSTO supporting structures consisting of the heads of the respective agencies of member states.¹⁰⁶ According to article 3 (c, d, e, and f) of the Provisional Regulations of the CSTO Parliamentary Assembly, the PA:

- Adopts recommendations on bringing closer the legislation of the member states in the international, military-political, legal and other spheres;
- Adopts model legislative acts aimed to regulate the relations in the fields of CSTO activity, and directs them to the parliaments of CSTO member states along with the corresponding recommendations;
- Adopts recommendations on synchronising the procedures of ratification by parliaments of international treaties signed in the framework of CSTO, and—upon a corresponding decision of the Collective Security Council—of

¹⁰⁶ Articles 2.1 and 2.2 of the Provision on the Coordination Council of heads of competent authorities of CSTO member states in countering drug trafficking (23 June 2005); Articles 2.1 and 2.2 of the Provision on the Coordination council on emergency situations of CSTO member states (6 October 2007); Article 2.2 of the Provisions on the Coordination council of the heads of competent authorities of CSTO member states on combating illegal migration, Decision of the CSTO Collective Security Council (6 October 2007).

other international treaties if the participation of CSTO member states facilitates the achievement of the goals defined in the 2002 Charter of the Collective Security Treaty Organisation;

- Adopts recommendations on aligning the legislation of CSTO member states with respective regulations of international treaties signed by these states in the framework of SCTO.

From 2006 till March 2010 the CSTO Parliamentary Assembly adopted a series of recommendations such as: Recommendations on facilitating the universalisation of the 1972 Convention on prohibition of the development, production and stockpiling of bacteriological (biological) and toxin weapons and on their destruction, Recommendations on Amending the national legislation of CSTO member states in relation to the Agreement on the main principles of military-technical co-operation among the parties to the Treaty on Collective Security; Recommendations on harmonising national legislations in the fields of military, military-technical, and military-economic cooperation among CSTO member states; Recommendations on forming a legal and regulatory basis and harmonisation of national legislations of the CSTO member states in the field of peacekeeping; Recommendations on the implementation by CSTO member states of their commitments in the framework of the Treaty on Collective Security.

Currently under implementation is the Programme for legal support to the Plan of the main activities for comprehensive strengthening of the cooperation among states, shaping and developing the collective security system in the framework of the Collective Security Treaty Organisation for 2006–2010 approved by the Collective Security Council in 2005. On 3 December 2009, the CSTO Parliamentary Assembly approved a Concept for convergence and harmonisation of the legislation of CSTO member states in the field of collective security. The states account for the recommendations in enhancing their national legislation. The decisions of the supporting structures are taken by consensus and serve as recommendations.¹⁰⁷

Control over the Implementation of International Treaties, Signed in the Framework of CSTO, and the Decisions of CSTO Bodies

A series of international treaties were adopted for the 18 years since the signing of the TCS.¹⁰⁸ These treaties determine the general provisions for security cooperation¹⁰⁹ and the principles and mechanisms of cooperation,¹¹⁰ define status, organi-

¹⁰⁷ See, for example, article 13 of the Provisions on the expert working group on counter terrorism.

¹⁰⁸ See Annex II.

¹⁰⁹ Treaty on Collective Security (15 May 1992) with Protocols; CSTO Charter.

sation, military formations, etc.,¹¹¹ regulate the status and the procedures for deployment of various categories of forces,¹¹² procedures and conditions for military-technical assistance,¹¹³ etc.

Treaties recognised by a member state as mandatory must be respected by it in accordance with article 26 of the *Vienna Convention on the Law of Treaties* of 23 May 1969. That means that in order to provide effective realisation of the CSTO goals, member states must make their legislation corresponding to the obligations under international treaties to which they are parties. A state cannot refer to norms of its internal law as a reason not to adhere to a treaty (article 27). That means that with the recognition of such treaties as mandatory for itself, the state must take measures for their implementation in national legislation according to the law on international treaties, and not in connection to some “supranational” nature of such treaties.¹¹⁴

As it was pointed out above, the decisions of the CSTO statutory bodies are mandatory for the member states and the organisation, while neither the CSTO Charter nor the Rules on procedure establish concrete timelines for their implementation. The practical experience shows that the effective control over the implementation of the decisions of international organisations' bodies and the adherence to international treaties signed in the framework of these organisations is a prerequisite for achieving the organisational goals.

The CSTO bodies themselves exercise control over the implementation of commitments arising from the CSTO Charter, decisions of the Collective Security Council and decisions of other bodies in the implementation of the latter. The issue of implementation is examined regularly at the sessions of CSC, CFM, CDM, and the Permanent Secretariat. The chairpersons of CSTO bodies, representatives of

¹¹⁰ Agreement on the Main Principles of Military-Technical Co-operation among the parties to the Treaty on Collective Security of 15 May 1992 (20 June 2000).

¹¹¹ Agreement on the status of the forces of the collective security system adopted by the states parties to TCS (11 October 2000); Agreement on the legal status of the Collective Security Treaty Organisation (7 October 2002).

¹¹² *Agreement on the procedures for operational deployment, the use of and the comprehensive support to the Central Asian Republics' CRRF for Collective Security* (23 June 2006); *Agreement on the Peacekeeping Activity of the Collective Security Treaty Organisation* (6 October 2007); *Agreement on the CSTO Collective Operational Reaction Forces* (14 June 2009).

¹¹³ *Agreement on the preferential terms for delivery of special technology and means for equipping law enforcement agencies and special services of member states of the Collective Security Treaty Organisation* (6 October 2007).

¹¹⁴ See Dmitry Medvedev, *Interview with Belarusian media*, 23 November 2009, <<http://president.kremlin.ru/transcripts/6078>> (24 November 2009).

the member states, and the CSTO Secretary General present implementation reports.¹¹⁵ The issue of control over the implementation of international treaties in practice remains unresolved.

Since the disputes originating in the implementation and the interpretation of provisions of the CSTO Charter, of treaties signed in the framework of CSTO, and decisions of its bodies are being resolved only through negotiations and consultations, it is not possible to use international courts and arbitration for control over the adherence to international commitments in the framework of CSTO. Thereby, CSTO has mechanisms for control and enforcement of the obligations under treaties and decisions taken in the framework of CSTO, prescribed in articles 20 and 25 of the CSTO Charter.

According to article 20 of the CSTO Charter, if a state does not implement the Charter, decisions of the Collective Security Council and decisions of other CSTO bodies aiming implementation of the former, its participation in CSTO activities can be suspended, and if it fails further to comply with these obligations, its membership in CSTO may be suspended. The procedure for implementation of this sanction is determined in the *Regulations on the procedure for suspending the participation of a member state in CSTO bodies or terminating membership in the Collective Security Treaty Organisation* of 18 June 2004.

Article 25 of the CSTO Charter is applied when a member state does not pay its contributions to the CSTO budget for two years. In such a case, the CSC may decide to suspend the right of nominating citizens of this country on quota positions in CSTO bodies, as well as to deprive it of voting rights in CSTO bodies until it pays off its debt.

Proposals and recommendations to enact the provisions of articles 20 and 25 of the CSTO Charter are prepared on the instructions of the CSC chairperson or on the proposal of one of the member states. They are prepared by the plenipotentiaries of the respective member states jointly with the CSTO Secretary General and, in individual cases – after consideration by specialized CSTO bodies, are submitted to the CSC chairperson. The decision to suspend the participation of a state in CSTO activities or to terminate its membership in CSTO is taken by consensus, not accounting for the vote of the respective state, at a regular or an extraordinary session of the Council.¹¹⁶

¹¹⁵ Article 2 of the *Regulations on the procedure for suspending the participation of a member state in CSTO bodies or terminating membership in the Collective Security Treaty Organisation* (18 June 2004).

¹¹⁶ Articles 4, 5 and 8 of the Provisions.

The practice of international organizations however shows that the termination of membership as a sanction for the breach of obligations arising from membership is extremely rare. It is usually applied given flagrant breaches of the commitments resulting from the Charter, decisions taken within the organization, and international treaties. International organizations prefer instead opportunities to urge in various ways the state to cooperate instead of cutting off any relations with it.¹¹⁷ Therefore, it seems appropriate to provide opportunities for permanent monitoring of the implementation of obligations and to use softer mean or assistance if a state, due to objective circumstances, cannot meet some of its obligations.

¹¹⁷ Florence Benoît-Rohmer and Heinrich Klebes, *Council of Europe law: towards a pan-European legal area* (Moscow: Ves' Mir, 2007), pp.49–52.

CSTO Political and Military Dimensions

Anatoliy A. Rozanov ¹

The Foreign Policy Component of CSTO

The foreign policy component is coming to the fore of the CSTO activity lately. That assumes that member states cooperate closely on the international arena and coordinate their positions on key issues of the regional and global policy, on the evolving cooperation with other international organisations on countering common challenges and threats and uniting the efforts towards shaping the system of common and comprehensive security for Europe and Asia.

In the framework of CSTO, the coordination of positions on current issues of world and regional policy is fairly productive. The member states achieved practical coordination and definition of common approaches to issues such as strategic stability, including non-proliferation of weapons of mass destruction and missile technologies, reform of OSCE, post-conflict settlement in Afghanistan, enhancing the efficiency of the United Nations, etc.²

A meeting of the ministers of foreign affairs of CSTO member states on 5 November 2002, dedicated to analysing the situation around Iraq, contributed to the deepening of the foreign policy cooperation and coordination of the positions on most important regional and international issues. At that meeting, the ministers expressed unanimous wish to institutionalise this type of consultations and gave instructions for development of additional measures to improve the foreign policy coordination in the framework of CSTO; that was achieved as a result of a meeting of an expert working group in Almaty in December of the same year.

Implementing CSC decisions, the CSTO member states cooperate in international organisations on key current issues, establish constructive contacts with the

¹ Except for the section on international legal assessment of the cooperation between CSTO and the UN, contributed by Elena F. Dovgan.

² Nikolai Bordyuzha, "Collective Security Treaty Organisation," *Mezhdunarodnaya Zhizn* 2 (2005), p. 72.

UN, OSCE, the Shanghai Cooperation Organisation, and other structures acting in the field of guaranteeing international security.

At the meeting in Dushanbe in 2007, the CSTO Council of Foreign Ministers decided to enhance the mechanism of coordination of the foreign policy activities of CSTO member states, and thus consolidated the practice of synchronising the approaches to key issues of world politics, in place since 2003, and put it on a regular basis.

The parliamentary dimension of the CSTO activity consistently evolves. The CSTO Parliamentary Assembly (PA) was created on the basis of the CIS Inter-parliamentary Assembly on 16 November 2006. It had its first plenary meeting on 30 March 2007. During the meeting of the CSTO PA Council on 3 April 2008 it was decided to examine the issue of signing cooperation agreements with the parliamentary assemblies of OSCE and NATO, as well as to sign an agreement for co-operation with the Inter-parliamentary Assembly of the EurAsian Economic Community (EAEC). At its second plenary session on 3 April 2008, the CSTO PA approved Provisions on the CSTO PA standing committees and Main directions for the activity of the CSTO PA standing committees. The third meeting of the CSTO PA was held in November 2008.

An informal meeting of the ministers of foreign affairs of the CSTO member states was held on 26 September 2009 during the 64th session of the UN General Assembly in New York, at which the participants issued a statement in support of Russia's initiative for signing a European Security Treaty. A similar meeting, dedicated in part to the promotion of common priorities in the activity of OSCE in the period of its chairmanship by Kazakhstan in 2010, was held on the margins of the OSCE meeting of the ministers of foreign affairs in Athens on 1-2 December 2009.

CSTO and the United Nations

Political Dimension

Since 2 December 2004, CSTO has an observer status at the UN General Assembly. The Agreement on the CSTO peacekeeping activity came into force on 16 January 2009. Russia and its allies repeatedly called for attention to the CSTO capacity in the UN peacekeeping activities, for example in Afghanistan, in the fight against terrorism and drugs. The participation of peacekeeping forces created by CSTO in operations conducted with mandate from the UN Security Council may turn into an important area of cooperation.

On 2 March 2010, the UN General Assembly adopted by consensus a resolution on the "Cooperation between the United Nations Organization and the Collective Security Treaty Organisation." The adoption of the resolution laid the neces-

sary legal foundations for practical cooperation between the UN Organization and CSTO. According to the resolution, specialised UN bodies such as the Department of Political Affairs of the Secretariat, the Office on Drugs and Crime, the Counter-Terrorism Committee and its Executive Directorate are encouraged to develop direct contacts with CSTO countries in order to implement joint programmes towards achieving their objectives. The resolution suggests the conduct of regular consultations between the UN Secretary General and the CSTO Secretary General. The cooperation will evolve in the areas of strengthening regional security and stability, peacekeeping, countering terrorism, countering transnational crime, human trafficking, natural and technogenic catastrophes.

The permanent representative of the Russian Federation in the UN pointed out that "CSTO provides a definite example of correct attitude to the UN and of relationships between a regional organisation and the United Nations Organization." He expressed satisfaction that the relations between the UN and CSTO differ favourably from the NATO approach towards the cooperation with CSTO.³

On 18 March 2010 in Moscow, the general secretaries of the UN and CSTO Ban Ki-moon and Nikolai Bordyuzha signed a declaration on the cooperation between the secretariats of the two organisations. This cooperation, the declaration says, "may encompass such areas as the prevention and settlement of conflicts, the fight against terrorism, transnational crime, illegal arms trafficking, and prevention and reaction to emergency situations."⁴ The document refers to the developing capacity of CSTO in the field of maintaining peace.

International Legal Assessment of the Cooperation between CSTO and the UN

Elena F. Dovgan

Article 4 of the CSTO Charter clearly defines the right of CSTO to cooperate with other international intergovernmental organisations. A series of decisions of CSTO bodies elaborate the definition of such cooperation as one of the areas of the CSTO foreign policy.⁵

³ The "Day of Russia" in the UN ended with the signing of a new resolution on the cooperation of the organization with CSTO, *NEWSru.com*, 3 March 2010, <<http://txt.newsru.com/world/03mar2010/oon.html>> (4 March 2010).

⁴ Joint Declaration on the cooperation between the secretariats of the United Nations Organization and the Collective Security Treaty Organisation, 18 March 2010, <www.odkb.gov.ru/start/indexnewsa.htm> (20 March 2010).

⁵ Decision of the CSTO Collective Security Council "On the implementation of the decisions of the 2004 Astana session of the CSTO CSC; On the approval of the priority areas of the CSTO activity in the second half of 2005 and the first half of 2006; and the Plan of the main activities for comprehensive strengthening of the cooperation among states, creation and

Since 2004 CSTO has an observer status at the UN.⁶ The functions of an observer at the UN General Assembly are performed by a representative of that member state of CSTO that currently chairs the organisation.⁷

Since the adoption in 2005 of the UN Security Council Resolution 1631(2005), the cooperation between UN and international regional organisations aimed at maintaining international peace and security is being strengthened.⁸ Since then, international organisations actively involved in the field of maintaining international peace and security conduct annual meetings, assign senior persons to maintain contacts with the UN, and envision the establishment of a standing committee for control over implementation of decisions.⁹

Since 2004, CSTO participates in the senior level meetings with the UN and other regional organisations.¹⁰ UN General Assembly resolution A/RES/64/256 of 17 February 2010 emphasises the view of CSTO as a regional intergovernmental organisation in the framework of Chapter VIII of the UN Charter that foresees the possibility to use regional organisations and agreements to resolve regional disputes. CSTO cooperates with special agencies of the UN¹¹ and regional international organisations.

Maintaining International Peace and Security. The problem of the use of force remains one of the most complex and pressing problems in international law. Currently, international law recognises only two exceptions from the absolute prohibition on the use of force enshrined in Article 2 (4) of the UN Charter, namely in self-defence activities¹² and enforcement measures with the sanction of the UN Security Council, acting on the basis of Chapter VII of the UN Charter.

Resolution 1631(2005) of the UN Security Council of 17 October 2005 is the first UN SCR treating directly the issue between the UN system and regional international organisations. The UN Security Council directly points to the importance

development of the collective security system in the framework of the Collective Security Treaty Organisation for 2006–2010” of 23 June 2005.

⁶ Resolution of the UN General Assembly A/RES/59/50 (16 December 2004).

⁷ Article 1 of the Decision of the CSTO Council of Foreign Ministers “On the implementation of the observer functions at the General Assembly of the United Nations Organization by the Collective Security Treaty Organisation” (22 June 2005).

⁸ See article 1 of Resolution 1631(2005).

⁹ Articles 4 and 7 of the Document of the Sixth meeting at senior level with the participation of the UN, regional and other international organizations (25-26 July 2005).

¹⁰ Article 7 of the Document of the Sixth meeting.

¹¹ For example, a Protocol for cooperation between CSTO and the International Organization for Migration was signed in 2006.

¹² Article 51 of the UN Charter.

of the role played by regional international organisations in preserving international peace and security and welcomes their efforts in that direction.

The analysis of the activities undertaken by CSTO in that regard shows that serious practical steps have been undertaken towards the creation of an effective system for collective security in the region.

According to article 24 of the Charter, the UN Security Council has the primary responsibility for maintaining and restoring international peace and security. The UN Security Council emphasises its responsibility in the field in all resolutions regarding situations threatening international peace and security, including those relating to the cooperation with regional organisations on the basis of Chapter VIII of the UN Charter.¹³

Chapter VIII of the UN Charter consists of three articles. Article 52 provides an opportunity for peaceful resolution of international disputes in support of regional international organisations. Article 53 provides for the utilisation of regional arrangements by the UN Security Council for enforcement actions under its authority. At the same time, article 54 requires that the UN Security Council is always kept informed on any activities undertaken by regional international organisations aimed at maintaining international peace and security.

If the CSTO activity is analysed from the perspective of Chapter VIII of the UN Charter, it can be noted that CSTO documents and mechanisms are rather poorly adapted for activities aimed at peaceful resolution of disputes in accordance with article 52 of the UN Charter. As it was noted above, consultations and negotiations are the only available mechanisms.

Documents of CSTO foresee the possibility to employ collective armed forces in enforcement operations only with the sanction of the UN Security Council.¹⁴ The Preamble of the CSTO Charter declares the commitment of CSTO and its member states to act in strict correspondence with their obligations according to the UN Charter, with the decisions of the UN Security Council, and guided by the universally recognised principles of international law. According to the UN Charter, the enforcement actions may be of a military¹⁵ as well as non-military¹⁶ nature. Non-military measures are often undertaken at the state level. Some of these measures may be implemented through cooperation among the CSTO member states in the

¹³ See, for example, Resolution 1631(2005).

¹⁴ Article 1 of the Concept for creating and functioning of the mechanism for the CSTO peace-keeping activity" (18 June 2004); Article 4 of the 2007 Agreement on the CSTO peace-keeping activity.

¹⁵ Article 42.

¹⁶ Article 41.

fight against international terrorism, arms- and drugs-trafficking, illegal migration, etc.

The obligation of CSTO to inform the UN Security Council on the measures undertaken to provide self-defence, as well as to foster and maintain international peace and security, is fully reflected in its documents.¹⁷

Further, CSTO cooperates with the UN in specific fields. At the Moscow session of the CSTO Collective Security Council on 5 September 2008, the CSTO member states expressed their support to strengthening the key role of the United Nations Organization as a universal mechanism for maintaining international peace and security and—guided by UN Security Council Resolution 1540(2004) and towards the implementation of the UN Global Counter-Terrorism Strategy and the antiterrorist resolutions of the UN Security Council—declared their readiness to cooperate actively among themselves and with other states in the field of countering the proliferation of weapons of mass destruction, means of their delivery, and related materials.

With the final shaping of CSTO as an international regional organisation, certain steps were made to strengthen its role as a regional international organisation on the basis of Chapter VIII of the UN Charter. The activity of CSTO in the field of maintaining international peace and security was positively assessed by the UN General Assembly.¹⁸

CSTO and NATO

It seems that the issue of cooperation between CSTO and NATO may gradually move away from the deadlock. In a detailed article published in the fall 2009 edition of *Foreign Affairs*, the former national security adviser to the US President Jimmy Carter Zbigniew Brzezinski formulated a remarkable proposal to sign a NATO-CSTO Treaty. This, in his opinion, may entice Russia, with its central role in CSTO, into “a more formal security arrangement between NATO and Russia.”¹⁹

In recent years, as Zbigniew Brzezinski rightfully notes, Moscow has communicated its clear interest in signing such type of agreements while NATO, on the contrary, avoids it since this type of a pact would formally acknowledge political and military symmetry between the two organisations. Furthermore, in the opinion

¹⁷ Article 4 of the 2007 Agreement on the CSTO peacekeeping activity; Article 4 of the 2009 Agreement on the CORF.

¹⁸ Resolution A/RES/64/256 of 17 February 2010.

¹⁹ Zbigniew Brzezinski, “An Agenda for NATO: Toward a Global Security Web,” *Foreign Affairs* 88:5 (September/October 2009), <<http://www.foreignaffairs.com/articles/65240/zbigniew-brzezinski/an-agenda-for-nato>> (10 October 2009).

of Western researchers, the true objective of Moscow's efforts to formalise its relations with the Euro-Atlantic Alliance is "to receive recognition by NATO of a Russian sphere of influence in Soviet successor states."²⁰ NATO would have preferred not to notice the existence of CSTO and to build the relationships with its member states directly – through the NATO Euro-Atlantic Partnership Council (EAPC) and the "Partnership for Peace" programme.

Zbigniew Brzezinski acknowledged that NATO's "reservations could perhaps be set aside in the event that a joint agreement for security cooperation in Eurasia and beyond were to contain a provision respecting the rights of current nonmembers to seek membership in either NATO or the CSTO – and perhaps, at a still more distant point, even in both."²¹

The position of this competent American expert was met with a very cautious response from both NATO and CSTO. The Secretary General of NATO Anders Fogh Rasmussen, talking in a most general form on Brzezinski's article, noted: "We have to look closer into the possibilities of improving confidence between Russia and NATO. I am prepared to look upon all ideas that serve confidence-building with an open mind."²²

The follow-on reaction of CSTO was one of interest, but also restraint. As reported, CSTO treated with due "attention" the words of the Secretary General of NATO that the Alliance may consider Brzezinski's suggestion to establish closer cooperation with CSTO. It was said at the same time that "there is no particular euphoria in CSTO as a result of Mr. Rasmussen's words."²³ As it is well known, decisions in NATO are taken at the level of permanent representatives, ministers of foreign affairs, and heads of state and government of member states. The opinion of the Secretary General, even more so the one expressed as first impression of the idea of the U.S. expert, is not yet a position that is agreed in the framework of the Alliance as a whole.

Already on 8 July 2004, the CSTO Secretary General, instructed by the CSTO Collective Security Council, sent a letter to the NATO HQ with a proposal for cooperation exactly in the areas defined presently by Rasmussen – countering international terrorism and extremism and the illegal trafficking in drugs and arms. More

²⁰ 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.

²¹ Brzezinski, "An Agenda for NATO."

²² Artur Blinov, "CSTO is drawn to NATO," *Nezavisimaya Gazeta*, 3 September 2009, <www.ng.ru/world/2009-09-03/1_odkb.html> (3 September 2009).

²³ "CSTO and NATO paid attention to each other," *Nezavisimoe voennoe obozrenie*, 4 September 2009, <http://nvo.ng.ru/news/2009-09-04/100_odkb.html> (4 September 2009).

than once in recent years the CSTO countries conveyed their interest in official dialogue and working contacts with NATO, but there was no positive response on behalf of the Atlantic Alliance. The then NATO leadership essentially ignored the idea of formalising the relations with CSTO. Even Brzezinski himself, by the way, does not hide his scepticism towards CSTO, calling the organisation “somewhat fictitious.”

Nevertheless, the CSTO Secretary General Nikolai Bordyuzha believes that there are real problems that the two organisations may well address in a joint manner. These are primarily terrorism and drug trafficking. Bordyuzha emphasised that “only by enacting the respective capabilities of NATO structures and of CSTO member states, that currently protect the border with Afghanistan from drug trafficking, we can really influence the situation.”²⁴ He announced that the CSTO Secretariat is preparing a draft memorandum on the prospects of the mutual relations with NATO.

The CSTO leadership is proposing cooperation with NATO in exchanging data of counter terrorism and drug trafficking in the post-Soviet space and conducting joint operations to suppress the activities of drug cartels. It is possible also to combine humanitarian assistance efforts in Afghanistan. An important area of cooperation is the transportation of cargo of NATO member states through the territories of CSTO countries.

Will the Atlantic Alliance respond to the specific proposals that will be put forward in the draft memorandum on the cooperation between CSTO and NATO? There should be no illusions in that regard. However, there are circumstances that may cause the formerly rigid position of the Alliance to evolve, e.g. the complicated situation in Afghanistan, the prospect of withdrawing ISAF troops, and the steps of Barack Obama’s administration to “restart” the relations with Russia.

On 13 October 2009, during the negotiations in Moscow with U.S. Secretary of State Hillary Clinton, the Minister of Foreign Affairs of the Russian Federation Sergey Lavrov noted that the Atlantic Alliance so far does not respond to the proposals from CSTO, but nevertheless expressed a hope that the proposals “would be able to get in touch with NATO partners.”²⁵

²⁴ A. Arbutov, “Is the symbiosis between NATO and CSTO possible?” *Military Industrial Courier* 37 (2009), <www.vpk-news.ru/index.php?option=com_content&task=view&id=2126&Itemid=3> (12 October 2009).

²⁵ Vladimir Soloviev, “CSTO crosses all borders,” *Kommersant*, 14 October 2009, <www.kommersant.ru/doc.aspx?DocsID=1255396&NodesID=5> (14 October 2009).

The Military Dimension of CSTO

The military cooperation in the CSTO format is carried out in accordance with the Plan for CSTO coalition force development till 2010 and beyond. There is a tendency in CSTO's activity to gradually increase the organisation's military capacity. For the TCS-based collective security system of significant importance in the military field was the signing of the agreement on the status of the force formations of the collective security system, on the main principles of military-technical cooperation, the protocol on the procedures for creating and functioning of the forces of the collective security system of the states participating in TCS, the model of a regional collective security system, and the provisions on the procedures for taking and implementing decisions for the use of forces of the collective security system.

Of fundamental importance was the creation in August 2001 of the Collective Rapid Reaction Forces in the Central-Asian region as a nucleus of the regional coalition group of forces on this strategic direction. If on the East European and on the Caucasian directions there were organised military capabilities as a result of bilateral arrangement between Russia and Belarus and Russia and Armenia, there were no collective security structures in the particularly threatened region of Central Asia. In addition, that was the first attempt to create multinational forces in the TCS framework. The issues of ensuring the functioning of CRRF, increasing their readiness, organising the interaction with national command and control structures, and providing logistics support were reflected in decisions of the Collective Security Council and other bodies under the treaty.

The TCS states launched multilateral military-technical cooperation on preferential terms. The development of concrete measures for the further improvement and qualitative and quantitative enhancement of military-technical cooperation continued in subsequent years.

Military exercises of the CRRF are taking place since 2004 and include practicing of antiterrorist tasks. The comprehensive anti-drug operation "Channel" is conducted annually since 2003 and it was decided to transform it into a permanent operation. The operations for countering illegal migration "Nelegal CSTO" are conducted on a yearly basis since 2006.

An agreement on the peacekeeping activity of CSTO was signed on 6 October 2007 at the Dushanbe session of the Collective Security Council. It foresees the creation, on a permanent basis, of CSTO peacekeeping forces (PF). According to this agreement, the CSTO member states will act collectively employing military, police, and civilian personnel in order to prevent, deter, and terminate military activities between states or within a state in the case of intervention by a third country. According to the agreement, the decision for conducting a peacekeeping op-

eration on the territory of a CSTO member state will be taken by the Collective Security Council with account for the national legislation and on the basis of an official request. When the operation is on the territory of a country that is not a CSTO member, it is conducted on the basis of a decision of the UN Security Council.

The composition, the organisation and the personnel strength of the CSTO peacekeeping forces will be determined by an individual decision of the CSC for each operation. The peacekeeping forces are made up of peacekeeping contingents of the CSTO member states designated according to the requirements of their national legislation. These contingents will be trained on the basis of common programmes equipped with common and compatible weapons and communications, and will take part in regular joint exercises.

On 4 February 2009, at the extraordinary session of the Collective Security Council in Moscow, the heads of states – members of CSTO decided to create CSTO Collective Operational Reaction Forces (CORF). In the implementation of the provisions of this CSC decision, a working group of experts from the organisation and the member states presented a set of treaties and regulations on the CSTO CORF for approval by the presidents.

The signed framework Agreement on the CSTO Collective Operational Reaction Forces determines the status, the functioning and the procedure for employing CORF, defined in article 2 of the agreement as the standby component of the system for collective security, intended for operational reaction to a broad spectrum of challenges and threats. CORF cannot be used for resolving disputes among the CSTO member states.²⁶

CORF have to perform the following main tasks: support in preventing and repelling armed aggression and localising military conflicts, participation in countering international terrorism and transnational organised crime (including the illegal trafficking of narcotics), strengthening the protection of state borders and sites of key importance on the territories of the member states, emergency management, and humanitarian assistance.

CORF consist of two components: highly mobile contingents of the armed forces of the member states and formations of special purpose forces that combine units from security structures and special services, the interior and the internal troops, and emergency response organisations.

The quantitative parameters of CORF were determined at the CSC Moscow session on 14 June 2009: it consists of military contingents of approximately

²⁶ Nikolai Bordyuzha, "How CSTO enhances the collective security system," *Mezhdunarodnaya Zhizn* 10 (2009): 100–101.

18,000 total personnel strength and formations of special purpose forces including up to 1,500 officers and staff of the respective structures.²⁷

It was announced that Russia assigns to CORF the 98th Guards Airborne Division and the 31st Guards Assault Brigade. Armenia, Belarus, Kazakhstan and Tajikistan have to contribute one assault brigade each, and Kyrgyzstan – a reconnaissance company. The special purpose police detachments “Zubr” and “Ryis” from Russia, the special rapid reaction unit of the special purpose brigade of the internal troops of Belarus, and a special rapid reaction unit from Kyrgyzstan have been already assigned to CORF special purpose forces.²⁸

The procedure for using CORF was also defined: decision on the composition, deployment timelines and use of CORF will be taken by consensus upon the request of one or more member states of CSC. As a temporary measure, until the agreement is ratified by all member states, collective forces will be used with the agreement of those countries for which the respective agreements are already in force. In the case of an aggression against one or more CSTO member states,²⁹ a decision on the use of CORF contingents is taken by CSC immediately.

The agreement on CORF is based on a flexible and differentiated approach to the employment of military contingents and/or the formations of special purpose forces depending on the specific tasks to be solved in the respective situation. Each CORF contingent can be used in conducting joint operations as well as autonomously.

In peacetime, the Combined Headquarters, interacting with national authorities and the CSTO Secretariat, plans the employment and coordinates the joint training of CORF. In preparing and conducting operations, the Collective Security Council creates a CORF Command and appoints a Commander who is personally responsible to CSC for the realisation of assigned tasks. In conducting a joint operation, the CORF Command includes task forces for command and control of the formations of special purpose forces. Each task force is led by a Head considered equivalent to a CORF Deputy Commander.

Various articles of the agreement elaborate on the arrangements of the member states on education and training of CORF personnel, procedures for logistics support and financing the CORF contingents and formations, as well as the protection of classified information.

²⁷ Bordyuzha, “How CSTO enhances the collective security system,” p. 101.

²⁸ Victor Litovkin, “The Shield of the Commonwealth has cracked,” *Nezavisimoe voennoe obozrenie*, 19 June 2009, <http://nvo.ng.ru/realty/2009-06-19/1_shield.html> (20 June 2009).

²⁹ Article 4 of the TCS.

Annexes to the agreement define Provisions on the CORF Command and CORF Rules of Engagement. The Rules of Engagement are a novel document for CSTO prepared by experts and accounting for the norms of international humanitarian law, as defined in documents of the UN and the EU, as well as NATO. The necessity to prepare such document was driven by the need to harmonise the legal regime on the use of weapons, special equipment and means by CORF units outside the national territory.³⁰

Republic of Belarus that did not send a delegation to the CSC session on 14 June 2009 signed the set of CORF documents on 15 October 2009. Uzbekistan abstained from signing the set of documents, reserving the possibility to examine the issue of accession to the CORF agreement later. Tashkent could not agree particularly with the principle of decision making on the employment of CORF by a majority vote, and not by consensus.³¹ According to unofficial sources, the Uzbek authorities required that, as a rule, the use of CORF in conflicts between CSTO countries is prohibited, and insisted that the CORF agreement should come into force only after it has been ratified by all member states.³²

Since Belarus did not take part in the session of the Collective Security Council in Moscow on 14 June 2009, the rotational transfer of chairmanship functions from Armenia to Belarus did not take place. These functions were temporarily assigned to the Russian Federation. Subsequently, the President of Republic of Belarus Alexander Lukashenko announced his readiness to chair CSTO, however there were no practical steps in that direction. Therefore, Russia continues to act as CSTO Chair until the CSC regular session scheduled for the second half of 2010.

The next step in providing the functioning of CORF is to amend the normative documents of CSTO on specific aspects of the activity of forces of the system for collective security. Specific tasks have been formulated for the amendment of the agreement on the status of the forces of the collective security system, the protocol on the procedures for creating and functioning of the forces of the collective security system, and for the development of a series of new documents.

The working bodies of CSTO began addressing the practical challenges of the creation of CSTO. A particular attention is being paid to the joint operational and combat training activities aimed at enhancing the interoperability of CORF command and control structures and contingents.

³⁰ Bordyuzha, "How CSTO enhances the collective security system," p. 103.

³¹ A.Yu. Dubnov, "The state – that's him," *Russia in the Global Politics* 1 (2010), <<http://globalaffairs.ru/numbers/42/13271.html>> (14 March 2010).

³² M. Tyshchenko, "A Threat to the Yield of Milk," *Lenta.ru*, 22 August 2009 <<http://lenta.ru/articles/2009/08/22/visit/>> (23 August 2009).

A three-stage complex joint exercise with the participation of CORF, military contingents, task forces of CSTO member states, the SCTO Secretariat and the Combined Headquarters was conducted between August and October 2009 in order to assess the mechanism of functioning of the created collective forces of CSTO in practice. The first stage—a staff exercise—took place in Moscow, at the Combined HQ, from 26-28 August 2009. The second stage was conducted from 26-29 September 2009 in Belarus as part of the operational-strategic exercise “West 2009.” The third stage took place in Kazakhstan from 3 till 16 October 2009 as part of the strategic command and staff exercise “Interaction 2009.” Contingents from Russia, Kazakhstan, Armenia, Kyrgyzstan, and Tajikistan participated in this stage of the exercise, and the presidents of the five countries observed its active phase.

During the final phase of the exercise, the President of the Russian Federation Dmitry Medvedev proposed to continue to conduct such complex exercises—with involvement of military and special units—of CORF twice a year, and annual exercises with specialised formations.

As of today, under preparation are the 2010 exercises of CORF-designated formations of the ministries of defence and the interior of the member states and a command and staff exercise of special units from the security and special services. Exercises of formations from the emergency management agencies are planned for 2011.

A separate task in guaranteeing combat effectiveness of CORF contingents is the insertion of modern and compatible weapon systems and military equipment. The spectrum of activities in the implementation of this task includes re-equipment, interoperability, common training programmes, organisational and technical basis of the system for command and control, etc. At the same time, the necessary common approaches (standards) are still to be developed. That includes interoperability requirements to CORF multinational formations and the respective support requirements. The issue of approving insignia for the uniforms of military and specialist personnel and for equipment, as well as special CORF symbols, has also been addressed.

It is important to bear in mind that—according to the testimony of the CSTO Secretary General Nikolai Bordyuzha—these are forces “intended to put out small armed conflicts.” If it is an issue of a considerable threat to the territorial integrity of CSTO member states and large-scale war, it will be addressed by existing groups of forces – Russian-Armenian and Russian-Belarusian. Draft documents of the

creation of a large group of forces in the Central-Asian region are currently coordinated.³³

³³ The CSTO Secretary General on the plans of the organisation for the near future, *Kommersant.ru*, 29 May 2009, <www.kommersant.ru/doc.aspx?DocsID=1177855&NodesID=5> (9 March 2010).

Conclusion

Assessing the outcomes from the creation of the collective security system on the basis of the Treaty on Collective Security signed in May 1992, it can be concluded that the TCS has not yet led to the creation of a complete military-political alliance that would at least partially and naturally compensate the disappearance of the single Soviet defence space. Nevertheless, there are clear tendencies towards increasing interstate cooperation in various fields, including the creation of collective armed forces, cooperation in the military-technical sphere, cooperation among the enterprises of the defence industrial complex of the member states in the production and repair of armaments and military equipment, joint research and design programmes in the development and testing of weapons and military equipment, military and dual-use technologies.

For the future, the main direction of CSTO activity seems to be the further consolidation of the political efforts to counter contemporary challenges and threats. Given adequate mechanisms and accumulated practical experience in CSTO cooperation, the organisation can become a leader in the post-Soviet space in the fight against terrorism, political extremism, narcotics-related threats, and illegal migration.

Of considerable interest to CSTO is the potential for establishing close partnership relations with regional international organisations, including NATO, EU, and SCO, accounting for the specifics of each organisation. Of substantial interest in relation to SCO is the already existing antiterrorist capacity created by that organisation, the declared interest and readiness to undertake practical steps for strengthening security and stability in the Asian region, where CSTO and SCO seek to protect and promote collective and national interests and positions.

The analysis of the legal base and practice allowed to identify its specific features and problems. For example, the procedure for admission of a member in CSTO, e.g. in the case of restoring the membership of Uzbekistan, demonstrates the CSTO interest in new members. However, the lack of conditions to adhere to main international treaties signed in the CSTO framework, and to take measures to implement decisions made by CSTO bodies prior to the accession of a state to CSTO, may subsequently lead to insufficient coordination of the interaction among states within CSTO and creation of internal systems of cooperation at different levels, which is inappropriate in organisations with thin membership.

There are a large number of inaccuracies of terminology and technical issues in CSTO documents that may subsequently lead to the emergence of international conflicts. For example, the use of the term “aggression” instead of “armed attack” unreasonably broadens the concept of self-defence.

Analysing the structure, procedures, and powers of CSTO bodies, it may be concluded that by now a clear organisational structure has formed in the framework of CSTO. It includes a senior body (CSTO CSC), executive-consultative bodies gathering at the level of heads of respective ministries (CFM, CDM, CSSC), an executive body acting in between CSC sessions (the Permanent Secretariat), a structure for inter-parliamentary cooperation (CSTO PA), supporting and working bodies gathering at the level of heads of the respective agencies of the CSTO member states, as well as standing and temporary expert bodies. However, there is no body dedicated to the resolution of disputes.

So far, certain issues related to the decision-making mechanism and the legal force of decisions taken by CSTO bodies remain unresolved. For example, the mechanism of making decisions by consensus needs clarification, no deadlines are being set for meeting the obligations stemming from decisions of CSTO bodies in the sphere of the CSTO subject competencies, the CSTO internal law is interpreted too narrowly and includes only decisions taken on procedural issues. Furthermore, decisions on issues of internal law are not mandatory, and that contradicts the prevailing rules on the international arena and may interfere with the functioning of CSTO as an international organisation.

CSTO actively cooperates with the UN Organization, establishes and expands its relations with other international regional organisations as a whole and in particular areas of cooperation, e.g. the fight against terrorism, arms trafficking, illegal migration, etc. The final shaping of CSTO as an international regional organisation allowed to make certain steps towards strengthening its relations with the UN Security Council on the basis of Chapter VIII of the UN Charter. CSTO documents make mandatory having an advanced sanction of the UN Security Council in order to conduct enforcement operations, and informing the UN Security Council on the implementation of self-defence measures or carrying out peacekeeping activities. At the same time, the mechanism for peaceful settlement of international disputes in the framework of CSTO includes only consultations on military and political issues or consultations and negotiations on disputes related to the implementation and the interpretation of international treaties and decisions of CSTO bodies. So far, there is no mechanism for peaceful settlement of international disputes outside the territory of CSTO member states.

List of References

1. A.N. Kalyadin, V.I. Markusheva, G.I. Morozov, *et al.*, *Current Issues in the Activity of International Organisations: Theory and Practice*, ed. G.I. Morozov (Moscow: International Relations, 1983).
2. A. Arbuzov, "Is the symbiosis between NATO and CSTO possible?" *Military Industrial Courier* 37 (2009), <www.vpk-news.ru/index.php?option=com_content&task=view&id=2126&Itemid=3> (12 October 2009).
3. Florence Benoît-Rohmer and Heinrich Klebes, *Council of Europe law: towards a pan-European legal area* (Moscow: Ves' Mir, 2007).
4. Artur Blinov, "CSTO is drawn to NATO," *Nezavisimaya Gazeta*, 3 September 2009, <www.ng.ru/world/2009-09-03/1_odkb.html> (3 September 2009).
5. Nikolai Bordyuzha, "NATO and CSTO have to combine their efforts!" Verbatim report from the press conference of the CSTO Secretary General N.N. Bordyuzha, 11 March 2009, Brussels, Office of the Permanent Representative of the Russian federation at NATO, www.dkb.gov.ru/start/index.htm.
6. Nikolai N. Bordyuzha, "The Collective Security Treaty Organisation – a Reliable Tool for Countering Terrorism in the Euroasian Space," *International Public and Private Law (Mezhdunarodnoe Publichnoe i Chastnoe Pravo)* 3 (2007): 21–25.
7. Nikolai Bordyuzha, "Collective Security Treaty Organisation," *Mezhdunarodnaya Zhizn* 2 (2005): 72–82.
8. Nikolai N. Bordyuzha, "How CSTO enhances the collective security system," *Mezhdunarodnaya Zhizn* 10 (2009): 100–103.
9. Address of the OSCE Secretary General Marc Perrin de Brichambaut to the CSTO CFM meeting, 4 October 2007, <www.dkb.gov.ru/start/index.htm> (15 February 2010).
10. Speech of the CSTO Secretary General N.N. Bordyuzha at the meeting of the OSCE Permanent Council, 13 February 2007, <www.dkb.gov.ru/start/index.htm> (10 February 2010).
11. Address of the CSTO Secretary General Nikolai Bordyuzha to the 13th meeting of the OSCE Council of Foreign Ministers, Ljubljana, 5-6 December 2005, <www.dkb.gov.ru/start/index.htm> (10 February 2010).
12. Speech of the CSTO Deputy Secretary General T.I. Buzubaeva at the OSCE conference of combating illegal drugs (Vienna: Hofburg, 28-29 June 2007), <www.dkb.gov.ru/start/index.htm> (10 February 2010).
13. Speech of the Permanent Representative of Belarus at the UN Andrey Dapkyunas on behalf of the CSTO member states to the plenary meeting of the UN General Assembly session, 28 November 2006, <www.dkb.gov.ru/start/index.htm> (10 February 2010).

14. The “Day of Russia” in the UN ended with the signing of a new resolution on the cooperation of the organization with CSTO, *NEWSru.com*, 3 March 2010, <<http://txt.newsru.com/world/03mar2010/oon.html>> (4 March 2010).
15. Elena F. Dovgan, A.Sh. Kerimbaeva, L.V. Pavlova, M.G. Pronina, *et al.*, *Fifteen Years of the Economics Court of the Commonwealth of the Independent States* (Minsk: Kovcheg, 2008).
16. Documents, regulating the activity of CSTO Parliamentary Assembly, <www.paodkb.ru/html/?id=21> (10 March 2010).
17. A.Yu. Dubnov, “The state – that’s him,” *Russia in the Global Politics* 1 (2010), <<http://globalaffairs.ru/numbers/42/13271.html>> (14 March 2010).
18. N.F. Kasian, *Consensus in Contemporary International Relations: International-Legal Aspects* (Moscow: International Relations, 1983).
19. Victor Litovkin, “The Shield of the Commonwealth has cracked,” *Nezavisimoe voennoe obozrenie*, 19 June 2009, <http://nvo.ng.ru/realty/2009-06-19/1_shield.html> (20 June 2009).
20. V.I. Margiev, *Internal Law of International Organisations*, synopsis of dissertation for doctor of jurisprudence 12.00.10 (Kazan: Kazan State University, 1999).
21. Dmitry Medvedev, *Interview with Belarusian media*, 23 November 2009, <<http://president.kremlin.ru/transcripts/6078>> (24 November 2009).
22. K.A. Bekyashev, ed., *International Public Law: A Textbook* (Moscow: Prospect, 1999).
23. I.P. Blystenko, ed., *International Organisations. A Textbook* (Moscow: RUDN, 1994).
24. T.N. Neshataeva, *International Organisations and Law: New Tendencies in the International Legal Regulation* (Moscow: Delo, 1998).
25. Valeriy D. Nikolaenko, “10 years of the Treaty of Collective Security,” *Mezhdunarodnaya Zhizn* 3 (2003): 60–66.
26. “CSTO and NATO paid attention to each other,” *Nezavisimoe voennoe obozrenie*, 4 September 2009, <http://nvo.ng.ru/news/2009-09-04/100_odkb.html> (4 September 2009).
27. Alexander L. Rekuta, “CSTO: Challenges and Ways Ahead Towards the Prevention of Security Threats in the Central Asian Region,” *Voennaya Myisl* 11 (2006): 2–9.
28. E.I. Skakunov, *International Legal Guarantees for the Security of States* (Moscow: International Relations, 1983).
29. Vladimir Soloviev, “CSTO crosses all borders,” *Kommersant*, 14 October 2009, <www.kommersant.ru/doc.aspx?DocsID=1255396&NodesID=5> (14 October 2009).
30. M. Tyshchenko, “A Threat to the Yield of Milk,” *Lenta.ru*, 22 August 2009 <<http://lenta.ru/articles/2009/08/22/visit/>> (23 August 2009).

31. A. Hramchihin, "The 'Paper Tigers' NATO and CSTO," *Nezavisimoe Voennoe Obozrenie* (6 March 2009), http://nvo.ng.ru/forces/2009-03-06/1_tigers.html (7 March 2009).
32. S.V. Chernichenko, *Theory of International Law*, in two volumes (Moscow: National Institute of International Law, 1999). – vol. 1: Modern theoretical problems.
33. E.A. Shibaeva and M. Potochnyi, *Legal Aspects of the Structure and the Activity of International Organisations: A Tutorial*, Second edition (Moscow: Moscow State University Publishing House, 1998).
34. E.A. Shibaeva, *International Organisations' Law* (Moscow: International Relations, 1986).
35. "This will be a five-country group for the big war," The CSTO Secretary General on the plans of the organisation for the near future, *Kommersant.ru*, 29 May 2009, <www.kommersant.ru/doc.aspx?DocsID=1177855&NodesID=5> (9 March 2010).
36. Wolfgang Münch, Victor Vislykh, and M. Deborah Wynes, *Administration of Justice: Harmonization of the Statutes of the United Nations Administrative Tribunal and the International Labor Organization Administrative Tribunal*, JIU/REP/2004/3 (Geneva, UN Joint Inspection Unit, 2004), Annex I, <www.unjiu.org/data/reports/2004/en2004_3.pdf> (12 September 2010).
37. Stanimir A. Alexandrov, *Self-Defense Against the Use of Force in International Law* (The Hague: Kluwer Law International, 1996).
38. Roy Allison, "Virtual regionalism, regional structures and regime security in Central Asia," *Central Asian Survey* 27:2 (2008): 185–202.
39. José E. Alvarez, *International Organizations as Law-makers* (New York: Oxford University Press, 2005).
40. C.F. Amerasinghe, *Principles of the Institutional Law of International Organizations*, Second edition (Cambridge: Cambridge University Press, 2005).
41. Ellen Barry, "'Milk War' Strains Russia-Belarus Ties," *The New York Times* (15 June 2009), www.nytimes.com/2009/06/15/world/europe/15belarus.html?_r=1&ref=world (6 June 2010).
42. Jan Brownlie, *Principles of Public International Law*, Sixth edition (Oxford: Oxford University Press, 2003).
43. Zbigniew Brzezinski, "An Agenda for NATO: Toward a Global Security Web," *Foreign Affairs* 88:5 (September/October 2009), <www.foreignaffairs.com/articles/65240/zbigniew-brzezinski/an-agenda-for-nato> (10 October 2009).
44. Certain Expenses of the United Nations (Article 17, Paragraph 2 of the Charter), Advisory Opinion, I.C.J. Reports (The Hague: International Court of Justice, 1962), p. 151–309.

45. Jean Combacau, "The Exception of Self-defense in U.N. Practice," in *The Current Legal Regulation of the Use of Force*, ed. Antonio Cassese (Dordrecht: Martinus Nijhoff Publishers, 1986), pp. 9–38.
46. Yoram Dinstein, *War, Aggression and Self-Defence*, Third edition (Cambridge: Cambridge University Press, 2001).
47. Simon Duke, "The State and Human Rights: Sovereignty Versus Humanitarian Intervention," *International Relations* 12:2 (1994), p. 25–48.
48. International Labor Organization Administrative Tribunal, <www.ilo.org/dyn/triblex/triblexmain.byOrg> (12 September 2010).
49. Tony Halpin, "Belarus strongman Alexander Lukashenko takes on ally Russia in 'milk war,'" *Times Online* (6 June 2010), <www.timesonline.co.uk/tol/news/world/europe/article6499866.ece> (15 June 2009).
50. *Military and Paramilitary Activities in and against Nicaragua* (Nicaragua v. United States of America), Merits, Judgment (The Hague: International Court of Justice Reports, 1986), p. 14–150.
51. 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).
52. Mohamed Awad Osman, *The United Nations and Peace Enforcement: Wars, Terrorism and Democracy* (Hampshire: Ashgate, 2002).
53. "Russia: The Nuclear Umbrella and the CSTO," Stratfor, 25 February 2010, <www.stratfor.com/analysis/20100225_russia_nuclear_umbrella_and_csto>, (23 March 2010).
54. *Reparation for Injuries Suffered in the Service of the United Nations*. Advisory Opinion, I.C.J. Reports 1949 (The Hague: I.C.J., 1949), pp. 174–189.
55. Bruno Simma, ed., *The Charter of the United Nations: A Commentary* (New York: Oxford University Press, 1995).
56. *United Nations Peacekeeping Operations: Principles and Guidelines* (New York, NY: UN Department for Peacekeeping Operations, 2008).
57. Jason Vaughn, "The Next Cold War?" *Diplomatic Courier* (22 June 2009), <www.diplomaticcourier.org/kmitan/articleback.php?newsid=388> (6 June 2010).
58. C.H.M. Waldock, "The Regulation of the Use of Force by Individual States in International Law," *Recueil des Cours* 81 (1952), p. 455–517.

List of Normative Sources

1. Vienna Convention on the Law of Treaties (23 May 1969).
2. Interim provisions on the Parliamentary Assembly of the Collective Security Treaty Organisation (30 March 2007).
3. UN Global Counter-Terrorism Strategy, A/Res/60/288, <www.un.org/terrorism/strategy-counter-terrorism.shtml> (12 September 2010).
4. Declaration of the Moscow session of the Collective Security Council of the Collective Security Treaty Organisation (5 September 2008).
5. Treaty on Collective Security (15 May 1992).
6. Treaty for establishment of the European Coal and Steel Community (18 April 1951).
7. The Antarctic Treaty (1 December 1959).
8. Treaty on Open Skies (24 March 1994).
9. Uniting against terrorism: recommendations for a global counter-terrorism strategy, Report of the UN Secretary General, Res A/60/825 (27 April 2006), <www.unodc.org/pdf/terrorism/Global/en/3r60-825en.pdf> (26 December 2009).
10. Declaration of the states parties to the Treaty on Collective Security in relation to the terrorist acts in the U.S.A. (12 September 2001).
11. Declaration of the Ministers of Foreign Affairs of the Member states of the Collective Security Treaty Organisation on the events in South Ossetia (4 September 2009).
12. Convention on certain institutions common to the European Communities (23 March 1957).
13. Convention on Nuclear Safety (17 June 1994).
14. Concept for convergence and harmonisation of the legislation of the member states of the Collective Security Treaty Organisation in the field of collective security, approved by a Ruling of the CSTO Parliamentary Assembly (3 December 2009).
15. Concept for creating and functioning of the mechanism for the CSTO peacekeeping activity, approved by decision of the CSTO Collective Security Council (18 June 2004).
16. Model law on the procedures of admitting and the conditions of stationing military formations of other states parties to the Treaty on Collective Security on the territory of a TCS state party (25 March 2002).
17. On the restoration of the membership of Republic of Uzbekistan in the Collective Security Treaty Organisation, Decision of the CSTO Collective Security Council (23 June 2006).
18. On the declaration of the states parties to the Treaty on Collective Security, Decision of the CSTO Collective Security Council (10 February 1995).

19. On the depositary of documents adopted in the framework of the Treaty on Collective Security, Decision of the Council of Foreign Ministers of the states parties to TCS (5 March 1998).
20. On the documents regulating the activity of the Collective Security Treaty Organisation, Decision of the CSTO Collective Security Council (18 June 2004).
21. On the Concept for Collective Security of the states parties to the Treaty on Collective Security, Decision of the Collective Security Council (10 December 1995).
22. On the Concept for Creating and Functioning of the Mechanism for the CSTO Peacekeeping Activity, Decision of the CSTO Collective Security Council (18 June 2004).
23. On the measures of establishing a parliamentary dimension of the Collective Security Treaty Organisation in the framework of the CIS Inter-parliamentary Assembly, Ruling of the CIS IPA Council (16 November 2006).
24. On the priority measures for implementation of the Treaty on Collective Security of 15 May 1992, Decision of the CIS Council of the Heads of States (24 December 2003).
25. On the transfer of functions of the Secretariat of the Collective Security Council to the Headquarters for coordination of the military cooperation among state parties to the Commonwealth of Independent States, Decision of the CSTO Collective Security Council (19 January 1996).
26. On the Provisions on plenipotentiaries of member states of the Collective Security Treaty Organisation to the Secretary General of the Collective Security Council, Decision of the Council of Foreign Ministers to the Treaty on Collective Security (5 March 1998).
27. Regulations on the procedure for conducting consultations among the states parties to the Treaty on Collective Security, Decision of the TCS Collective Security Council (28 March 1997).
28. Regulations on the functioning of the mechanism for coordination of the foreign policy activity of the CSTO member states, Decision of the CSTO Council of Foreign Ministers (19 November 2003).
29. On the Provisions on working expert groups on counter terrorism and illegal migration issues with the Committee of the Secretaries of Security Councils of the Collective Security Treaty Organisation, Decision of the CSTO Committee of the Secretaries of Security Councils (22 June 2005).
30. On the Provisions of bodies of the Collective Security Treaty Organisation, Decision of the CSTO Collective Security Council (28 April 2003).
31. On the procedure of discussing issues of inter-parliamentary interaction in the framework of the Treaty on Collective Security, Ruling of the Council of the CIS Inter-parliamentary Assembly (15 October 1999).

32. On the rules of financing the activity of the Collective Security Council and its working bodies, Decision of the Heads of Governments of the states parties to TCS (3 November 1995).
33. On the practical measures for enhancing the role of the Collective Security Treaty Organisation in the fight against terrorism, religious extremism, illegal migration and transborder crime (along with the "Proposals of the Secretary General ..."), Decision of the CSTO Council of Secretaries of Security Councils (8 December 2003).
34. On the expenditures on the Collective Security Council in 1996, Decision of the Heads of Governments of the states parties to TCS (3 November 1995)
35. On the implementation of the decisions of the Astana session of the CSTO Collective security Council (2004); On the approval of the priority areas of the CSTO activity in the second half of 2005 and the first half of 2006 and the Plan of the main activities for comprehensive strengthening of the cooperation among states, creation and development of the collective security system in the framework of the Collective Security Treaty Organisation for 2006–2010, Decision of the CSTO Collective Security Council (23 June 2005).
36. On the creation of a Coordination council on emergency situations of the member states of the Collective Security Treaty Organisation, Decision of the CSTO Collective Security Council (6 October 2007).
37. On the creation of a Coordination Council of heads of competent authorities of CSTO member states in countering drug trafficking and the approval of the Provision on the Coordination Council of heads of competent authorities of CSTO member states in countering drug trafficking, Decision of the CSTO Collective Security Council (23 June 2005).
38. On the creation of a Coordination Council of heads of competent authorities of member states of the Collective Security Treaty Organisation in countering illegal migration, Decision of the CSTO Collective Security Council (6 October 2007).
39. On the creation of a temporary working group on information policy and security to the Committee of the Secretaries of the Security Councils at the Collective Security Treaty Organisation, Decision of the CSTO CSSC (24 November 2006).
40. On the implementation of the observer functions at the General Assembly of the United Nations Organization by the Collective Security Treaty Organisation, Decision of the CSTO Council of Foreign Ministers (22 June 2005)
41. On the main directions of deepening the military cooperation among the states parties to the Treaty on Collective Security, Decision of the TCS Collective Security Council (10 December 1995).
42. Letter of the Permanent Representative of the Russian Federation at the United Nations Organization to the UN Secretary General (2 December 1995).
43. Plan for collective activities of the member states of the Collective Security Treaty Organisation for the implementation of the UN Global Counter-Terrorism Strategy for

- the period 2008–2012 approved by decision of the CSTO Collective Security Council (5 September 2008).
44. Plan on realising the activities of the second phase (until 2001) in constructing the system for collective security (2 April 1999).
 45. Regulations on the procedure for suspending the participation of a member state in bodies of the Collective Security Treaty Organisation or terminating membership in the Collective Security Treaty Organisation, approved by decision of the CSTO Collective Security Council “On the documents regulating the activity of the Collective Security Treaty Organisation” (18 June 2004).
 46. Rules on the procedures for the CSTO bodies, approved by decision of the CSTO Collective Security Council “On the documents regulating the activity of the Collective Security Treaty Organisation” (18 June 2004).
 47. Priority areas of the CSTO activity in the second half of 2005 and the first half of 2006, approved by decision of the CSTO Collective Security Council (23 June 2005).
 48. Programme of Legal Support of the Plan for the main activities towards comprehensive strengthening of interstate cooperation, creation and further development of the collective security system in the framework of the Collective Security Treaty Organisation in 2006–2010, approved by decision of the CSTO Collective Security Council (2005).
 49. Draft article of the UN International Law Commission on the responsibility of international organizations (2008).
 50. Protocol on amending the Agreement on the creation of a unified system for technical protection of the railroads of the CSTO Member States of 28 April 2003 (23 June 2006).
 51. Protocol on amending the Protocol on the procedures for exercising control over the purposeful use of military products delivered in the framework of the agreement on the main principles of military-technical co-operation among the parties to the Treaty on Collective Security of 15 May 1992 (22 November 2004).
 52. Protocol on amending the Agreement on the main principles of military-technical co-operation among the parties to the Treaty on Collective Security of 15 May 1992 (19 September 2003).
 53. Protocol on the restoration of membership of Republic Uzbekistan in the Collective Security Treaty Organisation (along with the “List of international treaties ... and decisions ...”) (16 August 2006).
 54. Protocol on the mechanism of providing military-technical assistance to member states of the Collective Security Treaty Organisation in cases of arising threat of aggression or given an act of aggression (6 October 2007).
 55. Protocol on the procedures for exercising control over the purposeful use of military products delivered in the framework of the agreement on the main principles of

- military-technical co-operation among the parties to the Treaty on Collective Security of 15 May 1992 (7 October 2002).
56. Protocol on the procedures for creating and functioning of the forces of the collective security system of the states participating in TCS of 15 May 1992 (25 May 2001).
 57. Protocol on the extension of the Treaty on Collective Security of 15 May 1992 (2 April 1999).
 58. Protocol for cooperation between CSTO and the International Organization for Migration (2006).
 59. Protocol on the conditions, mechanism and procedure of accession to the Treaty on Collective Security by states that have not signed this treaty of 24 December 2003.
 60. Resolution of the UN General Assembly A/RES/59/50 "Observer status for the Collective Security Treaty Organization in the General Assembly" (16 December 2004).
 61. Resolution of the UN General Assembly A/RES/64/256 "Cooperation between the United Nations and the Collective Security Treaty Organization" (2 March 2010).
 62. Resolution of the UN General Assembly 3314(XXIX) "Definition of Aggression" (14 December 1974).
 63. Resolution of the UN Security Council 1540(2004) "Non-proliferation of weapons of mass destruction" (28 April 2004).
 64. Resolution of the UN Security Council 1631(2005) "Cooperation between the United Nations and regional organizations in maintaining international peace and security" (17 October 2005).
 65. Resolution of the UN Security Council 1735(2006) "Treats to international peace and security caused by terrorist acts" (22 December 2006).
 66. Resolution of the UN Security Council 1822(2008) "Threats to international peace and security caused by terrorist acts" (30 June 2008).
 67. Resolution of the UN Security Council 1904(2009) "Threats to international peace and security caused by terrorist acts" (17 December 2009).
 68. The North Atlantic Treaty (4 April 1949).
 69. Joint Declaration on the cooperation between the secretariats of the United Nations Organization and the Collective Security Treaty Organisation (18 March 2010).
 70. Agreement between the Government of the Russian Federation and the Collective Security Treaty Organisation on the conditions of the stationing of the CSTO Secretariat on the territory of the Russian Federation (19 December 2003).
 71. Agreement between the Government of the Russian Federation and the Collective Security Treaty Organisation on the conditions of the stationing of the Multinational HQ on the territory of the Russian Federation (26 November 2007).
 72. Agreement between the Commonwealth of Independent States and the Eurasian Economic Community on the performance by the Economics Court of the Common-

- wealth of Independent States of the functions of a Court for the Eurasian Economic Community (3 March 2004).
73. Agreement on the mutual preservation of classified information in the framework of CSTO (18 June 2004).
 74. Agreement on the CSTO Collective Operational Reaction Forces (14 June 2009).
 75. Agreement on the preferential terms for delivery of special technology and means for equipping law enforcement agencies and special services of member states of the Collective Security Treaty Organisation (6 October 2007).
 76. Agreement on the peacekeeping activity of the Collective Security Treaty Organisation (6 October 2007).
 77. Agreement on education and training of military personnel for the member states of the Collective Security Treaty Organisation (23 June 2005).
 78. Agreement on the procedures for operational deployment, the use of and the comprehensive support to the Central Asian Republics' CRRF for Collective Security (23 June 2006).
 79. Agreement on the legal status of the Collective Security Treaty Organisation (7 October 2002).
 80. Agreement on the creation of a unified system for technical protection of the railroads of the CSTO Member States (28 April 2003).
 81. Agreement on the creation of a command and control system of the forces of the collective security system of the Collective Security Treaty Organisation (6 October 2007).
 82. Agreement on the status of the force formations of the CIS collective security system (10 November 2000).
 83. Agreement on the status of the force formations of the collective security system (10 November 2000).
 84. Agreement on the operational preparedness of the territory and the joint use of military infrastructure of CSTO member states (18 June 2004).
 85. Protocol on amending the Agreement on the main principles of military-technical co-operation among the parties to the Treaty on Collective Security of 15 May 1992 (19 September 2003).
 86. Agreement on the main principles of military-technical co-operation among the parties to the Treaty on Collective Security of 15 May 1992 (20 June 2000), with protocols of 7 October 2002, 19 September 2003, and 22 November 2004.
 87. Agreement on the adoption of Regulations on the Collective Security Council (6 July 1992), amended on 24 December 2003.
 88. Charter of the Organization of American States (30 April 1948).
 89. Charter of the Collective Security Treaty Organisation (7 October 2002).

90. Charter of the United Nations (1945).
91. Charter of the Commonwealth of Independent States (22 January 1993).
92. Sixth high-level meeting between the United Nations and regional and other intergovernmental organizations (A/60/341–S/2005/567), 25–26 July 2005.

Annex I. Tasks and Functions of CSTO Bodies

Collective Security Council¹

4. Main tasks of the Council:

4.1. Defining the strategy, main areas and prospects for the military-political integration in the framework of the Organisation.

4.2. Coordinating and enhancing the interaction among member states in the area of foreign policy, developing the cooperation with respective international organisations, individual states and groups of states, determining the positions of the Organisation on important regional and international issues.

4.3. Developing and improving the system for collective security and its regional structures.

4.4. Developing and deepening the cooperation in the military-political, military, military-technical and other areas.

4.5. Defining the main directions of the common fight against international terrorism, extremism, illegal trafficking of narcotics and psychotropic substances, armaments, transnational organised crime, illegal migration and other security threats.

4.6. Organising the peacekeeping activity of member states.

5. The Council performs the following main functions:

5.1. Examines issues determining the activity of the organisations

5.2. Conducts consultations in order to coordinate the positions of the member states in case of a threat to the security, territorial integrity and sovereignty of one or more member states, or a threat to peace in the world and to international security.

5.3. Decides on issues of providing needed assistance, including military and military-technical assistance, to a member state subject to aggression by any state or group of states, as well as by the forces of international terrorism.

5.4. Defines and introduces measures for maintaining and restoring peace and security.

5.5. Decides on key issues of military and military-technical policy.

5.6. Decides on issues of improving the legal basis in the fields of defence, force development and security of member states.

¹ Provisions on the Collective Security Council of the Collective Security Treaty Organisation, adopted by a decision of the CSTO Collective Security Council of 28 April 2003.

5.7. Appoints and relieves from his/her position the Secretary General of the Organisation (further – the Secretary General) on the proposal of the Council of Foreign Ministers.

5.8. Examines the annual reports of the Secretary General on the status of the Organisation and the implementation of the decisions.

5.9. On proposal by the Secretary General agreed with the Council of Foreign Ministers, approves the structure and the number of personnel of the Secretariat of the Organisation (further – the Secretariat), the number of quota positions in the Secretariat and their distribution among member states in accordance with the determined quota for each state.

5.10. Decides on the acceptance of new member states in the Organisation, on suspending the participation of a member state in the activities of Organisation's bodies or terminating its membership in the Organisation.

5.11. Decides on giving a state or an international organisation the status of an observer to the Organisation, as well as on suspending or annulling the observer status given to a state or an international organisation.

5.12. Endorses the Provisions on the consultative, executive, and working bodies of the Organisation, the Permanent Council of the Organisation, rules of procedures of bodies of the Organisation, and other provisions defined in the Organisation's Charter.

5.13. Endorses the budget of the Organisation for each budget year and approves the report of the Secretariat on budget execution.

5.14. Endorses the Provisions on the procedure of planning and executing the budget of the Organisation.

5.15. Endorses the symbols of the Organisation.

5.16. Performs other functions deemed necessary in order to provide collective security in accordance with the Organisation's Charter.

Council of Foreign Ministers ²

4. Main tasks of the Council of Foreign Ministers:

4.1. Coordinating the activity of the member states in the area of foreign policy, including the cooperation of their diplomatic services on issues of international and regional security and stability.

4.2. Maintaining contacts among the member states, conducting consultations, exchanging views on international issues of interest.

² Provisions on the Council of Foreign Ministers of the Collective Security Treaty Organisation endorsed by Decision of the CSTO Collective Security Council of 28 April 2003.

4.3. Preparing proposals for foreign policy activities aimed at preventing security threats to member states.

4.4. Examining operational issues of foreign policy cooperation in the framework of the Organisation, emerging in the period between sessions of the Collective Security Council (further – the Council), and adopting measures (within its sphere of competencies) aimed at implementation of the decisions of the Council.

4.5. Developing—jointly with the Council of Defence Ministers (Further – CDM) of the Collective Security Treaty Organisation and on instructions by the Council—proposals for peacekeeping activities.

5. CFM performs the following main functions within its sphere of competencies:

5.1. Organises the implementation of decisions and recommendations of the Council on issues of foreign policy and the further development and improvement of the system for collective security, develops proposals for international cooperation aimed to conduct coordinated foreign policy, encompassing the policies on countering international terrorism, extremism, the illegal trafficking of narcotics and psychotropic substances, armaments, transnational organised crime and other threats to security.

5.2. Examines, coordinates, and recommends issues to be included in the agenda of Council's sessions.

5.3. Conducts regular and emergency consultations and exchange of opinions on issues of international and regional security affecting the interests of member states, and forms joint positions on these issues.

5.4. Coordinates the activities of the member states towards the implementation of foreign policy decisions of the Council.

5.5. Makes proposals to the Council on establishing contacts with other international intergovernmental organisations and states that are not members of the Organisation.

5.6. Examines issues of interaction and coordination of the positions of member states in international organisations and fora dealing with international and regional security.

5.7. With the consent of the Council of Defence Ministers and the Committee of the Secretaries of Security Councils of the Collective Security Treaty Organisation (further – CSSC), makes a proposal to the Council on accepting new members in the Organisation, on suspending the participation of a member state in the activities of Organisation's bodies or its exclusion from the Organisation, on the provision of a status of an observer to the Organisation to a state or an international or-

ganisation, as well as on suspending or terminating the observer status of a state or an international organisation.

5.8. With the consent of CDM and CSSC makes a proposal to the Council on the candidacy of a Secretary General of the Organisation (further – the Secretary General).

5.9. Examines and decides on other issues as tasked by the Council.

Council of Defence Ministers³

4. Main tasks of the Council of Defence Ministers:

4.1. Preparing proposals on issues of military policy, force development and military-technical cooperation among the member states, examining and agreeing on draft documents to be put forward to the session of the Collective Security Council (further – the Council).

4.2. In the period between sessions of the Council examines issues of military and military-technical cooperation requiring operational decisions and, within the scope of its competencies, adopts respective measures aimed at the implementation of Council decisions.

4.3. Implementation—according to Council decisions—of activities aimed at furthering and improving the military and military-technical cooperation and the military-political integration of the member states.

4.4. Jointly with the Council of Foreign Ministers of the Collective Security Treaty Organisation (further – CFM) and on instructions by the Council, prepares proposals for peacekeeping activities.

5. CDM performs the following main functions within its sphere of competence:

5.1. Prepares, coordinates and presents to the Council, along with the necessary financial and economic justification, proposals on:

5.1.1. using forces and means of the system for collective security;

5.1.2. providing assistance, including military and military-technical assistance, given a rising threat to the security, sovereignty and territorial integrity of one or more member states, needed to prevent or repel a military aggression (armed attack);

5.1.3. developing and improving the system of collective security and its regional structures;

5.1.4. promoting the cooperation in the military-scientific field and in the joint education and training of military personnel.

³ Provisions on the Council of Defence Ministers of the Collective Security Treaty Organisation endorsed by Decision of the CSTO Collective Security Council of 28 April 2003.

5.2. Endorses or presents to the attention of the Council, within agreed time-limits, plans for joint activities in the operational and combat training of command and control structures and components of the coalition (regional) groups of forces in regions (areas) of collective security.

5.3. Jointly with CFM and the Committee of the Secretaries of Security Councils of the Collective Security Treaty Organisation (further – CSSC) participates in the preparation of proposals on accepting new members in the Organisation, on suspending the participation of a member state in the activities of Organisation's bodies or its exclusion from the Organisation, on the provision of a status of an observer to the Organisation to a state or an international organisation, as well as on suspending or terminating the observer status of a state or an international organisation.

5.4. Participates in the coordination of the proposal on the candidacy of a Secretary General of the Organisation (further – the Secretary General).

5.5. Participates in harmonising and coordinating the positions of the member states in international organisations and forums on military aspects of regional and international security.

5.6. Examines and decides on other issues as tasked by the Council.

Committee of the Secretaries of Security Councils of CSTO⁴

4. Main tasks of the Committee of the Secretaries of Security Councils:

4.1. Participating in the organisation and coordination of the activities of the bodies of the Organisation and the state authorities of the member states in order to implement the decisions of the Collective Security Council (further – the Council) on the joint fight against international terrorism, extremism, illegal trafficking of narcotics and psychotropic substances, armaments, transnational organised crime, illegal migration and other threats to security.

4.2. Preparing proposals to the Council on adopting necessary practical joint measures for preventing or eliminating threats to the national, regional and international security.

4.3. Interacting with the state authorities of member states and coordinating their activities in accordance with international treaties in the framework of the Commonwealth of Independent States and other international levels on countering the threats to the national, regional and international security.

⁴ Provisions on the Committee of the Secretaries of Security Councils of the Collective Security Treaty Organisation, endorsed by Decision of the CSTO Collective Security Council of 28 April 2003.

5. CSSC performs the following main functions within its sphere of competencies:

5.1. Contributes to the regular exchange of information among member states on threats and crisis situations that have emerged or may arise within the states, in neighbouring and other regions and may negatively influence the security the member states.

5.2. Coordinates the efforts of the national authorities of member states in a joint approach to countering security challenges and threats.

5.3. In the period between sessions of the Council, examines operational issues of cooperation in the framework of the Organisation and undertakes measures to implement the decisions of the Council.

5.4. Provides for interaction with interstate and specialised bodies of the Commonwealth of Independent States supervising the developments in specific security areas.

5.5. Jointly with the Council of Foreign Ministers of the Collective Security Treaty Organisation (further – CFM) and the Council of Defence Ministers of the Collective Security Treaty Organisation (further – CDM) participates in the preparation of proposals on accepting new members in the Organisation, on suspending the participation of a member state in the activities of Organisation's bodies or its exclusion from the Organisation, on the provision of a status of an observer to the Organisation to a state or an international organisation, as well as on suspending or terminating the observer status of a state or an international organisation.

5.6. Participates in the coordination of the proposal on the candidacy of a Secretary General of the Organisation (further – the Secretary General).

5.7. Examines and decides on other issues as tasked by the Council.

CSTO Permanent Council⁵

5. Main tasks of the Permanent Council:

5.1. Harmonising the positions of the member states on issues of Organisation's activities.

5.2. Assessing and analysing the situation, rapid exchange of information on pressing issues of national, regional, and international security and preparation of respective recommendations.

5.3. Participating in the organisation for implementing the decisions of the Council, the consultative and the executive bodies of the Organisation.

⁵ Provisions on the Permanent Council of the Collective Security Treaty Organisation endorsed by Decision of the CSTO Collective Security Council of 28 April 2003.

5.4. Participating in preparing draft documents for the meetings of bodies of the Organisation.

6. The Permanent Council performs the following main functions within its sphere of competencies:

6.1. Prepares proposals aimed at the coordination of foreign policy activities, development of the multilateral military-political integration, development and improvement of the system for collective security and its regional structures.

6.2. Participates in drafting proposals for coordination of the efforts of the member states towards countering international terrorism, extremism, the illegal trafficking of narcotics and psychotropic substances, armaments, transnational organised crime and other threats to the security of the member states.

6.3. Participates in the preparation of draft decisions and documents for the sessions of the Council and the meetings of the Council of Foreign Ministers of the Collective Security Treaty Organisation (further – CFM), the Council of Defence Ministers of the Collective Security Treaty Organisation (further – CDM), and the Committee of the Secretaries of Security Councils of the Collective Security Treaty Organisation (further – CSSC).

6.4. Tables proposals to conduct consultations in developments impacting the interests of the Organisation or the security of any of its member states.

6.5. Examines issues related to the organisational and financial activities of the Organisation and drafts proposals for their improvement.

6.6. Maintains and develops contacts with the relevant authorities of the member states and informs them on the activity of the Organisation and its bodies.

6.7. Provides information to the bodies of the Organisation on national defence and security related legislation, as well as on international treaties and international legal acts of a military-political nature signed by member states and states that are not members of the Organisation, or international organisations.

6.8. Assists the working contacts of the Secretary General of the Organisation (further – the Secretary General) in the member states.

CSTO Secretariat, Secretary General⁶

3. Tasks of the Secretariat:

3.1. Preparing, in coordination with the Permanent Council, draft decisions and other documents on issues related to coordinating the foreign policy interaction, developing the cooperation in the military-political, military, and military-technical

⁶ Provisions on the Secretariat of the Collective Security Treaty Organisation, endorsed by Decision of the CSTO Collective Security Council of 28 April 2003.

spheres, developing and improving the system for collective security and its regional structures, the fight with international terrorism, extremism, the illegal trafficking of narcotics and psychotropic substances, armaments, transnational organised crime and other threats to security, as well as on peacekeeping issues.

3.2. Planning and executing the budget of the Organisation.

4. The Secretariat performs the following main functions within the realm of its competencies:

4.1. Summarising proposals and materials for the agenda of Council sessions and meetings of the consultative and executive bodies of the Organisation received from member states, preparing draft agendas for Council sessions and meetings of the consultative and executive bodies of the Organisation, preparing draft documents and other documents and sending them to member states.

4.2. Preparing for the member states information-analytical and other materials necessary for the work of the Council and the consultative and executive bodies of the Organisation.

4.3. Providing organisational and technical support to the Council sessions and the meetings of the consultative and executive bodies of the Organisation while interacting with relevant governmental agencies of the state hosting the session (meeting).

4.4. Providing organisational support for the meetings of the Permanent Council.

4.5. Registering and storing documents (performs the functions of a depositary).

4.6. Performing financial and administrative activities supporting the performance of the functions of the Secretariat.

9. The Secretary General:

9.1. Supervises the Secretariat.

9.2. Organises consultations among the member states on issues related to the implementation of the Treaty.

9.3. In accordance with the decisions of the Council coordinates the drafting and harmonising of respective decisions and other documents for Council sessions, meetings of the executive and consultative bodies of the Organisation and various consultations.

9.4. On the instructions of the Council's Chairperson, and when necessary, organises the signing of Council's decisions by heads of states following the Rules of procedure of the bodies of the Organisation.

9.5. Presents to the Council an annual report on the work done, including also analysis of the situation and the factors that may impact the security interests of the member states, respective findings and recommendations.

9.6. On the instructions of the Council, represents the Organisation in the relations with other states that are not its members, with international organisations and the media.

9.7. On the instructions of the Council, informs the UN Security Council on undertaken or planned activities of the Organisation towards maintaining and restoring peace and security.

9.8. Prepares information to the members of the Council and to the consultative and executive bodies of the Organisation on the implementation of their decisions.

9.9. Determines the functions of structural units and the responsibilities of the officials and staff of the Secretariat.

9.10. Sends proposals on the budget of the Organisation for approval by the respective executive authorities of the member states within the timelines, established by national legislation of the member states in planning their national budgets.

9.11. Submits for Council's approval the draft budget of the Organisation for the forthcoming year, as agreed with member states.

9.12. Organises the current financial oversight over the execution of the Organisation's budget.

9.13. Submits for Council's approval the report on the execution of the Organisation's budget for the past year.

9.14. Performs the functions of depositary of documents adopted by the Council, the consultative and executive bodies of the Organisation.

9.15. Signs contracts with persons employed by the Secretariat.

9.16. Performs the functions of Organisation's budget holder.

9.17. Examines and decides on other issues as instructed by the Council.

CSTO Parliamentary Assembly⁷

Article 3. The Parliamentary Assembly:

a) Discusses issues of the cooperation among member states in the international, military-political, legislative and other areas, and, depending on the nature of the issue, submits its respective proposals to the Collective Security Council, other CSTO bodies, or parliaments.

⁷ Provisional Regulations on the Parliamentary Assembly of the Collective Security Treaty Organisation (30 March 2007).

b) Examines issues proposed by the Collective Security Council and makes respective recommendations to the Collective Security Council, as well as to other CSTO bodies.

c) Makes recommendations for convergence of the legislation of CSTO member states in the international, military-political, legislative and other areas.

d) Adopts model legislative acts aimed to regulate the relations in the CSTO areas of activity and, along with respective recommendations, sends them to the parliaments of the CSTO member states.

e) Adopts recommendations on synchronising the procedures of ratification by parliaments of international treaties signed in the framework of CSTO and, upon a decision of the Collective Security Council, of ratification of other international treaties when the participation of CSTO member states will contribute to the achievement of their common objectives as enshrined in the 2002 Charter of the Collective Security Treaty Organisation.

f) Adopts recommendations on bringing the legislation of CSTO member states in line with the provisions of international treaties signed among the member states in the framework of CSTO.

g) facilitates the exchange of legislative information among the CSTO member states.

h) Interacts and cooperates with parliamentarian and other organisations in the pursuit of its objectives.

i) Discusses other issues of parliamentarian cooperation.

Annex II. A List of International Treaties signed in the framework of TCS or CSTO

- Treaty on Collective Security (15 May 1992)
- Protocol on the extension of the Treaty on Collective Security of 15 May 1992 (2 April 1999)
- Agreement on the main principles of military-technical co-operation among the parties to the Treaty on Collective Security of 15 May 1992 (20 June 2000)
- Agreement on the status of the forces of the collective security system (11 October 2000)
- Protocol on the procedures for creating and functioning of the forces of the collective security system of the states participating in TCS of 15 May 1992 (25 May 2001)
- Protocol on the procedures for exercising control over the purposeful use of military products delivered in the framework of the agreement on the main principles of military-technical co-operation among the parties to the Treaty on Collective Security of 15 May 1992 (7 October 2002)
- Charter of the Collective Security Treaty Organisation /CSTO Charter/ (7 October 2002)
- Agreement on the legal status of the Collective Security Treaty Organisation (7 October 2002)
- Agreement on the creation of a unified system for technical protection of the railroads of the CSTO Member States (28 April 2003)
- Protocol on amending the Agreement on the main principles of military-technical co-operation among the parties to the Treaty on Collective Security of 15 May 1992 (19 September 2003)
- Protocol on amending the Protocol on the procedures for exercising control over the purposeful use of military products delivered in the framework of the agreement on the main principles of military-technical co-operation among the parties to the Treaty on Collective Security of 15 May 1992 (22 November 2004)
- Agreement on the mutual preservation of classified information in the framework of CSTO (18 June 2004)
- Agreement on the operational preparedness of the territory and the joint use of military infrastructure of CSTO member states (18 June 2004)

- Agreement on education and training of military personnel for the member states of the Collective Security Treaty Organisation (23 June 2005)
- Protocol on amending the Agreement on the creation of a unified system for technical protection of the railroads of the CSTO Member States of 28 April 2003 (23 June 2006)
- Agreement on the procedures for operational deployment, the use of and the comprehensive support to the Central Asian Republics' CRRF for Collective Security (23 June 2006)
- Agreement on the peacekeeping activity of the Collective Security Treaty Organisation (6 October 2007)
- Agreement on the creation of a command and control system of the forces of the collective security system of the Collective Security Treaty Organisation (6 October 2007)
- Protocol on the mechanism of providing military-technical assistance to member states of the Collective Security Treaty Organisation in cases of arising threat of aggression or given an act of aggression (6 October 2007)
- Agreement on the preferential terms for delivery of special technology and means for equipping law enforcement agencies and special services of member states of the Collective Security Treaty Organisation (6 October 2007)
- Agreement on the CSTO Collective Operational Reaction Forces (14 June 2009)

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.

Anatoliy A. Rozanov and Elena F. Dovgan, *Collective Security Treaty Organisation 2002–2009*, DCAF Regional Programmes Series no. 6 (Geneva and Minsk: Geneva Centre for the Democratic Control of Armed Forces and Foreign Policy and Security Research Centre, 2010).

DCAF Regional Programmes Series no. 6

Original version: Russian, Minsk, 2010

English version: Geneva, 2010

Geneva Centre for the Democratic Control of Armed Forces
< www.dcaf.ch >
P.O.Box 1360, CH-1211 Geneva 1, Switzerland

Cover Design: Hristo Bliznashki

Language Editor: Petya Ivanova

Format: 6.25 x 9

ISBN 978-92-9222-142-3



The Geneva Centre for the Democratic Control of Armed Forces (DCAF)

DCAF was established in 2000 by the Swiss government. DCAF is an international foundation with 53 member states and the Canton of Geneva. DCAF's main divisions are Research, Operations and Special Programmes. The staff numbers over 70 employees from more than 30 countries. DCAF's head office is located in Geneva, Switzerland. The Centre also has permanent offices in Brussels, Ljubljana, Ramallah and Beirut.

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 and security sector governance. 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 conducts policy-related research to make 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

ISBN 978-92-9222-142-3



DCAF Regional Programmes Series no. 6