

EURASIAN INTERNATIONAL ORGANISATIONS: STATUS AND CURRENT ACTIVITIES

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Abstract: Among Eurasian international organizations, the Eurasian Economic Union and the Commonwealth of Independent States are usually analyzed in the legal teachings published in English. This paper assesses the contemporary role of these and other Eurasian international organizations. In discussing the relevant legal framework, the authors show that these regional organizations tend to share common traits and, at the same time, possess distinctive features. Eurasian economic integration has become a complex and competitive process. This resulted in a spate of new regional organizations and regional legal systems, including the law of the EAEU. In the context of new world challenges, including the *coups d'état* orchestrated by the US, Eurasian international organizations focus on the national economic and defense interests of the states in the region, though not always successfully.

Keywords: Eurasian international organizations, legal status, EAEU, CIS, EDB, EFSU, CSTO, SCO, EAPO.

INTRODUCTION

As noted, in the coming decades “we will not witness the emergence of anything resembling a world government” and at the same time “we will see major changes in the constitutive features of international society treated as a society of states,” which means that a realistic goal “is to develop a well-stocked toolkit that includes a range of mechanisms for addressing needs for governance” (Young, 2021, p. 7). Such “a range of mechanisms” certainly includes intergovernmental organizations, with Eurasian international organizations being among them.

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While the terms “Europe” and “European” are commonplace in law dictionaries and legal literature, that is not the case with the terms “Eurasia” and “Eurasian.” Hence, it seems justifiable to put the reader in a geographical context first. The geographical entity of “Eurasia” is essentially a combination of Europe and Asia. It usually serves as a tool to denote the territories of states in Europe and Asia, with many of such states being overloaded with cultural, historical, political, and ideological peculiarities rather than similarities. The usage of “Eurasia” as a concept of a single space (a single mainland) remains on “the perceptual margins,” while the term itself appears “exotic and vague” (Bassin, 2017, p. 210). For the purposes of this paper, the notion of “Eurasia” is used to draw political and geographical contours for interstate cooperation from Lisbon to Vladivostok and Shanghai, including former Soviet Union states and the so-called Eurasian pole. The Eurasian intergovernmental organizations created in this vast space can be grouped based on different criteria (without, however, drawing a critical taxonomic distinction). The first group of international and Asian organizations consists of organizations in which Russia is at the center of attention (CIS, EAEU, and CSTO). The activities of these organizations are directed first and foremost at cooperation in economic, social, military, and political areas. For example, China and Russia are actively developing military cooperation within the CSTO or economic relationships within the EAEU. The second group of Eurasian organizations are organizations in which Russia shares leadership with other countries, for example, the SCO. Other organizations, albeit not covered in this paper, are: the Organization of the Black Sea Economic Cooperation (OBSEC), the Summit of the Caspian States; the summits – the Council for interaction and measures of trust in Asia (SVMMA), the BRICS and RIK (Russia-India-China), and RMC (Russia-Mongolia-China). The third group of international regional organizations (without the participation of Russia) consists of organizations oriented towards Euro-Atlantic integration, dominated by EU member states and the US. These include the Commonwealth of a Democratic Choice (CDC) and the Organization for Democracy and Economic Development (GUAM). The fourth group are organizations with a prevailing Turkic and Persian-speaking population, such as the Economic Cooperation Organization (ECO), the Council of Cooperation of the Turkic States (SSTG), and the Union of the Persian Language States (UPS). Three Persian-speaking states (Iran, Tajikistan, and Afghanistan) cooperate within the UPS, and Kyrgyzstan, Azerbaijan, Kazakhstan, and Turkey are part of the Turkic Council. Trawling through the particulars of each organization, however, would require a substantial volume. The authors of this article, therefore, focused on the following seven entities: the Commonwealth of Independent States (CIS), the Eurasian Economic Union (EAEU), the Collective

Security Treaty Organization (CSTO), the Shanghai Cooperation Organization (SCO), the Eurasian Development Bank (EDB), the Eurasian Fund for Stabilization and Development (EFSD), and the Eurasian Patent Organization (EAPO). The interests of Eurasian states in such organizations are prevailing as well as the roles of such states. What these international organizations have all in common is that a) they are not universal; b) they reflect a will of their own (*volonté distincte*) – “mixed” political regimes of states of Eurasia; c) their “dates of birth” are after 1991 – all were launched after the collapse of the USSR. This article is organized into four parts. After this introduction, Part 2 explores the panorama of theoretical and organizational issues at the heart of constructing regional integration in Eurasia. It is considered, in particular, whether the constitutional documents of the Eurasian intergovernmental organizations are “regional arrangements” under Article 52 of the UN Charter. The central Part 3 focuses on the labyrinth of specific legal features of Eurasian integration, concentrating on the current status and activities of the selected Eurasian intergovernmental organizations listed above, reviewing their current state, agenda, real and perceived mandate, and respective achievements and constraints. And, finally, in Part 4, concluding reflections are suggested.

LEGAL FEATURES OF THE EURASIAN INTERGOVERNMENTAL ORGANISATIONS

The Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations of 1986 notes that “international organizations possess the capacity to conclude treaties, which is necessary for the exercise of their functions and the fulfillment of their purposes.” Also, the 1986 Convention applies only to intergovernmental organizations (Article 2). Eurasian intergovernmental organizations are not universal organizations. The difference between regional and universal intergovernmental organizations is usually noted in legal teachings because the membership and jurisdiction of the former “are limited to a particular group of States, such as those situated in a particular region” (Orakhelashvili, 2019, p. 114). Whether mainland Eurasia is legally a “region” is not an easy question. The Commentary to Chapter VIII of the UN Charter (*Regional Arrangements*) stipulates that the Charter “refrains from defining what is to be understood by the term regional” (The Charter of the United Nations, 2012, p. 1446). According to the authors arguing in favor of the geographical determination of the term “regional organization,” the common usage of the term “implies a geographic proximity of the Member States” (*Ibid.*, p. 1447). However, the prevailing view “today seems to be a pragmatic one, in the sense that some geographical

element is required. The precise extent, however, is left to a case-by-case assessment” (*Ibid.*, p. 1448). It is also important to note that the constituent instruments of Eurasian intergovernmental organizations are in full accordance with general international law. In the event of a conflict between the rules of the constituent instruments of Eurasian intergovernmental organizations and the provisions of the Charter, the obligations of member states of such regional organizations under the UN Charter shall prevail (Article 103 of the UN Charter). The international treaties concluded between member states of Eurasian intergovernmental organizations and the agreements of such organizations are opposable to their parties only. It is also not obvious what is meant by “Eurasian regional integration.” Generally, some authors focus on this notion by arguing that the term “regional integration” denotes a process of “complex social transformations characterized by the intensification of relations between independent sovereign states” (De Lombaerde, 2006, p. 9).

Incidentally, the phenomenon of regional integration crystallized after World War II and revolved mostly around trade and economics. Since the 1980s, however, next to economic cooperation, regional integration has evolved to bring under its roof dimensions of politics, diplomacy, security, culture, etc. The number of regional organizations is gradually ballooning. These organizations vary in functions, institutional set-up, size of membership, and impact. While the integration legal schemes are different, they also have enough common traits to be comparable (Vylegzhanin & Magomedova, 2021). Basically, they endeavor to create a favorable economic environment among member states (free trade, free movement of goods and services, investment and customs preferences, etc.) or to cooperate on security issues. Today, Eurasian regional intergovernmental organizations are a dynamic reality. To get the ball rolling, member states adopt more and more legal acts, which in turn trigger the activities of such organizations, including the perfection of international economic and legal standards. Moreover, such regional legal standards might penetrate the national legislative systems, thereby substantially modifying the national laws. Legal integration in Eurasia is characterized by a dual legal pattern: the adoption of acts by regional organizations at the international level; and the incorporation of these norms into the domestic legal system at the national level. The relevant interstate cooperation is aimed at legal fixing of integration processes in various spheres of their interaction “by means of reception, harmonization, unification, and standardization or the creation of uniform legal space” (Kurbanov, 2016, p. 103). The goals of Eurasian intergovernmental organizations are achieved through the compliance with specific obligations assumed by their member states (Anufrieva, 2016, p. 50). The participants of this international legal regime essentially agree to employ

special methods for the performance of their international obligations with the view to embracing a unified and harmonized system of national laws of the participating states – sensitive to its sovereignty implications. New relations stimulate the articulation of a regulatory framework for solving new challenges. Today, there is a trend towards the formation of regional legal systems, especially in Western Europe; a similar process is taking place in Eurasia. European Union (EU) law is often described in legal teachings as an illustration of a consolidated branch of legislation, where EU law enjoys supremacy over the laws of its member states. The institutional design of the EAEU resembles that of the EU to some extent, but the constitutive documents of the Eurasian intergovernmental organizations do not contain provisions to build supra-national institutions; on the contrary, they are “intergovernmental” coordinators of sovereign wills (Pimenova, 2019, p. 83).

The collapse of the USSR in 1991 was a shocking political event with far-reaching consequences for the economy in the post-Soviet territories, leading also to the formation of 15 independent states instead of the 15 former republics of the USSR. Many new sovereign states required new mechanisms of interaction for various spheres of public life that would address the geopolitical realities of that historical stage. The new national political elites in the former Soviet republics came up with initiatives to establish regional organizations. The unified political, social, and economic mechanisms that once operated in the USSR put enormous pressure on the formation of such ties. Overwhelmed with new economic problems and other demands, the newly formed states had to determine their place in the world community. On December 8, 1991, the former Soviet republics signed the Agreement of the Commonwealth of Independent States (CIS), which paved the way for further integration processes in Eurasia while preserving the economic ties between the newly formed states.

STATUS AND CURRENT ACTIVITIES OF THE CIS AND OTHER EURASIAN INTERNATIONAL ORGANISATIONS

Integration processes within the territory of the former Soviet Union were spurred by a series of special factors that encouraged the countries to partner up in the search for solutions to their geopolitical problems. After the dissolution of the USSR in 1991, a number of new organizations mushroomed in Eurasia. Those organizations primarily have multi-vector functioning. Moreover, a member of one regional organization might participate in another regional organization with similar functions. Eurasian integration has been a

complex and sometimes contradictory process. Nonetheless, a number of regional organizations have been established and remain operational to date, including the CIS, the SCO, the EAEU, and the CSTO. Despite the natural centrifugal drift after the collapse of the Soviet Union, they continued to manifest various forms of cooperation. Furthermore, despite their initial proclamations, certainly not all the ambitious goals of these organizations were achieved. Nonetheless, public demand for restoring or creating a new integrated entity has remained strong in many post-Soviet republics. Despite criticism levied in legal teachings against the effectiveness of the existing Eurasian structures, these days they serve as important political institutions. In the early 1990s, public attention was drawn predominantly to the CIS. Today, legal scholars research the status and activities of such Eurasian intergovernmental organizations as the EAEU, the SCO, and the CSTO. Less attention is devoted to the legal dimension of other Eurasian organizations, which will be addressed further.

The Commonwealth of Independent States (CIS)

The CIS was born out of the USSR's President Gorbachev's initial attempts to somehow regenerate the Soviet Union. At the point of the formation of the CIS, its founding documents did acknowledge the need for cooperation and policy coordination in several spheres. The initial three founding members of the CIS (Belarus, Russia, and Ukraine) signed a document on December 8, 1991, outlining a comprehensive program of economic cooperation. Article 7 of the *Agreement on the Creation of the Commonwealth of Independent States* referred to joint activities in the spheres of foreign policy, the creation of a "common economic space," transport and communications systems, environmental protection, migration policy, and the suppression of organized crime (Vylegzhanin et. al., 2022). These provisions were subsequently accepted by the CIS's other founding members. After Georgia joined the CIS in 1993, all 11 states that were former Soviet republics – excluding the three Baltic former Soviet republics – are now members of the CIS. The CIS constitutional documents provide for the respect of the sovereignty of participating states. In this regard, the *coup d'état* in Kiev in 2014 (after which Ukraine ceased to be a sovereign state and is often regarded as "governed from Washington") is qualified in Russian legal literature as a *rebus sic stantibus* fact (Narishkin, 2015, pp. 5-10; Voronin, Kulebyakin, Nikolaev, 2015, pp.18-19). As noted, Western scholars "typically relied on Western news reports and statements by Western states and organizations to develop their understanding of the facts". Whereas Russian scholars, for instance, "detailed the deep connections between ethnic

Russians in Ukraine and Russia based on their history, language, and culture". Scholars from Russia assert that the "US and the EU mass media" ignore these facts, but eventually "this fraud will be revealed" [Roberts, 2017, p. 236]. In the 1990s, the mere existence of the CIS helped almost all post-Soviet states to build relations with Russia and promote bilateral relations among themselves in their status as independent international actors. However, the CIS was hardly a very influential international organization. The evolution of a conflict-free interstate entity in the 1990s was largely due to the CIS conveniently inheriting and effectively conserving the elements of the past cohabitation, including shared linguistic culture and value orientations, educational and professional spirit, common statehood, and the positive memories of the USSR population about the common struggle against Nazi Germany in 1941-1945, etc. Strange as it may seem, it was not Russian President Eltsin who took the lead in the process of the development of the CIS. It was Kazakhstan's President Nazarbayev who stood out for his especially positive activism in this respect. A range of factors pointed to the objective necessity for regional cooperation, ranging from aspects of mutual transport and resource interdependence to the limited economic viability of a majority of the former republics (Sakwa and Webber, 1999, p. 386). These factors, however, translated over time to the problems of uncoordinated fiscal, customs, and investment policies. Even President Nazarbaev eventually acknowledged that economic integration was impossible among economies experiencing different rates of growth and reform. The CIS's main contemporary problem is that its space has become loose and non-homogenous, and consequently it is losing its original values. The rectification of this space within its new value-related boundaries, without ignoring the common past and introducing positive development elements into the new fields of cooperation, might be the principal vector of the current CIS activity.

The Eurasian Economic Union (EAEU)

The EAEU is arguably the latest legal attempt to reintegrate the post-USSR republics, at least some of them. What became clear in analyzing the history of economic integration after the collapse of the USSR is that the EAEU inherited the legacy of previous positive waves of reintegration, both in terms of the legal consciousness of the peoples of the former USSR and relevant institutional frameworks. Back in 1995, the idea of a regional Customs Union (intended to "shield" Eurasian markets against foreign economic expansion) was expressed within the CIS platforms. The EAEU project was founded by Russia, Belarus, and Kazakhstan. Taking into account that some Asian states were working to transfer their production to Kazakhstan and Belarus, Russia insisted on

integration into its Single Economic Space in order to establish a Union. Since then, more sophisticated economic integration, this time within the framework of the Eurasian Economic Community, has been pursued, albeit in the form of the Eurasian Customs Union and the Single Economic Space (SES). Thereafter, Russia came up with its own integration initiative, which evolved into a proposal to set up the Eurasian Economic Union in 2011. It is now almost axiomatic that the EAEU has incorporated these previous efforts both legally and institutionally. The concept of the “Law of the EAEU,” as described in the Treaty on the EAEU, employs a normative approach by using an obvious dichotomy (Anufrieva, 2016, p. 55). Article 6 operates with such types of international legal acts as international treaties and acts of the EAEU bodies (decisions and orders of the Supreme Eurasian Economic Council, the Eurasian Intergovernmental Council, and the Eurasian Economic Commission). International treaties concluded within the EAEU are the main relevant sources of the law of the EAEU. What is also important is that national governments of the EAEU states are not passive participants in the relevant meetings; they play a major role in the EAEU decision-making, while the EAEU institutions are to provide an intellectual capital for informed decision-making and competent national governments’ interaction (Strezhneva, 2016, p. 6). The signing of the *Agreement on the Common Customs Tariff* (CU) was an important event, as was the pace of establishing relevant integrated mechanisms. From January to December 17, 2010, basic international agreements were elaborated. By November 2011, the *Declaration on Eurasian Economic Integration* was signed and the decision to set up a Eurasian Economic Commission institutionally formalized the establishment of the organization. In December 2011, the presidents of Belarus, Kazakhstan, and Russia issued a “*Decision on enacting international treaties establishing the SES*” dated January 1, 2012. This, in turn, smoothed the path for the *Treaty on the Eurasian Economic Union*, which was signed on May 29, 2014, and entered into force on January 1, 2015. One of the rationales offered to justify the creation of the EAEU was described as “Moscow was seeking to create an integration instrument that was superior to all previous competing projects” (Turarbekova, 2020, p. 9).

European integration was taken as a model, but by that time, the European Union had already struggled with its own challenges. Moreover, the EU adopted a new “Eastern partnership” initiative as part of its ambitious European Neighborhood Policy. There may be some ground for frustration: this initiative attracted countries that were also involved in the EAEU, such as Belarus and Armenia. Having suffered a setback (though not an irrevocable one), Moscow decided to accelerate the EAEU project. In the meantime, Eurasian institutions had clear weaknesses and represented decidedly unstable structures. One of

the often-cited reasons for this was the fact that neither the states nor their societies had enough time to recognize and formulate their interests and strategies in the project. Incidentally, Minsk and Astana insisted that the nature of the Union remain purely economic. Hence, the EAEU agenda is exclusively economic. At the same time, the EAEU and its adjacent institutions do not have an agenda dealing with security risks. But even if one puts aside any debate over the security concerns, the lack of an environmental agenda in the EAEU has been also occasionally subject to criticism (Vinokurov and Libman, 2017, p. 10). According to a Chinese proverb, life in times of change is a curse. The institutionalization of the EAEU as a single economic entity took place in extremely difficult and contradictory conditions. By setting up quasi-supranational bodies like the Eurasian Commission and the Eurasian Court (which, according to the relevant constitutional documents, do not have supranational powers), the project is effectively being challenged. One illuminating example concerns Belarus's attempt in 2020 to improve their functionality by amending the Treaty. The attempt was blocked by its Kazakh partners for "practical" reasons. In an attempt to portray the EAEU as a limited and declarative entity, foreign science and professions deliberately focus on "multiple internal and external crises, which will prevent this organization from achieving its main goal — the development of the economies of its member states" (Poita, 2020, p. 21). However, by 2015, the EAEU had evolved into a regional powerhouse with substantial competencies. Of particular significance are its customs union and common customs tariff. However, a common labor market is, by all means, the pinnacle of its efforts to harmonize and strengthen the legal regime which helps labor migrants enjoy national treatment. True to its core values, the EAEU's current agenda includes the common financial market, common transport policies, unification/removal of non-tariff barriers, creation of free trade areas, etc.

The Eurasian Development Bank (EDB) and the Eurasian Fund for Stabilization and Development (EFSD)

Apart from the EAEU itself, there are two institutions which are basically part of the EAEU's "ecosystem". The first institution is the EDB, with six member states and a paid-up capital of \$1.5 billion and an investment portfolio of \$4.3 billion as of 2019. The EDB's strategy for 2022-2026 envisages investing at least \$500 million in projects in Armenia, Kyrgyzstan, and Tajikistan, on top of the money that the ESDF could provide. Another institution is the ESDF, with a capital of 8.5 billion dollars and the same six member states. The ESDF has grown to be a key source of sovereign financing and a significant source of

development financing in the region. The projects range from a highway in Armenia to a hydropower station in Kyrgyzstan. Essentially, the EFSF was designed to provide budget and crisis-fighting support to its member states. In some respects, the functions of this regional organization might be considered similar to those of the International Monetary Fund, i.e., a universal international organization and a UN specialized agency. Evaluated in this light, the EAEU institutions make a visible contribution to the economic cooperation between the post-Soviet states, which has a direct consequence of enhanced predictability and stability. This is found by a preponderance of the data evidence. For instance, in 2015, mutual trade imports amounted to 18% of the total EAEU imports versus 15.6% in 2014. Echoing these developments, the EAEU's mutual foreign direct investment (FDI) demonstrated remarkable resilience to the economic crisis. To illustrate, in 2012, total mutual FDI in the CIS countries reached \$57.2 billion. Thereafter, FDI fell by 26%, or \$15 billion in the CIS countries, and only 14%, or \$4 billion in the five EAEU countries over the same period (Vinokurov and Libman, 2017, p. 9). Some mention should be made of smaller nations participating in this project, such as Armenia and Kyrgyzstan. A crucial benefit for these labor-exporting states is, by all means, the highly sought-after access to the common labor market with unrestricted migration traffic. While the migration regime in Eurasia remains relatively open, with Russia and Kazakhstan attracting migrants from other Central Asian states, Moldova, and Armenia, the legal status of migrants outside the EAEU is much more restricted. It is even more troubling when migration flows are at risk because of political frictions between countries. The inescapable conclusion is that the EAEU common market is particularly helpful to the Union's smaller economies. The magic of the EAEU common market lies in the ability to assist its constituents at the bilateral level, which is exhibited by reference, for instance, to the establishment of a \$1 billion Kyrgyz-Russian Development Fund as part of the Kyrgyz accession package. By the same token, the Armenian accession package provided for a reduction in Russian export duties on natural gas and rough diamonds. Together with EFSF budget support loans in the amount of \$3 billion, Belarus benefits from consistent bilateral loans and favorable oil and gas prices (Vinokurov and Libman, 2017, p. 10).

The Collective Security Treaty Organization (CSTO)

The CSTO is firmly rooted in the 1992 *Collective Security Treaty*, signed by Russia, Armenia, Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan, though the past is not always a guide to the future. Over the years, membership has shifted significantly. In 2002, the members agreed to institutionalize the CSTO

as a military alliance. Since 2012, the organization has comprised Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia, and Tajikistan. There has been a growing awareness that the military alliance's membership fully coincides with the membership of financial institutions EDB and EFSD. This is actually propitious for a "leaner and meaner" organization with clearer and more efficient modes of operation (Hough, 2015, p. 326). Articles 3 and 7 of the CSTO Charter provide that the CSTO's main purpose is to ensure the collective security of its member states in the event of a threat to their security, stability, territorial integrity, and sovereignty. To achieve this, the CSTO has temporary and permanent command and control bodies, as well as military forces and means to eliminate any imminent military threat. To ensure a timely response to threats, the CSTO has developed an action mechanism in line with Article 2 of the *Collective Security Treaty* whereby member states are expected to immediately launch the mechanism of joint consultations to coordinate their positions and develop and take measures to provide assistance, including military assistance. The CSTO's additional and auxiliary tasks include arms trade at domestic prices, training personnel for the armed forces, special services, and law enforcement agencies. The CSTO has received little critical coverage in the academic literature, which renders any further research more difficult. When considering the current activities of the CSTO, the residual sense of unease comes from the gap between the mandate and the actual capacity of the organization. A traditional issue that has never been resolved entirely relates to the limited actual use of the CSTO in cases of conflict. By far the most intensive discussion on the CSTO's actual capacity has taken place in the context of Nagorno-Karabakh events, where the CSTO consultation mechanism and other means have not been put into action. The reason is that, according to the position of Azerbaijan, it is the principle of "territorial integrity" that applies according to Article 2 of the UN Charter. Thus, Nagorno-Karabakh has always been part of Azerbaijan. According to the position of Armenia, it is the principle of self-determination of peoples which is applicable under Article 1 of the UN Charter. Thus, Nagorno-Karabakh has become part of Armenia. This does not mean that the CSTO is not an effective Eurasian international organization. The 2021 attempts at a *coup d'état* in Kazakhstan were effectively addressed by the CSTO. The CSTO is sometimes compared to NATO. While this comparison is understandable, it does not do justice. The legal reputation of NATO has deteriorated with a number of military interventions in a state against the will of a territorial sovereign. The military intervention of the US in Iraq (supported by other NATO members) brought the deaths of more than 600,000 Iraqis (Yee and Morin, 2009; Torkunov and Malgin, 2012), and NATO bombardments of civilian objects in Belgrade are recognized tragedies. Such military

interventions were never a part of the CSTO's history. Another focal point of difference between the two is fairly obvious: the CSTO has nothing comparable to NATO's Article 5, which prescribes collective defense obligations. On the contrary, Article 3 of the CSTO Charter states: "The goals of the Organization shall be the strengthening of peace, international and regional security and stability, and the protection of collective independence, territorial integrity, and sovereignty of the Member States, which the Member States shall prefer political means to achieve". This somewhat generally worded provision is significant because it equates military protection with the possibility of military cooperation between the member states. Currently, the CSTO holds yearly military exercises between all the member states. Member nations can purchase Russian military arms at favorable prices, which encourages cooperation. In turn, Russia trains some 2,500 military personnel from the CSTO member states free of charge in its military academies (Bystrenko, 2015, p. 12). One final point worth considering is that the organization addresses issues such as environmental security, drug trafficking, human trafficking, and organized crime (Vylegzhanin et al., 2022). The year 2016 saw the arrival of the CSTO Crisis Response Center, which is entrusted with research and technical tasks, including real-time information exchange and anti-terrorism measures.

The Shanghai Cooperation Organization (SCO)

The origins of the SCO can be traced back to 1996, when the Shanghai Five (the informal grouping of China, Kazakhstan, Kyrgyzstan, Russia, and Tajikistan) was established. In 2001, it was transformed into the SCO. China has been actively involved in Eurasia's development since the early 2000s. What made SCO distinctive as a regional organization is that it was essentially China's first integration initiative in Eurasia. There is an irony in the way in which the SCO has developed with no ideological framework and no distinct integration objective. Initially, China showed its intention to ensure more security through the new integration. The original informal grouping had a singular security focus: its aim was to resolve border disputes between post-Soviet countries and China. These disputes were inherited from unresolved border issues that in the 1960s led to military incidents at the Soviet-Chinese and Mongolian-Chinese borders. However, plans to maintain the Russian-Chinese order in Central Asia were challenged following the events of September 11, 2001, which led to the establishment of US military bases in Central Asia. The SCO's growth as a security organization was halted for five years. From 2001–2008, Beijing reconsidered its priorities and aspirations with regard to the SCO framework. China became more focused on economic cooperation, whereas Russia

continued to push for cooperation in security. Shaken but not stirred, the relationship between China and Russia developed. Institutionally, the member states put sweat and tears into the adoption of the founding documents. The Charter of the SCO was adopted in 2002. However, even when finally adopted, it was still missing a number of important provisions (Turarbekova, 2020, pp. 8-9). According to the SCO Charter of 7 June 2002, one of the most important goals pursued by the organization is to strengthen mutual trust, friendship, and good neighbor relations, and to promote effective cooperation in the political, economic, scientific, technical, cultural, educational, energy, transport, and environmental spheres. Taken as a whole, the SCO strictly complies with the purposes and principles of the UN Charter; stands for the equal rights of SCO members, and resolves all issues through negotiation. It is indeed committed to the principles of mutual trust, mutual benefit, coordination, respect for the diversity of civilizations, and common development. The SCO's core tasks are associated with "hard security." However, unlike the CSTO, which focuses on very traditional security domains, SCO covers a broader set of security issues, including trafficking. It is beyond doubt that, in the security domain, the SCO's cooperation is real and tangible. Since 2003, numerous military exercises have been conducted in the SCO states. Some exercises have a clear anti-terror focus with simulations of terrorist attacks (e.g., the Volgograd exercise in 2008 against an oil tanker; or the Vostok exercise in 2006 against Uzbekistan's Institute of Nuclear Physics). In 2011, Russian President Vladimir Putin wrote an article titled "The New Integration Project for Eurasia — the Future Which Is Born Today" in which he declared a further move towards the development of Eurasian integration. This appears doubly critical in light of the current political, legal, and economic challenges and the emergence of new threats. Experts argue that some Eurasian intergovernmental organizations largely play "a window-dressing role, sometimes even pursuing the interests of some members to the detriment of others" (Poita, 2020, p. 18). Besides security cooperation, the SCO has increasingly devoted its attention to economic and social issues. According to its Charter, the organization wants to "promote balanced economic growth, social and cultural development for the purpose of raising living standards and conditions." In 2005, the SCO adopted an action plan on multilateral trade and cooperation and agreed to realize the free flow of goods, services, capital, and technology within 20 years. According to the *Joint Communiqué* from 2009, the SCO member states agreed to intensify economic cooperation in order to overcome the consequences of the global economic crisis and ensure further development. Trade and economic relations between the six SCO member states have a long history and span through various projects, including communications and telecommunications, the

construction of a terminal complex for the export of liquefied petroleum gas (LPG) and general cargo in Azov, the Technopark “Konstantinovo”, the SCO industrial and logistics infrastructure, investment projects in Uzbekistan, and the University of the SCO. In the first decade after its inception, the SCO has shown significant achievements in politics, security, economic and humanitarian issues. As if to prove the point, Russia professes its faith in the SCO and its potential. According to the National Security Doctrine of 2009, it will be “especially important to strengthen the political potential of the SCO and to stimulate its practical steps (...), to boost mutual confidence and partnership in the Central Asian region”. At the SCO summit in June 2012, President Vladimir Putin stated that the organization had achieved sound success and had become a visible player in international politics (President of Russia, 2012, June 7). Incidentally, in 2015, India and Pakistan joined the SCO (after several years of being observers). The current four observer states include Afghanistan, Belarus, Iran, and Mongolia. There are also six “Dialogue Partners”, including Armenia, Azerbaijan, Cambodia, Nepal, Sri Lanka, and Turkey. Iran has repeatedly expressed its willingness to become a full-fledged member of the SCO, and finally, in 2021, the decision was made to start the accession process of Iran to the SCO as a full member. Most recently, Egypt, Qatar, and Saudi Arabia have become dialogue partners.

The Eurasian Patent Organization (EAPO)

After the breakup of the Soviet Union, there was and still is an active exchange of goods among the states. However, individual Intellectual Property (IP) regulations were a major obstacle on the way towards smooth cooperation between the Eurasian countries. When the situation reached its pitiful nadir, the countries decided to develop an instrument of specific regional cooperation. Following a series of international meetings (and even with the involvement of the World Intellectual Property Organization), the desired association was finally found. The *EAPO's constitutional document* was signed in 1994. The accompanying *Eurasian Patent Convention* was signed by Azerbaijan, Armenia, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, the Russian Federation, Tajikistan, and Ukraine. The Convention came into force on August 12, 1995. Incidentally, not all countries ratified the Convention. Since its inception, the organization has been shaping the global IP regional landscape. Throughout the past 25 years, some 22,700 Eurasian patents have been granted at the EAPO. A Eurasian patent, unlike its European counterpart, is a unitary patent and does not require translation into national languages; the relevant application is filed and examined in the Russian language. The

countries which are parties to the Eurasian Patent Convention have similar Intellectual Property legislation, which, however, is not identical legally and institutionally. For instance, Russia has an IP court, while other Eurasian countries do not have such specialized courts and some of them do not have much experience in the settlement of IP disputes.

CONCLUSIONS

Eurasian intergovernmental organizations share a number of common patterns, and at the same time, they tend to reveal certain substantial legal peculiarities. For financial organizations, the EDB and the EFSF contribute to the already existing network of organizations (along with other regional initiatives). Slow progress is a reality for economic integration organizations like the EAEU. One of the current challenges to be addressed in this area is to harmonize the regional economic legal regime with planetary economic governance. While there is no real evidence of constraining Eurasian countries in terms of their commitments towards global economic institutions, there is also no evidence of the active and smart economic cooperation of Eurasian intergovernmental organizations or their member states at the universal level. As for security regionalism, non-interaction with the most influential western military institution, NATO, appears to be the best possible strategy for the CSTO, taking into account mistrust relating to NATO as expressed by some countries in Asia, Africa, and Latin America. Another example of regional security governance in Eurasia, the SCO, was established as an international organization with a security agenda aimed at settling cross-border disputes among Central Asian states (known back then as the Shanghai Five). Though the SCO has evolved into a more economic organization, the security concerns of China and Russia play an important role in the SCO's involvement in post-Soviet Eurasia and define its interconnection with member states and neighboring countries. The case of the SCO is especially illuminating in this context, as China used the SCO as a bridge to form a joint security agenda with Russia.

REFERENCES

- Anufrieva, L.P. (2016). Eurasian Economic Union and the Law of the Eurasian Economic Union as per International Law Dimension. *Moscow Journal of International Law*, 4, pp. 48-62.
- Bassin, M. (2017). Eurasia, in: D. Mishkova and B. Trencsényi (Ed.), *European Regions and Boundaries* (pp. 210-232). New York, Berghahn Books.

- Bystrenko, V. (2015). CSTO, an uneasy way to collective security. *Science and World*, 2(18), pp. 10-14.
- Kurbanov, R.A. (2016). The Modern Trends of the Regional Integration and Eurasian Law. *International Studies Journal*, 13(2), pp. 79-113
- Lombaerde, P.D. (2006). *Assessment and Measurement of Regional Integration*. London and New York, Routledge.
- Narishkin, S. Response to the questions of the Editor-in-Chief of the Moscow Journal of International Law (2015). *Moscow Journal of International Law*, (1), pp. 4-10.
- Orakhelashvili, A. (2019). Akehurst's Modern Introduction to International Law. Eighth Edition. New York, Routledge.
- Pimenova, O. (2019). Legal Integration in the European Union and the Eurasian Economic Union: Comparative Analysis. *International Organisations Research Journal*, 14(1), pp. 76-93.
- Poita, Yu. (2020). The Crisis in Eurasian International Organisations, in: R. Turarbekova (Ed.), *The Eurasian Network of Regional Initiatives and Organisations* (pp. 18-23). Friedrich Ebert Stiftung.
- President of Russia (2012, June 7). Address at the meeting of the SCO Council of the Heads of State.
- Roberts, A. (2017). *Is International Law International?* Oxford University Press. pp. 236-238.
- Sakwa, R., Webber, M. (1999). The Commonwealth of Independent States, 1991-1998: Stagnation and Survival. *Europe-Asia Studies*, 51(3), pp. 379-415.
- Strezhneva, M. (2016). Nationality and the Principle of Subsidiarity in the EC and in Ego Predecessors. *World Economy and International Relations*, 60(6), pp. 5-12.
- The Charter of the United Nations. (2012). B. Simma et. al. (eds). *A Commentary*. Third Edition. II. Oxford, University press.
- Torkunov, A., Malgin, A. (2012). *Modern International Relations*, Moscow. (in Russian).
- Turarbekova, R. (2020). Eurasia: Regional Cooperation or Integration? in: R. Turarbekova (Ed.), *The Eurasian Network of Regional Initiatives and Organisations* (pp. 8-10). Friedrich Ebert Stiftung.
- Vinokurov, E. and Libman, A. (2017). Eurasian integration and its institutions: possible contributions to security in Eurasia. *MPRA Paper*, pp. 1-18.

- Voronin, E., Kulebyakin, V. and Nikolaev, A. (2015). Coup d'État in Kiev in February 2014: International Law Context and Consequences. *Moscow Journal of International Law*, (1), pp. 11-28.
- Vylegzhanin, A., Magomedova, O. (2021). The Concept of International Legal Policy Revisited, in: Duško Dimitrijević (Ed). *The Serbian Yearbook of International Law*. Belgrade, SAIL.
- Vylegzhanin, A., Young, O., Rasmus Ovretveit, O., Berkman, P.A., Balton, D.A. (2022). *Building Common Interests in the Arctic Ocean with Global Inclusion*. New York, Springer International Publishing
- Yang, H. (2016). The Asian Infrastructure Investment Bank and Status-Seeking: China's Foray into Global Economic Governance. *China Political Science Review*, (1), pp. 754-778.
- Yee, S. and Morin, Y. (Editors). *Multiculturalism and International Law*. 2009. pp. 68-70.
- Young, O. (2021). *Grand Challenges of Planetary Governance. Global Order in Turbulent Times*. Cheltenham, Edward Elgar Publishing.