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The Rise and Fall of Russian Treaty Activism in the Post-Soviet Space

Ross St Clair Gower

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SUMMARY

Russia has initiated more treaties than any other country and the majority of these treaties exist between Russia and the different nations that comprise the post-Soviet space. Russia’s treaty activism has post-Soviet integration with Russian domination as its ultimate object. This paper examines the most important Russian-led treaty-based integration projects affecting the post-Soviet space, and analyzes the nature of the challenges that affect them. I examine how these projects, especially Moscow’s goal of a Russian-led Eurasian Union, conflict with the European Union’s Eastern Partnership initiative. I outline how Russia’s aggressive behavior and history of failing to honor its international obligations ultimately inhibits its ability to secure regional cooperation. Putin seeks modernization and global influence through the creation of a Eurasian Union. His forceful tactics, however, fail to take into account the complicated new political world, one in which modernization requires the recognition and respect of ‘Western’ values.

Key words: Commonwealth of Independent States (CIS), Collective Security Treaty Organisation (CSTO), Eurasian Economic Community (EurAsEC), Eurasian Economic Union (EEU), Association of Georgia Ukraine Azerbaijan Moldova (GUAM), Russia, treaty activism, regional integration, collective security

1. Introduction

Since the fall of the Soviet Union, Russia has invested a tremendous amount of effort into initiating treaty-based integration projects in the post-Soviet space. Russia has employed the use of treaty activism for the purpose of achieving dominance in the post-Soviet region, and global influence as an independent power.¹ This paper examines the most important Russian-led treaty-based integration projects affecting the post-Soviet space, and outlines their challenges. The most effective projects have encouraged inter-state integration based on

Russia’s regional security interests, its wide diplomatic relations, and through its efforts to unite the Eurasian economy. The ultimate goal is what Putin sees as his political legacy: a Russian-led Eurasian Union. I examine how these projects conflict with European interests, specifically, the European Union’s Eastern Partnership initiative. I argue that Russia’s history of failing to honour international obligations, and the aggressive methods it employs to secure international ‘cooperation’, ultimately conflict with its promotion of regional integration and the goal of establishing a Eurasian Union. Putin’s approach for achieving a Eurasian Union fails to take into consideration the complicated new political world, one in which modernization requires the recognition and respect of ‘Western’ values.

2. **Russia’s Treaty Activism Amongst Post-Soviet States**

“No state has initiated as many bilateral and multilateral treaties as has Russia, and this has occurred across a diversity of policy areas, ranging from infrastructural and economic concerns, to energy and security.”\(^2\) A wide array of these multilateral and bilateral treaties has enabled Russia to maintain a vast network of influence and association amongst a majority of post-Soviet countries. The Commonwealth of Independent States (CIS) was the first such association. It was formed by the execution of the Belavezha Accords,\(^3\) which, at the same time, dissolved the Soviet Union.\(^4\) Within the CIS, Russia has been extremely successful at establishing bi-lateral treaties with other members of the multilateral treaty-based group. This tactic has acted as an effective way of creating closer ties and cementing political, economic and military relationships with post-Soviet states. Soon followed other major treaty-based integration projects, such as the Collective Treaty Security Organization, the Shanghai Cooperation Organization, and most importantly, the Eurasian Economic Community (involving both the Customs Union of Belarus, Kazakhstan and Russia (Customs Union), and the Single or Common Economic Space).

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\(^2\) Willerton, Slobodchikoff and Goertz, “Treaty networks, nesting, and interstate cooperation: Russia, the FSU, and the CIS” 2012 15:19 International Area Studies Review 59 [Willerton], at 61.


Russia’s ‘treaty activism’ is not merely a post-Soviet phenomenon; it has been a historical practice. It is estimated that during the period of 1917-1957, the Soviet Union signed over 2000 treaties with 85 countries. “[D]ivorced from most of the mainstream global intergovernmental arrangements, the USSR relied upon a diversity of other institutional and treaty means ‘network’ itself to its bloc members; those means entailing unrelenting Soviet Russian pressure and allied states’ required accommodation.” The collapse of the Soviet Union nullified a wide variety of existing arrangements between states, and “domestic interests, combined with regional and global geo-strategic realities, necessitated post-Soviet Russia’s and former allied states’ immediate reengagement of one another.” The Soviet states were aware of this, which is why the ‘reengagement’ was instantaneous, by simultaneously abolishing the Soviet Union and creating the CIS. The means for repairing the severed ties were treaties. During this period Russia established many bilateral agreements with CIS member-states. By “the end of 2005 Russia had initialed over 1300 treaties [with CIS member-states], with more than 400 of these treaties in the security area.” Moreover, “these totals do not include treaties for the Russian–Belarusian bilateral relationship, which was said at the time to be evolving toward a single union state; for the period 1991–2005, a total of 599 Russian–Belarusian treaties were signed.” As a basis for comparison, it took approximately 200 years for the United States to sign 1,500 international treaties. Russia signed more treaties in 14 years with post-Soviet states alone.

Given that Russia favours treaty activism as its method of international networking, it is necessary to consider the legal weight given to these agreements, from both theoretical and practical perspectives. Theoretically, international law supersedes Russian domestic law. This is surprising, considering that Russia is not known for submitting its political will to other legal entities. Willerton, Slobodchikoff and Goertz explain that the 1993 Russian Constitution reinforces the importance of both treaties and international law. Article 15 of the Russian Constitution states:

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5 I borrow this useful term from Willerton at 60.
6 Ibid at 65.
7 Ibid at 65.
8 Ibid at 65.
9 Willerton at 65.
“The commonly recognized principles and norms of the international law and the international treaties of the Russian Federation shall be a component part of its legal system. If an international treaty of the Russian Federation stipulates other rules than those stipulated by the law, the rules of the international treaty shall apply.”

Gennady Danilenko asserts that this constitutional adoption of the supremacy of international law is the case with many CIS states. In 1998 Danilenko noted, “it is still too early to draw definite conclusions on whether courts of a particular country would be willing to base their decisions on international law.” Ten years later, Shawn Boyne, reviewing a paper by William Butler, stated: “In retrospect, when viewed against the backdrop the increasingly autocratic course set by the Kremlin, the initial optimism regarding the role that international law would play in shaping governmental behaviour seems to have been premature.” Butler cites Ginsburgs as highlighting that Russia’s record of compliance with international law has been erratic, and he goes on to assert that Russia’s reception of international law appears to have differed historically based on the nature of the political interests concerned.

The Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) published a report on September 14, 2012, concerning the Russian Federation’s adherence to obligations and commitments to the Council of Europe from 1995-2012. Although the Monitoring Committee recognized and welcomed some positive steps taken over the years, the report overwhelmingly dealt with concerns about Russia’s failure to fulfill its international legal obligations. The report’s conclusion begins with the following statement:

“The overall state of democracy in Russia raises concern and progress in the fulfilment of the country’s obligations and commitments is slow. In this report, we have pointed to numerous problems in all areas of our interest, namely pluralist democracy, the rule of law and human rights, both at the level of legislation and its imple-

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13 Ibid at 50.
15 Ibid.
mentation. Russia should increase its efforts and advance more quickly on the way to democratization.”

Russian nationalists find controversy with the existence of Article 15 of Russia’s 1993 Constitution, even though there is no evidence that suggests Russia actively adheres to it, or that it would enforce international law over and against domestic law in the event of a legal challenge. Some of those who wish to resurrect Russia’s ‘superpower’ status regard Article 15 as incompatible with this goal, because it conflicts with the independence of political will. In 2013, President Vladimir Putin stated that priority should be given to national law, certainly because he holds that same view. In 2008, after winning the bid the host the 2014 Winter Olympic games, Putin proclaimed to the world, “at last Russia has returned to the world arena as a strong state—a country that others heed and that can stand up for itself.” This is a fine example of institutional visibility. Russia is continually both professing and asserting the independence of its political will on the international stage, which effectively nullifies the practical weight of Article 15.

It is clear that the theoretical legal weight of international law in Russia differs from its practical legal weight. Russia continually fails to commit to certain broader international obligations, especially with respect to Western principles of democracy and human rights. Yet, despite its poor reputation in respecting international law, Russia continues its long tradition of treaty activism, especially amongst CIS states. The question remains as to whether its failure to honour international obligations, and the methods it utilizes to secure the cooperation of other states, will ultimately hinder its attempts at promoting regional integration.

18 Ibid.
3. **The Commonwealth of Independent States – A Post-Soviet Enterprise**

On December 8, 1991, the Heads of State of the Russian Federation, the Republic of Ukraine, and the Republic of Belarus signed the Belavezh Accords, marking the demise of the Soviet Union and simultaneously establishing the CIS. On December 21, 1991, the Heads of State of eleven post-Soviet states signed the *Alma-Ata Declaration*, confirming their membership in the CIS; these were: The Republic of Armenia, the Republic of Azerbaijan, the Republic of Belarus, the Republic of Kazakhstan, the Republic of Kyrgyzstan, the Republic of Moldova, the Russian Federation, the Republic of Tajikistan, the Republic of Turkmenistan, the Republic of Ukraine and the Republic of Uzbekistan. The declaration lacked signatures from representatives of four republics: Georgia and the three Baltic states of Lithuania, Latvia, and Estonia. These countries refused to join the Alma-Ata Accord; Georgia joined the CIS in 1993, but began its legal withdrawal from the CIS after its conflict with Russia in 2008. In 2005, Turkmenistan reduced its status to that of an associate member, meaning that it did not ratify the CIS Charter. Since the mid-1990s, Ukraine has only been a participating state; it insisted that it was not interested in being present for all sessions and has not ratified the CIS Charter. In 2008, Ukrainian Foreign Minister Volodymyr Ohryzko described Ukraine’s association with the CIS in the following manner:

> “Ukraine does not recognize the legal personality of this organization, we are not members of the CIS Economic Court, we did not ratify the CIS Statute, thus, we cannot be considered a member of this organization from international legal point of view. Ukraine is a country-participant, but not a member country.”

Today, only nine of the eleven states that signed the *Alma-Ata Declaration* remain full, charter-ratified CIS members.

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22 Breffni O’Rourke, “Georgia Finalizes Withdrawal From CIS” *RFE/RL* 18 August 2009 [O’Rourke], online: <http://www.rferl.org/content/Georgia_Finalizes_Wr.jpg>  
23 Valentinas Mite, “CIS: Turkmenistan Reduces Ties to ‘Associate Member’” *RFE/RL* 29 August 2005, online: <http://www.rferl.org/content/article/1061002.html>.  
The conditions of the CIS’s instantiation and its membership already tell us pertinent information about what it is and what it does. First of all, as Alexander Nikitin points out, the legal entity of the CIS was and is not an “effective substitute for the notion of a post-Soviet space.”\textsuperscript{25} This is true from its beginning, due to the lack of involvement of the Baltic states, and furthermore, the eventual refusal of Ukraine and Turkmenistan to ratify the CIS charter. Even in its early years very few CIS decisions were co-signed by all its members.\textsuperscript{26} The CIS was, and remains, structurally weak. Willerton, Slobodchikoff and Goertz explain:

“The level of involvement of member-states in the CIS varied significantly. The design of the CIS allowed members to ‘cherry pick’ where and when they wanted to engage in multilateral cooperation. CIS operational rules included an ‘exit option’ that permitted members to ignore or depart from any individual CIS agreement. No agreements, even the most fundamental, were binding on all CIS members, just as no agreement required the approval of all members to become binding.”\textsuperscript{27}

As a result of the loose structure of the CIS, most agreements occurred on different bilateral and multilateral bases between CIS member states or participating states.\textsuperscript{28} Willerton, Slobodchikoff and Goertz describe these agreements as constituting a balance required to manage the security and conflict dilemmas necessitated by the Soviet collapse.\textsuperscript{29} “Russia took the lead in championing all of these multilateral organizational and policy initiatives,”\textsuperscript{30} and as a result, it was the most influential country in the CIS. Russia capitalized on high oil prices, improved relations with regional “political elites and strengthened its presence in post-Soviet economies.”\textsuperscript{31} The Russia Federation was able to develop bilateral agreements concretely tying itself to all the CIS members.\textsuperscript{32} Russia benefited and continues to benefit from its treaty activism. This activism led to the development of “Treaty networks... [that] represent a foundation that undergirds not only policy solutions for smaller FSU [Former Soviet Union] states, but also an enhanced Eurasian leadership position for the Russian Federation.”\textsuperscript{33}

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\item\textsuperscript{25} Alexander Nikitin, “Russian Foreign Policy in the Fragmented Post-Soviet Space” (2008) 25:2 International Journal on World Peace 7 [Nikitin], at page 12.
\item\textsuperscript{26} Ibid at 12.
\item\textsuperscript{27} Willerton at 66.
\item\textsuperscript{28} Nikitin at 12.
\item\textsuperscript{29} Willerton at 64.
\item\textsuperscript{30} Ibid at 71.
\item\textsuperscript{31} Tsygankov at 50.
\item\textsuperscript{32} Willerton at 67.
\item\textsuperscript{33} Ibid at 61.
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Russia is still struggling to maintain its influence amongst CIS states. However, the CIS as a legal entity has little value as a tool for Russia today. As Paul Kubicek explains, “there was insufficient political will to give a solid shape or identity to the CIS. It could, at best, serve only a limited functional role and did not have enough political, ideological, or cultural glue to keep its twelve members together in a cohesive organisation, let alone create a ‘spiritual unity’ among its peoples, as stated in its Charter.” Over the years, the CIS has been a controversial organization. On the one hand, it was regarded as a tool for Russia to maintain influence over the former Soviet states. On the other hand, the CIS member-states, which were concerned about Russia’s possible interference in their internal affairs, used the CIS as a forum to address these concerns. As Willerton, Slobodchikoff and Goertz note, “[k]eeping these states engaged in CIS multilateral arrangements constituted a restraining device on Russia’s possible ‘imperial advances.’” There is a strong movement away from this post-Soviet organization. For years, many have questioned the group’s relevance. In 2008 Georgian President Mikheil Saakashvili remarked, "The CIS totally failed as an international organization. It is some kind of post-Soviet kind of thing that basically could not do anything to prevent this tragedy [the Russia-Georgia War] from happening. And, you know, by leaving the CIS, we are giving final [goodbyes] to the Soviet Union.” There is a real sense some post-Soviet countries desire to shed the ‘post-Soviet’ moniker; a symbolic step is abandoning membership in the CIS. Kubicek notes that, as the CIS has receded in importance, “two types of states now find themselves members of different regional groupings (for example GUAM [Georgia Ukraine Azerbaijan Moldova] and CDC [Community of Democratic Choice] for the former, SCO [Shanghai Cooperation Agreement], CSTO [Collective Security Treaty Organization], and EAEC [Eurasian Economic Community] for the latter). I will now discuss these two groupings in the following sections.

35 O’Rourke.
36 Willerton at 79.
37 O’Rourke.
38 Ibid.
39 Kubicek at 256.
4. Overcoming the Past: GUAM and the Community of Democratic Choice

4.1. Georgia Ukraine Azerbaijan Moldova (GUAM)

The CIS became less effective partly because certain post-Soviet states began to react against residual Sovietism by shifting their interests westward. Two major treaty-based integration projects were established that reflect this shift. On the 7th of June 2001, the Association of Georgia Ukraine Azerbaijan Moldova (GUAM) was established (GUAM was known as GUUAM when Uzbekistan was a participant of the Association from 1999-2005). This association sought to engage

“social and economic, transport, energy, scientific and technical, humanitarian, legislative and law-enforcement capacities of the Member States, this vision coincides with establishing in the Black Sea – Caspian region a space of civilized partnership based on European standards, criteria and practice, including the principles of four freedoms of movement of goods, services, capital, and labor and persons.”

GUAM was explicit about its shift toward European standards and “at various times criticized or condemned CIS projects as Moscow-Minsk centered.” Officially, GUAM was not directed against Russia, it professed to “reflect an objective trend towards the development of international regional cooperation as one of the modern forms of the globalization and internationalization of the world.” In 2006, the organization’s members voted to change the name to the “Organization for Democracy and Economic Development – GUAM.” The group itself achieved little, however, the spirit of the Western shift continues to dominate current issues in post-Soviet space. GUAM is still active today, but Nikitin argues that the rest of the world interpreted GUAM as falling within a logic of post-Soviet competition, as opposed to a new serious attempt at integration. This position is agreed upon by other experts, who maintain that GUAM became insignificant after the United States lost interest in the group.

40 “History and Concept of GUAM” Ministry of Foreign Affairs and European Integration of the Republic of Moldova [History of GUAM], online: <http://www.mfa.gov.md/about-guam-en/history-concept-guam>.
41 Ibid.
42 Nikitin at 12.
43 History of GUAM.
44 Nikitin at 12.
45 Jean-Christophe Peuch, “East: Leaders Meet In Ukraine To Create New Regional Alliance” RFE/RL1 December 2005, online: <http://www.rferl.org/content/article/1063423.html>.
4.2. Community of Democratic Choice

Georgia and Ukraine’s ‘Colour Revolutions’, which occurred in 2003 and 2004 respectively, failed to breathe much new life into GUAM.46 “Instead, at the peak of revolutionary enthusiasm, Kiev and Tbilisi initiated the creation of the CDC – Community of Democratic Choice.”47 According to Nikitin, the CDC was “an attempt to re-start GUAM in a broader configuration.”48 The Community of Democratic Choice was established on December 2, 2005 in Kiev by nine states: Estonia, Georgia, Lithuania, Latvia, Macedonia, Moldova, Romania, Slovenia, and Ukraine.49 Representatives from Azerbaijan, Bulgaria, the Czech Republic, Hungary, and Poland also attended the forum, as well as observers from the United States, the EU and the Organization for Security and Cooperation in Europe (OSCE).50 The CDC stated three main objectives: “the promotion of democratic values, regional stability, and economic prosperity.”51 Viktor Yushchenko stated that the CDC’s “purpose was not “to befriend anyone against someone else” but that it must be seen as a “dialogue between friends, adherents of ideas for promoting democracy and the supremacy of law.””52 The presidential administration head of Georgia, however, “said that the community would in essence be “an axis of democratic countries that do not wish to remain in Russia’s orbit.”” Although the CDC has not resulted in great changes to the region, it at the very least represents another important moment in the development of the counter-CIS, anti-Moscow movement. Crucially, the GUAM and CDC states engaged with states beyond the CIS region, further cementing the shift in focus from post-Sovietism. Nikitin explains that the “erosion of the post-Soviet space is manifested not only in the weakening of its former interdependences, but also in the higher presence and influence of out-of-region actors, and in the spill-over of integrative efforts beyond the former Soviet borders, to extend interaction between former-Soviet and never-Soviet countries and societies.”53 Although GUAM and the CDC have had limited successes, the ideological shift that these groups reflect has helped set the stage for the EU-driven Eastern Partnership initiative.

46 Nikitin at 19.
47 Nikitin at 19.
48 Nikitin at 29, footnote 5.
50 Ibid.
51 Ibid.
52 Ibid.
53 Nikitin at 15.
5. The Future of Russia: CSTO, SCO & EurAsEC


Although the CIS failed in many ways to fulfill its goals, it is only one of many Russian-led integration projects. Russia has succeeded in maintaining considerable influence and has achieved some of the unfulfilled goals of the CIS through the establishment of other treaty-bodies amongst some post-Soviet states. Kubicek explains that “just because the CIS no longer holds considerable influence in the region, does not mean that “regionalism per se is doomed in the post-Soviet space. Russian hegemony over certain states, combined with political incentives for local political leaders, may give life to organisations such as the CSTO or EAEC [EurAsEC], and China seems to be intent to develop the SCO into a political, economic, and security bloc.”

54 The CSTO or, Collective Security Treaty Organization, evolved out of an early CIS security treaty (the Collective Security Treaty) and was initiated in its current form on May 14, 2002. It inherited and upgraded the Rapid Deployment Forces for Central Asia from the CIS. Ultimately, “military and security integration of the participating NIS [newly independent states, i.e. post-Soviet states] was removed from the CIS framework and CSTO became a self-supporting mechanism of integration.” Its members currently include Russia, Armenia, Belarus, Kazakhstan, Kyrgyzstan and Tajikistan. If is often described as a Russia-led rival to NATO.

The objective of the CSTO is “to continue and strengthen close and comprehensive relations in the foreign policy, military, military-technical spheres, coordination and joint efforts in combating international terrorism and other security threats.” Russia has been able to accomplish a substantial amount through the CSTO. For example, the CSTO created a seven-

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54 Kubicek at page 256.
56 Nikitin at 22.
57 Nikitin at 20.
58 Goodenough.
state alliance of Anti-Ballistic Missile Defense, a goal left unfinished by the CIS.\(^{60}\) Moreover, it created an Air Defense system and system of collective protection of strategic rail-roads and communications.\(^{61}\) When considered as a means to inter-state integration, the CSTO has formed very strong ties. Not only are member-states committed to defending each other (if attacked) under its Charter, but they are also forbidden from joining other military alliances, such as NATO.\(^{62}\) This could pose a problem for the EU’s Eastern Partnership Initiative. NATO and the EU share a strong strategic partnership and have 21 member-states in common.\(^{63}\) The EU’s Eastern Partnership initiative includes two states that belong to the CSTO: Armenia and Belarus.\(^{64}\) The EU would not likely offer membership to a CSTO member-state.

The CSTO continues to be formidable power. A senior official for the alliance recently revealed that the group plans to spend $1 billion on weapons on upgrading its forces.\(^{65}\) Moreover, Kyrgyzstan will no longer allow the United States access to its base in Manas; a Russian air base close by will become the CSTO air base.\(^{66}\) Although the group possesses a rotating presidency, Russia maintains a strong influence; the “CSTO Military staff in Moscow is well connected to the General Staff of the Russian armed forces.”\(^{67}\) Nikitin notes that “NATO ignores and underestimates CSTO, but may well be making a political mistake.”\(^{68}\) He insists that the “opening of a formal cooperation and coordination dialogue between NATO and CSTO, aimed at mutual predictability, transparency, functional interoperability and potentially joint crises response, may help prevent new hostilities and unnecessary rivalries.”\(^{69}\) It was revealed in a recently approved military doctrine that “Russia views the expansion of NATO as a primary threat to its security, as well as part of a tendency to give NATO global security functions.”\(^{70}\)

\(^{60}\) Nikitin at 22.
\(^{61}\) Nikitin at 22.
\(^{62}\) Goodenough.
\(^{64}\) http://www.easternpartnership.org/publication/2011-07-07/eastern-partnership-two-years-success-or-failure-diversified-enp
\(^{65}\) Goodenough.
\(^{66}\) Ibid.
\(^{67}\) Nikitin at 22.
\(^{68}\) Nikitin at 26.
\(^{69}\) Nikitin at 26.
\(^{70}\) “Russia’s new military doctrine approved” RT 17 April 2010, online: <http://rt.com/usa/russia-military-doctrine-approved/>. 
meet again until September 22, 2010. At that meeting the US ambassador to NATO hinted that NATO membership is open to Russia, so long as it met the NATO’s requirements. But NATO membership would be the end of the CSTO. When asked about the potential for Russia to join NATO, CSTO Chief Nikolai Bordyuzha stated, “I believe it [Russia’s membership in NATO] is absurd...What is the sense of NATO membership if Russia has created its own security framework with its allies and this system of collective security functions well?” Bordyuzha is right. Russia has no interest in becoming a member of NATO and “the Kremlin received no support from NATO officials or the U.S. for its initiative to negotiate a new security treaty with European nations.” The CSTO, then, remains an entity with which NATO must respect and cordially engage, rather than attempt to absorb. This becomes all the more pressing since it may acquire more members. In 2013, Afghanistan and Serbia were granted observer status, and Bordyuzha even mentioned that “Iran could also join the bloc” although no steps toward this have been taken.

5.2. Heedful Diplomatic Integration - The Shanghai Cooperation Agreement

The Shanghai Cooperation Agreement (SCO) is essentially used by Russia as a means of maintaining its influence in Central Asia in the face of China’s growing power and influence in the region. It is an international organization created on June 15, 2001, in Shanghai, China. Its members include Russia, China, Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan, while India, Iran, Mongolia, and Pakistan have observer status.

Its official goals are:

72 Bohm.
73 Bohm.
74 Tsygankov at 49.
77 “Shanghai Cooperation Agreement” Glossary – Website of the President of Russia, online: <http://eng.kremlin.ru/terms/S>.
“strengthening mutual confidence and good-neighbourly relations among the member countries; promoting effective cooperation in politics, trade, economy, science, technology, and culture; making joint efforts to maintain and ensure peace, security and stability in the region, moving towards the establishment of a new, democratic, just and rational political and economic international order.”78

But does it actually achieve these lofty goals? According to Isabelle Facon, at “the official level, it is almost taboo to criticize the SCO’s efficiency (just as it is almost impossible to discuss openly the weaknesses of the Russian-Chinese strategic partnership). But Russian experts do underscore the SCO’s deficiencies as a security player and as a platform for multilateral cooperation.”79 Russia’s membership in the SCO places it in a somewhat unfamiliar position. In the SCO “another player, China, is claiming great power status, and may be in a more favorable position than Russia to obtain it.”80 Russia, then, faces two major challenges in the group: “the first is to treat all the smaller countries like equals despite differences in the size of their economies and their political influence, and the second is connected with Russia’s identity: by involving countries like China and South Korea in the integration process, Russia could lose its status as the leader of the process.”81 According to Tsygankov, “more signs appeared in 2011 that Russia was increasingly viewing its neighbor’s [China’s] rise as a threat.”82 It is for this reason that Russia does not prioritize its activities in the SCO.

However, membership does have its benefits. It allows for the opportunity for Russia to display to the world its diplomatic reach. Moreover, membership in the SCO “has allowed Russia to implement “a double containment strategy: on the one side, regarding U.S. involvement in the area, and on the other side, regarding China’s growing influence.”83 However, as Facon notes, “the SCO is only one instrument among others in Russia’s ensemble advancing its strategic and security interests, and it is not the major instrument.”84

78 Ibid.
80 Facon at 481.
82 Tsygankov at 50.
83 Facon at 480.
84 Ibid at 481.
5.3. Economic Integration: The Eurasian Economic Community

With respect to economic integration, the strongest Russian-led treaty-based integration project is the Eurasian Economic Community (EurAsEC), and its related initiatives. In 2000, EurAsEC was established by Belarus, Kazakhstan, Russia, Kyrgyzstan and Tajikistan (with Uzbekistan joining in 2006).\textsuperscript{85} EurAsEC’s aims are “developing economic cooperation and trade, to effectively further the process for forming the Customs Union and Common Economic Space, and to coordinate the actions of Community states during integration into the world economy and international trading system.”\textsuperscript{86} In 2003, Belarus, Kazakhstan, Russia and Ukraine decided that they would institute Common or Single Economic Space (SES).\textsuperscript{87} Ukraine eventually pulled out of the project. Both Ukraine and Moldova have had “the status of EurAsEC observer since May 2002, and Armenia since January 2003.”\textsuperscript{88} In October 2007, Belarus, Kazakhstan and Russia signed the Treaty on the Establishment of the Common Customs Territory and Formation of the Customs Union.\textsuperscript{89} In 2009 Belarus, Kazakhstan and Russia decided upon integration stages and developed a timeline for creating the single custom area.\textsuperscript{90} They also “declared that development of the Customs Union and the Single Economic Space should in the future lead to the creation of the Eurasian Economic Union.” On November 18, 2011 several important events took place. The “presidents of Belarus, Kazakhstan and Russia signed a Declaration on Eurasian Economic Integration, predicated on recognition of the success of the Customs Union... [and] International agreements setting out the legal framework of the Single Economic Space, now came into effect” (the SES became operational on January 1, 2012).\textsuperscript{91} Also on November 18, 2011, “the presidents of Belarus, Kazakhstan and Russia worked out an agreement on the Eurasian Economic Commission. Based on this agreement on February 2, 2012 the Eurasian Economic Commission began work as the permanent supranational regulatory body of the Customs Union and the

\textsuperscript{86} “EurAsEC Today” Eurasian Economic Community 2011 [EurAsEC Today], online: <http://www.evrazes.com//l/other/EurAsEC-today_eng.pdf>, at page 3.
\textsuperscript{87} Eurasian Integration at 7.
\textsuperscript{88} EurAsEC Today at 2.
\textsuperscript{89} Eurasian Integration at 7.
\textsuperscript{90} Ibid at 7.
\textsuperscript{91} Eurasian Integration at 7.
Single Economic Space.” A deadline of January 1, 2015 has been set for agreements constituting the framework of the Customs Union and SES, upon which the Eurasian Economic Union will be founded.

This deadline, however, is fast approaching. Andrei Zagorksi maintains that there is “little empirical evidence...which supports the expectation that Eurasian integration will increase in the years to come. Over the past twenty years Russia has launched many similar initiatives...None of these previous projects achieved their declared goals. What is more, current economic and political indicators are not favourable.” President Putin, however, had remained optimistic until recent events. In recent years Putin has been tremendously successful. For example, he vetoed military intervention in Syria at the UN, “instead brokering a deal on chemical weapons and sponsoring a Syrian peace conference,” and his ally, Bashar Assad, is still in power. “Putin has taken some comfort that NATO’s campaign in Afghanistan has been as difficult and frustrating as the one the Soviet Union endured 30 years ago—and a lot longer.” In August 2012, Putin’s Russia was officially welcomed into the World Trade Organization. In that same year, Putin pledged to spend $770 billion dollars to ‘modernize’ Russian security by upgrading its military over the next decade. To add to Putin’s recent achievements, Kyrgyzstan and Armenia have developed concrete plans to join the Customs Union in 2014. Armenia, like Ukraine, is a member of the Eastern Partnership; this means that out of the six Eastern Partnership countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine) two have reoriented towards Eurasian integration. This is a serious

92 Ibid at 7.
93 Ibid at 7.
96 Ibid.
blow to the EU, since in 2012 and 2013 alone the EU granted a total 40 million Euros to Armenia through the Eastern Partnership Integration and Cooperation Programme.\(^{100}\)

### 5.4. The EurAsEC and the Crisis in Ukraine

In December 2013, the Russian President “left European diplomats looking flat-footed by deploying a mix of money and threats to persuade Ukraine’s president, Viktor Yanukovych, to walk away from a trade deal he was preparing to sign with the European Union.”\(^{101}\) Putin has a history of using Ukraine’s reliance on Russian gas to “strong-arm his western neighbour [Ukraine], cutting off supplies twice since 2006 over payment disputes.”\(^{102}\) On December 17, 2013, Yanukovych accepted Putin’s offer of a steep discount on Russian gas, and his promise to purchase $15 million in Ukrainian bonds.\(^{103}\) This deepened the East-West political divide in Kiev and caused massive protests against the move, which many saw as pro-Russian Yanukovych selling Ukraine “to its former Soviet master.”\(^{104}\) Despite the protests, Putin initially regarded the outcome of his forceful tactics as a major success in his integration project, and was confident that Ukraine would return to the process of Eurasian integration.\(^{105}\)

On February 18, 2014, however, the rise of Putin’s achievements toward establishing a Eurasian Union began to fall. Deadly violence erupted in Kiev as Yanukovych ordered government police forces to expel anti-government protestors from Independence Square by the use of force. The bidding war between the EU and Russia over Ukraine’s allegiance inadvertently led to what resembled a small-scale war zone in Kiev, with finger-pointing over which country was to blame for the violence. Russia was quick to accuse the West of meddling in

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\(^{100}\) “Eastern Partnership Integration and Cooperation (EaPIC) programme” Development and Cooperation - Europeaid 19 December 2013, online: &lt;http://ec.europa.eu/europeaid/where/neighbourhood/regional-cooperation/enpi-east/eapic_en.htm&gt;.

\(^{101}\) Ibid.


\(^{104}\) Darya Korsunskaya and Timothy Heritage, “Russian bailout wins Ukraine economic respite but depends political rift” Reuters 17 December 2013, online: &lt;http://www.reuters.com/article/2013/12/17/us-ukraine-idUSBRE9BF11U20131217&gt;.

Ukraine’s affairs. Putin and Yanukovych’s regime also blamed extremists for the violence, and called on the West to condemn the extremists instead of blaming Ukrainian authorities.\(^\text{106}\) Recently recovered government documents indicate that Yanukovych planned to use thousands of troops to crush the protests.\(^\text{107}\) As a result of the violence, which resulted in a total of eighty-eight fatalities,\(^\text{108}\) the EU and US imposed sanctions against the Ukrainian officials that they held responsible.\(^\text{109}\) On February 22, the Ukrainian Parliament officially ousted Yanukovych, who had already fled Kiev, and set new presidential elections for May 25, 2014.\(^\text{110}\) Prior to Parliament’s vote, many of Yanukovych’s presidential staff and other political allies, including the billionaire oligarchs who helped shape his career, either distanced themselves from him or fled Ukraine altogether.\(^\text{111}\)

The effect of this crisis on Russian interests in the region is severe. Putin lost his power base in Kiev, which was secured by his ally, Yanukovych, as President, and further supported by wealthy oligarchs who are no longer loyal to the former Ukrainian President. This power-base cannot simply be rebuilt. Even Putin recognizes that Yanukovych has no political future.\(^\text{112}\) For Putin, a victory for anti-Russian groups in Kiev signaled the probability that Ukraine would become realigned with the Europe, threatening his future plans for a Eurasian Union. The existence of the Eurasian Union, which Putin sees as his own “personal political legacy,”\(^\text{113}\) now hangs in a fragile balance. Gleb Pavlovksiy, a former KGB member and political advisor to Putin, stated that “[w]ithout Ukraine, Putin’s project [of a Eurasian Union]...
is impossible.”

Of all the post-Soviet states, “none is more important to Putin than Ukraine, a huge market and the cradle of Russian civilization.”

The drastic measures taken by Putin to secure the Crimean peninsula after his power-base in Kiev was dissolved is hardly surprising, especially considering how important he views Ukraine’s role in his political legacy. Also, Crimea is a strategic location, home to the Russian Black Sea Fleet, with a population that is sixty percent Russian. For these reasons Putin and his government declared that “Russia had the right to invade Ukraine to protect Russian citizens, and his [Putin’s] parliament has voted to change the law to make it easier to annex territory inhabited by Russian speakers.”

Volodymyr Fesenko, a political analyst at the Kiev-based Penta think-tank, stated that the “revolution has been won in Kiev, in part of Ukraine, but not in the whole of Ukraine. We still have many risks.” Since the ousting of Yanukovych, several leaders in mainly Russian-speaking regions of east Ukraine asserted that they were taking control of their territories. Putin knows that parts of Ukraine remain potentially within his grasp, and will likely continue to violate international law if it secures Russian interests. The White House properly noted that Russia’s actions in Crimea constitute a “clear violation of Ukrainian sovereignty and territorial integrity, which is a breach of international law, including Russia’s obligations under the UN Charter, and of its 1997 military basing agreement with Ukraine, and which is inconsistent with the 1994 Budapest Memorandum and the Helsinki Final Act.” Although international law supersedes Russian law, Putin nevertheless maintains Russian interests over and against that international law. As a nation that has built up more treaty-based relationships than any other, Russia has, by these actions, destroyed any of its little credibility and reliability as an international power;

114 Ibid.
115 Ibid.
118 Timothy Heritage, “Leaders in east Ukraine vote to take control of their areas” Reuters 22 February 2014, online: <http://www.reuters.com/article/2014/02/22/us-ukraine-crisis-regions-idUSBREA1L0KH20140222>.
119 Ibid.
120 “Readout of President Obama’s Call with President Putin” The White House – Office of the Press Secretary 1 March 2014, online: <http://www.whitehouse.gov/the-press-office/2014/03/01/readout-president-obamas-call-president-putin>.
markets indicated this when the ruble fell to an all time low on March 3, 2014. Putin is quickly destroying the possibility of achieving the success that he so desperately desires for Russia.

Not only are Russia’s actions in Crimea in violation of international law, but so is the Moscow-backed referendum on whether Crimea should rejoin the regional hegemon. There are currently 11,000 pro-Russian troops maintaining control over the peninsula, awaiting the referendum scheduled for March 16, 2014. “A referendum had previously been scheduled in Crimea for March 30, but the question to be put to voters was whether their region should enjoy “state autonomy” within Ukraine.” German Chancellor Angela Merkel informed Putin that the “referendum on whether Crimea should join Russia was illegal and violated Ukraine’s constitution.” While the US, and other Western governments, will refuse to recognize the result of the vote, Putin shows no signs of concern. Europe will not risk military intervention and is not likely to impose crippling sanctions on Russia because of its dependence on Russian oil and gas. Putin knows that he currently has no influence from within Kiev, but his ability to cut off natural gas shipments give him a strong bargaining tool to retain influence by threats and intimidation. The Ukrainian Prime Minister refuses to “budge a single centimetre from Ukrainian land,” but Putin has not given up on Ukrainian regions containing high numbers of ethnic Russians. Barring certain events such as the collapse of the ruble or military action against Russian troops in Ukraine, it is reasonable to

123 Ibid.
124 Ibid.
expect that Russia will continue to exert similar forms of pressure on pro-Russian territories and encourage referendums in other parts of eastern Ukraine.

5.5. The Bidding War: Incentives, Compromises and the Future

The bidding war over Ukraine was originally fuelled by the idea that Eastern Partnership states must make a decision between *either* increasing ties with the EU or increasing ties with Russia *via* the Customs Union and the SES. It follows then, that an important question to address is whether membership in the Customs Union and SES would conflict with signing an Association Agreement and/or Deep and Comprehensive Free Trade Agreement with the EU.

In December 2012, the EU stated that Armenia could not sign a far-reaching Association Agreement with the European Union if it joins the Customs Union of Russia, Belarus and Kazakhstan, because the two systems are incompatible.129 This is because “a customs union has a common external trade policy and an individual member country no longer has sovereign control over its external trade policies.”130 However, in early 2013, the EU Commissioner for Enlargement and European Neighborhood Policy, Stefan Fuele, stated that the “European Union wants good relations between Kyiv and Moscow and believes that Ukraine may make partial commitments with the Customs Union that do not conflict with its obligations under the Association Agreement.”131 Therefore, it appears that *fully* joining and integrating into the Customs Union and SES would conflict with Association Agreements and other trade agreements with the EU, but theoretically the EU sees room for partial commitments under the Customs Union. The EU has also considered new tactics to offer integration incentives for other Eastern Partnership countries. On February 10, 2014, EU Foreign Ministers discussed short-term incentive packages to accompany the Association Agreements, which could “focus on mobility and visas, student exchanges, more twinning projects, and in-

130 Ibid.
131 “Fuele: EU not against Ukraine’s cooperation with Customs Union unless it conflicts with Association Agreement” Kyiv Post 5 February 2013, online: <https://www.kyivpost.com/content/ukraine/fule-eu-not-against-ukraines-cooperation-with-customs-union-unless-it-conflicts-with-association-agreement-319892.html>.
increased participation in EU community programs and agencies.” On February 17, 2014 the Kyiv Post reported the claim of a German political scientist, that “Germany is revising its foreign policies inside Europe and will try to persuade the Poles and other Eastern-European neighbors to change their opinion on "a common European house," mainly initiating reformatting of the Eastern Partnership, proposing to include Russian and Asia into it.”

Offering Russia membership in the Eastern Partnership would certainly fail as a solution to the recent short-comings of the initiative, and after Russia’s occupation of Crimea, this option will not even be considered by European governments. Russia’s forceful actions in Crimea highlight the heart of the issue, which is that Putin’s Russia and the EU are fundamentally at odds from a moral perspective. The EU and its Eastern Partnership are not solely about economic interests; they are also value-based. The Eastern Partnership is “underpinned by a shared commitment to international law and fundamental values - democracy, the rule of law and respect for human rights and fundamental freedoms - and to the market economy, sustainable development and good governance.” Putin’s Russia is not at all committed to these ideals, and if anything, it has proven that it is against them. As long as Putin remains in power, Russia will not compromise the independence of its political will to surrender to European value-based standards. Moreover, the EU should not compromise its own standards by adopting an interest-driven approach alone, in dealing with Russia. The Eastern Partnership “enables [its] partner countries interested in moving towards the EU and increasing political, economic and cultural links to do so.” In a sense, it acts as a preparation for EU membership, but Russia has no interest in this. Putin would never abandon his project of establishing a Eurasian Union; the Eurasian Union marks the culmination of over twenty years, and thousands of multi and bilateral treaties, of Russian-led integration efforts in the post-Soviet space.

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If the EU offers competitive short-term incentives (such as visas, student exchanges, and immediate economic packages) as well as long-term incentives (i.e. definitive timelines towards EU membership), then it will have greater success in reorienting Eastern Partnership countries to the West. Russia’s recent flagrant violations of international law might even have the ultimate effect of dissuading other states from establishing ties with Russia, working in the EU’s favour. With respect to Ukraine, the newly formed government in Kiev has expressed its desire to sign the political part of the Association Agreement within a matter of weeks, and “European Council President Herman Van Rompuy has said that the EU is ready to sign the political part of the Association Agreement with Ukraine by May 25.” In light of the deepening crisis in Ukraine, the EU has also presented Ukraine with an economic aid package totaling $15 billion dollars over the next few years, hinging on Ukraine signing a deal with the International Monetary Fund. This means that the EU may sign the Association Agreement with Ukraine before elections are held, which Russia will undoubtedly criticize, and not without merit. The EU should not forget its responsibility in this crisis to ensure that Ukraine acts democratically and independently.

With respect to the crisis in Crimea, it is difficult to predict how the situation will unfold. Putin will take whatever he can get from eastern Ukraine. Western powers will likely only get involved militarily in the event of a Russian military engagement with Ukrainian troops. Neither side, however, wants this. Crimea will probably vote in favour of joining Russia, but this will remain unrecognized by the international community. Crimea may become a de facto Russian territory, regarded by the international community as disputed, while the rest of Ukraine will likely deepen its ties with the EU. Ukraine may also join NATO to dissuade Russian military advancements in the future. However, any NATO membership will likely be contingent upon the Crimean situation being resolved, since Ukraine’s full membership in


the group would require NATO’s military intervention in Crimea. The Russians know that as long as they hold Crimea, Ukraine will not become a member of NATO.\textsuperscript{140}

Regardless of the outcome of the Crimean crisis, this crisis itself proves that Russian treaty activism has failed. It failed because Putin misunderstands the West and he misunderstands the modernization that he desperately seeks for his country. Hannes Adomeit states that the Russian “government’s major concern at present is ‘modernization’ but it is highly doubtful that the creation of a Eurasian Union with the preferences of Russia ruling supreme in such a construct (and ‘integration’ meaning essentially subordination) will in any way expedite the realization of that interest.”\textsuperscript{141} Suspiciously, Putin has yet to divulge details regarding the extent and shape of the political integration he envisions in the Eurasian Union, but I agree that Russian integration projects have a history of subordinating other states. Putin does not appear to understand that the world will not stand for his Soviet tactics of intimidation and subordination. The current crisis in Ukraine serves as an example to him of how determined certain populations are to free themselves from Russian influence. Pavlovskiy, Putin’s former political advisor, remarked that he thinks Putin “has run out of his stock of Soviet imagery, which he had, and which has served him so brilliantly in the past decade. And here comes another world, more complex, and here he already feels like a black sheep, he does not understand what it is, what these people want.”\textsuperscript{142} Putin’s confusion about this ‘complex’ world is reflected in his conception of modernization as essentially money-driven. His initial $15 billion offer to Ukraine perfectly reflects this. Nur Omarov, the head of the Kyrgyz association of political scientists, properly asserts that, if Russia is to succeed, it “must become attractive as a state, as an economic, technological, humanitarian, intellectual partner. It is not the case now, which compels young [Central Asian] states to look for more interesting, in all dimensions, friends.”\textsuperscript{143} Putin has failed Russia by sacrificing whatever decent reputation it might have had on the world stage for the sake of establishing his own political legacy.

\textsuperscript{140}“Russian deputy foreign minister believes Ukraine’s NATO membership is impossible” Kyiv Post 6 March 2014, online: \url{http://www.kyivpost.com/content/politics/russian-deputy-foreign-minister-believes-ukraines-nato-membership-is-impossible-338555.html}.

\textsuperscript{141}Adomeit at 9.

\textsuperscript{142}Egor Zubarev, “Gleb Pavlovskiy: “What Putin is most afraid of is to be left out”” European Association of Independent Journalists 5 December 2012, online: \url{http://eu-press.org/blog/gleb-pavlovskiy-what-putin-is-most-afraid-of-is-to-be-left-out/#sthash.KeWv9Oqr.dpuf}.

\textsuperscript{143}Facon at 482.
But Ukraine cannot simply turn its back on Russia. The real task will be figuring out how Ukraine, as Henry Kissinger puts it, can “act as a bridge between” Russia and Europe.\textsuperscript{144}

6. CONCLUSION

Russian treaty activism, which once cemented strong international relationships in the post-Soviet space, has resulted in a legal entanglement, rather than an effective treaty network. The limited progress made by Moscow in the modernization of Russia and its reintegration with post-Soviet states focused too much on economics and security, with no unifying moral element. Moreover, Putin secured Russia’s interests by means of threats and intimidation, and violations of international law. Russia’s bilateral cooperation treaties essentially resulted in subordination treaties. Putin ignores that proper international cooperation involving value-based integration facilitates stable and predictable markets. He fails to see that Russian modernization can only be achieved by “a value-based approach that calls for democratic processes and institutions, a law-based state, a free market economy with fair competition and a civil society.”\textsuperscript{145} Putin will not institute drastic reforms in Russia order to adhere to EU values, but if he wants Russia to develop a favourable reputation in the new post-Soviet world, he needs to purge it of its own post-Soviet identity. This purge would require that Putin himself step aside to allow a new, democratically elected modernized personality to spearhead the integration process. There is no political future for Putin in a modernized Russia, and there is no future for modernizing Russia as long as Putin remains in power. Ultimately, Putin’s own personal political legacy demands his removal.

\textsuperscript{144} Kissinger.
\textsuperscript{145} Adomeit at 9.
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