

LEGAL STATUS AND FEATURES OF THE CSTO AS AN INTERNATIONAL REGIONAL ORGANIZATION^(*)

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Abstract

After the collapse of the Soviet Union and the end of the Cold War, new challenges and threats of a regional nature emerged. The former Soviet countries decided to sign an agreement on collective security against the backdrop of emerging threats from various terrorist groups and the seizure of power by the Taliban in Afghanistan. This article describes the causes and history of the emergence of the Collective Security Treaty and its transformation into an entire organization. This paper reveals the structure of bodies, competencies, and membership in the CSTO. Within the framework of the Collective Security Treaty and the CSTO charter, this paper explains and analyzes the actions of the CSTO during the adoption and application of forceful decisions. In addition to all the above, the article examines the prospects for development in cooperation between the CSTO and NATO in the status of regional organizations.

Keywords

CSTO, Charter, NATO, Organization, Treaty.

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BİR ULUSLARARASI ÖRGÜT OLARAK CSTO'NUN HUKUKİ STATÜSÜ VE ÖZELLİKLERİ

Öz

Sovyetler Birliği'nin dağılması ve ardından Soğuk Savaş'ın sona ermesiyle bölgesel nitelikte yeni sorunlar ve tehditler ortaya çıktı. Çeşitli terörist grupların neden olduğu tehditler ile Afganistan'da Taliban'ın iktidarı ele geçirmesi neticesinde Eski Sovyet ülkeleri kolektif güvenlik konusunda bir anlaşma imzalamaya karar verdiler. Bu makale, Kolektif Güvenlik Antlaşması'nın ortaya çıkışının ve akabinde bir örgüte dönüşünün nedenlerini ve tarihçesini ele almaktadır. Çalışma, CSTO organlarını, bunların yeterliliklerini ve Örgüt üyeliğinin yapısına ilişkin ayrıntıları açıklığa kavuşturmaktadır. Bu çalışma, Kolektif Güvenlik Anlaşması ve CSTO tüzüğü çerçevesinde, CSTO'nun zorlayıcı kararların alınması ve uygulanması sırasındaki eylemlerini açıklamakta ve analiz etmektedir. Bunlara ilave olarak, bölgesel örgütler statüsünde CSTO ile NATO arasındaki işbirliğinin gelişme olasılıkları da makalede ele alınan hususlardır.

Anahtar Kelimeler

CSTO, Şart, NATO, Organizasyon, Andlaşma.

INTRODUCTION

After the collapse of the USSR, in 1991, 15 countries of the former union gained independence. In May 1992, countries such as Armenia, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, and Uzbekistan decided to sign in Tashkent the Collective Security Treaty (CST). Later, in 1993, Georgia joined the Treaty on September 9, Azerbaijan on September 24, and Belarus on December 31.¹ This collective agreement was designed for five years with the possibility of extension and entered into force on 20.04.1994. In the early 1990s, the fate of the Collective Security Treaty remained vague and incomprehensible. The statements of the Russian Federation on the creation of a collective defense union, which will operate based on a joint agreement, remained only a statement. In practice, Russia had shown the complete opposite of its statements, showing indifference to the future fate of the Treaty.

The adopted concept of collective security is considered an entire list of common threats to military security. The idea outlined impressive strategic plans for the future of collective security. The document planned such issues as coalition military formations, joint air defense systems, and the creation of joint armed forces. Although formally the documents considered the creation of a military formation, however in practice not a single structural body was created within the framework of the Collective Security Treaty.

Also, the Treaty did not become an instrument of joint response and showed its ineffectiveness to the events in Afghanistan. The air defense system was not deployed in all CST countries. Kyrgyzstan, Tajikistan, and Uzbekistan were precisely those countries that were not installed air defense systems. Plans to create a single border area remained only formally on paper. The contradictions between the countries participating in the Collective Security Treaty were often more acute than between potential external adversaries. Armenia and Azerbaijan were actually at war over Nagorno-Karabakh. Georgia was increasingly hostile to the CIS peacekeeping operation (actually, the Russian peacekeeping operation) in Abkhazia and Russia's support for Abkhazia and South Ossetia. Uzbekistan expressed dissatisfaction with Russian policy in Tajikistan.²

¹ "Collective Security Treaty", <https://docs.cntd.ru/document/1900489> (1.12.2022).

² Nikitina Yu A, "Military-Political Integration Processes in the Post-Soviet Space: Problems and Prospects of the CIS, CSTO, SCo and GUUAM", *Actual Problems of Political Theory: Collection of Scientific Papers*, 2009, No. 5, pp. 141-148.

In April 1999, after the expiration of the first five-year period of the CST, Azerbaijan, Georgia, and Uzbekistan refused to renew their participation in the agreement (Uzbekistan returned in 2006, but left again in 2012).³ With the new composition of the participants, the center of gravity of the Collective Security Treaty has shifted to Central Asia. In the shrinking in members CST there were no sharp internal contradictions, but there was a lack of cohesion based on interests and goals. Following the change of power in Russia at the end of 1999, Moscow tried to turn the Collective Security Treaty into a real instrument of Russian foreign and military policy. The new Russian leadership has placed the problem of security at the center of politics in the post-Soviet space. Central Asia was seen as a threat emanating region, yielding only to the North Caucasus.

In August 1999, the invasion of the militants of the Islamic Movement of Uzbekistan into the Batken region of Kyrgyzstan demonstrated that pressure on the governments of the Central Asian countries from terrorist and religious extremist groups, who used the opportunity to consolidate in Afghanistan and control the transit of Afghan drugs, is significantly increasing. In the summer of 2000, Kyrgyzstan and Uzbekistan were subjected to new attacks from the Islamic Movement of Uzbekistan. The Batken events highlighted the low degree of readiness of the Central Asian countries to independently counter anti-government forces. The aggravation of the situation in Central Asia has intensified interdependence in the sphere of security between the countries of the region and Russia, which launched a large-scale anti-terrorist operation in the North Caucasus in August 1999.

The strengthening of the threats emanating from Afghanistan and the intensification of bilateral military and military-technical cooperation between Russia Kyrgyzstan and Uzbekistan allowed the Russian leadership to start reforming the Collective Security Treaty. In June 2000, the CST countries signed an Agreement on the Basic Principles of Military-Technical Cooperation, which opened up the possibility of delivering Russian military equipment to the allies at domestic prices. In May 2001, at the CST summit, a decision was made to create the first joint military formation - the Collective Rapid Deployment Forces numbering 1.5 thousand military personnel.

³ "From Treaty to Organization: History of Creation, Basics of Activity, Organizational Structure 2002-2021", <https://odkb-csto.org/25years/>, (1.12.2022).

The strategic environment around Central Asia changed dramatically after the events of September 11, 2001.⁴ Faced with the prospect of launching a US military operation against the Taliban and deploying US bases in Central Asia, Russia tried to convince the countries of the latter of the need to develop an agreed position on the issue of the US military presence in the region. Moscow, having found out that Washington does not need Russian mediation when interacting with the countries of Central Asia, which are ready to allow the deployment of American military bases, declared its support for the United States in the use of military infrastructure in this region. At the same time, Russia made it clear that it views the American military presence as temporary and solely due to the need to stabilize the situation in Afghanistan.

Russia's assistance to the US operation in Afghanistan led to a temporary reduction in tension between Moscow and Washington. The CST countries began to feel less the need to choose between cooperation with Russia and developing relations with the United States, which made it easier for the Russian leadership to solve the problem of reformatting the Collective Security Treaty. In May 2002, at a meeting of heads of state, the CST announced its intention to create an international organization based on the treaty. In October 2002, the Charter of the Collective Security Treaty Organization (hereinafter referred to as the CSTO) was signed.⁵

The charter defined the goals of the CSTO as "strengthening peace, international and regional security and stability" and "protecting on a collective basis the independence, territorial integrity and sovereignty of the member states." The document enshrined the principle of mandatory execution of decisions taken within the framework of the CSTO. Member countries pledged to coordinate "foreign policy positions on international and regional security issues" and take measures to "harmonize national legislation on defense, military development, and security."

I. INTERNATIONAL LEGAL FOUNDATIONS OF THE CSTO

The beginning of the creation of a regional Collective Security Treaty Organization was the signing of the Collective Security Treaty in 1992. The legal

⁴ Brian J. Collins, *NATO: A Guide to the Issues ABC-CLIO*, Preager, California, 2011, p. 178.

⁵ Dovagan E.F - Rozanov A.A., *Collective Security Treaty Organization (2002-2009)*, The Ark, Minsk, 2010, p. 28.

foundations of this agreement laid the basement for the formation of an entire organization based on cooperation in the field of collective security.

After the making decision in 2002 to transform the CST into the CSTO, in October of the same year, the charter was adopted defining the legal status of the newly formed regional organization.⁶

Although a lot of documents, agreements, protocols, declarations, plans, and programs have been signed since the formation of the Collective Security Treaty and to date, defining the international legal policy of the organization, the main documents that form the foundation of the legal base of the CSTO are the “Collective Security Treaty of 15.05.1992” and “Charter of the Collective Security Treaty Organization dated 7.10.2003”.

The fundamental principles of interaction between the participants are determined by Article 1 of the Collective Security Treaty. According to this article, “the participating States reaffirm their obligation to refrain from the use of force or the threat of force in interstate relations.⁷ They undertake to resolve all differences between themselves and other states by peaceful means. The participating states will not enter into military alliances or take part in any grouping of states, as well as in actions directed against another participating state.

The strategic goal of collective defense is established by Article 4 of the above treaty. The article provides that if one of the participating states is subjected to aggression (an armed attack that threatens security, stability, territorial integrity, and sovereignty), then this will be considered by the participating states as aggression (an armed attack that threatens security, stability, territorial integrity, and sovereignty) to all States Parties to this Treaty.⁸ Thus, within the framework of this wording, taking into account Article 51 of the UN Charter,⁹ in the event of an act of aggression against any of the participating States, all other participating States will provide it with the necessary assistance, including military, and will also provide support with the means at their disposal in order exercise of the right to collective defense.

⁶ “From Treaty to Organization: History of Creation, Basics of Activity, Organizational Structure. 2002-2021.”

⁷ “Collective Security Treaty”

⁸ “Collective Security Treaty”

⁹ “The Charter of the United Nations”, <https://www.un.org/en/about-us/un-charter>, (10.11.2022)

In the event of the emergence of important issues of international security or a threat to security, Article 2 of the treaty provides for measures of joint consultations to coordinate their positions and take measures to eliminate the threat that has arisen.

Interesting states that share the objectives and principles of the treaty, under Article 10, may accede to it.

In the Charter of the Commonwealth of Independent States (CIS), collective security and military-political cooperation are devoted to a whole Chapter of incorporated norms, which are also in the treaty. However, not all CIS countries are parties to the agreement.¹⁰

It should be noted that the Collective Security Treaty, on November 1, 1995, was registered with the UN Secretariat, and the CSTO was granted by the UN Resolution, the status of an observer in the General Assembly.

The status of the CSTO - as a regional organization, is determined by Article 1 of the CSTO Charter. Article 3 establishes the following objectives for the organization:

- strengthening the peace;
- international and regional security and stability;
- protection of the independence, territorial integrity, and sovereignty of the Member States on a collective basis (priority in achieving which the Member States give political means).¹¹

Chapter 3 of the Charter is devoted to joint measures to form an effective system of collective security, the creation of coalition (regional) groupings of troops (forces) and their command-and-control bodies, military infrastructure, the training of military personnel and specialists for the armed forces, providing them with the necessary weapons and military equipment.

Thus, according to the CSTO Charter, one of the main goals of the Organization and its activities is to coordinate and unite efforts in the fight against international terrorism and other non-traditional security threats. The Charter also establishes that the participating states are obliged to harmonize and

¹⁰ Nikitina, "Military-Political Integration Processes", pp. 141-148.

¹¹ "Charter of the Collective Security Treaty".

coordinate their foreign policy positions on international and regional security issues.

To date, a lot of agreements have been signed and ratified regulating the activities of the CSTO in almost all areas of security (Agreement on the Basic Principles of Military-Technical Cooperation between the States Parties to the Collective Security Treaty dated May 15, 1992 (Moscow, 06/20/2000); Agreement on the Legal Status of the Collective Security Treaty Organization (Chisinau, 07.10.2002) Protocol on the procedure for exercising control over the intended use of military products supplied under the Agreement on Basic Principles of Military-Technical Cooperation between the States Parties to the Collective Security Treaty dated May 15, 1992 (Chisinau, 07.10.2002); Agreement on the creation of a unified system of technical cover for the railways of the CSTO member states (Dushanbe, 04.28.2003); Agreement on the Collective Rapid Reaction Forces of the CSTO (Moscow, 14.06.2009); Agreement on cooperation Member States in the Collective Security Treaty Organization in the field of transportation of military and other formations, their movable property, as well as military products (09/15/2015); etc.).

II. SYSTEM OF BODIES, COMPETENCIES, AND MEMBERSHIP IN THE CSTO

Coordination of joint actions of the CSTO is ensured by permanent working and auxiliary bodies formed following the CSTO Charter.

According to Article 11 of the CSTO Charter, the head bodies are:

- Collective Security Council (CSC);
- The Ministers of Foreign Affairs Council (MFAC);
- The Ministers of Defense Council (MDC);
- The Committee of Secretaries of Security Councils (CSSC);
- Standing advice.

Within the framework of this article of the Charter, the current working bodies that carry out their activities permanently are:

- Secretariat of the Organization (Secretariat);
- Joint Headquarters of the Organization.

The supreme body of the CSTO is the Collective Security Council (CSC) and consists of the heads of state of the CSTO members. The CSC considers the fundamental issues of the Organization's activities and makes decisions aimed at the implementation of its goals and objectives. To achieve these goals, the CSC ensures coordination and joint activities of the member states. Sessions of the CSC are held alternately in the Member States as needed, but at least once a year.¹²

The chairmanship of the Council shall be transferred in the order of the Russian alphabet unless the Council decides otherwise.

The Ministers of Foreign Affairs Council (MFAC), The Ministers of Defense Council (MDC), the Committee of Secretaries of Security Councils (CSSC), with-in their competence, according to the CSTO Charter, are advisory and executive bodies responsible for coordinating the interaction of states.

The coordinating body that deals with issues of cooperation within the Organization between sessions of the CSTO CSC and, together with the permanent working bodies, ensure the implementation of decisions taken by the CSTO bodies, is the CSTO Permanent Council. The Council consists of permanent and plenipotentiary representatives appointed by the member states following their internal state procedures.

Organizational, informational, analytical, and advisory support for the activities of the statutory bodies of the Organization is carried out by the CSTO Secretariat. The Secretariat implements the preparation of draft decisions and other documents of the CSTO bodies.

For the preparation of proposals and the implementation of decisions on the formation within the framework of the Organization of an effective system of collective security, the creation of coalition (regional) groupings of troops (forces) and their command-and-control bodies, military infrastructure, the training of military personnel and specialists for the armed forces, and the provision of the necessary weapons and military equipment is responsible Joint Headquarters of the CSTO. The Secretariat and the Joint Headquarters are permanent bodies and are based in the Russian Federation, in the city of Moscow.

¹² "From Treaty to Organization: History of Creation, Basics of Activity, Organizational Structure. 2002-2021."

The highest administrative officer of the Organization is the Secretary-General. He is appointed by the heads of states on the proposal of the MFAC for three years on a rotational basis from among the citizens of the CSTO member states.

To solve the problems facing the CSTO, subsidiary bodies and working groups can be created on a permanent or temporary basis, functioning in separate areas of activity.

The formation, functioning, and use of the collective forces of the CSTO are under the jurisdiction of the Joint Headquarters. Collective forces are formed by integrating contingents of national armed forces into their composition. Collective forces, depending on the goals of the formation, are divided into coalition and regional groupings of troops.

Coalition groupings of troops include:

- Collective rapid reaction forces (CRRF);
- Collective Aviation Forces (CAF);
- Collective Peacekeeping Forces (CPF).

Regional groupings of troops include:

- Eastern European grouping (Russia-Belarus);
- Caucasian grouping (Russia-Armenia);
- Collective Rapid Deployment Forces for the Central Asian Collective Security Region (CRDF CAR).

Of the formed military groupings, for the use of collective forces, the main and most important is the CRRF. The main tasks of the CRRF following the CRRF Agreement include participation in the prevention and repulse of an armed attack on the territory of a member state, the fight against international terrorism, participation in measures to protect the population, and providing emergency humanitarian assistance. The creation of the CRRF was due to the need for a universal tool for responding to a wide range of challenges and threats throughout the CSTO.¹³

¹³ Gavrilov Yu.- Kuzmin V.- Falaleev M.- "The sum of forces. Yesterday, the CSTO created a collective rapid reaction force", *Rossiyskaya Gazeta*, 2009, No. 9, pp. 45-63.

The number of CRRF is about 20,000 people (for comparison: CRDF CAR - 5,000). The CSTO CRRF, unlike the CRDF CAR, includes not only military formations and units of constant readiness of the armed forces of the member states, but also the formation of special forces from among the special units of the internal affairs bodies, security, and special services, as well as emergencies.

In addition to the above, the CRDF CAR is also limited: in terms of functionality, territory, and the list of tasks.

The collective forces of the CSTO conduct exercise on an ongoing basis. However, many of the 2020 exercises have been canceled due to the Covid-19 pandemic and were taken place in 2021.

The CSTO Charter, within the framework of the prescribed procedures, provides an opportunity for any state to join, as well as withdraw from the organization.¹⁴

The Charter also provides the procedures for expelling a Member State from the CSTO.

III. LEGAL REGULATION MECHANISMS OF STRONG-ARM DECISIONS

The base norm regulating the legal mechanism of forceful decisions is Article 4 of the Collective Security Treaty. This article is similar in meaning to a certain extent to Article 5 of the North Atlantic Treaty.¹⁵ The definition of Article 4 of the Collective Security Treaty is as follows: If one of the participating States is subjected to aggression (an armed attack that threatens security, stability, territorial integrity, and sovereignty), then this will be considered by the participating States as an aggression against all participating States of this Agreement.¹⁶ Consequently, at the request of the affected state, all members of the CSTO are obliged to provide it with assistance, including military, and any other support in the exercise of the right to collective defense under the UN Charter.

¹⁴ "Charter of the Collective Security Treaty Organization of October 7, 2002".

¹⁵ "The North Atlantic Treaty", https://www.nato.int/nato_static_fl2014/assets/pdf/stock_publications/20120822_nato_treaty_en_light_2009.pdf, (9.11.2022)

¹⁶ "Collective Security Treaty"

However, in the course of comparative legal analysis, a question arises in the interpretation of the word “aggression”, fixed in Article 4 of the Collective Security Treaty. The fact is that the treaty provides for aggression as an “armed attack”, while Article 1 of Resolution 3314 (XXIX) of the UN General Assembly of December 14, 1974,¹⁷ considers aggression as the use of armed force of one state against another. Based on this, it is assumed that the wording of the article allows the participating countries to intervene in a civil war or a coup d'état.

If the notion of “armed attack” enshrined in article 4 of the treaty creates confusion about the mechanisms for responding to internal threats, then article 2 of the treaty explicitly establishes this mechanism in the event of the emergence of such a threat.

Article 1 enshrines the impossibility of a CSTO member state to participate in military alliances directed against another member state. However, it does not prohibit member states from cooperating and conducting joint exercises with other military-political blocs. For example, membership in the CSTO did not prevent Kazakhstan and Armenia from creating peacekeeping brigades with the assistance of NATO, participating in joint military events and missions with the alliance.

Outside of crises, cooperation between the members is regulated by the CSTO Charter. Article 9 of the Charter obliges states to harmonize and coordinate their foreign policy positions on international and regional security issues.

The CSTO Collective Security Strategy regulates the planning of the collective security system.¹⁸ Among the threats, the strategy names political instability, unresolved conflicts, the deployment of air defense systems, and the proliferation of weapons of mass destruction. It also talks about hybrid threats: an external change in the constitutional order in the Member States and the implementation of a destructive ideological impact on their population.

The CSTO, until today, except for the events in Kazakhstan, at the beginning of January 2022, has not yet taken part in any military operations.¹⁹ Be-

¹⁷ “General Assembly resolution 3314 (XXIX) 14 December 1974”, <http://hrlibrary.umn.edu/instree/GAres3314.html>, (7.11.2022).

¹⁸ Nikolaenko V., *Organization of the Collective Security Treaty*, Publisher: M, 2004, p. 78.

¹⁹ “The CSTO Operation in Kazakhstan: How Legitimate is it and How Long Will it Last?”, <https://www.rfi.fr/ru/центральная-азия/20220107-операция-одкб-в-казахстане-насколько-она-правомерна-и-как-долго-продлится>, (6.11.2022).

fore this, only exercises were carried out, although in recent years there could have been several reasons to use force, the Organization did not see sufficient legal grounds for this.

One example is the Armenian-Azerbaijani armed conflict in Nagorno-Karabakh in the fall of 2020. Since Azerbaijan is not a member of the CSTO, Article 4 of the CSTO could work here. However, this armed conflict did not take place on Armenian territory, but on the territory illegally occupied by Armenia.²⁰ Since there were not enough legal grounds, the CSTO member states decided not to react to this situation, and Russia sent peacekeeping forces on its behalf to stabilize the situation and end the military conflict.

Also, Armenian Prime Minister Pashinyan did not ask for help. Officially, he applied to the CSTO only in the spring of 2021, when the Azerbaijani military staged a border adjustment. But the application was ultimately rejected.²¹

Another example is when in April 2021 and in September 2022 (on the eve of the summit of the Shanghai Cooperation Organization in Samarkand), a military conflict broke out on the border of Kyrgyzstan and Tajikistan with the use of armored vehicles, mortars, multiple launch rocket systems, and Bayraktar drones. Tajikistan and Kyrgyzstan being a member of the organization, the CSTO practically could not officially intervene in this conflict. Since the CSTO Charter lacks mechanisms for legal regulation if the participating states fight against each other.²²

However, the first operation of the CSTO eventually became the dispatch of troops to Kazakhstan. In early January 2022, due to the increase in fuel prices, people began to protest in cities such as Zhanaozen and Aktau. Soon the protests became massive, and hundreds of thousands of disgruntled citizens, especially in Almaty, took to the streets to protest with political demands. The President of Kazakhstan, Kassym-Jomart Tokayev, took advantage of Article 2 of the treaty, on “a threat to security, territorial integrity and sovereignty”, announced “outside interference”, and called the protesters “terrorist gangs”,

²⁰ “The CSTO Called the Condition for Intervention in the Conflict in Karabakh”, <https://ria.ru/20201008/karabakh-1578859528.html>, (1.11.2022).

²¹ “Armenia Applied to the CSTO Because of the Conflict on the Border With Azerbaijan”, <https://www.kavkaz-uzel.eu/articles/363897/>, (1.11.2022).

²² “Conflict Without Mediators, Who Benefited From the War on the Border of Kyrgyzstan and Tajikistan”, <https://carnegie.ru/commentary/84454>, (30.11.2022).

and asked for help from the CSTO. On January 5, 2022, late in the evening, the acting chairman of the CSTO, Prime Minister of Armenia Nikol Pashinyan announced that the CSTO Collective Security Council decided to assist Kazakhstan.²³

Thus, the forces of the CSTO, like the troops of the Warsaw Pact, were used for internal protests.

The head of the Committee of the State Duma (parliament) of Russia for the Commonwealth of Independent States (CIS), Leonid Kalashnikov, argued that the CSTO peacekeeping forces in Kazakhstan would guard infrastructure facilities.

As for the statements of the President of Kazakhstan, Kassym-Jomart Tokayev, regarding “terrorist gangs” and “outside interference”, they did not find their confirmation and remained just a statement.

IV. PROBLEMS OF COOPERATION BETWEEN THE CSTO AND NATO IN ENSURING INTERNATIONAL SECURITY

Before considering the problems of cooperation between the two regional organizations, first of all, we need to understand in a general form the history of the formation and goals of NATO.

NATO as an international organization is a military-political bloc created to protect member states from external attacks. In other words, NATO is a “transatlantic forum” for allied countries to consult on any issue that affects the most fundamental interests of its members, including actions that could jeopardize their security.²⁴

The roots of the creation of NATO date back to the Soviet Union and the United States, which had a diverse idea of the rules for organizing peace in Europe. It was at the time when the Yalta agreements were signed that a situation developed in which the foreign policy of the victorious countries in World War II was more focused on the future post-war balance of power in Europe and the entire world, and not on the current situation. The need to ally was

²³ “The CSTO Operation in Kazakhstan: How Legitimate is it and How Long Will it Last?”, <https://www.rfi.fr/ru/центральная-азия/20220107-операция-одкб-в-казахстане-насколько-она-правомерна-и-как-долго-продлится>, (30.11.2022).

²⁴ Brian J. Collins, NATO: A Guide to the Issues ABC-CLIO, p.178.

dictated by political circumstances. At that time, the world was divided into two camps: socialist and capitalist, between which a system of confrontation developed.²⁵

The result of the confrontation was the conclusion of the Brussels Treaty in March 1948, which was signed by five Western European countries - Belgium, Great Britain, Luxembourg, the Netherlands, and France - thereby forming a common NATO defense system. This was followed by discussions with the United States and Canada on the creation of a single North Atlantic alliance. The negotiations resulted in the signing in April 1949 of the North Atlantic Treaty, which applied the system of common defense of twelve countries: Belgium, Great Britain, Denmark, Iceland, Italy, Canada, Luxembourg, the Netherlands, Norway, Portugal, the USA, and France.

Currently, 30 countries are members of NATO. The latest member state to join NATO as North Macedonia on March 27, 2020.

Members of the organization agreed that their goal is to achieve or maintain a defense spending target of at least 2% of their GDP by 2024.

The main goal of the military-political bloc, enshrined in the treaty, is to “ensure the freedom and security” of all NATO members following the principles of the UN Charter. The most significant point of the document is Art. 5, which states that in the event of an “armed attack” on one or more of its participants, other NATO members will provide immediate assistance to the attacked countries by any means - “including the use of armed force.”²⁶

De facto, the main task of the bloc during the Cold War was to contain the “Soviet military threat” in Europe, the military plans of the member countries of the alliance mainly concerned the conduct of hostilities with the countries of the Warsaw Pact.

The main political decision-making body in NATO, and the only committee created by the founding treaty, is the North Atlantic Council (NAC). Its meetings are held at NATO Headquarters in Brussels.²⁷

²⁵ Sergey Radchenko - Timothy Andrews Sayle - Christian Ostermann, *NATO in the Cold War and After Contested Histories and Future Directions*, Routledge, London, 2021, p. 8.

²⁶ “The North Atlantic Treaty”

²⁷ Brian J. Collins, *NATO: A Guide to the Issues ABC-CLIO*, p.178.

Based on the above, we can conclude that the history of NATO begins with the division of the world into two opposing camps, thus the goal of NATO was to counter the Soviet Union. After the collapse of the USSR, the decision was made to create the Collective Security Treaty Organization (CSTO is called the Russian NATO). Two opposite organizations with their unique history. As for the structure, the North Atlantic Alliance has a complex, clear, well-oiled, and highly effective system of governing bodies, and these mechanisms work to realize the values of the alliance. It should be noted that all decisions made in NATO structures are based on the principles of consensus, dialogue, and cooperation, which implies a high degree of involvement of all member states in the decision-making process.²⁸ The situation is the opposite in the CSTO, the organization needs a clear unifying idea, understandable to both the participating states and external actors.

Relations with NATO are one of the most problematic areas of the international political dimension of the CSTO. From the point of view of international law, the CSTO belongs to the same type of organization as NATO: a regional interstate security organization with powers by the eighth chapter of the UN Charter.²⁹ Both are recognized by the UN in this capacity.

Unlike NATO, the CSTO has a legal basis for developing cooperation with the Alliance. In June 2004, the Collective Security Council of the CSTO adopted a Decision on the main directions of dialogue and relations between the Collective Security Treaty Organization and the North Atlantic Treaty Organization.

It is necessary to highlight some of the provisions of this document, which, unfortunately, are forgotten and ignored in the West.

Firstly, a statement of the closeness and coincidence of the principal positions officially declared by the CSTO and NATO on the issues of countering modern threats and challenges.

Secondly, the inclusion in the agendas for consultations and cooperation of the following topics:

- regional and international security;

²⁸ NATO, "Assured Security; Dynamic Engagement", https://www.nato.int/cps/en/natolive/official_texts_63654.htm, (23.11.2022)

²⁹ "The Charter of the United Nations".

- counteracting international terrorism, drug and arms trafficking, organized crime, and illegal migration;
- non-proliferation of weapons of mass destruction and missile technologies;
- Strengthening border security;
- prevention and settlement of conflict situations and peacekeeping;
- cooperation in the liquidation of consequences of emergencies.

At the same time, CSTO-NATO consultations are offered as an addition to the cooperation of the member states of the Organization with NATO within the framework of the Partnership for Peace program.

Thirdly, the possibility of using such mechanisms for developing relations with NATO, such as the bilateral format, the CSTO-NATO format, the exchange of information, the working contacts of the Secretary-General of the Organization with the NATO Secretary-General, and the leadership of the NATO Secretariat, etc.

Thus, the Organization offered the Alliance a sufficient list of topics for consultations and cooperation.

But there was no response to the corresponding appeal to NATO.

The Alliance is still in no hurry to institutionalize relations, preferring to work with individual members of the Organization within the framework of the Russia-NATO Council, the Euro-Atlantic Partnership Council (EAPC), and the Partnership for Peace program.³⁰ However, for example, the EAPC format, firstly, involves only the exchange of views, and not the adoption and implementation of specific initiatives, and, secondly, it is focused on interaction at the interstate level, but not in the “organization to organization” format.

The problem, as it now manifests itself in relations with Russia, was that rapprochement is not a matter of preference, but a matter of necessity for the Alliance. While in the Russia-NATO interaction, Brussels then gave the appropriate signal, but not for the CSTO.

³⁰ Dmitry Danilov, “Russia-NATO: Strategic Partnership Dilemmas”, <https://russiancouncil.ru/analytics-and-comments/analytics/rossiya-nato-dilemmy-strategicheskogo-partnerstva/>, (15.11.2022).

It is quite obvious that, as happened during the “reset” of relations with Russia, much depends on Washington.³¹ In February 2011, an American secret cable dated September 2009 appeared in the media. It noted that NATO seeks to intensify cooperation with the Russian Federation, but considers it counter-productive to interact with the CSTO as an organization initiated by Moscow to counter the potential influence of NATO and the USA in the former Soviet space.

At the same time, there is no common negative position in NATO regarding dialogue. But even those political forces that are ready to discuss such a prospect still do not have a complete picture of the need for it.

Preference is given to ensuring Euro-Atlantic security, and this can be manifested by a broad network of partnerships with countries and organizations around the world.³² Simultaneously, however, the specific list of partners from among international structures is limited only by the UN and the European Union, with a mention of the course towards deepening cooperation with such formats as the Mediterranean Dialogue and the Istanbul Cooperation Initiative. And among individual countries, a special place is given to the development of interaction with Russia.³³

The partnership as a whole must be proposed to be strengthened through “flexible formats” within or outside the existing structures of interaction. Thus, there are conceptual foundations for establishing relations between NATO and the CSTO.

As experience shows, NATO’s strategic concept is a general line that can be adjusted, but not fundamentally, depending on the emergence of new threats and circumstances.³⁴

But it is no coincidence that special attention was paid to relations with the UN and the European Union, as well as with Russia - especially in the area of crisis management.

³¹ Sergey Radchenko et al, NATO in the Cold War and After, p. 68.

³² Ronald Asmus - George Robertson, *Opening NATO’s Door: How the Alliance Remade Itself for a New Era*, Columbia University Press, New York, 2004, p. 415-48.

³³ Dmitry Danilov, *Russia-NATO: Strategic Partnership Dilemmas*.

³⁴ Malyshev A.M. “NATO’s New Strategic Concept - A Program Setting for the Beginning of the 21st Century”, *Strategic Stability*, 1999, No. 2, p.16.

Another issue is the nature and scale of the potential results of interaction, which is the subject of a serious debate, burdened with various stereotypes, which, in turn, prevents a new assessment of the geopolitical situation to give fresh ideas and proposals.

There are still many problems on the Russia-NATO track - suffice it to note the unresolved issues around the missile defense system, NATO expansion to the east, and the war in Ukraine, where the parties have colossal claims against each other. Their solutions require priority attention, the efforts of the relevant official structures.

And in the CSTO-NATO direction, there is not even a dispute and a targeted exchange of views.

Not to mention some constructive and specific proposals - with the possible exception of the Afghan direction.

Although it can be noted that following their base documents, there is the possibility of developing flexible forms of interaction for both organizations. Even if we are not yet talking about their full-fledged cooperation, it is possible to interact on specific projects and relevant agreements (for example, on the Afghan settlement), which is consistent with the approaches of the strategic concept of the Alliance.

CONCLUSION

After twenty years of practice, the CSTO allows us to attribute the organization to the so-called dead letter regimes - the category of international regimes that are distinguished by a high formalization of the regulatory framework, combined with low expectations of actors in the expectation that the norms will be observed. The participating countries, in essence, do not need the CSTO to achieve their strategic goals. At the same time, the organization retains status and symbolic significance for Russia, which seeks to protect it as far as possible from evident failures.

In this regard, both the collapse (dissolution) of the CSTO or the transformation into a full-fledged international regime is unlikely.

Further stagnation remains the most realistic prospect for the CSTO.

The twenty-year existence history of the organization confirms this with its examples. One of them is the resonance in the media during the creation of

the Collective Rapid Reaction Force (CRRF) of the CSTO. The draft agreement was signed in February 2009, and the CRRF approval session was held in June of the same year. However, at that time, the decision to establish the CRRF was taken by only four of the six-member states, which was contrary to paragraph 1 of Rule 13 of the Rules of Procedure of the Collective Security Council (lack of consensus). The document on the CRRF was not signed by Belarus and Uzbekistan. The Belarusian delegation did not come to the CSTO summit, explaining its step as economic discrimination from Russia. However, already in October 2009, Minsk agreed to the creation of the CRRF.

Russian dissatisfaction with the activities of the CSTO was aggravated by the policy of Uzbekistan, which joined the organization in 2006, which was a concession to Moscow in exchange for support during the crisis in Tashkent's relations with the US and the EU that followed the Andijan events. Uzbekistan headed for the boycott of crucial decisions within the organization. The 2010 CSTO reform did not solve the problems of the alliance: it increased the volume of Russia's obligations without amplifying the responsibility of its allies. In 2011, the Russian political elite thought about a new reform of the organization. An expert center close to the presidential administration suggested that the CSTO introduce the practice of majority voting on many issues and put Uzbekistan before a choice: either comply with the CSTO Charter and decisions or leave the alliance. Uzbekistan soon made a choice, leaving the CSTO in 2012.

After the civil war 1992-1997, Tajikistan remained a weak, internally fragmented state, where the achieved peace settlement was supported by the Russian military contingent. Although the positions of President E. Rahmon and the Kulyab clan headed by him gradually strengthened, Russian military support remained critical for the Tajik authorities. Russia successfully suppressed attempts by the Tajik authorities to "knock out" excessive, from Moscow's point of view, preferences and limited Dushanbe in its occasional desire to go "too far" in pursuing the "multi-vector" foreign policy proclaimed by Tajikistan. Tajikistan demonstrated its loyalty to the CSTO by invariably signing all the documents, and only once threatened to boycott the organization's summit because of the "energy crisis in the country" (thus hinting that it expects Russia's support in disagreements with Uzbekistan over the construction of the Rogun hydroelectric power station). However, Tajikistan's interests were ensured precisely not by participation in the CSTO but by an alliance with Rus-

sia. Tajikistan's contribution to collective military development remained purely symbolic.

Russia in 2013, in its Foreign Policy Concept, indirectly recognized the problems in the activities of the CSTO. Russia stressed that it is necessary to focus "on strengthening the mechanisms of rapid response, its peacekeeping potential, as well as improving the foreign policy coordination of the CSTO member states."

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