

Collective  
Security Treaty  
Organisation  
2002–2012

18

Anatoliy A. Rozanov and Alena F. Douhan



The Geneva Centre for  
the Democratic Control  
of Armed Forces

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**Geneva – Minsk, 2013**

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

The Geneva Centre for the Democratic Control of Armed Forces (DCAF, [www.dcaf.ch](http://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 multi-lateral cooperation with parliaments lead to model laws, jointly designed with the CIS Parliamentary Assembly, on the parliamentary oversight of the state military apparatus, and peacekeeping.<sup>1</sup> In cooperation with the Foundation for Democratic Centrism, the Russian Federations 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.<sup>2</sup> 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.<sup>3</sup>

This publication by Profs. Rozanov and Douhan 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.

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<sup>1</sup> Philipp Fluri and Alexander Nikitin, eds., *Commonwealth of Independent States Model Law on the Parliamentary Oversight of State Military Organisation*, Second edition (Geneva: DCAF and CPIS, 2012), available in English, French, Russian and Spanish, <<http://www.dcaf.ch/Publications/Model-Law-On-the-Parliamentary-Oversight-of-the-State-Military-Organisation>>; Alexander Nikitin, ed., *On Participation (of a CIS Member-State) in Peace Support Operations: CIS Model Law*, Second edition (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2012), available at <<http://www.dcaf.ch/Publications/Model-Law-On-Participation-of-a-State-in-Peace-Support-Operations>>.

<sup>2</sup> 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>>.

<sup>3</sup> 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](http://www.dcaf.ch/publications/kms/details.cfm?ord279=title&q279=fundamental+freedoms&lng=en&id=54310&nav1=5)>.

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

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

Geneva and Brussels, June 2013

Philipp Fluri  
Deputy Director DCAF

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## List of Acronyms

AT	Administrative Tribunal
CAR	Central Asian Region
CARICC	Central-Asian Regional Information Coordination Center
CDM	Council of Defence Ministers (of the CSTO member states)
CFM	Council of Foreign Ministers (of the CSTO member states)
CHS	Council of the Heads of States (of the CIS)
CICA	Conference on Interaction and Confidence Building Measures in Asia
CIS	Commonwealth of Independent States
CPF	Collective Peacekeeping Forces
CRDF	CAR Collective Rapid Deployment Forces
CRRF	Collective Rapid Reaction Forces
CRRF Agreement	Agreement on the CSTO Collective Operational Reaction Forces
CSC	Collective Security Council of the CSTO member states
CSSC	Committee of the Secretaries of Security Councils (of CSTO member states)
CST	The Collective Security Treaty
CSTO	Collective Security Treaty Organisation
EAEC	Eurasian Economic Community
EAG	Eurasian Group on Combating Money Laundering and Financing of Terrorism
EAPC	Euro-Atlantic Partnership Council
ECSC	European Coal and Steel Community
EU	European Union
Europol	European Police Office
GUUAM	Organization for Democracy and Economic Development (after 2005 – GUAM)
HQ	Headquarters
IAEA	International Atomic Energy Agency
ICAO	International Civil Aviation Organization
ICMEC	Interstate Commission on Military-Economic Cooperation
ICRC	International Committee of the Red Cross

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ILO	International Labour Organization
IMO	International Maritime Organization
Interpol	International Criminal Police 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
UN	United Nations
UNAT	United Nations Administrative Tribunal
UNEP	United Nations Environment Programme

# INTRODUCTION

Anatoliy A. Rozanov

The Collective Security Treaty Organisation (CSTO) sits in a particular niche in the system of international relations in the Euroasian region. 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. The CSTO functions, however, in the absence of a single Euroasian security and defence space; this space continues to be fragmented and unclear, ripe with internal contradictions and potential conflicts.

The countries participating in the CSTO have quite different 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 the Kremlin on considerations of a purely psychological nature.”<sup>1</sup> 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, the CSTO is still at the beginning of the road, leading towards the creation of an effective collective security system.

There are 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 the CSTO from the perspective of international law are totally absent. It can be noted, for example, that the topic of the CSTO is barely addressed in the studies of the well known Foreign and Defence

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<sup>1</sup> 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](http://nvo.ng.ru/forces/2009-03-06/1_tigers.html) (7 March 2009).

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

# CSTO Evolution

Anatoliy A. Rozanov

## Origins of the CSTO

### *The Collective Security Treaty 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. 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 Collective Security Treaty
- Bilateral cooperation in the military field based on bilateral treaties and agreements.

To date, most advanced is military, political-military and military-technical cooperation in the framework of the CST/CSTO. Since 1992, Russia has consistently worked towards the creation of an effective system for collective security based on the CST.

How realistic is the very idea of forming a system of collective security in the post-Soviet space? The League of Nations and the United Nations were also founded on these ideas. However, the lack of capacity and political will of the world community led to a situation where collective security systems continue to “lose” and their effectiveness is limited.

There are also no convincing examples of effectively functioning collective security systems on a regional level. We can claim that the 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 OSCE “crisis” related to its functional and geographic imbalances.

Currently, and 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 organisa-

tion. 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 among 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 (it was often formerly 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 art. 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 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 among each other, will coordinate their positions on security issues and will create corresponding coordination bodies.

The member states, in accordance with art. 2 of the CST, took upon themselves the obligation to consult each other on all important international security issues in their interests, and to coordinate their positions. In the case of the emergence of a threat to security, territorial integrity and/or sovereignty of one or several of the member states, or threats to 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 art. 4, according to which an aggression against one of the parties to the Treaty will be examined as an aggression against all states parties to the CST:

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

Member states are required to immediately inform 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 art. 3 of the CST 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 CST member states.

In substance, and partially in terms of terminology, articles 2 and 4 of the CST are similar to articles 4 and 5 of the North Atlantic Treaty, signed in Washington on 4 April 1949. There is an impression that the CST architects endeavoured to create a construct just as solid as NATO, or at least of 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. 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 the CST was the commitment articulated in art. 1, banning the entry into 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. Art. 10 leaves open the opportunity for other countries that share the goals and the principles of the Treaty to join it.

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

Interactions within the CST 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 the OSCE;
- exclusively defensive and open nature of the CST 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 CST system*

From a geopolitical point of view, the CST initially had considerable flaws. Ukraine—a country hosting one of the largest military-industrial centres of the USSR, with an 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 of important strategic location in the Caucasus—did not join the Treaty at the beginning; they joined in 1993, but by 1999 renounced their membership. The loss of military-strategic bases in the Baltics and the course of the Baltic countries towards integration in Western structures complicated Russia’s geopolitical position. This was only partially compensated by the participation in CST of such strategically important countries as Belarus and Kazakhstan. The participation of Belarus was essential not only because of its strategic location, but also on account of its compact, capable armed forces which had adopted a Western approach. The participation of Kazakhstan was especially important given the huge military-strategic infrastructure of the former USSR, ranges and cosmodrome on its territory.

In the first half of the 1990s—with the strengthening of the process of lowering the nuclear threat, the active development of relations with NATO, EU, and OSCE member states, and improving relations with the People’s Republic of China—post-Soviet states did not feel quite threatened. The Central Asian countries were actively increasing cooperation with their 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 economic conditions in all newly independent states and, as a result, a widespread decline in living standards, and the aggravation of interethnic relations. Under those conditions, the CST did not become a structure capable of conducting 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 the CST. 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 CST member states attempted to strengthen the structure through a clearer conceptualisation of its mission, objectives, and most important areas of activity. They adopted the following fundamental documents: *Declaration of the states participating in the CST*, *Concept of Collective Security*, and *Main Directions of deepening military cooperation among the CST participating states*.

The *Concept of Collective Security of the states parties to the CST* of 1995 represents views held by 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, when one occurs, to guarantee the protection of interests, sovereignty and territorial integrity of the participating states. In peacetime this goal is achieved through the settlement of contentious issues, international and regional crises primarily via political means, as well as by maintaining the defence potential of each state taking into account both national and collective interests.

In the case of threats to the security, territorial integrity and sovereignty of one or more participating states or a threat to international peace, participating states immediately enact the mechanism of joint consultations in order to coordinate their positions and undertake specific measures to eliminate the threat. In the case of acts of aggression, the participating states—in accordance with art. 4—repel the actions of the aggressor and take measures to force the aggressor to terminate their military actions. To that end, 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: aggression against one participating state is considered aggression against all participating states
- Equal responsibility of the participating states in providing security
- Observance of territorial integrity, respect for sovereignty, non-interference in internal affairs, and account for each others' interests
- Collective nature of 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, training methods and approaches, 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 plans for the development, production, delivery, and repair of weapon systems and military equipment
- Coordinating the education and training programmes for military personnel and defence specialists
- Elaborating common approaches to the definition of norms for the creation and maintenance of material reserves.

The collective security system was envisioned to evolve in three main stages:

1. Completing the creation of the 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 the CST was gradually—and ever more clearly—turning into an inefficient structure with severe internal contradictions among the participating states. Therefore, and despite the fact that in April 1999 the countries signed a Protocol extending the CST 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.

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 CST was his discontent with the leadership of Tajikistan—which struggled to control the country's internal situation—and the Uzbek leader even supported Islamic fighters. The exit from the CST was also a peculiar demonstration of Tashkent *vis a vis* Russia. Karimov was clearly disaffected by Moscow's support for the Rahmonov regime, combined with Russia's inability to provide security guarantees against the incursion of Islamic fighters into Uzbekistan.

Georgia's renunciation 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 elite attempted to influence Georgia's national policies – a country with an important geostrategic location. Since its early years of independence, Georgia did not try to hide its clear pro-Western orientation nor its endeavours to integrate into NATO. Facing the question of strategic partners, Georgia unequivocally and openly put its stakes on the West.

Quitting its participation in the CST, Azerbaijan also expressed its disapproval of member states' policy on the Armenian-Azerbaijani conflict, particularly in relation to the issue of Nagorni Karabakh. Active Russian support to Armenia was criticised in Baku and led to Azerbaijan quitting the CST.

Another challenge the participants in the CST faced during that period was the tendency towards the creation of GUUAM – a new and to a certain extent opposing block in the framework of the 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 the CST and GUUAM as two opposing blocks on the territory of the former USSR. Thus, by 1999 the CST was in crisis.

Towards the end of the 1990s, the geopolitical situation around the CST countries, and CIS countries as a whole, started to deteriorate, while the level of security declined. From 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 Taliban victory in Afghanistan in 1996 and especially with the relocation of militant Taliban groups closer to CIS borders in 1998. The events in Batken in 1999 and their repetition in 2000 when armed groups of Islamists 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 CST participants in 2000-01 resulted in new measures of response to the security challenges. Three summits of the CST heads of states in those years were of essential importance for increasing the CST's efficiency.

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

This 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 the CST.

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 system and mechanisms for use of multinational forces and means in providing the necessary support to CST participating states in crisis situations. The practical arrangements of the regional collective security system as the nexus of interaction among the participating states in the joint provision of military security gradually became a priority issue.

#### *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 practical creation of components of the collective security system, and the system as a whole. Essential for Central Asia was the agreement by all parties to establish the Central Asian regional forces with the Collective Rapid

Reaction Forces (CRRF) at its nucleus, though limited in scale. The Council also decided to prepare specific proposals on the creation of a central-staff body responsible for supporting engagement between the regional collective security systems.

In Bishkek, the parties signed an Agreement on the status of the forces of the collective security system 2001-05 and adopted a Plan for the system's main activities. The Agreement regulates the legal aspects of hosting collective forces on the territories of the states participating in CST. The Plan outlined key areas for implementation by the Treaty members: political, military-organisational, and countering new threats and challenges.

#### *The Yerevan session of the Collective Security Council, May 2001*

The Council session in Yerevan analysed initial results of the implementation of CST following the Minsk session. Essential was the signing by the heads of states of the Protocol on the procedures for the creation and functioning of the forces of the collective security system. The countries declared their intention to create a unified system for collective security founded on the principles of international law and accounting for their international obligations in regards to confidence and security building measures.

Art. 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 art. 4, 6 of CST. The Protocol reflects the understanding that every regional group should find its place in the overall system for collective security taking into account 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. This body should be responsible for addressing issues involving the practical creation of the regional systems for collective security and their interaction.

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

The complicated bureaucratic procedures of CST 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 influenced the integrity of the collective security system based on the CST.

The emphasis on the regional security sub-systems within the CST became evident, and that led to a return to bilateral 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 bilateral relations. Only the Central Asian sub-system incorporates features of multilaterality.

Another essential problem was the ever-growing exhibition of contradictions between specific interests of CST states, as well as the discrepancy among priorities in the framework of the CST. For example, in 2000–01 a key concern of the Central Asian states participating in CST 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 such a priority. In addition, financial constraints were among the main reasons for the limited efficiency of the CST. CST states could not afford to allocate meaningful funds to strengthen the collective system.

At the beginning of the new century, CST states encountered a set of challenges. The situation in Afghanistan continued to generate threats to Central Asia. By the summer of 2001 CST states came very close to a common understanding of the need to create their own Collective 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 CST) generating a threat of international terrorism.

In 2001, CST state parties took practical steps towards the establishment of rapid deployment forces in 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. CRDF 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. Aircraft, including transport and attack aircraft and helicopters, were also allocated to these forces.

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

## **Establishment and Evolution of the 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 de-

fault" in the Caspian and Central Asia between the United States, Russia, and China. For Russia it was the military-political presence, primarily through the instruments of CST and the 201<sup>st</sup> infantry division stationed in Tajikistan; for the United States, it was the economic consolidation in strategic economic spheres, primarily the petroleum industry; and for China, it was the export of goods and import of raw materials.

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

CST participants were in the phase of active formation of CRDF when the events of September 11 brought a realignment of geopolitical powers in the region. However, the CST states did not have the military-technical and financial capacity to support 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 a contribution were not there. Nevertheless, CST 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.

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

In these conditions, steps were taken to further strengthen CST, 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 participating CST states decided to transform CST into an international regional organisation – CSTO. The states parties to CST expressed a readiness for cooperation between NATO and the Shanghai Cooperation Organisation (SCO).

The CSTO's creation was supported not only by the deepening internal integration of the participating states, but also by the growing international importance of the organisation and the boost in its relations with other states and international organisations. The transformation of the Treaty into an organisation opened new opportunities for the CST.

The CSTO Charter and Agreement on the legal status of CST states were signed at the Chisinau summit in October 2002. The following features of the Charter have attracted most attention: application of the CSTO consultation mechanisms and procedures so that the member states agree on and coordinate, among other issues, their foreign policy positions on international and regional security issues; the decisions of CSTO members to host the forces and military infrastructure of non member states are taken after urgent consultation (agreement) by 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 in the development, production and upgrade of weapon systems of the CSTO countries, as well as selling these not at global prices, but at internal ones. It was decided that in the area of 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 the CST into a regional international organisation, the member states took 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 CFM, the CDM, and the CSSC 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, and on the personnel, structure and the distribution of personnel quotas in the Secretariat.

According to a December 2003 decision by the CSTO Council of Defence Ministers, CRRF personnel in the Central Asian region was increased by 2.5 times. An additional five battalions were added to the existing four – one from Russia, Kazakhstan and Kyrgyzstan, and two from Tajikistan. Thus, the personnel strength of the CSTO real combat forces increased to 3,500 soldiers. Furthermore, the increase in troop numbers did not have an impact on the number of CRRF HQ personnel acting on a permanent basis in Bishkek. The HQ's operational group included 21 personnel, with an expected increase to 81 during a “special” period.

The multinational HQ of the armed forces tasked with the operational command and control of the Collective Rapid Reaction Forces began functioning on 1 January 2004. At the same time CSTO member states introduced a preferential regime of military-technical cooperation and free training of military personnel. At that time, the Russian Federation financed 50 percent of all activities in the CSTO, while the other five members contributed 10 percent each. The speed of military integration within CSTO 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 presidential level took place in Astana on 18 June 2004. It examined and approved draft documents regulating key activities 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 member state presidents endorsed a CSTO Plan on coalition military construction until 2010 and beyond, an Agreement on the training of military personnel for the CSTO member states, and a military-technical cooperation programme for 2006–2010. The CSTO CSC also created an Interstate Commission on Military-Economic Cooperation (ICMEC) and approved its Terms of Reference. The Commission commenced work in 2006.

During the CSC session in Minsk on 23 June 2006 the presidents signed a Declaration by the CSTO member states on the further enhancement and an increase in the efficiency of the organisation's activities. They discussed positions of the CSTO member states on the situation in the OSCE and reinstated Uzbekistan in the CSTO. According to official data, 187 people died during the events in Andijan, Uzbekistan in 2005, and international reactions led to 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 of a disproportionate 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).<sup>1</sup>

In response, the Uzbek authorities made Washington pull out of the Harshi-Hanabad military base, which was operational from September 2001, in the prelude to operations in Afghanistan. The U.S. military base on the military airfield in Hanabad (in Uzbekistan's south) was operational from 2001–05 hosting a squad-

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<sup>1</sup> M. Tyshchenko, "A Threat to the Yield of Milk," *Lenta.ru*, 22 August 2009 <<http://lenta.ru/art.s/2009/08/22/visit>> (23 August 2009).

ron 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.<sup>2</sup>

The CSC held its regular meeting on 5 September 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 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 2008–12. The session’s participants supported Russia’s initiative on the establishment of a Treaty on European Security.

The meeting assessed the event in South Ossetia and Abkhazia in August 2008. The leaders of the CSTO member states expressed their “deep concern” over “Georgia’s attempt to resolve the conflict in South Ossetia by force that led to numerous casualties among the population.” They supported the active role of Russia in assisting peace and cooperation in the Caucasus, called for the provision of reliable security for South Ossetia and Abkhazia and cautioned against double standards in the assessment of the ensuing situation.

At the session of the CSC in Moscow on 20 December 2011, the CSTO member nations agreed to tighten the conditions under which foreign military bases may open in their territories. Under the signed agreement, future basing options should require the full consent of all CSTO member states.

Moscow has long sought to reduce the influence of the U.S. military in Central Asia. This initiative effectively provided a legal basis for Russia to veto any foreign basing plans throughout the region. The sole U.S. base in Central Asia—at Manas in Kyrgyzstan—is expected to close following the withdrawal of ISAF troops from Afghanistan. A Summit statement stressed that all member nations fully agreed on the basing issue, although some were evidently more proactive in advocating the measure. Kazakh President Nursultan Nazarbayev who chaired the summit praised the new policy in his remarks. Both Russia and Kazakhstan believe that limiting the scope for foreign bases in Central Asia will contribute to strengthening Eurasian security.

The summit also published a strongly worded statement that broadly supported Moscow’s stance on the US/NATO Phased Adaptive Approach concept for European ballistic missile defence (BMD). In addition to the 35 documents signed, dis-

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<sup>2</sup> Ibid.

cussions centred on strengthening collective security mechanisms, including the CRDF (in CAR), enhancing peacekeeping capabilities and extending the new forces to involve anti-drug units.

The Moscow-Astana axis appeared to be crucial in forming and developing the mandate for the CRDF, the bulk of which is drawn from Russian airborne forces and Kazakh elite airmobile forces. The summit approved a programme to equip these forces and agreed on their use in response to natural or man-made disasters. These agreements followed and advanced initiatives presented at the December 2010 summit in Moscow and an informal CSTO summit in Yerevan in August 2011, which showed a general trend towards allowing the organisation to respond to both internal and external threats.

The transformation of the CSTO and its military and security capabilities has been accompanied by statements that showed an awareness of the potential fallout from NATO's exit from Afghanistan by the end of 2014.

In June 2012, the Uzbek foreign ministry issued a statement announcing the suspension of Uzbekistan's CSTO membership. This move has been linked to the organisation's increasing focus on Afghanistan and widening military co-operation. The Uzbek foreign ministry indicated that this decision reflected Tashkent's view that Afghanistan security issues should be promoted on a bilateral basis rather than using any regional structure. Uzbekistan was opposed to the creation of the 20,000-strong CSTO Collective Operational Reaction Forces in June 2009, for, in its view, this development would transcend the collective security basis of the organisation.<sup>3</sup> During CSTO summits in 2010 and 2011, agreements were signed to expand the scope for the CRRF to include intervention in a domestic crisis or civil emergency. Tashkent objected to the "militarization" of the CSTO, apparently fearing the expanded presence of Russian troops or military infrastructure close to its borders. Uzbekistan refused to sign a joint communiqué at the end of the CSTO summit in Moscow in December 2011. Tashkent also refrained from signing a document outlining consensus among member nations on the issue of CSTO members' foreign basing rights.

Sources in the CSTO secretariat noted that Uzbekistan's concerns were linked to amending the founding CST, which states that major decisions require full consent among all member nations. Since Tashkent objected to such radical changes in the CSTO, including creating the efficient CRRF and amending the CST to permit military action based upon a majority vote, it argued that these agreements were illegal.

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<sup>3</sup> Dmitriy Ontoev, "Enfant Terrible CSTO," *Nezavisimoe Voennoe Obozrenie* (13 July 2012), <[http://nvo.ng.ru/realty/2012-07-13/3\\_odkb.html](http://nvo.ng.ru/realty/2012-07-13/3_odkb.html)> (23 June 2013).

Some analysts believe that Tashkent's decision to suspend its participation in the CSTO would change little in the region and that Uzbekistan's move was an internal organisational issue that was not driven by a foreign policy shift towards the West.<sup>4</sup>

Uzbekistan's foreign policy has been problematic for years, not only with Russia, but also with the West. Uzbekistan was under EU sanctions until 2009 and U.S. sanctions until 2011 over human rights issues, but the U.S. has since ended the policy of isolation and engaged with Tashkent, not least because of its strategic importance for the military operations in Afghanistan.

At the Moscow session of the CSC on 19 December 2012, the leaders of CSTO countries sustained Uzbekistan's wish to suspend its CSTO membership. They also signed a number of important documents including a declaration by the heads of state "On the main directions of military cooperation among member states of the Collective Security Treaty Organisation until 2020"; "On the Joint Staff of the Collective Security Treaty Organisation" and "On the prediction of the situation in Afghanistan in the medium term to 2015."<sup>5</sup>

The declaration notes that "in view of the growing threats, including with regard to the completion of the withdrawal in 2014 of the main contingent of the Afghan International Security Assistance Force, it is necessary to take appropriate measures that would meet the requirements of the changing situation and the extent of its impact on the security of the CSTO member states."<sup>6</sup>

On 20 December 2012, Nikolai Bordyuzha, the CSTO secretary-general, attended the meeting of the State Duma Committee for CIS Affairs and Ties with Compatriots and commented on decisions made at the Moscow 19 December CSC session. He described the session as one of the most effective in the history of the organisation.

N. Bordyuzha said that the summit had been devoted firstly to perfecting military cooperation and emphasized the decision to form in the future the unified CSTO Collective Forces. This actually means unifying separate units, such as peace-keeping forces and the collective force of rapid reaction in the Central Asian region,

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<sup>4</sup> Roger McDermott, "CSTO Prepares for Internal Organisational Crisis by December 2012," *Eurasia Daily Monitor* 9:157, 16 August 2012, <[http://www.jamestown.org/programs/edm/single/?tx\\_ttnews%5Btt\\_news%5D=39778&cHash=ddcc7b6051f43fb4f26f2015db63347](http://www.jamestown.org/programs/edm/single/?tx_ttnews%5Btt_news%5D=39778&cHash=ddcc7b6051f43fb4f26f2015db63347)> (22 June 2013).

<sup>5</sup> *On the results of the session of the CSTO Collective Security Council*, 19 December 2012, <[http://odkb-csto.org/news/detail.php?ELEMENT\\_ID=1536](http://odkb-csto.org/news/detail.php?ELEMENT_ID=1536)> (22 June 2013).

<sup>6</sup> *Declaration by the Heads of State of the Collective Security Treaty Organisation*, 19 December 2012, <[http://odkb-csto.org/news/detail.php?ELEMENT\\_ID=1536](http://odkb-csto.org/news/detail.php?ELEMENT_ID=1536)> (22 June 2013).

Bordyuzha noted.<sup>7</sup> Four principles will be used in establishing the unified CSTO Collective Forces – the unified command system, the unified planning of combat use, the unified combat training and unified logistics supply. The CSTO Collective Forces will also include a collective air forces component and special operations forces.

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<sup>7</sup> "The CSTO forces will have collective forces," 20 December 2012, <[http://odkb-csto.org/news/detail.php?ELEMENT\\_ID=1545&sphrase\\_id=1651](http://odkb-csto.org/news/detail.php?ELEMENT_ID=1545&sphrase_id=1651)>.



# CSTO's International Legal Framework

Alena F. Douhan

## CSTO as an International Organisation

*The Evolution of the CST/CSTO System from the Perspective of International Law*

Approaches to international security cooperation in the post-Soviet space have evolved since the signing of the Collective Security Treaty (CST) on 15 May 1992. In 1992, the Commonwealth of Independent States (CIS) did not exist as an international organisation<sup>1</sup> and this possibly explains why the CST was not seen as regulating cooperation within the CIS (that is regulated by art. 34 of the CIS Charter). There was a close link between the CSTO and CIS from the moment the CST was signed until the establishment of the CSTO in 2002. According to art. 3 of the CST, in addition to the heads of states, the commander in chief of the multinational armed forces of the CIS is also a member of the Collective Security Council (CSC). The Regulations on the CSC, adopted later,<sup>2</sup> do not include in the CSC persons in administrative positions in the CIS. The linkage between the CST and CIS was also visible at the institutional level. For example, remuneration rates for CSTO employees were calculated in accordance with the remuneration of CIS personnel.<sup>3</sup> The functions of the CSC Secretariat, including coordination of military cooperation between CIS member states between 1996-2005, are performed by the HQ.<sup>4</sup>

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 Collective Security Treaty of May 15, 1992,” the implementation of the CST has to take place in the framework of the CIS. Therefore, one can agree with the opinion of the CSTO Sec-

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<sup>1</sup> The CIS Charter was adopted on 21 January 1993.

<sup>2</sup> 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.

<sup>3</sup> Decision of the heads of governments of the CST member states “On the financing of the activity of the Collective Security Council and its working bodies” of 3 November 1995.

<sup>4</sup> CST 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 19 January 1996.

retary General N.N. Bordyuzha that its architects saw the CST system as the military-political dimension of CIS.<sup>5</sup>

At the same time, notwithstanding the tendencies of the 1990s to include CST cooperation in the CIS system, the CST mechanisms remained largely autonomous. The independence of the CST as a system responsible for maintaining international peace and security was fixed in the Treaty itself. According to the CST (art. 5), the Supreme Command of the Combined Armed Forces coordinates the joint activities of member states as part of its function in the CIS. The CST is financed from the contributions of the CST members and not from the integrated budget of the CIS.<sup>6</sup>

With the adoption of the CSTO Charter on 7 October 2002 (which came into force on 18 September 2003) the CSTO was formed as a regional international organisation as defined in art. 1 of the Charter. The analysis of documents, competences, and practices of the CSTO in relation to its correspondence to the traditional characteristics of international intergovernmental organisations, brings us to the same conclusion.<sup>7</sup> The CSTO was established on the basis of an international treaty for the achievement of specific objectives (strengthening peace, international and regional security and stability, collective protection of independence, territorial integrity and sovereignty of its member states<sup>8</sup>). It also acts in accordance with principles of international law,<sup>9</sup> has an independent system of bodies<sup>10</sup> and autonomous will, expressed in the rights to make decisions, including mandatory ones, and to conduct international relations.<sup>11</sup> The CSTO has its own budget formed from the contributions of member states.<sup>12</sup> Based on the Agreement on the legal status of the CSTO of 7 October 2002, the organisation and its employees receive a number of privileges and immunities necessary for the performance of their functions. Conditions for the stationing of CSTO bodies on the territory of the Russian

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<sup>5</sup> 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), p. 21.

<sup>6</sup> *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).

<sup>7</sup> 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.

<sup>8</sup> Article 3 of the CSTO Charter.

<sup>9</sup> Preamble and article 5 of the CSTO Charter.

<sup>10</sup> Article 1 of the CSTO Charter.

<sup>11</sup> Articles 5 and 12 of the CSTO Charter.

<sup>12</sup> Article 24 of the CSTO Charter.

Federation are regulated by specific international treaties, such as, the *Agreement between the Government of Russian Federation and the Collective Security Treaty Organisation on the conditions of stationing of the CSTO Secretariat on the territory of the Russian Federation* of 19 December 2003, and the *Agreement between the Government of 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. The status of the CSTO as an intergovernmental organisation is recognised by governments and intergovernmental organisations acting outside the region. For example, since 2004 the CSTO has held observer status at the United Nations (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 the CST to the CSTO the states preferred to make collective declarations on their own behalf without referring to the CSTO.<sup>13</sup> This may be seen as evidence of initial distrust in the newly founded structure. According to the norms of international law, international organisations such as the CSTO are subjects of international law and have their own (autonomous) will different from the will of the member states.<sup>14</sup> That means that CSTO decisions are adopted by the organisation itself and it is the CSTO that bears responsibility for its own activity. Therefore, political declarations were then made by the "CSTO member states."<sup>15</sup>

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<sup>13</sup> See for example the *Letter of the Permanent Representative of the Russian Federation to the United Nations Organisation* 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.

<sup>14</sup> 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. Potocnyi, *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.

<sup>15</sup> *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).

### CSTO as a regional organisation under Chapter VIII of the UN Charter

It is maintained here that the CSTO may also qualify as a regional organisation under Chapter VIII of the UN Charter.

UN drafters sought to establish an effective system of collective security. They empowered the UN Security Council with primary responsibility for maintaining and restoring international peace and security (art. 24(1)). UN member-states are obliged to implement decisions of the UN Security Council (art. 25). The UN Charter, however, did not preclude the existence of “*regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action*” (art. 52(1)).

According to the Charter, regional organisations enjoy priority in the peaceful settlement of local disputes (art. 52(2)). The Security Council may utilize them for enforcement action under its authority (art. 53(1)). Regional organisations may take autonomous action only with prior authorization of the Security Council (art. 53(1)). They shall also inform *the UN Security Council of activities “undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security”* (art. 54).

It follows thus that Chapter VIII was introduced into the UN Charter to impose restrictions over any possible sort of regional action. Apparently, it follows a broad approach towards regional organisations, arrangements and agencies. Therefore qualification of an arrangement or an entity as regional in the meaning of Chapter VIII is not conditioned by its permanent or temporary nature, the existence or absence of formal constituent documents, its institutional structure or its effective means and facilities for dispute settlement or enforcement. The list of qualifying criteria is restricted and refers to the following points:

- limited (as opposed to universal) membership that may also include an entity established by two subjects of international law or by one international organisation;
- an orientation (primarily or *inter alia*) toward the maintenance of international peace and security;
- adherence to the purposes and principles of the UN as well as obligations arising from the UN Charter itself.

The UN Charter, despite setting certain rules concerning regional dispute settlement (art. 52(2)) or enforcement activity (art. 53), does not condition qualification under Chapter VIII by the establishment of a permanent enforcement mechanism or a developed system of the dispute settlement bodies.

*Membership.* The CSTO is an organisation with limited membership (six members currently). It is not restricted to a geographic region, which has never been considered to be an ultimate criteria.<sup>16</sup>

*Purposes.* The CSTO originated in the Treaty of Collective Security concluded on 15 May 1992 by six CIS member states as a self-defence pact within the CIS system (CST, art. 1(1), 4). In 2003, after the CSTO Charter came into force, the CST system separated from the CIS and re-formed into an independent international organisation (CSTO Charter, art. 1). The CSTO is aimed at the enhancement of peace, regional security and stability, and at the collective defence of the independence, territorial integrity and sovereignty of member states (CSTO Charter, art. 3). The CST had already set forth its purpose “*to establish [a] regional system of collective security*” (art. 1(3)) that was developed in subsequent documents.<sup>17</sup>

*Adherence to the UN's purposes and principles.* The CSTO has repeatedly expressed its adherence to the UN's purposes and principles<sup>18</sup> as well as to the obligations of its member states under the UN Charter and UN Security Council resolutions.<sup>19</sup>

*Qualification.* CSTO documents do not refer to Chapter VIII. Nevertheless, the CSTO was initially established as a regional organisation of collective security (CSTO Charter, art. 1). Furthermore, recent CSTO documents claim that the sys-

<sup>16</sup> U. Beyerlin, “Regional Arrangements,” in *United Nations: Law, Politics and Practice*, ed. R. Wolfrum, Volume I (München: C.H. Beck, 1995), p. 1040; Hans Kelsen, “Is the North Atlantic Treaty a Regional Arrangement,” *American Journal of International Law* 45:1 (1951), p. 162; W. Hummer and M. Schweitzer, “Article 52,” in *The Chapter of the United Nations: A Commentary*, 2<sup>nd</sup> edition, Volume 1, ed. B. Simma (München: C.H. Beck, 2002), p. 820-821; Ademola Abass, *Regional Organizations and the Development of Collective Security: Beyond Chapter VIII of the UN Charter* (Oxford/Portland: Hart Publishing, 2004), p. 10–11, 13; *Documents of the UN Conference on International Organisation*, San Francisco, 1945, Volume III, General (London/New York, United Nations Information Organisations, 1945), p. 82, 214, 256; *Documents of the UN Conference on International Organisation*, San Francisco, 1945, Volume I, General (London/New York, United Nations Information Organisations, 1945), p. 371.

<sup>17</sup> CSTO Charter, article 7; On the Model of the Regional System of Collective Security, Decision of the Collective Security Council, 24 May 2000, *Electronic Legal Database Konsul'tant Plus. Technologia 3000*; Declaration of the CSTO Members on the Improvement and Enhancement of Effectiveness of CSTO Activity, 23 June 2006, *Electronic Legal Database Konsul'tant Plus. Technologia 3000*.

<sup>18</sup> CSTO Charter, preamble, article 4; Concept of Formation and Functioning of the CSTO Peacekeeping Mechanism, 18 June 2004, para. 1; Agreement on the Order of Formation and Functioning of Forces, 10 December 2010, preamble; Memorandum of the CSTO Member States, 10 December 2010, para. 1.

<sup>19</sup> CSTO Charter, preamble; CST (with Protocol of 10 December 2010), article 6(2); Agreement on the Order of Formation and Functioning of Forces, preamble.

tem of collective security has been established within the organisation.<sup>20</sup> Whether a regional system of collective security may exist as such or only as an element of the universal system of collective security is disputable, but there are no doubts that the CSTO may be qualified as a regional organisation under Chapter VIII of the UN Charter.

The CSTO has also been treated by UN organs as falling under Chapter VIII: The UN General Assembly has granted it observer status,<sup>21</sup> considers cooperation with it within its agenda<sup>22</sup> and notes CSTO activity as regional agency in accordance with Chapter VIII.<sup>23</sup>

### *Membership in the CSTO*

Membership in the CSTO is of an open nature. A state sharing goals and CSTO principles may be adopted following agreement by all member states.<sup>24</sup> According to Art. 19 of the CSTO Charter “any state that shares goals and principles and is ready to accept responsibilities set forth in the present Charter and other international treaties and decisions taken in the framework of the CSTO can become a member of the Organisation.” There is no requirement that such a state must be in a certain geographical region. The decision to accept a state as a member of CSTO is taken by the CSC. 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 CSTO of 18 June 2004.

Current CSTO members include the Republic of Armenia, the Republic of Belarus, the Republic of Kazakhstan, the Republic of Kyrgyzstan, the Russian Federation and the Republic of Tajikistan. The Republic of Uzbekistan, being a CST party, restored its membership in the CSTO in August 2006,<sup>25</sup> but forwarded in June 2012 a note on the suspension of its membership that was approved at the CSC meeting on 19 December 2012.<sup>26</sup> The CSC decision of 19 December 2012 provides *inter alia* that any future restoration of Uzbekistan membership may only oc-

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<sup>20</sup> Agreement on the Establishment of the System of Management of the Forces and Means of the CSTO Collective Security System, 6 October 2007, preamble, article 3; Agreement on the Order of Formation and Functioning of Forces, preamble.

<sup>21</sup> Resolution 59/50, 2 December 2004.

<sup>22</sup> Resolutions 64/256, 19 May 2009; 65/122, 13 December 2010; 67/6 19 November 2012.

<sup>23</sup> UN General Assembly Resolution 64/256, 19 May 2009.

<sup>24</sup> Article 10 of CST; 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.

<sup>25</sup> Protocol on the restoration of membership of 16 August 2006.

<sup>26</sup> On the membership of the Republic of Uzbekistan in the Collective Security Treaty Organisation, Decision of the CSTO CSC of 19 December 2012.

cur after Uzbekistan fulfils its obligations under Protocol of 16 August 2006 and accesses all treaties concluded within the CSTO after 23 June 2006. This decision strengthens the mechanism of Protocol of 16 August 2006 and obliges a state to join corresponding international treaties and implement its obligations under the CSTO documents that will guarantee its active involvement in the CSTO.

A state may suspend its membership in accordance with its own will or following a decision by the CSC for non-fulfilment of a state's obligations under the CSTO Charter or decisions of CSTO organs (Art. 20 of the CSTO Charter). A state may also withdraw from the CSTO after settling its obligations in the framework of the Organisation (art. 19 of the CSTO Charter), or it may be expelled for continuous violation of its obligations within the CSTO after its membership has already been suspended (art. 20).<sup>27</sup>

Third countries and international organisations can be granted *observer status* upon a CSC decision following a written request addressed to the CSTO Secretary-General. Observers cannot take part in discussions of agenda issues, contribute to decision-making, or be elected to CSTO bodies.<sup>28</sup> The CSC is responsible for suspending or terminating a state or organisation's observer status. States that are neither members nor observers of the CSTO can also participate in the work of CSTO bodies.<sup>29</sup>

## CSTO Competencies

The CST sought to establish a system of collective defence as a mechanism for consultation in critical situations. Objectives and functions enshrined in the CSTO Charter are much wider and include the enhancement of peace, international and regional security and stability, and the protection on a 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.

In 1992, the CST already enshrined the prohibition of the use of force or the threat of force in international relations as a main CST principle. The obligation to resolve peacefully disputes both among member states and with third countries is

<sup>27</sup> 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 issues of suspending the participation of a member state in the activity of a CSTO body and its exclusion from CSTO are examined in detail in the last sub-section of this chapter.

<sup>28</sup> Article 21 of the CSTO Charter; Rule 15 of the *Rules of Procedure of the CSTO Bodies* (2004).

<sup>29</sup> Rule 16 of the *Rules of Procedure of the CSTO Bodies* (2004).

also emphasised (art. 1).<sup>30</sup> The adherence to the obligations stemming from the UN Charter and the commonly recognised principles of international law, including the prohibition to use force or threat of 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 CST of 10 February 1995. The Declaration strengthens the prohibition to use force through the provisions for friendship and cooperation among the member states, banning entry into military alliances and the participation in any grouping of states, as well as in activities aimed at another member state.<sup>31</sup> The use of force and the interference in the internal affairs of states are considered as major sources of military threats.<sup>32</sup> Art. 4 of the CSTO Charter reaffirms principles of sovereign equality, observance of international obligations, and non-interference in the domestic affairs of states. The concept of cooperation among the CSTO member states as well as regulations of the CSTO bodies also refer to the norms and principles of international law.<sup>33</sup>

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

- Establishment 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;
- Struggle against international terrorism and extremism;
- Counteracting illegal trafficking of drugs and psychotropic substances;
- Counteracting arms trafficking;
- Struggle against transnational crimes;
- Counteracting illegal migration and other threats.

Recent documents demonstrate CSTO ambitions in the fields of peacekeeping,<sup>34</sup> conflict prevention,<sup>35</sup> and disarmament.<sup>36</sup> Steps have been made in the

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<sup>30</sup> Article 1(1).

<sup>31</sup> Article 2.

<sup>32</sup> Part I of the *Concept for Collective Security of the CST Member States* (10 December 1995).

<sup>33</sup> Article 1 of the *Concept for Creating and Functioning of the Mechanism for the CSTO Peacekeeping Activity* (18 June 2004).

<sup>34</sup> Agreement on the Peacekeeping Activity of the CSTO, 6 October 2007.

<sup>35</sup> Memorandum of the CSTO member states (19 December 2012), <[http://odkb-csto.org/information/detail.php?ELEMENT\\_ID=1543](http://odkb-csto.org/information/detail.php?ELEMENT_ID=1543)>.

sphere of confidence and security building: in particular, in the last three years CSTO member states have started to develop a common position on security issues within other international organisations, e.g. OSCE<sup>37</sup> as well as on particular situations (Afghanistan, Syria, Iran).<sup>38</sup> Key areas of cooperation as well as concrete steps aimed to achieve the defined objectives were defined in follow-up program documents such as concepts, plans of action, etc., including:

- the CSC decision “On the main directions of deepening the military cooperation among the states parties to the Collective Security Treaty” of 10 December 1995 envisions the need to coordinate activities of the CSTO member states, repel jointly acts of aggression, harmonize legislation related to CST issues, and develop armed forces;
- 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 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 fulfilment of the activities of the second phase (until 2001) in constructing the system for collective security” of 2 April 1999 envisioned the creation of Coalition (regional) groups of forces as the foundation of regional security structures, planning for the use of these forces, comprehensive support and command and control, improving the combined air defence system, and aligning and coordinating the positions of the CST 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 CSC “On the Concept of establishment and functioning of the CSTO peacekeeping mechanism,” 18 June 2004;
- Priority directions for the activity of the CSTO in the second half of 2005 and the first half of 2006, approved by a CSC decision, 23 June 2005;

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<sup>36</sup> Memorandum of the CSTO member states (5 October 2011), <[http://odkb-csto.org/international\\_org/detail.php?ELEMENT\\_ID=362](http://odkb-csto.org/international_org/detail.php?ELEMENT_ID=362)>.

<sup>37</sup> Consultations “On the Improvement of the OSCE Activity,” <[http://odkb-csto.org/international\\_org/detail.php?ELEMENT\\_ID=1523](http://odkb-csto.org/international_org/detail.php?ELEMENT_ID=1523)>.

<sup>38</sup> “On the prospective development of the situation in Afghanistan (up to 2015) and suppression of threats coming from its territory,” Decision of the CSTO CSC of 19 December 2012; Ministers of Foreign Affairs of the CSTO member states have approved memorandums on Syria and Iran, <[http://odkb-csto.org/international\\_org/detail.php?ELEMENT\\_ID=1195](http://odkb-csto.org/international_org/detail.php?ELEMENT_ID=1195)>.

- Plan of collective actions of the member states of the CSTO for implementation of the UN Global Counter-Terrorism Strategy 2008–2012, approved by a CSC decision, 5 September 2009.

It can thus be concluded that the system of collective security within the CSTO framework shall include: establishment of a defence alliance, dispute settlement mechanisms, creation of collective military formations, and the struggle against transnational crime.<sup>39</sup> These fields are rather usual for regional organisations acting in the field of maintaining international peace and security.

In practice, however, the list of CSTO activities is much wider than what was originally envisaged by its founders. According to CSTO Secretary-General N. Bordyuzha activities include:

1. military cooperation (harmonization of legislation of member states, mutual help in the development of armed forces, etc.);
2. coordination of positions on politico-military issues;
3. operational and military preparation and training;
4. formation and development of coalition and regional joint groupings of forces;
5. establishment of CSTO collective forces and combined military systems;
6. military technical and military economic cooperation; combating contemporary challenges and threats;
7. cooperation in emergency situations arising from natural and environmental disasters;
8. information security.<sup>40</sup>

### *Establishment of a Defence Alliance*

The establishment of a defence alliance is the CST's primary purpose. This objective was pursued by the founders of other regional organisations acting in the area of maintenance of international peace and security, such as NATO<sup>41</sup> and the OAS.<sup>42</sup>

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<sup>39</sup> 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 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](http://www.dkb.gov.ru/start/index.htm)>.

<sup>40</sup> Nikolai Bordyuzha, "The Collective Security Treaty Organisation: A Brief Overview," OSCE Yearbook 16 (2010), pp. 342–346.

<sup>41</sup> See Article V of the North Atlantic Treaty (1949).

<sup>42</sup> See Article 28 of the Charter of the Organization of American States (1948).

The commitment of the states to provide assistance to any CST party, or a CSTO member, is set forth in a considerable number of acts, including art. 4 of the CST and art. 3 of the CSTO Charter. It shall, however, be taken into account that while art. 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 until recently used the term “aggression” as a ground for self-defence.<sup>43</sup> The CSTO in its art. 3 notes defence (on a collective basis) of the “independence, territorial integrity and sovereignty of member states.”

This approach provided a wide possibility for abuse and could eventually be used to broaden the concept of self-defence accepted by modern international law and enshrined in art. 51 of the UN Charter. The notions of “aggression,” “threat and violation of independence, territorial integrity and sovereignty” (as recognized in the legal doctrine<sup>44</sup>) are much broader than “armed attack” – the only basis for self-defence according to the UN Charter. For example, the “definition of aggression” approved in 1974 by resolution 3314(XXIX) of the UN General Assembly is sufficiently broad in scope and includes acts not reaching the scope of an “armed attack.” Moreover, negotiating this definition the Soviet delegation proposed to consider ideological influence as a type of aggression and include into it *inter alia* hostile propaganda.<sup>45</sup>

Additional misunderstanding arose from the wording of art. 2(3) of the Agreement on the CSTO Collective Rapid Reaction Forces of 14 June 2009 (CRRF Agreement) providing for the “*prevention and repelling of an armed attack including aggression*”<sup>46</sup> as part of the CRRF’s tasks.

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<sup>43</sup> 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 CST 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).

<sup>44</sup> 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: 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.

<sup>45</sup> Bruno Simma, ed., *The Charter of the United Nations: A Commentary* (New York: Oxford University Press, 1995), p. 312.

<sup>46</sup> Agreement on the CSTO Collective Rapid Reaction Forces, 14 June 2009, *Electronic Legal Database Konsul'tant Plus. Technologija 3000*.

Currently, CSTO institutions are taking steps to fill the gaps and eliminate technical and legal mistakes in documents. In particular, the Protocol on Amendment of the CST adopted on 10 December 2010 specified the meaning and scope of the notion “aggression” in art. 4 of the Treaty on Collective Security (TCS), which is currently understood as an “armed attack threatening security, stability, territorial integrity and sovereignty” (Protocol, para. 1b).<sup>47</sup> Other agreements signed on 10 December 2010 use the term “armed attack (aggression).”

### *Peaceful Settlement of International Disputes*

CSTO documents and mechanisms are poorly adapted for the *peaceful settlement of disputes* in accordance with art. 52 of the UN Charter. The CSTO Peacekeeping Agreement lists “*peaceful means and measures aimed at resolution of disputes*” among other peacekeeping activities (art. 1), but does not provide for any mechanism. Different types of consultations (regular consultations toward framing a common security policy; joint consultations on issues related to emerging threats to national security, the territorial integrity of states, international peace and security; etc.)<sup>48</sup> are the only feasible means of dispute settlement within the organisation.

The procedure for conducting such consultations is defined in the *Provision on the procedure for conducting consultations*, approved by the CSC on 28 March 1997.<sup>49</sup> *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.<sup>50</sup> *Foreign policy consultations* (part I(2)) take place during CSTO meetings at various levels: CSC, CFM, CDM, ad hoc meetings of foreign ministers, the CSSC, CSTO Permanent Secretariat, deputy ministers of foreign affairs and defence, expert working groups 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; for coordination of position of the CSTO member states before important international forums, 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

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<sup>47</sup> Protocol to the TCS, 10 December 2010, *Electronic Legal Database Konsul'tant Plus. Technologija 3000*.

<sup>48</sup> TCS (with Protocol of 10 December 2010), article 2.

<sup>49</sup> Provision on the Procedure for Conducting Consultations, approved by the CSC Decision of 28 May 1997, *Electronic Legal Database Konsul'tant Plus. Technologija 3000*.

<sup>50</sup> Regulations on the Functioning of the Coordination Mechanism of the Foreign Policy Activity of the CSTO, 19 November 2003, *Electronic Legal Database Konsul'tant Plus. Technologija 3000*, part I(2), II(3).

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(3)).

The same generally holds true for disputes related to the implementation or interpretation of the CSTO Charter or other international treaties signed within the CSTO framework.<sup>51</sup> Only one instrument provides for the possibility of establishing a mediation commission (Agreement on the Status of Forces, art. 16(2)), and two provide for transferring disputes to the CSC (Agreement on the Status of Forces, art. 16(3); CSTO Charter, art. 27).

In the absence of a specific regulation on the resolution of disputes stemming from decisions of CSTO bodies, it may be assumed that they can be resolved through consultations among the parties concerned too. Any other means of resolving disputes (irrespective of their category) can be applied only with the agreement of both sides to the dispute.

It can thus be ascertained that despite the declared priority of political means for enhancing the peace, international and regional security and stability, protection on collective basis of independence, territorial integrity and sovereignty of the CSTO member states, and readiness to resolve conflicts through peaceful means,<sup>52</sup> the existing mechanism for the peaceful settlement of international disputes is not sufficiently developed in the CSTO framework. This feature, however, is inherent in all regional organisations established on the territory of the former Soviet Union. Even the CIS economic court, endowed with limited powers and limited competences does not enjoy popularity as a dispute settlement body and is mostly used for interpretation of international acts and treaties concluded within the CIS through non-obligatory advisory decisions and opinions.

### *Establishment of Collective Military Formations*

The idea to create collective military formations has evolved throughout the period of the CST and CSTO. The commitment of states to coordinate their positions on international and regional security problems, as well as in case of a threat to international peace and security, was enshrined in art. 9 of the CST and part II of the Concept of Collective Security of 1995. The 1995 Concept envisioned the creation

<sup>51</sup> CSTO Charter, article 27; Agreement on the Main Principles of Military-Technical Cooperation, article 11; Agreement on the CSTO Status, 7 October 2002, Bulletin of International Treaties, 3 (2004), 10, article 31; Agreement on Training of Military Personnel of the CSTO Member-States, 23 June 2005, article 16, *Electronic Legal Database Konsul'tant Plus. Technologiya 3000*; CSTO Peacekeeping Agreement, article 11; CRRF Agreement, article 14; Agreement on the Order of Formation and Functioning of Forces, article 16.

<sup>52</sup> Article 3 of the CSTO Charter; *Declaration of the Moscow session of the Collective Security Council of CSTO* (5 May 2008).

of coalition armed forces, combining an air defence system, etc., in order to prevent conflicts and to create conditions for comprehensive development of individuals, society and state. The CSC was to establish *collective peacekeeping forces* for peacekeeping operations conducted in the 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 the CST on 11 October 2000 (currently replaced by the Agreement of 10 December 2010), regulated the possibility of sending military contingents to the territory of the CST parties upon their consent; the decision establishing procedure as well as the legal status of military formations created to repel an armed attack against CST parties. The *Collective Rapid Deployment Forces* (CRDF) were established in Central Asia (CAR) at the CSC session of May 2001.

The *Agreement on the main principles of military-technical co-operation among the parties of the Collective Security Treaty* was amended by the Protocol of 19 September 2003. It establishes an obligation for the CSTO 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 art. 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 Rapid Reaction Forces (CRRF).

### CSTO Peacekeeping Activity

On 18 June 2004, the CSTO CSC approved a *Concept for creating and functioning of the mechanism for the CSTO peacekeeping activity*. Art. 2 defines peacekeeping as a crucial stage of the early detection and prevention of emerging military-political crises and military conflicts by political means. In practice CSTO peacekeeping forces were established in 2007 by the *Agreement on the peacekeeping activity of the Collective Security Treaty Organisation*, 6 October 2007, which reflected many of the provisions of the 2004 Concept.

According to art. 1 of this Agreement, CSTO peacekeeping activity includes measures aimed at the peaceful settlement of international disputes; collective actions taken by the CSTO member states with the use of military, police or civilian personnel to prevent, restrain, and terminate military actions between or within states through the intervention of a third party; and fostering peace and security in the region.

CSTO peacekeeping forces can be utilized for conflict prevention, peacemaking, peacekeeping and peace enforcement<sup>53</sup> but are not designed for peace building or collective self-defence (CSTO Peacekeeping Agreement, art. 1). The peacekeeping contingent cannot be used for self-defence measures.

A 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 a 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 and security.<sup>54</sup>

Peacekeeping operations may be conducted on the territory of member states upon a decision of the CSTO CSC. They can also be used beyond the region's borders under the authorization of the UN Security Council (CSTO Peacekeeping Agreement, art. 3-4) or for non-forcible peacekeeping operations of regional organisations (CSTO Peacekeeping Agreement, art. 7).<sup>55</sup>

Peacekeeping operations can only be conducted with prior clear and the expressed consent of the host state to deploy troops on its territory.<sup>56</sup> This norm is not sufficiently defined. It seems that the drafters either tried to limit the employment of peacekeeping forces to conflicts within the territory of member states and contributions to the UN peace operations on the basis of *Chapter VIII of the UN Charter*, or the reference to a decision of the UN Security Council relating to peace enforcement operations conducted on the basis of *Chapter VII of the UN Charter* with the sanction of the UN Security Council. According to art. 4 of the Agreement, in cases whereby operations are conducted outside the territory of member states (and in other cases on their territory as well), the CSC requests a mandate of the UN Security Council that is necessary precisely for conducting enforcement opera-

<sup>53</sup> For the framework of UN classifications, see *United Nations Peacekeeping Operations: Principles and Guidelines* (New York: UN Department of Peacekeeping Operations, 2010), pp. 17–19.

<sup>54</sup> Article 1 of the Agreement.

<sup>55</sup> Article 6 of the TCS (with Protocol of 10 December 2010) provides for the possibility of using the forces and facilities of the CSTO system of collective security beyond the CSTO borders in accordance with the UN Charter. Unlike the CSTO peacekeeping forces, the CRRF can perform tasks only within the territory of the CSTO member states (CRRF Agreement, article 2(3)), Agreement on the Order of Formation and Functioning of Forces, article 1, 6.

<sup>56</sup> 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), p. 15; C.H.M. Walcock, "The Regulation of the Use of Force by Individual States in International Law," *Recueil des Cours* 81 (1952), p. 461.

tions on the basis of Chapter VII. Art. 7 on the other hand allows the CSC to take decisions on employing collective peacekeeping forces (CPF) for participation in peacekeeping operations of regional organisations that do not employ enforcement activities, given the legitimate decisions of 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 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 the CSTO and on the territory of other states as contribution to peace operations conducted by other regional intergovernmental organisations. Operations outside the territory of the CSTO that do not involve peace enforcement 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.

CSTO peacekeeping forces are formed on a permanent basis (art. 2) not as a stand alone formation, but as a set of peacekeeping contingents of the member states designated in accordance with national legal norms of each country (art. 2). These contingents may participate in peacekeeping operations (art. 1) with the agreement of the respective state (art. 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 (art. 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 the peacekeeping operations of regional intergovernmental organisations.

The decision to conduct a specific operation is taken by the Collective Security Council (art. 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 decisions. The composition, the organisation and the personnel strength of the Collective Peacekeeping Forces is determined by a CSC decision for each individual peacekeeping operation (art. 5).

### *Collective Rapid Reaction Forces (CRRF)*

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

In accordance with the CRRF Agreement, CRRF consists of two categories of contingents: military units and formations of special purpose forces (art. 1). Agreement on the Order of Formation and Functioning of Forces of 10 December 2012 differentiates the structure of forces, which include: collective forces, together with regional joint forces (military contingents formed on the basis of bilateral and multilateral agreements concluded within the CSTO sub-regions); military, police, security, emergency and special purpose personnel of the CSTO member states; and groups of joint military systems (e.g., joint air-defence system, intelligence, etc.) (art. 5). Regional joint forces include particular collective regional security forces: Belarus and Russia Union State, Caucasus region, CAR (CRDF) and regional groups of joint military systems (art. 6).

In addition to operations aimed at the protection of the territorial integrity and political independence of the member states (self-defence, protection of military or other sites, border protection), the CRRF are designed for countering terrorism and ameliorating the consequences of natural disasters (CRRF Agreement, art. 2(3)). At the same time, unlike the conduct of peacekeeping operations, the CRRF 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 CRRF as well as peacekeeping contingents is taken by the CSC (CSTO Peacekeeping Agreement, art. 3; CRRF Agreement, art. 4; Agreement on Status of Forces, art. 2(4)) upon the request of the host country (CSTO Peacekeeping Agreement, art. 3(1); CRRF Agreement, art. 4; Agreement on the Order of Formation and Functioning of Forces, art. 12(1)). The procedure outlined in the CRRF Agreement, however, provides broad opportunities for abuse in cases when one party 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 victim state, and not other states, that can establish the fact of an armed attack and consequently turn to the CSC.<sup>57</sup> 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 another CSTO member state without having their consent. This would mean infringement of the territorial integrity and independence of such a state. In the framework of this interpretation, the norm of art. 4(1) foresees an opportunity to create obligations for CSTO member states, for which the Agree-

<sup>57</sup> 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), pp. 103–105; S.V. Chernichenko, *Theory of International Law*, in two volumes (Moscow: National Institute of International Law, 1999). – vol. 1: Modern theoretical problems, pp. 277–79; Mohamed Awad Osman, *The United Nations and Peace Enforcement: Wars, Terrorism and Democracy* (Hampshire: Ashgate, 2002), p. 95.

ment is not yet in force, e.g. for third parties. This is clearly prohibited by articles 34, 35 of the *Vienna Convention on the Law of Treaties* of 23 May 1969. Most of these mistakes have, however, been corrected by the Agreement on the Status of Forces signed on 10 December 2010. It expressly states that an official request of the host state is a prerequisite for sending any formations to its territory, also for activity in collective self-defence (art. 2(1), 3(1)). Consent by the host country is also necessary for any aspect of the CSTO forces presence on its territory (type of operation, type of activity, territory etc. – Agreement on Status of Forces, art. 2–5).

As with CSTO peacekeeping forces, CRRF contingents remain under national jurisdiction until their commanders report to the CRRF Command on crossing the state border of the host country (CRRF Agreement, art. 7). They are then transferred under CRRF Command, i.e. CSTO is responsible for their subsequent actions.<sup>58</sup> At the same time, according to art. 13 of the CRRF Agreement, the transit, entry, order, conditions of stay, and legal status of personnel are determined by the *Agreement on the status of the force formations of the collective security system* of 10 December 2010 (superseded by the *Agreement on the status of the force formations of the collective security system* of 10 November 2000). Art. 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). This applies irrespective of whether the state responsible does not exercise command over the contingents subordinated to the CRRF Command. The state responsible also guarantees that the staff of the formation follows the principles and norms of international humanitarian law (Agreement on the Status of Forces, art. 12). If this requirement is fulfilled the sending state does not bear responsibility for any damage caused during operations to the life or health of host state citizens, its property, environment or cultural values (Agreement on the Status of Forces, art. 12). The Agreement, however, does not specify, whether a sending state will be held responsible if the damage is caused to the natural and legal persons of the host state as a result of death or damage to the health of non-citizens residents, as well as damage to the property of its natural and legal persons.

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<sup>58</sup> See p. 5 of the draft article of the UN International Law Commission on the responsibility of international organisations of 2008.

Until now neither the CSTO peacekeeping forces nor the CRRF have ever been used in field operations, although requests for their application have been made (e.g., by Kyrgyzstan in August 2010).<sup>59</sup>

The CSTO Secretary General, in an interview on 20 December 2012, said that the decision to establish the CSTO Collective forces was taken at the last session of the CSC (19 December 2012) to unite all existing types of forces, as well as aviation and special operations forces.<sup>60</sup> It is believed, however, that these plans concern the future as far as no information on the point may be found in the CSTO about the CSC session of 19 December 2012. Moreover, a Memorandum of the CSTO member states dated 19 December 2012 names "strengthening and enhancement of efficacy of the CRRF" as well as the use of the CSTO peacekeeping forces in the UN operations as CSTO priorities. CSTO member states have also concluded Protocol on the amendment of the cast of the CRRF military contingents. All this clearly demonstrates the intention of CSTO member states to improve the existing system rather than its profound reform. Some information could probably be found in the CSC decision "On Major Directions of Development of Military Cooperation of the CSTO Member States till 2020," which unfortunately is not available on the CSTO website or in its databases.

### *Facing new threats and challenges*

The CSTO's cooperation in the *struggle against international crime* is directed against international terrorism and extremism, illegal migration and illicit trafficking in arms and drugs. To combat these types of crimes, the CSTO has established special working groups, holds regular meetings of the heads of corresponding institutions of member states,<sup>61</sup> produces programme documents<sup>62</sup> and maintains a

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<sup>59</sup> "Give Weapons. Kirgizia is Waiting for CSTO Military Help," *Centrasia.ru*, 13 August 2010, <<http://www.centrasia.ru/newsA.php?st=1281667800>> (12 February 2012); Tatyana Korovenkova, "Situation in Kyrgyzstan. CSTO is Waiting for Belarus' Decision," *TUT.BY*, 17 June 2010, <<http://news.tut.by/politics/173663.html>> (12 February 2012).

<sup>60</sup> "Collective forces will be established in the CSTO," Mass media overview, 20 December 2012, <[http://odkb-csto.org/news/detail.php?ELEMENT\\_ID=1545&sphrase\\_id=1651](http://odkb-csto.org/news/detail.php?ELEMENT_ID=1545&sphrase_id=1651)>.

<sup>61</sup> Provisions on Working Groups on Counter-Terrorism and Illegal Migration Issues at the Committee of the Secretaries of CSTO Security Councils, approved by the Decision of the CSTO CSSC of 22 June 2005, *Electronic Legal Database Konsul'tant Plus. Technologija 3000*.

<sup>62</sup> Plan for Collective Actions of the CSTO Member States in the Implementation of the UN Counter-terrorism Strategy for the Period of 2008-2012, confirmed by the CSC Decision of 5 September 2008, *Electronic Legal Database Konsul'tant Plus. Technologija 3000*; Agreement on the Main Principles of Military-Technical Cooperation, 20 June 2000.

common list of terrorist and extremist organisations.<sup>63</sup> The CRRF are involved in counterterrorism activities (CRRF Agreement, art. 2(3)) in the course of manoeuvres. In practice, however, the CSTO does not go much further than the framework for cooperation that has been established. Most of the activities in this area are carried out through the systems and mechanisms of the CIS.

### *Countering International Terrorism and Extremism*

Currently, international terrorism is one of the major threats to international peace and security<sup>64</sup> 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.<sup>65</sup> A situation in which a state has been subject to terrorism is seen as a threat to its sovereignty and territorial integrity.<sup>66</sup> Within the CSTO, just like in other international organisations, the fight against extremism parallels the fight against terrorism.

State cooperation in this area intensified after the terrorist acts of 11 September 2001.<sup>67</sup> As with other international organisations active in the region, special counter terrorism structures were established in the framework of the CSTO. For example, the CSTO established a Secretary General's working group on countering terrorism and extremism.<sup>68</sup>

Existing and newly developing military formations exercise special antiterrorist tasks in their operational and combat training. Units that are created on the basis of the CRRF Agreement may be involved, *inter alia*, in activities to counter international terrorism.<sup>69</sup>

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, and

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<sup>63</sup> On the Practical Measures to Enhance the CSTO's Role in the Struggle against Terrorism, Religious Extremism, Illegal Migration and Transborder Crimes, CSTO CSSC Decision, 8 December 2003, *Electronic Legal Database Konsul'tant Plus. Technologija* 3000.

<sup>64</sup> See, for example, UN Security Council Resolutions 1735(2006), 1822(2008), and 1904(2009).

<sup>65</sup> Article 8 of the CSTO Charter.

<sup>66</sup> 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.

<sup>67</sup> 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).

<sup>68</sup> *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.

<sup>69</sup> See article 2(3).

to conduct regular meetings among the heads of units from law enforcement agencies and special services specialised in antiterrorism and fighting organised crime, and among the heads of antinarcotics sections and migration services of CSTO member states.<sup>70</sup>

In February 2007, in his speech to the OSCE Permanent Council, the CSTO Secretary General N.N. Bordyuzha declared the organisation's need to create collective regional antiterrorist forces for operational reaction to any terrorist and extremist manifestations, and 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.

To support the implementation of the UN Global Counter-Terrorism Strategy,<sup>71</sup> on 5 September 2008, the CSTO CSC adopted a "Plan for collective actions of the CSTO member states in the implementation of the UN Global Counter-Terrorism Strategy for the period 2008–12." The plan includes a series of events aimed at developing regulations, harmonizing the legislation of member states, and preparing a CSTO information system in counter-terrorism, exchange of experience, education and training.

Manoeuvres undertaken by the CSTO forces involve training in emergency situations, including situations of hostage taking by terrorists (e.g. Rubezh 2009, Rubezh 2010, Cobalt 2010).

At the same time, it has to be noted that CSTO activity is focused only on the military-political aspects of security without addressing the important element of combating terrorism, and the promotion and protection of human rights in order to prevent terrorist acts, as well as guaranteeing minimum procedural safeguards.<sup>72</sup>

#### *Struggle against drug trafficking, illegal migration, arms trade and information insecurity*

This area has an important place in CSTO activities. In the struggle against 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 "Nelegal" have been conducted annually since

<sup>70</sup> 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."

<sup>71</sup> Resolution of the UN General Assembly A/Res/60/288.

<sup>72</sup> 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](http://www.un.org/unitingagainstterrorism/sg-terrorism-2may06.pdf)>; Chapter IV of the UN Global Counter-Terrorism Strategy.

2003.<sup>73</sup> In order to achieve its objectives, CSTO cooperates with other international organisations and states.<sup>74</sup> An expert working group on the struggle against illegal migration supports CSC activities in this area.<sup>75</sup>

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 weapons delivery on preferential terms to achieve CSTO objectives. This system 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.

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

Information and cyber security are undoubtedly important for the security of every state, organisation and the international community as a whole. Therefore the CSTO pays attention to the struggle against cyber crime. The CSTO's security departments and internal affairs institutions have been supporting operation "Proxi" since 2009 to combat cyberspace crime.<sup>76</sup> On 19 November 2011 the CSC adopted a decision to establish a working group on information policy and cyber security.

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<sup>73</sup> Speech of the CSTO Secretary General N.N. Bordyuzha at the meeting of the OSCE Permanent Council (13 February 2007); Speech by the CSTO Deputy Secretary General T.I. Buzubaeva at the OSCE conference for combating illegal drugs (Vienna: Hofburg, 28-29 June 2007); Speech by the Permanent Representative of Belarus Andrey Dapkyunas at the UN on behalf of the CSTO member states to the plenary meeting of the UN General Assembly session (28 November 2006).

<sup>74</sup> According to the CSTO, observers from 26 countries and four organisations were present in the council of "Channel" operations – *Collective Security Treaty Organisation. 20 years* (Moscow: CSTO, 2012), pp. 21–22.

<sup>75</sup> Provisions on the Expert Working Group 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.

<sup>76</sup> "On the results of CSTO activity 2002–12 and prior areas of development," 16 May 2012, <[http://odkb-csto.org/news/detail.php?ELEMENT\\_ID=360&sphrase\\_id=1562?](http://odkb-csto.org/news/detail.php?ELEMENT_ID=360&sphrase_id=1562?)> (12 January 2013).

### *Information Support*

The collection and dissemination of information is a function of any international organisation. The CSTO framework provides for the exchange of information for the Secretariat on new developments in foreign and security policy, official statements, interviews, publications by member states, international treaties and relations 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, and the content of certain open documents related to the force development of member states, particularly important legislative acts, etc. These materials support the Secretariat's preparation of assessments. Steps are also being taken to disseminate information on wider CSTO activity.<sup>77</sup>

The CSTO also publishes a journal "Sojuzniki. CSTO," initiates a weekly programme "Sojuzniki" on the MIR (peace) channel and as maintained in the CSTO anniversary brochure – "pays attention to the formation of a positive image of the CSTO at the regional and international level." The CSTO Secretariat has also participated in the establishment of the CSTO Institute which is responsible for researching particular issues within CSTO spheres of interest.<sup>78</sup>

At the same time, the CSTO has still a long way to go to guarantee transparency. The CSTO website provides general information on the organisation's activities, structure, training and media reporting. However, the majority of documents adopted by CSTO bodies including the CSC cannot be found either on the CSTO website or in any legal databases. The latter usually includes only texts and the status of international agreements concluded within the CSTO but their publication is typically delayed. It is generally impossible to find texts even of international treaties concluded between the CSTO and other international organisations, or program documents such as CSC decisions "On Major Directions of Development of Military Cooperation of the CSTO Member-States to 2020," or "On Major Directions of Development of the System of the CSTO Collective Reaction to Emergency" which were adopted at the last CSC session on 19 December 2012.

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<sup>77</sup> On the implementation of the decisions of the Astana session of the CSTO Collective Security Council (2004); On the approval of priority areas of CSTO activity in the second half of 2005 and the first half of 2006; Plan of the main activities for the comprehensive strengthening of cooperation among states, and the creation and development of the collective security system in the framework of the Collective Security Treaty Organisation for 2006–10; Decision of the CSTO Collective Security Council of 23 June 2005.

<sup>78</sup> *Collective Security Treaty 20 years, Collective Security Treaty Organisation. 10 years* (Moscow: CSTO, 2012), pp. 23–24.

### *Manoeuvres*

Joint manoeuvres by various contingents are viewed as an important CSTO security building mechanism. Some manoeuvres have taken place annually since 2004.<sup>79</sup> The objective of the manoeuvres as well as the composition of forces may vary. For example, in Rubezh (*Border*<sup>80</sup>) 2008, military contingents from Armenia and Russian Federation conducted training and simulated self-defence operations. Rubezh 2009, Rubezh 2010 and Cobalt 2010 (police and special forces operations) included counter-terrorism tasks. Complex joint manoeuvres in the CSTO sub-regions, *Vzaimodejstvie* (*Interaction*) 2009, *Vzaimodejstvie* 2010, *Vzaimodejstvie* 2012 (by CRRF),<sup>81</sup> Center 2011 (strategic and tactical manoeuvres of the CRDF), Rubezh 2012 (by CRDF) supported various joint tasks.<sup>82</sup> 2012 marked the first manoeuvres of the CRRF supported by the anti-drug institutions of CSTO member states with a view to combating the threat of drug trafficking from Afghanistan (*Grom* (*Thunder*) 2012),<sup>83</sup> as well as the first manoeuvres of the CSTO peace-keeping forces (Indestructible brotherhood 2012).<sup>84</sup>

Some manoeuvres are also conducted by regional groupings, e.g. Peace mission 2007, East 2010 – by Kaspian grouping; Shield of the Union 2011 – by Belarus and Russia.<sup>85</sup>

Various CSTO forces have started active training in preparation for deployment.

### *Foreign military bases*

Recent years have also been characterised by the arrival of new areas of cooperation in the maintenance of peace and security in the region. One of these concerns the stationing of foreign military bases on the territory of CSTO member states. Apparently, due to the aspirations of CSTO member states to establish joint systems of defence, peacekeeping, air defence, etc., the stationing of foreign military bases on the territory of a CSTO state may substantially undermine joint tasks and objectives. However, a Center of Transit Transportation (formerly a US air force base) has been stationed in Kyrgyzstan since 2001. As a result, on 20 December

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<sup>79</sup> Ibid., p. 17.

<sup>80</sup> Translation is introduced by the author.

<sup>81</sup> “Allies won in manoeuvres of the CSTO CRRF ‘Vzaimodeystvie 2012,’” 19 September 2012, <[http://odkb-csto.org/training/detail.php?ELEMENT\\_ID=1157](http://odkb-csto.org/training/detail.php?ELEMENT_ID=1157)>.

<sup>82</sup> CSTO Training, <<http://www.odkb-csto.org/training>> (30 December 2012).

<sup>83</sup> First anti-drug manoeuvres “Grom 2012,” <[http://odkb-csto.org/training/detail.php?ELEMENT\\_ID=1203](http://odkb-csto.org/training/detail.php?ELEMENT_ID=1203)>.

<sup>84</sup> Peacekeeping manoeuvres “Indestructible brotherhood 2012,” <[http://odkb-csto.org/training/detail.php?ELEMENT\\_ID=1277](http://odkb-csto.org/training/detail.php?ELEMENT_ID=1277)>.

<sup>85</sup> “Strategic Maneuvers “Center 2011” took place at Six Ranges on the Territories of the CSTO Member States,” *Sojuzniki* 3 (SCTO, 2011), pp. 46–49.

2011, the CSTO member states signed a Protocol on the stationing of objects of military infrastructure on the territories of CSTO member states. In accordance with art. 1 of the Protocol, objects of military infrastructure of third states may only be stationed on the territory of CSTO member states if no CSTO member state objects.

## CSTO Bodies

### *The System of CSTO Bodies*

The system of CSTO bodies determined in art. 11 of the CSTO Charter has become increasingly complex. The following structures function currently within the 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);<sup>86</sup>
- Permanent Council;
- CSTO Parliamentary Assembly;
- Secretariat;
- Integrated staff;
- Supporting bodies of the 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. Procedures for the acceptance and termination of CSTO membership, the suspension of member state participation in CSTO bodies and for expelling a member from the CSTO, as well as the rules and procedures for CSTO bodies are defined by the decision of the 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 CSTO’s senior body.<sup>87</sup> The CSC examines issues concerning the Organisation’s activity that are a matter of principle. It makes decisions aimed at achieving CSTO goals and objectives, and provides for the coordination and joint activity of the member states in realising these goals and objectives. Compared to the period of the CST, the CSC has received wider pow-

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<sup>86</sup> Article 11 of the CSTO Charter.

<sup>87</sup> Article 13 of the CSTO Charter.

ers following the CSTO's establishment.<sup>88</sup> The CSC's main tasks and functions are regulated by articles 4, 5 of the *Provisions on the CSC* of 28 April 2003.<sup>89</sup>

The CSC consists of the heads of the CSTO member states.<sup>90</sup> 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 the CSTO and invitees can also take part in CSC meetings. The CSC Chairperson 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 CSC session.

CSC sessions take place annually. Extraordinary sessions are conducted on the proposal of two CSTO members and, in the case of a threat to territorial integrity and aggression, on the proposal of the state victim of the aggression.<sup>91</sup>

The CSTO has three consultative and executive bodies, formed from the heads of relevant national institutions (CFM, CDM and CSSC).<sup>92</sup>

The *Council of Foreign Ministers* (CFM) is responsible for the coordination of interaction among member states in the foreign policy area.<sup>93</sup> The CFM consists of the ministers of foreign affairs of the member states.<sup>94</sup> Articles 4 and 5 of the CFM Provisions respectively regulate the tasks and functions of the Council of Foreign Ministers.<sup>95</sup>

The meetings of the Council of Foreign Ministers are conducted as necessary, at least twice a year, with the location of the meetings alternating among the member states.<sup>96</sup> 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 cases of threat to the state sovereignty, the territorial integrity of a member state, an act of aggression or a threat to 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.<sup>97</sup>

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<sup>88</sup> See the *Agreement on the approval of the provisions on the Collective Security Council* (6 July 1992), with amendments of 24 December 1993.

<sup>89</sup> See Annex I.

<sup>90</sup> Article 13 of the CSTO Charter.

<sup>91</sup> Article 6 of the *Provisions on the CSC* (28 April 2003).

<sup>92</sup> Collective Security Treaty 20 years, *Collective Security Treaty Organisation. 10 years*, p. 6.

<sup>93</sup> Article 14 of the CSTO Charter; Article 1 of the *Provisions on the Council of Foreign Ministers* (28 April 2003).

<sup>94</sup> Article 3 of the *Provisions on the Council of Foreign Ministers* (28 April 2003).

<sup>95</sup> See Annex I.

<sup>96</sup> Article 6 of the *Provisions on the CFM*.

<sup>97</sup> Article 7 of the *Provisions on the CFM*.

The *Council of Defence Ministers* (CDM) is responsible for coordinating interactions among member states in the areas of military policy, force development, and military-technical cooperation.<sup>98</sup> Articles 4 and 5 of the Provisions on the CDM respectively regulate the tasks and the functions of the Council of Foreign Ministers.<sup>99</sup> 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.<sup>100</sup>

The *Committee of the Secretaries of the Security Councils* (CSSC) is responsible for coordinating interactions among member states in guaranteeing their national security.<sup>101</sup> The secretaries of the (national) security councils of the member states are CSSC members.<sup>102</sup> 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.<sup>103</sup> The meetings of the Committee of the Secretaries of the Security Councils are conducted as necessary, but no less than twice a year.<sup>104</sup>

The *Permanent Council* (PS) coordinates interactions between 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.<sup>105</sup> The tasks and the functions of the Permanent Secretariat are regulated by articles 4 and 5 of the Provisions on the PS.<sup>106</sup> The main type of activity of the Permanent Secretariat are the meetings (consultations) conducted regularly, but no less than twice a month.<sup>107</sup>

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

<sup>98</sup> Article 15 of the CSTO Charter; *Provisions on the Council of Defence Ministers* (2003).

<sup>99</sup> See Annex I.

<sup>100</sup> Article 6 of the *Provisions on the CDM*.

<sup>101</sup> Article 16 of the CSTO Charter; Article 1 of the *Provisions on the Committee of the Secretaries of the Security Councils* (28 April 2003).

<sup>102</sup> Article 3 of the *Provisions on the CSSC*.

<sup>103</sup> See Annex I.

<sup>104</sup> Article 6 of the *Provisions on the CSSC*.

<sup>105</sup> Article 13 of the CSTO Charter; Articles 1 and 3 of the *Provisions on the CSTO Permanent Council* (28 April 2003).

<sup>106</sup> See Annex I.

<sup>107</sup> 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.<sup>108</sup>

The *Secretariat* is a permanent working structure of the CSTO.<sup>109</sup> 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 CSTO documents.<sup>110</sup> The tasks and functions of the Secretariat are regulated by articles 3 and 4 of the Provisions on the Secretariat of 2003.<sup>111</sup>

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.<sup>112</sup>

The CSTO *Secretary General* is the most senior administrative official in the Organisation. He represents the interests of all member states equally, implements their common policies and, in performing his activities, cannot be affected by individual member states.<sup>113</sup> 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 art. 9 of the Provisions on the Secretariat of 2003.<sup>114</sup>

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 addressed such issues, while only representatives of CST

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<sup>108</sup> 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).

<sup>109</sup> Article 11 of the CSTO Charter; Article 1 of the *Provisions on the CSTO Secretariat*, approved with a Decision on 28 April 2003.

<sup>110</sup> Article 17 of the CSTO Charter.

<sup>111</sup> See Annex I.

<sup>112</sup> Article 17 of the CSTO Charter; Article 7 of the *Provisions on the Secretariat* (2003).

<sup>113</sup> Article 18 of the CSTO Charter; Article 8 of the *Provisions on the Secretariat* (2003).

<sup>114</sup> See Annex I.

(and later CSTO) member states participated in decision making on cooperation in the framework of CSTO.<sup>115</sup>

On 23 November 2001, at the first meeting of the CIS Inter-parliamentary Assembly, representatives of states – parties to the Treaty on Collective Security adopted a Programme of Legal Support of the Plan for states participating in the CST in 2001-05.<sup>116</sup> The Assembly's main activities included regular meetings of the Council of the CIS IPA from CST participating states and of the Standing Defence and Security Committee of the CIS IPA. During the meetings, several models of legislative acts were adopted in the CST 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 CST 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 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 for those states participating in the CIS Inter-parliamentary Assembly that are CSTO members, i.e. the CSTO Parliamentary Assembly functions in the framework of CIS.

The possibility of 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,<sup>117</sup> later began to perform Court functions for all three communities<sup>118</sup> on the basis of the *Convention on certain institutions common to the European Communities* of 23 March 1957. The administrative tribunals of the UN and the International Labour Organization (ILO) consider labour disputes between international organisations and their employees. The United Nations Administrative Tribunal (UNAT) is competent to hear and pass judgment on labour disputes involving 11 agencies and departments of the United Nations Organisation, the International Maritime Organisation (IMO), and the Inter-

<sup>115</sup> *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).

<sup>116</sup> The Programme was approved by the Chairmen of the CST Collective Security Council and the Council of the CIS Inter-parliamentary Assembly.

<sup>117</sup> Article 31 of Treaty for establishment of the European Coal and Steel Community of 18 April 1951.

<sup>118</sup> The European Coal and Steel Community, the European Economic Community (EEC), and the European Atomic Energy Community (Euratom).

national Civil Aviation Organization (ICAO),<sup>119</sup> and the ILO Administrative Tribunal – for 51 organisations.<sup>120</sup> Since 3 March 2004, the CIS Economic Court has been performing 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*. The International Atomic Energy Agency (IAEA) and the United Nations Environment Programme (UNEP) can perform the functions of a secretariat for other international treaties.<sup>121</sup> It can be concluded that this is a common practice in international institutional cooperation. It allows for the harmonisation of the activities of various organisational structures and limits their expenditure.

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 – CSTO members who are elected or appointed by the parliament according to corresponding procedures. The parliamentary speakers (speakers of the chambers) lead country delegations. In exceptional cases a delegation may be led by another member of the delegation that has been authorized to lead it.<sup>122</sup> 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 art. 8 of the Provisional Regulations of the CSTO Parliamentary Assembly. Each body functions in accordance with specific provisions.<sup>123</sup>

The powers of the CSTO Parliamentary Assembly are determined in art. 3 of the Provisional Regulations.<sup>124</sup> As a rule, regular plenary meetings are conducted twice a year. The Collective Security Council can call extraordinary meetings.<sup>125</sup>

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

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<sup>119</sup> Wolfgang Münch, Victor Vislykh, and M. Deborah Wynes, *Administration of Justice: Harmonization of the Statutes of the United Nations Administrative Tribunal and the International Labour Organization Administrative Tribunal*, JIU/REP/2004/3 (Geneva, UN Joint Inspection Unit, 2004), Annex I, <[www.unjiu.org/data/reports/2004/en2004\\_3.pdf](http://www.unjiu.org/data/reports/2004/en2004_3.pdf)> (12 September 2010).

<sup>120</sup> International Labour Organization Administrative Tribunal, By organization, <[www.ilo.org/dyn/triblex/triblexmain.byOrg](http://www.ilo.org/dyn/triblex/triblexmain.byOrg)> (12 September 2010).

<sup>121</sup> See Article 24 of the 1994 Convention on Nuclear Safety.

<sup>122</sup> Article 2(1, 2) of the Provisional Regulations.

<sup>123</sup> See the documents regulating the activity of the CSTO Parliamentary Assembly at <[www.paodkb.ru/html/?id=21](http://www.paodkb.ru/html/?id=21)> (10 March 2010).

<sup>124</sup> See Annex I.

<sup>125</sup> Article 5.

- Parliaments (chambers of Parliaments) of CSTO member states;
- Parliamentarian delegations;
- The Council of the CSTO PA;
- 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.<sup>126</sup>

*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. expert working groups on issues such as the fight against terrorism and combating illegal migration. This may be an ancillary structure, e.g. the transitional working group on information policy and security<sup>127</sup> or an assembly of the heads of the respective agencies of CSTO member states, including the coordination council of the heads of competent authorities of CSTO member states in countering drug trafficking;<sup>128</sup> the coordination council on emergency situations;<sup>129</sup> the coordination council of the heads of competent authorities on illegal migration;<sup>130</sup> the interstate commission on military-economic cooperation; CSTO working group of the CMFA on Afghanistan; working group of the CSTO CSSC on the struggle against international terrorism and extremism; and the working group on information policy and cyber security.<sup>131</sup>

Analysis of the structures, procedures, and powers of CSTO bodies demonstrates that the CSTO has a clear organisational structure corresponding to a classic scheme of organisational bodies.<sup>132</sup> The CSTO organisation includes a senior

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<sup>126</sup> 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).

<sup>127</sup> Decision of the CSTO Committee of the Secretaries of the Security Councils (24 November 2006).

<sup>128</sup> Decision of the CSTO Collective Security Council (23 June 2005).

<sup>129</sup> Decision of the CSTO Collective Security Council (6 October 2007).

<sup>130</sup> *Ibid.*

<sup>131</sup> *Collective Security Treaty 20 years, Collective Security Treaty Organisation. 10 years*, p. 7.

<sup>132</sup> The classic scheme of an international organisation 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).

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), and ancillary and working bodies at the level of heads of the respective agencies of CSTO member states and in the form of standing or temporary expert groups. There are no special structures designed to settle disputes between member states, disputes involving the 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 Art. 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 the CSC, CFM, CDM, and CSSC, other than those related to procedural issues, are taken by consensus.<sup>133</sup> 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 for the achievement, to a maximum degree, of concordance of the wills of its members.<sup>134</sup> 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 for 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.<sup>135</sup> Hence, it is possible to conclude that by consensus international organisations take decisions in the area of their subject competence of a recommended 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 interna-

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<sup>133</sup> 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.

<sup>134</sup> 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. Markushova, 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.

<sup>135</sup> Blystenko, *International Organisations. A Textbook*, pp. 215–20.

tional 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 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 potentially hinders the unity of the CSTO system and can lead to cooperation at different levels and speeds.

According to the CSTO Charter, the decisions of the CSC and the follow-on implementation decisions of CFM, CDM, and CSSC are mandatory.<sup>136</sup> However, unlike the provisions of the CSTO Charter and the Rules of procedures of the CSTO bodies, art. 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 the CSTO* of 16 August 2006 lists all the international treaties and decisions of the 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. In this regard, there is a danger of mixing treaties and the decisions taken in the framework of CSTO.

With regards 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 legislation.<sup>137</sup> 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 the 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

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<sup>136</sup> 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*.

<sup>137</sup> Article 2 of the CSTO Charter; Article 2 of the 2003 Provisions on the CSC.

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 the CSTO, how it will be implemented is decided separately). Therefore, the mechanism for implementing the decisions of CSTO bodies is considered an open issue.

Decisions on procedural issues are taken by simple majority of the votes of member states participating in the session.<sup>138</sup> Furthermore, according to art. 1 of this rule, 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. This was confirmed by the International Court of Justice in 1962 in the Consultative conclusion on certain UN expenses.<sup>139</sup> Furthermore, in addition to procedural issues (rules on procedures of the bodies of an international organisation, for personnel, and for participation in the activity of the bodies of an international organisation), issues of membership, budgeting and finances, resolution of disputes related to employment and labour relations, etc., are also a matter of internal law.<sup>140</sup>

This emphasises the 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. Art. 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 art. 15 of the *Concept for creating and functioning of*

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<sup>138</sup> Rule 14(4) of the *Rules of procedures of the CSTO bodies*.

<sup>139</sup> 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.

<sup>140</sup> E.A. Shibaeva, *International Organisations' Law* (Moscow: International Relations, 1986), p. 139; E.A. Shibaeva and M. Potocnyi, *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), p. 144.

*the mechanism for the CSTO peacekeeping activity, approved by decision of the CSTO Collective Security Council of 18 June 2004. Until 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 CST state party of 25 March 2002.*

Analysis of the CSTO legal and regulatory framework demonstrates that the harmonization of the legislation of member states in all aspects of CSTO activities falls in the sphere of competence of the CSTO Parliamentary Assembly, and specific areas of cooperation – in the competencies of the CSTO supporting structures consisting of the heads of the respective agencies of member states.<sup>141</sup>

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 at regulating 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 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 CSTO.

From 2006 until 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

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<sup>141</sup> 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).

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.

A programme of legal support is being implemented to comprehensively strengthen cooperation among states, and to shape and develop the collective security system in the framework of the CSTO for 2006–10. The programme was 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.<sup>142</sup>

### *Control over the Implementation of International Treaties, signed in the Framework of the CSTO, and the Decisions of CSTO Bodies*

A series of international treaties have been adopted since the signing of the CSTO.<sup>143</sup> These treaties determine the general provisions for security cooperation<sup>144</sup> and the principles, mechanisms and options for cooperation,<sup>145</sup> define status, organisation, military formations,<sup>146</sup> regulate the status and the procedures for the deployment of various categories of forces,<sup>147</sup> procedures and conditions for

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<sup>142</sup> See, for example, article 13 of the Provisions on the expert working group on counter terrorism.

<sup>143</sup> See Annex II.

<sup>144</sup> Treaty on Collective Security (15 May 1992) with Protocols; CSTO Charter.

<sup>145</sup> 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), Protocol on the Stationing of Objects of Military Infrastructure at the Territories of the CSTO Member States, 20 December 2011, *Electronic Legal Database Konsul'tant Plus. Technologija 3000*.

<sup>146</sup> Agreement on the status of the forces of the collective security system of 10 December, October 2010; Agreement on the legal status of the Collective Security Treaty Organisation (7 October 2002); Agreement on the Order of Functioning of Forces, 10 December 2010.

<sup>147</sup> Agreement on the procedures for the 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).

military-technical assistance,<sup>148</sup> establishment and functioning of production lines for the production of military goods and munitions,<sup>149</sup> regime and protection of secret information,<sup>150</sup> etc.

The treaties recognised by a member state as mandatory must be respected by it in accordance with art. 26 of the *Vienna Convention on the Law of Treaties* of 23 May 1969. In order to provide effective realisation of the CSTO goals, member states must make their legislation correspond 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 (art. 27). That means that with the recognition of such treaties as mandatory, the state must take measures for their implementation in national legislation according to the law on international treaties, and not in connection to the “supranational” nature of such treaties.<sup>151</sup>

As noted 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. Practical experience shows that effective implementation of the decisions of international organisations and adherence to international treaties signed in the framework of these organisations are prerequisites for achieving organisational goals.

CSTO bodies exercise control over the implementation of commitments arising from the CSTO Charter, decisions of the Collective Security Council and decisions of other bodies. The issue of implementation is examined regularly at the sessions of the CSC, CFM, CDM, and the Permanent Secretariat. The chairpersons of CSTO bodies, representatives of the member states, and the CSTO Secretary General present performance reports<sup>152</sup> but the issue of control over the implementation of international treaties in practice remains unresolved.

Disputes arising from the implementation and interpretation of provisions of the CSTO Charter and of treaties signed in the framework of the CSTO are resolved through negotiation and consultation. It is not possible to use international courts

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<sup>148</sup> 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 CSTO (6 October 2007).

<sup>149</sup> Agreement on the General Principles of Establishment of Scientific-Production Entities on the Production of Military Goods and Munition, 10 December 2010, *Electronic Legal Database Konsul'tant Plus. Technologija 3000*.

<sup>150</sup> Agreement on the Mutual Protection of Secret Information within the CSTO, 18 June 2004, *Electronic Legal Database Konsul'tant Plus. Technologija 3000*.

<sup>151</sup> See Dmitry Medvedev, *Interview with Belarusian media*, 23 November 2009, <<http://president.kremlin.ru/transcripts/6078>> (24 November 2009).

<sup>152</sup> Article 2 of the Regulations on the procedure for suspending the participation of a member state in CSTO bodies or terminating membership in the CSTO (18 June 2004).

and tribunals to enforce adherence to international commitments in the framework of the CSTO. The CSTO applies mechanisms for the control and enforcement of its obligations as prescribed in articles 20 and 25 of the CSTO Charter.

According to art. 20 of the CSTO Charter, if a state does not implement the Charter, decisions of the Collective Security Council or decisions of other CSTO bodies, its participation in CSTO activities can be suspended. If it fails further to comply with these obligations, its membership in the CSTO may be suspended. Procedures for implementing these sanctions are determined in the *Regulations on the procedure for suspending the participation of a member state in CSTO bodies or terminating membership in the CSTO* of 18 June 2004.

Art. 25 of the CSTO Charter is applied when a member state does not pay budget contributions for two years. In such cases, the CSC may decide to suspend participation in CSTO bodies, as well as to deprive the respective country of voting rights in CSTO bodies until payments are made.

Proposals and recommendations to enact the provisions of articles 20 and 25 of the CSTO Charter are prepared as per the instructions of the CSC chairperson or in accordance with a member state's proposal. They are prepared by the plenipotentiaries of the respective member states jointly with the CSTO Secretary General and, in individual cases, – after consideration by specialised 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 is made by consensus at a regular or an extraordinary session of the Council, excluding the vote of the respective state.<sup>153</sup>

The practice of international organisations however shows that the termination of CSTO membership for the breach of membership obligations is extremely rare. It is usually applied following flagrant breaches of commitments resulting from the Charter, decisions taken within the organisation, and international treaties. International organisations prefer to encourage cooperation between member states.<sup>154</sup> Therefore, it seems appropriate that the CSTO provide opportunities for the permanent monitoring of the implementation of obligations and to use softer means or assistance if a state cannot meet its obligations.

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<sup>153</sup> Articles 4, 5 and 8 of the Provisions.

<sup>154</sup> 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<sup>1</sup>

## The Foreign Policy Component of the CSTO

The foreign policy component of CSTO activity is gaining increasing relevance. This is reflected in increased cooperation between member states, coordination of key regional and international policy issues, increased cooperation with other international organisations in countering common challenges and threats, and uniting efforts to shape a system of common and comprehensive security for Europe and Asia.

CSTO member states are working productively to achieve common international and regional policy objectives. Member states are supporting common approaches to issues such as strategic stability, including the non-proliferation of weapons of mass destruction and missile technologies, reform of the Organization for Security and Cooperation in Europe (OSCE), post-conflict settlement in Afghanistan, enhancing the efficiency of the United Nations, etc.<sup>2</sup>

During a meeting on 5 November 2002 to discuss the situation in Iraq, the ministers of foreign affairs coordinated their positions on a number of regional and international issues. At that meeting, the CSTO ministers expressed a unanimous wish to institutionalise this type of consultation and establish a framework for the development of additional measures to improve coordination on foreign policy issues. An expert working group in Almaty in December in the same year further supported this initiative.

CSTO member states cooperate on key foreign policy issues, and work cooperatively with the UN, OSCE, the Shanghai Cooperation Organisation, and other organisations in the field of international security.

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<sup>1</sup> Except for the section on international legal assessment of the cooperation between CSTO and the UN, contributed by Alena F. Douhan.

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

At a meeting in Dushanbe in 2007, the CSTO Council of Foreign Ministers strengthened coordination mechanisms in the area of foreign policy, and thus consolidated the practice of synchronising member states approaches to key international issues, in place since 2003.

The parliamentarian dimension of CSTO activity is consistently evolving. 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 the issue of signing cooperation agreements with the parliamentary assemblies of the OSCE and NATO was examined. The Council also signed an agreement to increase 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 CSTO ministers of foreign affairs was held on 26 September 2009 during the 64<sup>th</sup> session of the UN General Assembly in New York. Participants issued a statement in support of Russia's signing of a European Security Treaty. A similar meeting was held in the margins of an OSCE Foreign Ministers meeting in Athens on 1–2 December 2009 and was dedicated in part to the promotion of common priorities in OSCE activity during Kazakhstan's chairmanship of the organisation in 2010.

## CSTO and the United Nations

### *Political Dimension*

The CSTO has had observer status in the UN General Assembly since 2 December 2004. The Agreement on CSTO peacekeeping activities came into force on 16 January 2009. Russia and its allies repeatedly called for increased CSTO capacity in UN peacekeeping activities, for example in Afghanistan and in the fight against terrorism and drugs. The participation of peacekeeping forces created by the CSTO under a UN Security Council mandate may become an important area of cooperation.

On 2 March 2010, the UN General Assembly adopted by consensus a resolution on "Cooperation between the United Nations Organisation and the Collective Security Treaty Organisation." The adoption of the resolution laid the necessary legal foundations for practical cooperation between the UN and the 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 supports regular consultations between the UN Secretary General and the CSTO Secretary General. Cooperation will evolve in the areas of strengthening regional security and stability, peacekeeping, countering terrorism, countering transnational crime, human trafficking, and natural and technogenic catastrophes.

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

On 18 March 2010 in Moscow, the general secretaries of the UN and CSTO Ban Ki-moon and Nikolai Bordyuzha signed a declaration on 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."<sup>4</sup> The document refers to the developing capacity of the CSTO in the field of maintaining peace.

### *Legal Dimension*

(Alena F. Douhan)

Art. 4 of the CSTO Charter clearly defines the right and willingness of the CSTO to cooperate with other international organisations. A series of decisions made by CSTO bodies define such cooperation as one of the areas of CSTO foreign policy.<sup>5</sup> Options for cooperation are, however, not precisely defined. As mentioned above,

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

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

<sup>5</sup> 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 development of the collective security system in the framework of the Collective Security Treaty Organisation for 2006–2010" of 23 June 2005.

it is, for example, possible, to grant international organisations observer status in the CSTO,<sup>6</sup> although this option has never been used.

The system of collective security envisaged in the UN Charter was grounded on the principle of subsidiarity, whereby regional action was deemed inferior to UN action. In reality this system of relations between the UN Security Council and regional organisations is no longer true. It combines some aspects of subsidiarity (Security Council control over regional action) and complementarity<sup>7</sup> (distribution of tasks in view of the UN system's inability to manage alone all problems involving the maintenance of international peace and security).

The specific interests and tasks of regional organisations involved in security issues also demonstrate the need for complementarity, which is the only way to combine their strength and ensure that peace in the region is maintained. The CSTO is not the only regional organisation involved in the maintenance of peace and security in the post Soviet area. All CSTO member states are members of the UN, OSCE and the CIS. Azerbaijan, Kazakhstan, Kyrgyzstan, Russia and Tajikistan are members of the CICA,<sup>8</sup> and Kazakhstan, Kyrgyzstan, Russia and Tajikistan are members of SCO.<sup>9</sup> All of these organisations have strengths and weaknesses. Let's look at the CSTO as an element of this joint mechanism.

The CSTO has had UN observer status since 2004.<sup>10</sup> The functions of a CSTO observer at the UN General Assembly are performed by a representative of the member state that chairs the organisation.<sup>11</sup>

Since the adoption in 2005 of UN Security Council Resolution 1631(2005), co-operation between the UN and international regional organisations aimed at maintaining international peace and security has been strengthened.<sup>12</sup> Since then, international organisations actively involved in the field of maintaining international peace and security conduct annual meetings, assign senior persons to maintain

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<sup>6</sup> CSTO Charter, article 21; Rules of Procedure of the CSTO Organs, adopted by the CSC Decision of 18 June 2004, *Electronic Legal Database Konsul'tant Plus. Technologiiia 3000*, rule 15.

<sup>7</sup> The need for complementary rule is underlined in, e.g., *In Larger Freedom: Towards Development, Security and Human Rights for All: Report of the Secretary-General* (A/59/2005) <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/270/78/PDF/N0527078.pdf>> (21 April 2012), para. 213; UN Security Council Resolutions 1631 (2005), preamble; 1809 (2008), para. 1; 2033 (2012).

<sup>8</sup> About CICA, <[http://www.s-cica.org/page.php?page\\_id=7&lang=1](http://www.s-cica.org/page.php?page_id=7&lang=1)>.

<sup>9</sup> SCO member states, <<http://www.scosummit2012.org/english/memberstates.htm>>.

<sup>10</sup> Resolution of the UN General Assembly A/RES/59/50 (16 December 2004).

<sup>11</sup> 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 Organisation by the Collective Security Treaty Organisation" (22 June 2005).

<sup>12</sup> See article 1 of Resolution 1631(2005).

contacts with the UN, and envisage the establishment of a standing committee for control over the implementation of decisions.<sup>13</sup>

However, despite the broad list of forms and mechanisms of cooperation set forth in various UN documents (consultations, mutual diplomatic efforts, diplomatic and operational co-deployment, joint operations, financing of regional operations, mutual participation in the activity of coordinating organs, information exchange, conclusion of memorandums of understanding, standby agreements or formalised agreements between secretariats, involvement of organisations in the work of the UN Security Council, cooperation with the UN Peace-building Commission, participation in high-level meetings, etc.<sup>14</sup>) any cooperation takes place on an *ad hoc* basis.

The CSTO, however, makes substantial efforts to increase cooperation with the UN. Since 2004, the CSTO has participated in senior level meetings with the UN and other regional organisations,<sup>15</sup> visits of the UN General Assembly and UN Security Council.<sup>16</sup> Cooperation with the CSTO is included in the agenda of the UN General Assembly and is repeatedly (every two years) considered by the latter.<sup>17</sup>

UN General Assembly resolution 64/256 of 2 March 2010 emphasises the status of the CSTO as a regional intergovernmental organisation in the framework of Chapter VIII of the UN Charter, which foresees the possibility to use regional organisations and agreements to resolve regional disputes. In its resolution 65/122 of 13 December 2010 the UN General Assembly underlined the importance of cooperation (para. 2) and called for specialised institutions in the UN system to work with the CSTO (para. 3). In resolution 67/6 adopted in November 2012 the UN General Assembly positively assessed the CSTO's contribution to the maintenance

<sup>13</sup> Articles 4 and 7 of the Document of the sixth meeting at senior level with the participation of the UN, regional and other international organisations (25–26 July 2005).

<sup>14</sup> Cooperation between the United Nations and Regional Organisations/Arrangements in a Peacekeeping Environment: Suggested Principles and Mechanisms (March 1999), para. 16; In Larger Freedom, paras. 213–215; UN Security Council Resolution 1631 (2005), paras. 7–8; Proposals of the 6th High-Level Meeting. The Electronic Newsletter of the UN University CRIS, <[http://www.cris.unu.edu/fileadmin/newsletter/newsletter\\_aug\\_05.pdf](http://www.cris.unu.edu/fileadmin/newsletter/newsletter_aug_05.pdf)> (22 March 2011); Relationship between the United Nations and Regional Organisations, in Particular the African Union, in the Maintenance of International Peace and Security. Report of the UN Secretary-General (S/2008/18) (7 April 2008), <<http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/UNRO%20S%202008%20186.pdf>> (accessed 30 May 2011), paras. 71–76.

<sup>15</sup> Article 7 of the Document of the Sixth meeting.

<sup>16</sup> Collective Security Treaty 20 years, *Collective Security Treaty Organisation. 10 years*, p. 14.

<sup>17</sup> Cooperation between the United Nations and Regional and Other Organizations, UN General Assembly resolutions 65/122; 67/6 of 19 November 2012 (see also para. 9 of this resolution – to include the issue in the agenda of the 69<sup>th</sup> session).

of peace and security in the region (para. 2) and noted its cooperation with the UN Secretariat and specialised agencies and organs in different areas (struggle against international terrorism, transnational crime, illegal migration, peacekeeping – paras. 3–7).

During a visit by the UN Secretary-General to the CSTO HQ (March 2010), a Memorandum of Cooperation between the UN and CSTO Secretariats<sup>18</sup> was signed that provides, despite its general character, a documentary basis for regular future cooperation in the sphere of information exchange. The UN Secretary General visited the CSTO Secretariat and produced a report at the CSTO PC on 22 April 2011. The Department of Peacekeeping Operations and the CSTO signed a Memorandum of Understanding on 28 September 2012. In 2012 the CSTO participated in a visit by the UN Counter-Terrorism Committee to Kyrgyzstan. Steps have also been taken to increase cooperation with the UN Office on Drug and Crime within the Regional Programme for Afghanistan and Neighbouring Countries.<sup>19</sup>

The CSTO also cooperates with the UN in specific fields, as well as with UN specialised agencies<sup>20</sup> and bodies.<sup>21</sup> At the Moscow session of the CSTO Collective Security Council on 5 September 2008, CSTO member states expressed their support for strengthening the key role of the UN as a universal mechanism for maintaining international peace and security. Guided by UN Security Council Resolution 1540(2004) and in support of the UN Global Counter-Terrorism Strategy and the antiterrorist resolutions of the UN Security Council, the member states declared their readiness to cooperate with other states to counter the proliferation of weapons of mass destruction, means of their delivery, and related materials. Since 2010 the CSTO has supported the use of its peacekeeping personnel in UN opera-

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<sup>18</sup> Joint Declaration on UN/CSTO Secretariat Cooperation (Moscow, 18 March 2010), <[http://www.mid.ru/bpr\\_4.nsf/0/A11ED61A82FAD2FCC32576F0004904F4](http://www.mid.ru/bpr_4.nsf/0/A11ED61A82FAD2FCC32576F0004904F4)>; Cooperation between the United Nations and Regional and Other Organizations, paras. 56, 125.

<sup>19</sup> Cooperation between the United Nations and regional and other organizations A/67/280 – S/2012/614, <[http://www.mineaction.org/downloads/1/A\\_67\\_280%20%20%E2%80%93%20S\\_2012\\_614.pdf](http://www.mineaction.org/downloads/1/A_67_280%20%20%E2%80%93%20S_2012_614.pdf)>, paras. 49–52; *Collective Security Treaty 20 years, Collective Security Treaty Organisation. 10 years*, p. 14.

<sup>20</sup> For example, a Protocol for cooperation between the CSTO and the International Organization for Migration was signed in 2006.

<sup>21</sup> On 5 December 2012 participated in the discussion on disarmament issues of the UN General Assembly first committee and made there a joint Declaration – “CSTO Member-states are Inherent to the Strengthening of Multilateral Mechanisms of Disarmament, Non-proliferation, Control over Armaments,” <[http://odkb-csto.org/international\\_org/detail.php?ELEMENT\\_ID=362](http://odkb-csto.org/international_org/detail.php?ELEMENT_ID=362)>; Memorandum of understanding between Secretariat of the CSTO and Department of Peacekeeping Operations of the United Nations of September 2012.

tions.<sup>22</sup> A Memorandum of Understanding between the CSTO Secretariat and the UN Department of Peacekeeping Operations sets out the conditions for the deployment of CSTO troops within the framework of UN peacekeeping operations.<sup>23</sup>

There has been a notable development of cooperation between the UN and the CSTO in recent years. At the same time, there is still considerable work to be done to establish a feasible and effective mechanism. In particular UN General Assembly resolutions refer to the need to establish indirect and direct contacts and coordination with various departments of the UN Secretariat (Department on Political affairs, Department of peacekeeping operations), Office on Drugs and Crime, the Counter-Terrorism Committee and its Executive Directorate, High Commissioner on Refugees, etc. (resolutions 65/122, para. 3; 67/6, para. 6).<sup>24</sup>

## CSTO and NATO

It seems that cooperation between the CSTO and NATO may gradually move away from its 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 the CSTO, into "a more formal security arrangement between NATO and Russia."<sup>25</sup>

In recent years, as Brzezinski rightfully notes, Moscow has communicated its clear interest in signing such types 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 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 in-

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<sup>22</sup> CSTO Stands for the Use of its Peacekeeping Forces in UN Operations, Declaration of the CSTO Member states of 10 December 2010, para. 5.

<sup>23</sup> "CSTO allowed to deploy "blue chapkas" in Syria under UN mandate," <http://www.voltairenet.org/art.176061.html>.

<sup>24</sup> See Draft resolution Cooperation between the United Nations and regional and other organisations: cooperation between the United Nations and the Collective Security Treaty Organisation, <http://daccess-dds-ny.un.org/doc/UNDOC/LTD/N12/586/52/PDF/N1258652.pdf?OpenElement>, adopted without vote; GA/11314, "General Assembly adopts 10 consensual texts on cooperation between United Nations, regional organisations," <http://www.un.org/News/Press/docs//2012/ga11314.doc.htm>.

<sup>25</sup> Zbigniew Brzezinski, "An Agenda for NATO: Toward a Global Security Web," *Foreign Affairs* 88:5 (September/October 2009), <http://www.foreignaffairs.com/art.s/65240/zbigniew-brzezinski/an-agenda-for-nato> (10 October 2009).

fluence in Soviet successor states.”<sup>26</sup> NATO would have preferred not to notice the existence of the CSTO and to build relationships with its member states directly – through the NATO Euro-Atlantic Partnership Council (EAPC) and the “Partnership for Peace” programme.

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 non-members to seek membership in either NATO or the CSTO – and perhaps, at a still more distant point, even in both.”<sup>27</sup>

The position of this competent American expert was met with a very cautious response from both NATO and the CSTO. The Secretary General of NATO Anders Fogh Rasmussen, commenting 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.”<sup>28</sup>

The follow-on reaction of the CSTO was one of interest, but also restraint. As reported, the CSTO treated with due “attention” the words of the NATO Secretary General that the Alliance may consider Brzezinski’s suggestion to establish closer cooperation with the CSTO. It was said at the same time that “there is no particular euphoria in the CSTO as a result of Rasmussen’s words.”<sup>29</sup> 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 one expressed as a first impression, is not yet a position agreed on by the Alliance as a whole.

On 8 July 2004, the CSTO Secretary General, as instructed by the CSTO Collective Security Council, sent a letter to the NATO HQ with a proposal for cooperation in the areas outlined by Rasmussen – countering international terrorism and extremism, and illegal trafficking in drugs and arms. More than once in recent years CSTO countries have conveyed their interest in official dialogue and cooperation with NATO, without positive response from the Atlantic Alliance. The then NATO leadership essentially ignored the idea of formalising relations with the CSTO. Even Brzezinski does not hide his scepticism towards the CSTO, calling the organisation “somewhat fictitious.”

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<sup>26</sup> 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.

<sup>27</sup> Brzezinski, “An Agenda for NATO.”

<sup>28</sup> Artur Blinov, “CSTO is drawn to NATO,” *Nezavisimaya Gazeta*, 3 September 2009, <[www.ng.ru/world/2009-09-03/1\\_odkb.html](http://www.ng.ru/world/2009-09-03/1_odkb.html)> (3 September 2009).

<sup>29</sup> “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](http://nvo.ng.ru/news/2009-09-04/100_odkb.html)> (4 September 2009).

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."<sup>30</sup> He announced that the CSTO Secretariat is preparing a draft memorandum on the prospects of mutual relations with NATO, which, however, has not yet been signed.

CSTO leadership is proposing cooperation with NATO in exchanging information on counter terrorism and drug trafficking in the post-Soviet space and conducting joint operations to suppress the activities of drug cartels. Combining humanitarian assistance efforts in Afghanistan is another potential area of cooperation. 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 cooperation between the 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 efforts by Barack Obama's administration to "restart" relations with Russia.

On 13 October 2009, during 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 has not responded to proposals from the CSTO, but nevertheless expressed a hope that they "would be able to get in touch with NATO partners."<sup>31</sup>

## Cooperation with Other International Organisations

(Alena F. Douhan)

It shall be repeated here that the CSTO is open for cooperation with both universal and regional organisations in the sphere of its responsibility. In particular the CSTO emphasises cooperation with the OSCE.<sup>32</sup> The CSTO member states express their

<sup>30</sup> 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](http://www.vpk-news.ru/index.php?option=com_content&task=view&id=2126&Itemid=3)> (12 October 2009).

<sup>31</sup> Vladimir Soloviev, "CSTO crosses all borders," *Kommersant*, 14 October 2009, <[www.kommersant.ru/doc.aspx?DocsID=1255396&NodesID=5](http://www.kommersant.ru/doc.aspx?DocsID=1255396&NodesID=5)> (14 October 2009).

<sup>32</sup> Expressed in the speech of the CSTO Secretary General at the joint meeting of the OSCE Permanent Council and Forum for Security Co-operation, Vienna, 15 April 2010; "CSTO

adherence to the Principles of the Helsinki Act of 1975 (which are currently recognised to be principles of international public law), and appreciate the OSCE's role in developing confidence and security building measures.<sup>33</sup>

Officials collaborate through visits by their Secretaries-General<sup>34</sup> or cooperation at the working level (e.g., with the OSCE Conflict Prevention Center's Action against Terrorism unit).<sup>35</sup> CSTO countries coordinate their positions at OSCE meetings,<sup>36</sup> while the latter sends its observers to CSTO military manoeuvres (for example, to the CSTO CRRF "Interaction" manoeuvres in 2012).<sup>37</sup>

Special attention is also paid to cooperation with regional and sub-regional organisations in the former Soviet Union (the CIS, SCO, EurAsEC, CICA, CARICC, Union State).<sup>38</sup> As mentioned above, the CSTO developed from its politico-military cooperation within the CIS. On 5 October 2007 the Secretariats of the CSTO and SCO signed a Memorandum of Understanding.<sup>39</sup> This memorandum defines major spheres of activity (struggle against contemporary threats and challenges – para. I), provides for the possibility of developing joint programs and activities, as well as for participation by mutual agreement in relevant activities (para. III). At a meeting on 12 October 2010, the CSTO, CIS, SCO, EurAsEC decided to cooperate in security, economic and social areas, and to establish a special group responsible for interaction between the organisations.<sup>40</sup> Observers from other organisations (Interpol, Europol, EAG) are also invited at the CSTO manoeuvres.<sup>41</sup>

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<sup>33</sup> Secretary General says Cooperation with OSCE Crucial for Security"; N. Bordyuzha, "The Collective Security Treaty Organisation," pp. 347–349.

<sup>34</sup> Statement of the CSTO member states of 19 December 2010.

<sup>35</sup> CSTO Secretary General participated at the OSCE Permanent Council in April 2010 – *Collective Security Treaty 20 years, Collective Security Treaty Organisation. 10 years*, p. 14.

<sup>36</sup> "Secretaries General of the OCSE and CSTO Discussed Co-operation of Organisations," press release, 26 March 2009, <<http://www.dkb.gov.ru/start/index.htm>> (10 May 2011).

<sup>37</sup> Written contribution by the CSTO SG, Mr. N. Bordyuzha (SUM.DEL/23/10), 1 December 2010, <<http://www.dkb.gov.ru/start/index.htm>> (15 November 2011); Consultations of the Improvement of the OSCE Activity Took place in the CSTO Secretariat on 20 November 2012, <[http://odkb-csto.org/international\\_org/detail.php?ELEMENT\\_ID=1523](http://odkb-csto.org/international_org/detail.php?ELEMENT_ID=1523)>.

<sup>38</sup> Maneuvers of the CSTO CRRF "Interaction" 2012, <[http://odkb-csto.org/training/detail.php?ELEMENT\\_ID=1157](http://odkb-csto.org/training/detail.php?ELEMENT_ID=1157)>.

<sup>39</sup> Memorandum of the CSTO Member States of 19 December 2012; *Collective Security Treaty 20 years, Collective Security Treaty Organisation. 10 years*, p. 15; Memorandum of cooperation between the CSTO Secretariat and Permanent council of the Union State of Belarus and Russia.

<sup>40</sup> Memorandum of Understanding between SCO Secretariat and CSTO Secretariat (5 October 2007), <<http://my.opera.com/Kiron/blog/memorandum-of-understanding-between-sco-secretariat-and-csto-secretariat>>.

<sup>41</sup> Bordyuzha, "The Collective Security Treaty Organisation," p. 345.

<sup>42</sup> *Collective Security Treaty 20 years, Collective Security Treaty Organisation. 10 years*, p. 22.

The CSTO is also interested in cooperating with non-governmental organisations in the humanitarian area, in particular, with the ICRC. The organisations signed a Protocol of Intent in 2009 and drafted a Plan of Action for 2012–14. The Plan supports the development of various types of cooperation such as briefings, joint events, and training. Steps were taken in 2011–12 to develop cooperation at this level. In 2011, an ICRC representative participated in a regular session of the CSTO PC. CSTO representatives, including a CSTO deputy secretary-general, were invited to the ICRC headquarters in Geneva for meetings with ICRC senior management. The ICRC Director-General met with the CSTO Secretary-General in October 2011. Both organisations exchange views on humanitarian issues at working meetings as well as during roundtable discussions.<sup>42</sup>

The CSTO has made substantial (one may even say – remarkable) progress in cooperation with other international intergovernmental and non-governmental organisations in the security area over the last three years. Despite the general practice of *ad hoc* cooperation the CSTO has concluded memorandums and protocols with UN institutions, the IOM, SCO, Permanent Council of the Union State of Belarus and Russia, and the ICRC. While these steps provide a good forum for coordination of joint efforts future progress depends on the political will of the states involved.

## The Military Dimension of the CSTO

Military cooperation in the CSTO is conducted in accordance with the Plan for CSTO coalition force development until 2010 and beyond. The organisation has gradually increased its military capacity. Of significant importance was the signing of an agreement on the status of force formations, on the main principles of military-technical cooperation, protocol on the procedures for the creation and functioning of forces, the model of a regional collective security system, and provisions on the procedures for implementing decisions for the use of forces.

Of fundamental importance was the creation in August 2001 of the Collective Rapid Reaction Forces (CRRF) in the Central Asian region as a nucleus of the regional coalition group of forces. While in the east European and Caucasian regions there were organised military capabilities as a result of bi-lateral arrangements between Russia and Belarus and Russia and Armenia, there had been no collective security structure in the particularly threatened region of Central Asia. This was the first attempt to create multinational forces in the CSTO framework. The issues of ensuring the functioning of the CRRF, increasing their readiness, organising in-

<sup>42</sup> “ICRC plays its humanitarian role in military exercises,” <<http://www.icrc.org/eng/resources/documents/interview/2012/09-20-csto-building-respect-ihl.htm>>; *Collective Security Treaty 20 years, Collective Security Treaty Organisation. 10 years*, p. 15.

teractions between national command and control structures, and providing logistics support were reflected in the decisions of the Collective Security Council and other bodies under the treaty.

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

CRRF military exercises have been taking place since 2004 and include antiterrorist exercises. The comprehensive anti-drug operation “Channel” has been conducted annually since 2003 and has become a permanent operation. Operations for countering illegal migration “Nelegal CSTO” have been conducted on a yearly basis since 2006.

An agreement on CSTO peacekeeping activities was signed on 6 October 2007 at the Collective Security Council meeting in Dushanbe. It foresees the creation, on a permanent basis, of CSTO peacekeeping forces (PF). According to this agreement, CSTO member states will act collectively to employ 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 to conduct a peacekeeping operation on the territory of a CSTO member state will be taken by the Collective Security Council taking into account national legislation and on the basis of an official request. When an operation takes place on the territory of a country that is not a CSTO member, it is conducted on the basis of a decision by the UN Security Council.

The CSC determines the composition, organisation and personnel strength of CSTO PF for each operation. PF are comprised of peacekeeping contingents from 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 standardised and compatible weapons and communications, and will take part in regular joint exercises.

On 4 February 2009, at an extraordinary session of the Collective Security Council in Moscow, the heads of the CSTO member states established the CSTO Collective Operational Reaction Forces (CRRF). In the implementation of the provisions of this CSC decision, an experts working group presented a set of treaties and regulations on the CSTO CRRF for approval by member state presidents.

The signed framework Agreement on the CSTO Collective Rapid Reaction Forces determines the status, the functioning and the procedure for employing CRRF, defined in art. 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. CRRF cannot be used for resolving disputes among the CSTO member states.<sup>43</sup>

The CRRF are required 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.

The CRRF consists of two components: highly mobile contingents of the armed forces of the member states and 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 the CRRF were determined at the CSC Moscow session on 14 June 2009: it consists of military contingents of approximately 18,000 total personnel strength and special purpose force formations including up to 1,500 officers and staff.<sup>44</sup>

Russia has assigned the 98<sup>th</sup> Guards Airborne Division and the 31<sup>st</sup> Guards Assault Brigade to the CRRF. Armenia, Belarus, Kazakhstan and Tajikistan are required 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 CRRF special purpose forces.<sup>45</sup>

Procedures for using the CRRF were also defined: a decision on the composition, deployment timelines and use of the CRRF is taken by consensus upon the request of one or more CSC member state. 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 state,<sup>46</sup> a decision on the use of CRRF contingents is taken by the CSC immediately.

The CRRF Agreement is based on a flexible and differentiated approach to the employment of military contingents and/or the formations of special purpose forces

<sup>43</sup> Nikolai Bordyuzha, “How CSTO enhances the collective security system,” *Mezhdunarodnaya Zhizn* 10 (2009): 100–101.

<sup>44</sup> Bordyuzha, “How CSTO enhances the collective security system,” p. 101.

<sup>45</sup> 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](http://nvo.ng.ru/realty/2009-06-19/1_shield.html)> (20 June 2009).

<sup>46</sup> Article 4 of the CST.

depending on the specific tasks to be implemented in the respective situation. Each 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 the CRRF. In preparing and conducting operations, the CSC creates a CRRF Command and appoints a Commander who is personally responsible to the CSC for the realisation of assigned tasks. In conducting a joint operation, the CRRF Command includes task forces for the command and control of the formations of special purpose forces. Each task force is led by a Head considered equivalent to a CRRF Deputy Commander.

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

Annexes to the agreement define Provisions on the CRRF Command and Rules of Engagement. The Rules of Engagement were prepared by experts and account 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 a document was driven by the need to harmonise the legal regime on the use of weapons, special equipment and means used by CRRF units outside the national territory.<sup>47</sup>

The Republic of Belarus did not send a delegation to the CSC session on 14 June 2009; nevertheless, it signed the set of CRRF documents on 15 October 2009. Uzbekistan abstained from signing, reserving the right to examine the issue of accession to the CRRF agreement at a later date. Tashkent could not agree particularly on the principle of decision making on the employment of CRRF by a majority vote, and not by consensus.<sup>48</sup> According to unofficial sources, the Uzbek authorities required that, as a rule, the use of the CRRF in conflicts between CSTO countries is prohibited, and insisted that the CRRF Agreement should come into force only after it has been ratified by all member states.<sup>49</sup>

Since Belarus did not take part in the CSC session 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 the Republic of Belarus Alexander Lukashenko announced his readiness to chair the CSTO; however, there were no practical steps in that direction. Therefore, Russia continued to act as CSTO chair until the CSC regular session, which was scheduled for the second half of 2010.

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<sup>47</sup> Bordyuzha, "How CSTO enhances the collective security system," p. 103.

<sup>48</sup> 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).

<sup>49</sup> Tyshchenko, "A Threat to the Yield of Milk."

The next step in developing the CRRF is to amend normative documents on specific aspects of the activities of forces of the collective security system. Specific tasks have been formulated to amend the agreement on the status of the forces, protocols 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.

CSTO working bodies are addressing the practical challenges associated with the creation of the CSTO. Particular attention is being paid to joint operational and combat training activities aimed at enhancing the interoperability of CRRF command and control structures and contingents.

A three-stage complex joint exercise involving the CRRF, military contingents, task forces of CSTO member states, the Secretariat and the Combined Headquarters was conducted between August and October 2009 to assess the capabilities of CSTO collective forces. 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 3–16 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 each country’s president 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 from CRRF military and special units—twice a year, as well as annual manoeuvres with specialised formations.

In 2010, CRRF-designated formations from the member states’ ministries of defence and the interior conducted joint exercises. Special units from the security and special services also conducted a command and staff exercise. In 2011, emergency management agencies conducted formation exercises.

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

It is important to bear in mind that—according to the CSTO Secretary General Nikolai Bordyuzha—these are forces “intended to put out small armed conflicts.”

Considerable threats to the territorial integrity of CSTO member states and large-scale war will be addressed by existing groups of forces – Russian-Armenian and Russian-Belarusian. Draft documents on the creation of a large group of forces in the Central-Asian region are currently being coordinated.<sup>50</sup>

The exercises of the CSTO CRRF “Interaction-2013” will be conducted in Belarus.

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<sup>50</sup> The CSTO Secretary General on the organisation's plans for the near future, *Kommersant.ru*, 29 May 2009, <[www.kommersant.ru/doc.aspx?DocID=1177855&NodesID=5](http://www.kommersant.ru/doc.aspx?DocID=1177855&NodesID=5)> (9 March 2010).

# Conclusion

When assessing outcomes from the creation of the collective security system based on the Treaty on Collective Security signed in May 1992, it is evident that the CSTO has already established a full-scale political-military alliance that at least partially and naturally compensates for the disappearance of the single Soviet defence space. Nevertheless, participating states are increasing interstate cooperation in various fields, including: the establishment of collective military forces, co-operation 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, and military and dual-use technologies. A significant step forward has been made in the last three years, whereby CSTO peacekeeping forces and the CRRF have come close to becoming operational. This is especially evident in view of the readiness of the CSTO to provide peacekeeping personnel for UN missions on the base of Memorandum of Understanding, signed between the CSTO and peacekeeping department of the UN Secretariat in September 2012. However, there is a long way to go in terms of reaching a common agenda among CSTO operational and effective collective forces.

The main direction of CSTO activity seems to be the further consolidation of political efforts to counter contemporary threats and challenges. 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 the CSTO is the potential for establishing close partnerships with regional international organisations, including NATO, the EU and the SCO, accounting for the specifics of each organisation. Of substantial interest in relation to the SCO is the antiterrorist capacity of that organisation, and its declared interest and readiness to undertake practical steps for strengthening security and stability in the Asian region, where the CSTO and SCO seek to protect and promote collective and national interests and positions.

However, analysis of legal policy and practice reveals specific problems. Not all states are equally committed to *bona fide* cooperation in the sphere of collective security. The CSTO is often criticized for being dominated by Russia, or positioned as a counterbalance to NATO. Moreover, despite its proclaimed openness and ad-

herence to transparency, real transparency remains elusive. The bulk of non-treaty documents adopted at the sessions of the CSTO organs are absent from the organisation's official databases. CSTO documents reflect inaccuracies in terminology and other technical issues. This point is especially important in view of the apparent underdevelopment of the system, particularly in terms of the peaceful settlement of international disputes. Nevertheless, the CSTO is recognized as a regional collective security organisation under Chapter VIII of the UN Charter.

In analysing the structure, procedures, and powers of the CSTO bodies, it is evident that a clear organisational structure has formed in the framework of the CSTO. This includes a senior body (CSTO CSC), executive consultative bodies that meet at the level of the heads of the 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 that meet at the level of the 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.

To date, 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 CSTO subject competencies, and 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 this contradicts the prevailing rules in the international arena and may interfere with the functioning of the CSTO as an international organisation.

Significant progress is being achieved in the sphere of the CSTO's cooperation with other international organisations. The CSTO actively cooperates with the UN; the organisation is expanding 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 the CSTO is as an international regional organisation taking steps towards strengthening its relations with the UN Security Council based on Chapter VIII of the UN Charter. The CSTO is required to receive the advanced sanction of the UN Security Council in order to conduct enforcement operations, and it is mandatory for the CSTO to inform the UN Security Council on the implementation of self-defence measures and peacekeeping activities. At the same time, the mechanism for the peaceful settlement of international disputes in the framework of the 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. To date, there is no

mechanism for the peaceful settlement of international disputes outside the territory of CSTO member states.

Today, 67 years after the drafting of the UN Charter, the very notion of collective security is much broader than what was envisaged in 1945. Besides the prevention and settlement of intra-state conflicts, it includes the prevention and settlement of internal conflicts, prevention of the very possibility of conflicts through *inter alia* security and confidence building measures, as well as the struggle against contemporary threats and challenges. In an interdependent world with limited resources, security goals may only be achieved through the coordination and sharing of tasks between various actors with due regard for the principles and norms of international law. The CSTO, which is primarily oriented at field tasks, is taking certain steps to become an important actor in cooperation with other organisations in the region (such as the UN and the OSCE).



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## **Annex I. Tasks and Functions of CSTO Bodies**

### ***Collective Security Council<sup>1</sup>***

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.
  - 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.

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<sup>1</sup> 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.

5.8. 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 (hereafter – 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<sup>2</sup>**

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.

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 Se-

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<sup>2</sup> 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.

curity Council (hereafter – 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 (hereafter – 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 organisation, 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 Ministers**<sup>3</sup>

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 (hereafter – 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.

5.2. Endorses or presents to the attention of the Council, within agreed timelines, 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 bod-

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<sup>3</sup> 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.

ies 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 CSTO<sup>4</sup>***

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.

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 of 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.

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<sup>4</sup> 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.

5.3. 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 Council<sup>5</sup>**

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.

5.4. 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 traf-

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

ficking 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 General<sup>6</sup>**

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 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

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

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 Assembly<sup>7</sup>**

#### **Art. 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.
- 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.

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

- 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 CST/CSTO**

- Treaty on Collective Security (15 May 1992) as amended by Protocol of 10 December 2010
- 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 (with three Protocols)
- 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) as amended by Protocol of 10 December 2010
- 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 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 secret information in the framework of CSTO (18 June 2004) with Protocol of 19 December 2012 (not yet in force)
- 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' CRDF 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) as amended by Protocol of 10 December 2010
- Agreement on the CSTO Collective Operational Reaction Forces (14 June 2009)
- Agreement on the status of formations of forces and means of the CSTO system of collective security (10 December 2010 – replaced Agreement on the status of the forces of the collective security system (11 October 2000))
- Agreement on the order of formation and functioning of the forces and means of the CSTO system of collective security (10 December 2010 – replaced Agreement on the procedures for establishment and functioning of the forces of the collective security system of the states participating in CST of May 15, 1992 (25 May 2001))
- Agreement on the preservation of the specialization of the enterprises and organizations participating in the production of military goods and munitions within the CSTO (10 December 2010)
- Agreement on the cooperation of the CSTO member states in development, production, exploitation, overhaul, modernization, and utilization of military goods and munitions (10 December 2010)
- Agreement on the general principles of establishment of international scientific-production entities in the CSTO for the production of military goods and munitions (10 December 2010)
- Protocol on the maintenance of technical and information compatibility of weapons and military equipment of forces and means of the CSTO system of collective security (10 December 2010)
- Protocol on the stationing of objects of military infrastructure on the territories of the CSTO member states (20 December 2011)

- Protocol on the composition and location of peacekeeping contingents of the CSTO member states (19 December 2012).

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