

The democratization of international organizations



IDW
**INTERNATIONAL
DEMOCRACY WATCH**

edited by
Giovanni Finizio
Lucio Levi
Nicola Vallinoto



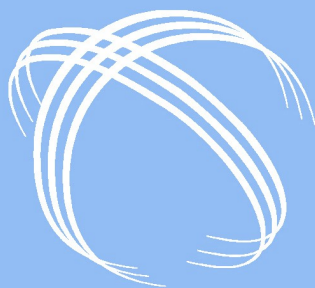
CENTRE FOR STUDIES ON FEDERALISM

First International Democracy Report 2011



**Commonwealth of
Independent States and
Eurasian
Economic Community**

by
Alexander Libman



CENTRE FOR STUDIES ON FEDERALISM

I. Introduction

The regionalism in the Northern Eurasia is, on the one hand, in line with the general trends of the rise of the regional economic and political cooperation as it is observed worldwide, but, on the other hand, a rather rare case of regionalism resulting from disintegration of a previously existing polity. The post-Soviet countries are extremely heterogeneous in terms of economic development and culture and different in terms of political and economic institutions: the main foundation for the regionalism has originally been the common “Soviet legacy” the countries had to deal with and to resolve. However, the regionalism in the former Soviet Union (FSU) area seems to go beyond the “civilized divorce,” though it probably has not been the original intention of its designers; the proliferation of various regional initiatives and projects over the last decades seems to confirm it. This chapter looks at the current state of the post-Soviet regionalism from the point of view of the international democracy perspective. Specifically, I consider two main regional structures incorporating the essence of the “post-Soviet regionalism” and closely intertwined with each other: the Commonwealth of Independent States (CIS) and the Eurasian Economic Community (EurAsEC).¹

2. Emergence of the post-Soviet regionalism

2.1. The Commonwealth of Independent States

The foundation of the CIS was in fact viewed not as an act of establishing a regional union supporting the closer cooperation of its members, but, on the contrary, as a tool of the dissolution of a previously existing single political entity of the Soviet Union. The last years of the USSR were marked by the increasing intensity of regional political and ethnic conflicts, as well as by the active attempts of the Soviet leadership to restructure and to maintain the Union. The New Union Treaty bargaining went on from mid-1990, and were at least at the beginning not perceived as inevitably meaningless; while the secession of some republics (like the Baltic states) was probably unavoidable, for several other republics it was even not the first-best option. However, there were also serious flaws in the design of the New Union, which should be recognized (see

¹ CIS includes Belarus, Russia, Kazakhstan, Kyrgyz Republic, Tajikistan, Turkmenistan, Azerbaijan, Armenia, Belarus, Uzbekistan, Ukraine and Moldova; Georgia left the organization in 2009. EurAsEC includes Russia, Kazakhstan, Belarus, Kyrgyz Republic and Tajikistan.

Gleason 1992; Walker 2003 for a survey). Nevertheless, the unsuccessful coup in August 1991 seriously accelerated the collapse of the USSR, rendering the Soviet government powerless. While in the first months after the coup the government of Russia, the largest potential successor state of the USSR, generally was somewhat indecisive about how to proceed in terms of maintaining the existing political structure (while originally the competition between the Soviet and the Russian leadership – more simplified, between Gorbachev and Yeltsin – seriously undermined the positions of the Soviet government, now, when the latter became essentially non-existent, Russian government seems to have at least considered the option of filling the vacuum of power at the Soviet level, see Furman 2010), later the option of dissolving the USSR was treated as more attractive.

As it is very often the case for complex transitions between federations and international unions (see Rector 2009 for a theoretical debate), the international structure emerged already within the transforming Soviet governance system. In September 1991 the Peoples' Deputies Assembly, the highest governing institution of the Soviet Union, replaced the government of the USSR by the State Council (comprised by the presidents of the USSR and of the republics) and the Inter-Republican Economic Committee, once again, established as a supranational institution with equal representation of the republics. In October 1991 several Soviet republics, still being part of the Soviet Union (or, as it should be re-labeled according to the negotiations at hand, Union of Sovereign States, SSG), signed a treaty on an economic community, which finally encompassed eight countries, however, was never implemented. In December 1991, finally, the meeting of three heads of state of Russia, Ukraine and Belarus in Viskuly (Belarus) declared the inevitability of the collapse of the Soviet Union and ceased the negotiations on a new confederation of the SSG, replacing it by the newly established Commonwealth of Independent States (Belovezh agreement or Minsk agreement).² Several weeks later the Ashkhabad declaration signed by five Central Asian countries endorsed the creation of the CIS and the abolishment of the SSG negotiations. The subsequent Almaty Declaration extended the membership in the CIS to eleven FSU countries (with the exception of Georgia and the Baltic states)

² Belovezh agreement is an informal reference to the document based on the location of Viskuly in the Belovezh forest region, which is also more widely used. Minsk agreement is the formal reference to the same document, which officially is considered to be signed in Minsk, and not in Viskuly (though the actual negotiations took place in Viskuly).

and officially pronounced the dissolution of the Soviet Union (see Torkunov 1999). The Articles (Ustav) of the Commonwealth were signed in January 1993.

The initial declarations included a substantial cooperation and integration of countries within the CIS framework; however, already at this stage it was not entirely clear whether the CIS is designed as a permanent institution or just a temporary measure to reduce the costs of the collapse of the USSR (for the English versions of the founding documents of the CIS see Brzezinski and Sullivan 1997). For example, the Belovezh agreement required the coordination of foreign policy, common economic space and cooperation in the customs policy, transportation and communication policy, migration policy, organized crime issues and an encompassing system of ecological security. The subsequent declaration on economic policy includes the requirements of the value-added tax coordination, coordination of customs policy and free transit. This list resembles very much the standard regionalism design, with an obvious focus on the economic matters (this is very consistent with the late Soviet development, when the economic problems were systematically treated as the core of any agenda, see also Furman 2010). However, at the same time, several goals set up in the agreements are much more consistent with the temporary solution: for example, coordination of economic reforms and introduction of national currencies taking the interests of the partners into account (declaration on economic policy). The Almaty and the Ashghabad declarations generally emphasize rather the sovereignty of the FSU countries and restrictions of mutual interventions in the domestic policy than cooperation, with the exception of the nuclear weapons. Several further agreements signed in December dealt with the military forces, border protection forces and the USSR property abroad, so, once again, engaged in very specific matters dealing with the collapse of the USSR.

Therefore it is not surprising that the initial period of the CIS history seems to represent a combination of three interconnected processes taking place within the institutional framework of the Commonwealth. First, the post-Soviet countries continued their negotiations regarding the USSR dissolution. Probably, the most basic two aspects agreed upon were, first, Russia's continuity in terms of the UN Security Council membership and USSR nuclear weaponry, and second, distribution of the international debt of the USSR and the property of the USSR abroad.

Second, the CIS slowly developed its formal organization. While initially the Commonwealth included just the Council of the Heads of State and the Council of the Heads of Government, further bodies were established during 1992-1993 (see more on the CIS institutional structure below). Moreover, the CIS expanded and systematically organized its membership. More precisely, the CIS Economic Court ruling of 1994 distinguishes between the membership (*chlenstvo*) and participation (*uchastie*) in the CIS. CIS participants are all countries signing and ratifying the Minsk agreement and the Almaty declaration; CIS members should have signed and ratified the Articles of the CIS. The first list originally encompassed nine FSU countries, since Georgia did not sign and Azerbaijan and Moldova did not ratify the agreements; hence, in 1993 Azerbaijan's representatives took part in the CIS negotiations only in the observers' status. Towards the end of the 1993, however Azerbaijan returned to the participation in the CIS, and Georgia also entered this organization after the civil war (as it is sometimes claimed to use Russia's support in controlling the Abkhazia's secession). To conclude, CIS was able to expand to the whole FSU region excluding Baltic states.³ In addition, the CIS was involved in the peacekeeping operation in Abkhazia (three other peacekeeping initiatives in the region – Tajikistan, Transnistria and Southern Ossetia – were based on individual agreements and not implemented within the framework of the CIS).

The third direction of the CIS activity, highly contradictory as well, was associated with the development of specific tools of cooperation of the post-Soviet countries. However, even in this case the emergence of the CIS institutions usually constituted a simple reaction to the disintegration and inability (or unwillingness) of the CIS countries to maintain the originally proclaimed level of cooperation. Basically, the achievements of the CIS during this period can be attributed to two main areas. First, in the field of the security cooperation the Collective Security Treaty (CST) was signed in 1992 by originally six countries. While originally the CIS planned to establish the united armed forces under a joint command, the objective was soon proven to be

³ As for the membership in the CIS, Ukraine and Turkmenistan did not sign it, and Moldova signed only with a significant delay. However, there is no distinction between membership and participation in the CIS documents whatsoever, and I will also use the terms "membership" and "participation" interchangeably in what follows. It should be noted that Turkmenistan, to stress the distance between this country and the rest of the CIS, declared itself an "observer member/participant" of the Commonwealth, although there is no legal status of observer in the documents of the CIS.

unrealistic, and the member states continued developing their national armies independently from each other, thus creating the need to establish new tools of coordination like the CST. However, the CST was separated from the CIS soon enough and, after several reforms, exists now as an independent Organization of the Collective Security Treaty, which has actually closer links to the EurAsEC than to the CIS; the discussion of this organization goes beyond the framework of this chapter.

The second aspect of cooperation, which was probably of even greater importance for the CIS countries at that moment, was the economic development. Once again, originally the CIS members at least hoped to establish the structure for their economic cooperation through the reformed institutions of the USSR, and, particularly, a common currency zone (Ruble Zone), where the new Central Bank of the Russian Federation became the sole emission center, combined with a system of bilateral and multilateral agreements, directing the trade flows between countries and applying preferential internal prices. This integration mechanism combined the intergovernmental and supranational elements (still not clearly divided, given the recent independence of the CIS members) with the delegation of specific authorities to the strongest member (what Hancock (2009) describes as “plutocratic integration”). However, the Ruble zone and the preferential pricing zone failed, on the one hand, because of the distributional conflicts between the CIS countries, and, on the other hand, given the incompatibility with the individual reform strategies developed by the members of the CIS (see Kosikova 2010 on the preferential pricing and Orłowski 1994 and Dabrowski 1995 on the ruble zone).

Hence, in 1993 the mechanisms of the regional economic integration were significantly revised. In September the members of the CIS signed an Economic Union treaty. The Economic Union marked a significant transition in the CIS approach to the regionalism for two reasons. First, it introduced a new approach and even a new language of regional integration, strictly relying on the experience of the European Union and moving away from “maintaining economic ties” of the Soviet past to creating a regional integration area similar to those observed in multiple regionalist projects all over the world. Second, the project also set a number of clear priorities for the CIS members, which were then extended in additional treaties (Payment Union, Free Trade Area, Intergovernmental Bank, Currency Committee). However,

the results of the new approach were almost identical to those of the previous stage. None of the agreements were indeed implemented. Even the limited free trade area was highly fragile, as, for example, the crisis of 1998 clearly showed, when several CIS countries increased their protectionist barriers to reduce the transmission channels of the crisis from Russia. In addition, this period of regionalism in the CIS marks the “high season” of what one could call “integration rituals”: regular meetings of the CIS governing institutions passed a variety of acts and agreements, which were usually not implemented (and, according to some reports, even not expected to be implemented) by the member states (see also Obydenkova 2010).

To conclude, the CIS turned into a system of regular meetings of the heads of state, probably also helpful (as a unique platform for the encompassing dialogue between partly highly contradictory interests in the region), but certainly performing well below the expectations and the normative goals. It is not surprising that under these conditions the CIS was perceived critically by its member states from the late 1990s; the perception of the contradictions within this institution as unavoidable became more and more widespread among the political elites and the population of the member countries (Yazkova 2007). Therefore it is not surprising that from the late 1990s the CIS countries suggested a variety of alternative reform strategies to re-design the organizational structure and the functioning of the Commonwealth. Some of these reforms concerned the re-organization of the internal structure of the CIS and, more specifically, its technical institutions (Executive Secretariat) and reduction of the supranational bureaucracy, and were partly successfully implemented in the late 1990s, resulting into the establishment of the modern organizational structure of the CIS (to be discussed in what follows). At the same time the consensus-based mechanism of the decision-making and the contradictions between Russia, Belarus and Kazakhstan (countries generally supportive of the post-Soviet integration) made any deep reforms unfeasible. In the same way the CIS consequently failed to become a basis for economic cooperation (as it became obvious after Russia’s rejection of the Ukrainian project of a free trade area in 2005).

In addition, during the second half of the 2000s the post-Soviet space experienced an increase of tensions between the post-Soviet countries. For example, relations between Russia and Belarus worsened significantly after Vladimir Putin’s accession to

power. In the same way, Russia's relations with the "post-revolutionary" Georgia and Ukraine became more problematic. The Georgian political leadership regularly threatened to leave the CIS in the foreseeable future (cf. Libman 2006). On the other hand, there were also suggestions made in Russia for this country to be the first to leave the obviously inefficient organization (see e.g. Remizov 2006). In 2008 the five-days-war between Russia and Georgia (two CIS members) demonstrated the inability of the organization to prevent even the most fundamental confrontation between its participants; after the war Georgia finally decided to leave the Commonwealth.

Currently the CIS seems even to lose the function of the informal leadership forum (since the presence of the CIS presidents at summits seems to be decreasing from year to year) and restricts its attention to specific areas of functional cooperation (electricity, railroads, aviation) and to the humanitarian issues. For example, in the second half of the 2000s seven CIS members established the Intergovernmental Fund for Humanitarian Cooperation (currently its members include Russia, Armenia, Belarus, Kazakhstan, Kyrgyz Republic, Tajikistan, Uzbekistan and Azerbaijan), which functions as a source of financing for joint initiatives in the area of culture and science (probably, somewhat similar to the Asia-Europe Foundation created by the ASEM) and is rapidly expanding its activity (Hantsevich 2010). However, any hopes for a more substantial economic or political cooperation are shifting to the subregional alliances, most notably the Eurasian Economic Community.

2.2. The Eurasian Economic Community

The idea of a multi-speed integration has, in some sense, been present already in the institutional design of the CIS (as it will be discussed in what follows). However, in the second half of the 1990s the multi-speed approach to the regional cooperation in the FSU became a seemingly more attractive alternative from the point of view of the main promoters of the cooperation and required a new institutional framework. That is one of the main reasons why the subregionalism flourished in the CIS region since mid-1990s (Bremmer and Bailes 1998). These various regional sub-groupings had different focus, different ambitions and achieved somewhat different results (see Kosikova 2004 and 2008 for the FSU in general and Linn and Pidufala 2009 for Central Asia). In this paper I will specifically focus on one project, which also seems to be most advanced

(and hence most interesting in terms of the international democracy perspective, which does assume a relatively high level of regionalism) and at the moment is often treated as the key initiative by the leading FSU countries: the Eurasian Economic Community.

Unlike the CIS, which has its origins directly in the collapse of the Soviet Union and in the transformation of Soviet institutions from those of a single state to those of a loose international alliance, the EurAsEC was immediately established as a regional project set up by independent nations (although, of course, the existence of the Soviet “shadow of the past” had a pronounced influence on its evolution). Also unlike the CIS, the EurAsEC from the very beginning had a clear focus on the economic agenda: while economy has been the key element of the interaction in the CIS, the organization had also a strong political-military objective (which was not achieved as well). For the EurAsEC countries the military cooperation is assumed to be organized through the Organization of the CST, which has the almost overlapping membership with the EurAsEC (the only country belonging to the Organization and not to the Community is Armenia, since as a WTO member it was unable to commit itself to several requirements of the EurAsEC).

The first predecessor organization to the EurAsEC was established in 1995, when Russia, Belarus, Kyrgyz Republic and Kazakhstan signed the Customs Union agreement, which was later also joined by Tajikistan. As many other agreements in the CIS, this project was not implemented, and in 1999 ceased to exist without being able to achieve the objective of the tariff harmonization: one of the key reasons for its failure was the Kyrgyz Republic’s WTO accession with significant obligations the country had to fulfill. However, in November 2000 the same five countries decided to transform the Customs Union into a full-fledged regional organization. The Eurasian Economic Community, as it has been established under this framework, once again considered the same goals as the CIS, but in a somewhat smaller group of countries, and ultimately aspired to move from a customs union to an economic and even currency union. From this perspective EurAsEC looked very much like yet additional platform where “integration rituals” could be performed.

Nevertheless, several institutional features of EurAsEC were perceived as promising by the observers (Gleason 2003). First, unlike the consensus-based CIS,

EurAsEC introduced a weighted voting and financing scheme. Thus, EurAsEC offered a new approach to solving one of the key problems of the FSU regionalism: the extreme economic asymmetry between member countries with obvious leadership of Russia (D'Anieri 1997). While this design is obviously problematic for smaller countries (which perceived the threat of the Russian hegemonism), it is also a significant problem for Russia as well: the perception of “over-investment” in the support of the partners as opposed to the political influence in the decision-making mechanism is very persistent in the Russian political elites and the population (in fact, can be traced back to the Soviet past) and therefore was often a reason for a somewhat reluctant position of Russia in terms of advancing regionalism. Second, EurAsEC seemed to be established at the “right point of time”: the post-Soviet economies just started experiencing the economic growth of the 2000s, and the interaction between countries on the microlevel (business and migration) became more vivid (Libman and Kheyfets 2006).

The account of the following ten years of the development of the EurAsEC has been mixed. On the one hand, the speed of advancement of the organization has certainly been relatively slowly. In 2008 EurAsEC was still unable to create an unrestricted free trade area in the FSU, and only about 60% of tariffs were harmonized (usually through an ex-post adherence of individual countries to common tariffs than through an ex-ante agreement). The organization's advancements in other areas, which it declared crucial for its development, were even less visible in spite of the increasing attention to individual key industries (like agriculture and energy). However, on the other hand, as an international institution EurAsEC seems to gain momentum. In 2006 Uzbekistan, after the Andizhan massacre and the consequent worsening of its relations with the EU and the US decided to join the EurAsEC (providing an example of what one could call “protective integration”, which will be discussed in what follows). In 2005 EurAsEC was joined with the Organization of Central-Asian Cooperation (given their membership became almost completely overlapping) – a regional association created in the early 1990s by the post-Soviet Central Asian countries, once again, as a subregional alternative to the EU. However, these advancements were not stable: already in 2008 Uzbekistan left the Community (amazingly, almost immediately after the improvement of its relations with the EU).

In 2006 Russia and Kazakhstan established the Eurasian Development Bank (EDB) in Almaty as a regional development bank for the FSU; later Armenia, Belarus and Tajikistan also joined this organization. EDB, which is closely linked to the EurAsEC, is probably one of the most successful regional organizations in the FSU, also because its main focus is not to provide common institutions and to facilitate formal cooperation (which seems to be hopeless given the commitment problems of the CIS countries) but rather to provide financing for specific projects implemented on the territory of its members and somehow related to an intensified regional cooperation. Unlike the Intergovernmental Bank of the CIS, which basically turned into a somewhat unusual commercial bank in Russia, EDB is indeed a functioning and rapidly growing regional institution. In 2004 the EurAsEC members and China set up the Eurasian Money Laundering and Terrorism Financing Prevention group, which seems to play an important role in the coordination of effort of the countries of region in this area.

Probably, the ultimate challenge for the EurAsEC is the (new) project of the Customs Union of Russia, Kazakhstan and Belarus, which was agreed upon in 2007. Once again, after the failure of the old CIS project and the “initial” customs union preceding EurAsEC, the countries of the group intend to engage in a more intensive cooperation in the area of trade integration. Therefore in 2009 Russia, Belarus and Kazakhstan agreed to coordinate their WTO accession strategies to enter the organization as an already established customs union – in spite of the relatively advanced results already achieved by some of these countries. Officially, the Customs Union ought to start its functioning in 2010. However, at the moment only Russia and Kazakhstan seem to proceed according to the initial schedule. On the other hand, development of the Customs Union resulted in a serious conflict between Russia and Belarus over the tariffs for oil and oil refinery products, which at the moment (summer 2010) has not been resolved and will at best delay the Belarus’ accession to the Customs Union. In the same way, Russia’s decision to enter the WTO jointly with other member states has been often criticized in Moscow; whether it will indeed be implemented is also not clear. To conclude, unlike the CIS, the EurAsEC seems to have at least the potential to develop towards a somewhat more coherent regional integration group, although even in this area its perspectives are not entirely clear and the path is most likely to be relatively slow.

3. CIS and EurAsEC governance structure

3.1. Commonwealth of Independent States

The institutional design of the CIS was basically set up already in the Minsk agreement, but took its present shape through the CIS Articles. Three highest bodies of the CIS – the Council of Heads of State, the Council of Heads of Governments and the Council of the Ministers of Foreign Affairs – are purely intergovernmental and include respective officials from each member country. The key decisions of the CIS are to be made by the **Council of Heads of State (CHS)**. The presidency in the CHS is based on the country rotation principle and changes each year (originally the president was elected for a six-month period, later for a period of one year; it is also necessary to notice, that Russia presided the CIS over the lion's share of its history). There are no direct restrictions on the authority of the Council, which has the right to consider any significant issues relevant for the CIS; specifically, the Council is also responsible for the possible re-organization of the CIS structure (further governance elements, changes of the Articles etc.). The decisions of the council are consensus-based; but the procedure allows for a multi-speed cooperation design, such that particular countries declare their absent interest in a particular matter, which is then decided by other countries. In fact, there is only a tiny fraction of all CIS documents signed simultaneously by all member countries.

The **Council of Heads of Government (CHG)** has a broad agenda mostly concentrated on the economic affairs and social policy, as well as the monitoring of the CIS agencies, and is based on similar principles as the Council of Heads of State. This design is straightforward for many CIS countries, where the prime minister is responsible mostly for economic and social issues (although, of course, there are now a number of notable exceptions). The CHG and CHS are the only institutions empowered with the ability to pass binding decisions. Other institutions discussed below have only the advisory capability (although, according to the CHG decision of 1994, they were empowered to make final decisions in specific areas of their regulation).

The **Council of Ministers of Foreign Affairs (CMFA)** acts as the main executive body of the CIS and acts on behalf of the Councils of Heads of State and of Government between their sessions. Specifically, the CMFA organizes the

implementation of the CHS and CHG decisions, supports information exchange between countries, consults the agenda of the CHS and CHG meetings and coordinates the CIS countries' decisions vis-à-vis third parties and international institutions (if required). The same function, but at a lower level, is implemented by the **Council of Permanent Representatives (CPR)**, which, unlike CMFA, functions on the permanent basis and has primarily technical functions. Since 1992, the CIS also includes the **Council of the Ministers of Defense (CMD)**, which intends to coordinate the military cooperation between countries and is also, as it follows from its very designation, a consensus-based intergovernmental agency. The CMD heads a pyramid of a number of similar intergovernmental structures like the Committee of the Chiefs of Staff of the CIS, Military-Technical Committee, Engineering Education Coordination Committee, Military Communication Coordination Committee, Meteorology Communication Committee etc. In addition, the CIS structure also includes the **Council of Border Guard Commanders (CBGC)**, concentrating on the affairs of the border protection by the CIS countries.

The economic cooperation within the CIS is also implemented within the framework of the **Economic Council**, which focuses on the “standard” problems of regional economic integration (common markets, customs, agricultural markets), but also deals with further economic issues and the support of private entrepreneurship and contacts between businesses of different countries (this objective is obviously linked to the design of the CIS, which emerged simultaneously with the start of the economic reforms in the member countries. The countries are represented in the Economic Council by the deputy prime ministers; the structure, once again, is based on the consensus principle (with the exception of procedural issues, which can be passed by the simple majority).

To conclude, the key institutions of the CIS function primarily as councils of respective heads of governmental agencies of the member countries and are purely consensus-based. Some of them, like CBGC (Coordinating Service) or Economic Council (Economic Affairs Commission), maintain their own permanent agencies to organize the interaction of the member states, but their role is secondary. The situation is somewhat more complex with the numerous (up to 70) **industrial councils** of the CIS, which are often described as the main “workhorses” of the post-

Soviet regionalism. While the number of these institutions is relatively large (and includes almost all thinkable areas of the public regulation), their effectiveness varies significantly. Probably, the most successful cases of cooperation are realized in the area of electricity and railroad transportation, which, however, slightly differ from other institutions of the CIS – for example, since governments mostly maintain the monopoly in the railroad transportation area, there is no clear separation between the regulators and the economic agents, and hence, the councils of the CIS turn into convenient platforms for solving the purely business matters (see also Vinokurov 2008; Libman and Vinokurov 2010). In the same way, the Intergovernmental Aviation Committee plays a key role in the monitoring and development of the civil aviation standards in the region. A somewhat vivid interaction is achieved within the framework of the Education Council, which is involved in the issues of joint degree recognition and students' mobility. However, many other councils seem to have limited or negligible importance for the regional cooperation (it suffices to notice that most of them even do not have a regular website).

The industrial councils, unlike the main political and consultative bodies of the CHS, CHG, CMFA, Economic Council and institutions of military cooperation, do not necessarily operate on the consensus principle. In specific areas recommendations can be passed by a qualified majority (usually 75%) or even by simple majority, though even in this case countries opposing the decisions are free not to adhere to them. However, the consensus is mandatory for all decisions binding for the member states (and even in this case, as it was mentioned, the implementation of joint decisions remains a problem).

The technical assistance to the described intergovernmental institutions is implemented by the **CIS Executive Committee**, which was created in 1999 through the merger of previously existing independent agencies of the CIS and the CIS Economic Union (Intergovernmental Economic Committee), as well as several other institutions.⁴ The functions of the Committee are limited and mostly concentrate on

⁴ Originally the coordination of the CIS activities was implemented by the CIS Executive Secretariat, which assisted the CHS, CHG and CMFA in their activities. The CIS Economic Union was run by the Intergovernmental Economic Council with its own secretariat; in a similar way, independent secretariats were established within the framework of nine further international agreements forming the legal framework of the CIS. In 1999 all these agencies were merged into the unified CIS Executive Committee.

the information provision to the main intergovernmental councils, as well as legal consulting and analysis of implementation of joint decisions. The staff of the Executive Committee was reduced in 2001 from 310 to 220 employees (the overall permanent staff of the CIS went down from 770 employees in 2000 to 499 in 2008). However, one of the key problems related to the Executive Committee is the mechanism of recruiting of the high-level officials (including the Executive Secretary). The Committee systematically serves as an “exile of honor” for (mostly Russian) politicians after they were forced to step down from the national level political decision-making. Of course, under these conditions the institution is unlikely to gain significant independent power to become an “agenda-setter” in the CIS.

Two further institutions of the Commonwealth, which are worth noticing, are the **CIS Inter-Parliamentary Assembly (IPA)** and the **CIS Economic Court**. The IPA includes the delegations of the parliaments of the CIS countries and, once again, operates on the basis of consensus (where each delegation is assigned one vote). The activity of the IPA concentrates on the development of the model acts, which could then voluntarily be implemented by the member countries (but have no direct legal power neither have to be implemented on the mandatory basis) and are therefore simply a tool of (at least, potentially) dissemination of the best practices in the CIS. The MPA also includes a number of standing committees, engaged in individual areas of regulation. The jurisdiction of the Economic Court of the CIS primarily includes the interstate economic disputes; the court’s judgments generally are not legally binding and hence its impact is rather limited (Danilenko 1999). Each country of the CIS being member of the Court (several countries, as it is usual with the CIS structures, did not agree to join or left the organization) appoints one judge (originally two judges) for a 10-year period according to the domestic judges appointment procedure (at the moment judges are appointed from five EurAsEC countries). The decision-making mechanism is somewhat complicated and depends upon the level of the proceedings, but usually requires a 50%+1 majority.

3.2. Development Concept 2007

As already mentioned, the problem of political and institutional reforms in the CIS remains a key issue during the last years. However, these seems to be relatively little

consensus among the CIS members regarding the further transformation of the organization. In this section I will discuss the most ambitious and far-fetched reform strategy, based on the so-called Concept of Further Development of the CIS (which shall be referred to as the “Development Concept”), which was passed by the CHS in October 2007 (specifically, by Russia, Belarus, Kazakhstan, Kyrgyz Republic, Uzbekistan and Tajikistan – Azerbaijan, Armenia, Moldova and Ukraine agreed to the Concept with a number of additional clauses). Basically, there are three main aspects of the Concept, which should be mentioned.

1. The Concept still sets up a very broad number of objectives of the CIS. In the economic area the main goal of the CIS is the establishment of an FTA, combined with the cooperation in specific industries (transportation, agriculture and pipelines), as well as the R&D and investment cooperation. Further objectives of the CIS cover the cultural and information exchange, security, migration and ecology. Since the Concept was accompanied by a Plan of Measures for its implementation, it is already possible to point out that the most of these objectives still remain ink on paper. For instance, while the CIS planned to set up an FTA until 2009, this structure still does not exist.

2. A further aspect of the Concept is the institutional transformation of the CIS. The Concept is highly non-specific regarding the possible changes to be implemented in the institutional system of the Commonwealth, but points out the need to strengthen the CIS presidency (which should be based on the rotation principle; one country should preside for a year in almost all statutory bodies of the CIS, including CHS, CHG, CMFA, Economic Council and CPR. However, the institutional structure of the CIS basically remains almost the same: with the CHS as the main decision-making institution and the CMFA the main executive institution of the CIS. The CHS should specifically focus on the key aspects of the CIS development: each session should be devoted just to one particular problem.

3. The role of the CPR and the Economic Council, as well as of the IPA should be strengthened; specifically, IPA should more actively monitor the legislative activity of the national parliaments ensuring the convergence of the national legislative processes.

To conclude, the main institutional reforms suggested by the Concept maintain the existing institutional structure of the CIS, but attempt to make it somewhat more efficient by reducing redundancies and time spent for technical tasks. There seems to

be little or no movement to the establishment of the supranational institutions and only a limited increase of the capacity of the IPA. However, even this form of the Concept did not seem to be acceptable for a number of member countries (and, in fact, for almost all countries outside of the EurAsEC), which mostly agreed to participate in just specific areas (for instance, Moldova agreed to take part just in the economic cooperation initiatives; Azerbaijan refused to participate in the harmonization of legislation and coordination of foreign policy measures) Therefore a deeper reform of the CIS seems to clearly fail to achieve any form of consensus.

3.3. Eurasian Economic Community

As it has been already mentioned, the key difference between the EurAsEC and the CIS is that the former does not operate solely using the principle of consensus. However, this principle is implemented in some, but not in all structures of the EurAsEC. The highest decision-making body of the organization is the **Intergovernmental Council**, which includes ex officio the heads of state and the heads of governments of the EurAsEC countries. The Council meets therefore at the “heads of state” level (at least once a year) and “heads of government” level (at least two times a year) and has to determine the key directions of the development of the EurAsEC. The decisions of the Council are mandatory for the member states and have to be implemented through the national legislation (so, they have no direct legal power); however, decisions are consensus-based, although the multi-speed “opting-out” variation is absent – so, it is assumed that all countries of the EurAsEC simultaneously progress towards a higher level of regional integration (although, as the Customs Union example shows), the organization is still open for the multi-speed approach.

However, the institution of the EurAsEC is the **Integration Committee**, which ex officio includes the deputy prime ministers of the EurAsEC countries and has to meet at least four times a year to prepare the agenda for the Intergovernmental Council of the EurAsEC, new proposals towards enhancing and developing the regional integration, as well as to monitor the implementation of the decisions of the Intergovernmental Council. So, while the Council is an analogue of the CHS and CHG in the CIS structure, the Integration Committee somewhat resembles the CMFA,

however, at a probably higher level (although the real power relations between the deputy prime ministers and the ministers of foreign affairs, usually directly subordinated to the presidents, is different in different countries of the region). However, the key difference between the CMFA and the Integration Committee is that the latter is based on a weighted voting principle. In order for a decision to be passed, a two thirds majority is required. Russian representative obtained 40 votes, Belarus and Kazakhstan 15 votes, Kyrgyz Republic and Tajikistan 7.5 votes. So, a decision to be passed should be supported by at least a three-country majority; Russia has a veto power in the Committee.

In addition, the member countries appoint the members of the **Permanent Representatives Committee** of the EurAsEC, which has to ensure the functioning of the Community in the periods between the sessions of the Integration Committee and the Intergovernmental Council, as well as to organize the interaction between the EurAsEC and the governmental agencies of its member countries. Once again, the institution resembles that of the CIS, although from the timing of the events it looks like rather the CIS imitated the structure of the EurAsEC than vice versa.

As in case of the CIS the EurAsEC established a large number of **industrial councils and commissions** to ensure the cooperation in specific areas. Mostly they are composed of the heads of respective national agencies (ministers of transportation, energy, education, heads of customs etc.) and the deputy ministers, who actually are involved in the day-to-day work of the industrial councils. Unlike the CIS, it is difficult to separate the “most efficient” organizations, mostly because the EurAsEC is not engaged in the “technical regulation” so important for electricity and transportation areas at the CIS level. It is also openly recognized that in these “advanced” CIS cooperation levels the EurAsEC simply acts as the supporting institution (see Vinokurov 2008). It should be noted though that the Customs Union of Russia, Belarus and Ukraine established an independent **Customs Union Commission**, which basically has the same functions as the Integration Committee for the EurAsEC in general and is once again based on a weighted voting scheme: 21.5 votes for Kazakhstan and Belarus and 57 votes for the Russian Federation (since the decisions require a two third majority, once again, at least Russia and Belarus or Russia and Kazakhstan have to support the decision).

The executive institution of the EurAsEC is the **Secretariat**, which is located in Almaty and Moscow. The Secretariat, headed by the Secretary General, is significantly smaller than the Executive Committee of the CIS in terms of staff, however, unlike the latter, seems to experience a positive dynamics in the personnel development (with 98 officials in 2008, see also Vinokurov 2010). The Customs Union has its own Secretariat focusing specifically on the customs regulation and trade policy in the region. Unlike the CIS, the EurAsEC does not seem to be an “exile of honor” location for high-level Russian officials; in fact, the position of the Secretary General seems rather act as a trampoline for the further career advancements. It is less clear with the Customs Union secretariat given a relatively short period of its history.

The final two institutions of the EurAsEC include the **Court of the Community** and the **Inter-Parliamentary Assembly** of EurAsEC. The IPA has functions somewhat similar to its analogue in the CIS: it is responsible for development of recommendations in the area of regional integration and supports the cooperation between the parliaments of the member states. In addition, it also passes the Fundamental Acts in different areas of legislation (*osnovy zakonodatel'stva*), which are then submitted to the Integration Committee for the consideration. However, once again, the mechanism of decision-making in the IPA of the EurAsEC involves weighted voting. Each country delegates a given number of members of the parliament (Russia: 42, Kyrgyz Republic and Tajikistan: 8, Belarus and Kazakhstan: 16), and each MP is assigned one vote. The decisions, once again, require a two-third majority. There is no restriction on the voting of the MPs according to other representatives of their country. The weighting scheme follows the same pattern: absolute veto of Russia and the requirements of an at least two-country coalition to pass any decision.

The Court of the Community located in Minsk has to resolve the economic disputes between the member countries based on the decisions of the EurAsEC institutions and the EurAsEC treaties, as well as ensures the uniform interpretation of the EurAsEC law. Since 2004 the EurAsEC delegated to the Economic Court of the CIS the functions of the Court of the Community, so, there is no special EurAsEC institution established in this area. The Court of Community considers the claims made by the EurAsEC governments and makes the decisions using a two-third majority rule; so, on the one hand, the jurisdiction of the court is somewhat more limited in

this matter than that of the Economic Court of the CIS, but, on the other hand, the decisions of the Court of the Community are binding for all member countries. It should be noted that the jurisdiction of the Economic Court of the CIS and of the Court of the Community can be established through a special clause in an international agreement (as it has been done in several multilateral agreements in the FSU in the past).

3.4. Preliminary summary

To conclude, the CIS and the EurAsEC governance structure is, basically, very similar. An intergovernmental consensus-based council of the heads of states and of governments is the main decision-making authority; an intergovernmental council of the ministers of foreign affairs (CIS) or deputy prime ministers (EurAsEC) is the main institution monitoring the implementation and preparing the agenda for the negotiations; a standing executive committee and secretariat is the main executive body of the regional integration. Both institutions include a large number of industrial councils, composed of the heads of respective national agencies, as well as an inter-parliamentary assembly and a supreme court (which is in fact the same institution). The main differences are, as already noticed, related to the decision-making procedure: CIS implements a strict consensus rule (with the exception of the court), allowing individual members to opt out of every decision. EurAsEC operates at the level of the Integration Committee, Customs Union Committee and the IPA using a weighted voting mechanism, and even in case of the consensus-based decisions does not allow for opting-out. In addition, the administration of the EurAsEC is significantly smaller and more focused than the very heterogeneous collection of the industrial councils and special agencies of the CIS.

Hence, the EurAsEC seems to be more likely to avoid the “integration rituals trap” of the CIS, which resulted in the accumulation of the numerous acts and agreements, which were systematically ignored by the member countries (see the debate in Malfliet, Verpoest and Vinokurov 2007). It is indeed the case that the EurAsEC achieved “more” than the CIS in terms of the economic cooperation and integration, however, it would be certainly too simplistic to claim that this institution has been protected from the “integration rituals trap” completely – on the contrary, many ambitious goals

of the EurAsEC turned out to be unrealistic and were finally abandoned. The fact that the institution, which started as a customs union initiative in the mid-1990s, is struggling with creating a (new attempt of the) customs union in 2010, seems to demonstrate it very well.

4. Democracy at national level in the FSU and “protective integration”

4.1. Domestic autocracies and CIS

While the establishment of the CIS and the EurAsEC obviously belongs to one of the dimensions of what is sometimes referred to as “triple transition” (development of functioning independent states, which also is associated with the evolution of new forms of international cooperation), yet another dimension is formed by the democratic transition in the internal politics of the CIS countries.⁵ Hence, both processes of the domestic and, as it is referred to in this volume, international democratization in the FSU basically happened at the same time and obviously had a strong influence on each other. While the main focus of this chapter is, as in it is in the rest of the book, on the international democracy, for the sake of completeness it is also necessary to provide a short review of the domestic democratization in the CIS countries. Here, however, the results are, with a very small number of exceptions, dismal.

While in the early 1990s all CIS countries proclaimed the goal of creating a democratic and open political system, two decades afterwards the majority of the CIS members is comprised by more or less consolidated autocracies and semi-democracies (even although some of them experienced more “democratic” phases of development in the 1990s). Most of them maintain at least the formal attributes of democratic political process and allow for a limited political opposition, however, the ruling group is protected from any open political competition and effectively controls the parliament and (often) the main media (see Furman 2007 for an overview). The presidents are virtually unrestricted by a system of checks and balances and can effectively prolong their stay in power almost indefinitely or (as it happened in the

⁵ Three components of the triple transition are state-building, economic reforms towards creating of the market economy (which are not discussed here) and political democratization. See Offe 1991).

Russian case) install a loyal successor or (Azerbaijan) even pass the power to the member of their own family. The authoritarianism in the CIS is rarely institutionalized through a strong ruling party or similar institution and usually based on the extreme dominance of the president (although dominant governmental parties exist, their function is rather that of support of the existing leader), with a somewhat more difficult situation in Russia with unclear relations between the president and the prime minister.

There are of course several exceptions from this semi-authoritarian standard – in both directions. The situation is somewhat different in Moldova and Ukraine. Moldova (see Furman 2009) emerged in a parliamentary democracy with regular peaceful power transitions from the ruling party to the opposition, although in this case the democratic procedure is still far from the European standards. Ukraine, after the Orange revolution, also turned into a more competitive regime, and the elections 2010 once again demonstrated the country's ability to the peaceful power change – however, the rule of law and political accountability are still weak (see Valacek 2007; Popova 2010). On the other hand, in Turkmenistan, even after a certain liberalization following the death of the first president Niyazov in 2006, the regime is closer to the “classical” totalitarian system with omnipresent government and absence of even elementary imitation of the democratic procedures. The situation is somewhat mixed in Georgia: on the one hand, after the “rose revolution” in 2003 the country experienced a certain shift towards greater openness and the rule of law in politics; on the other hand, however, the current political system is still very much based on the very strong position of the president and is associated with a significant number of human rights violations and media control – so, the developments are unclear. Finally, in the Kyrgyz Republic the “tulip revolution” of 2005 eventually resulted into the establishment of a similar semi-authoritarian regime, which ended up in a new revolution in 2010, with consequences still unpredictable at the moment.

The predominance of the non-democratic regimes is an obvious and often discussed reason for the weakness of the post-Soviet regionalism – particularly because most of these non-democracies at least partly exploit the nation-building process in the new independent states as the source of legitimization of their power. As it has already been mentioned in other chapters of this volume, democratization is

basically a tool advancing regional integration. Non-democracies face significant problems while providing credible commitments (and indeed, almost all regional integration commitments in the CIS turned out to be non-credible even in the short run) and are extremely reluctant to restrict their power through any supranational framework. However, in the FSU world the situation is even somewhat more difficult, as it will be discussed in what follows.

4.2. “Protective integration”

For the purpose of this study it suffices to state that the majority of the FSU countries participating in the CIS and all EurAsEC members are non- or semi-democratic; more democratic (or even potentially more democratic) countries like Moldova, Georgia and Ukraine are also usually reluctant participants of any “CIS integration mechanisms.” On the other hand, it is also necessary to point out that there seems to be a relatively strong feedback mechanism between the political development in individual CIS countries and political changes in other countries of the region (Hale 2006; Beissinger 2007). For example, the “orange revolution” in Ukraine in 2004 had a pronounced effect on the Russian political development (Ryabov 2005) and can probably be treated as one of the rare cases when a political event *abroad* becomes the fundamental factor shaping the political evolution *within* the country. Under these conditions it is not surprising that the post-Soviet regionalism and integration are likely to obtain a special function of “mutual protection” of the autocratic regimes. Basically, in this case the CIS and EurAsEC institutional framework ought to be interpreted as a case of what one could refer to as “institutional pseudomorphism”: institutions designed to resemble “normal” regionalism have in fact a very different function to perform (see Yevstigneev 1997), which can also be referred to as “protective integration.”

Basically, there are two aspects of the “protective integration” relevant for the FSU. The first directly links the survival of the autocratic regimes in individual CIS countries with the existence and replication of the (at least, imitation of) cooperation within the framework of the international institutions discussed here. Once again, two channels of protection are relevant in this case. First, there could be direct examples of cooperation between countries fighting opposition. For instance, Aslund, Olcott and Garnett (1999) indicate that cooperation of secret services (combating the threat of

the opposition to the incumbents) is one of the most successful areas of the CIS regionalism. However, for this purpose no formal regional structure is actually required. There are, however, mechanisms, which involve the CIS institutions directly in the protection of the regimes. The Inter-Parliamentary Assembly of the CIS regularly dispatches observers to the elections of national parliaments and presidents, which very often simply seal the existing manipulations and falsifications with their approval (and therefore, not surprisingly, deviate substantially in terms of the conclusions from the, say Council of Europe or OSCE observers) – the functioning of this instrument will be discussed in what follows (Furman 2004). From this perspective the CIS and EurAsEC could be compared rather with the “Holy Alliance” of the European monarchies in the 19 century than with a modern regionalism project.⁶

The second channel is somewhat different, because it does not involve any effective integration or cooperation at all. The very existence of the cooperation rhetoric can be used by the national autocrats as an argument against the opposition, and to provide legitimacy resources to the existing regimes. Belarus is probably the most pronounced example of the country where the existing non-democratic system of Alexander Lukashenko is strengthened by the integration rhetoric – at least, during the 1990s. This channel actually even thrives in an environment of the integration rituals without any real content – simply because it allows the autocrats to support each other without restricting their power. Integration initiatives can be launched when the existing or emerging semi-autocracy experiences a threat to its existence (like the project of the Single Economic Space, yet another sub-regional association similar to EurAsEC and started with strong support of the government of Leonid Kuchma in the expectations of the tough campaign at the Ukrainian elections in 2004 – which eventually resulted in the “Orange revolution”). The idea that regime stability considerations play the key role in the regional integration in the FSU in general (and, specifically, in the CIS and EurAsEC structures), has been explored in detail by Allison (2008), Ambrosio (2006), Collins (2009), Libman (2007), Fel’dman (2006) and Silitski (2004) in various contexts. Ambrosio (2008) expands this framework to the Shanghai Cooperation Organization, including China, Russia and the Central Asian countries.

⁶ It should be noticed however that the support non-democracies offer to each other in the CIS is indirect at best – there have been no cases of direct military involvement supporting particular regimes, even in the extremely relevant situations.

Furman (2010) describes the mutual learning process of the autocracies in the FSU in the 1990s (for example, in the conflicts with the national parliaments), which has certainly been facilitated by the existence of the institutionalized dialogue within the framework of the post-Soviet regionalism.

The link between the second aspect of the post-Soviet regionalism and the survival of autocracies is rather indirect. Since many CIS countries have to deal with significant ethnic minorities of the neighboring states. The most pronounced example is that of the Russian minorities in Ukraine and Kazakhstan, but, for example, in the Caucasus region the existing borders often divide a multitude of nations – for example, a significant Azerbaijani minority in Dagestan, and, vice versa, of several Dagestani ethnic groups in Azerbaijan, which constitute a significant issue for both polities (see Markedonov 2010), or the status of Ossetian population in Russia and in Georgia (Markedonov 2010a). In addition, there seem to exist some learning effects and direct linkages between separatist groups in different states (once again, the Northern Caucasus is the best example, see Matsuzato 2008; Coppieters, 1996; Markedonov 2006; Silaev 2009). Hence, participation in the post-Soviet regional projects was often designed as a tool of “pacification” of these minorities (for the case of Kazakhstan see, e.g. Pomfret 2009); therefore, individual regimes supported each other also by accepting the baseline existing border structure in the region.⁷ However, this argument has rather a historical meaning, given the side-effects of Russia’s recognition of Abkhazia and Southern Ossetia (see Libman 2009).

To conclude, the evaluation of the FSU regionalism from the international democracy perspective would be incomplete without taking into account the institutional pseudomorphism problem. Even observing the international institutions and organizations formally satisfying the requirements set up in this volume, it is necessary to remember that their true function can be rather focused on domestic politics and, specifically, support of national autocratic regimes. Similar problems, however, could also occur for other international institutions.

⁷ Of course, border conflicts between the CIS states are numerous and often highly dangerous (like between Uzbekistan and Tajikistan), but still limited as opposed to the potential claims based on the “divided nations” argument – it is sufficient to compare former Yugoslavia with the FSU to come to this conclusion.

5. Dimensions of international democracy in the FSU

5.1. Civil society, political parties and input legitimacy

The involvement of the civil society and political parties in the decision-making of the international institutions forms one of the key elements of the international democracy and hence, requires special consideration for the FSU region. Here the situation is somewhat mixed. On the one hand, the existing unity of the FSU originating from the still persistent interpersonal linkages of the Soviet time should, generally speaking, call for intensive contacts between the non-governmental organizations and civil societies of different countries. Indeed, one can find out the existing of learning channels and mechanisms, which, by the way, encompass different areas of social activity. For instance, if one focuses on the political sphere, there is evidence of contacts between different political parties – from the democratic opposition (the mutual learning after the “Orange revolution”) and Communist parties (the Union of Communist Parties CPSU was established fairly soon after the collapse of the USSR) to the incumbent political forces (for example, there seem to be intensive contacts between the Russian Edinaya Rossiya, Ukrainian Party of Regions and Kazakhstans NurOtan – for example, the representatives and the leaders of the latter regularly attend the congresses of Edinaya Rossiya).

However, these contacts only in extremely rare cases focus specifically on the level of the CIS or EurAsEC and concern individual decision-making mechanisms or proposals formulated by these institutions. One could hypothesize that the presence or absence of formal institutions of regionalism is almost irrelevant for the contacts of political parties and NGOs – they are driven by the intensive *social* integration between countries, supported by the still persistent (although declining) dominance of the Russian language as the lingua franca and close family ties, connecting individuals in different countries from both the Soviet period and the growth of the modern labor migration of the 2000s (for the discussion of the social integration in the CIS see Sterzhneva 1999). There are several exceptions when the contacts between political parties have been driven specifically by the FSU regionalism. For example, in 2010 NurOtan and Edinaya Rossiya organized a regional meeting of the party leadership on the Customs Union issues in Orenburg. However, these contacts are of an obvious secondary meaning for the parties – in addition, one should not forget that in both

Russia and Kazakhstan the leading parties have just the function of “promoters” of the political agenda of the presidents and hence their contacts can be simply viewed as a specific aspect of the governmental policy and not a bottom-up event.

If one attempts to find out the emergence of the civil society and other informal institutions at the organizational level of the CIS and the EurAsEC, there are probably two areas where the process is at least somewhat vivid: the business cooperation and lobbying and the humanitarian interaction. Some examples of the entrepreneurial institutions on the CIS level include the International Congress of Industrialists and Entrepreneurs, CIS International Stock Exchange Association, CIS associations of leasing companies, agricultural banks (which is at the moment inactive), depositary companies and savings banks, Financial-Banking Council and the Eurasian Transportation Union. The degree of activity of these institutions is unequal, varies over time and in some cases (as with the once extremely successful International Stock Exchange Association) closely linked to specific individuals in the management positions promoting (for various reasons) these types of activities (see also Libman 2006a; Golovnin 2010); it should also be noted that their functions combine those of lobbying and public representation of business with those of providing informal information exchange for the business purposes and informal institutions of the regional *lex mercatoria*. In addition, main national business association (like the Russian Chamber of Trade and Commerce or Russian Union of Industrialists and Entrepreneurs) have specialized divisions concentrating on the FSU regional cooperation.

There exists some evidence of the contacts between these institutions and the CIS and EurAsEC. Both organizations have established a number of channels, which supposedly should facilitate the information exchange (although formally the NGOs in any form have only the consultative position in any of the EurAsEC and CIS institutions). Specifically, some of the CIS industrial councils often specifically include the “interaction with non-governmental agencies” as one of their objectives. For example, it is true for the Council of the Heads of Migration Agencies of the CIS; however, the only concrete instrument of interaction specified is inviting the NGOs representatives to the Council meetings. In the same way, the Council of Heads of Ministries of Machine-Building Industries Statute allows for including the

representatives of the NGO and private business in the workgroups set up by the council. However, to my knowledge, even if some very vague mechanisms are included in the official documents, they are almost never implemented in practice. Representatives of the NGOs may be included in the expert groups of different CIS and EurAsEC institutions, but always on the personal basis. In addition, though sometimes these organizations cooperate ad-hoc with individual NGOs: for example, in 2010 the Executive Committee of the CIS signed a memorandum of cooperation with the International Congress of Industrialist and Entrepreneurs. Nevertheless, even in this case no institutional consultation mechanisms have been established.

A certain exception is the Eurasian Business Council established by the EurAsEC in 2002 as an affiliated structure aiming to support interaction between business groups and companies of different countries (through, for instance, international conferences and seminars) and provide expert opinion on the international agreements signed in the EurAsEC and the EurAsEC Customs Union. However, the main objectives of the Eurasian Business Council seem to be rather ensuring horizontal information exchange between companies than the vertical consultations between the business associations and the EurAsEC bodies. Thus, it is similar to the Business Center of Economic Cooperation of the CIS, which was created in 2000 by the CHS and the Economic Council as a non-for-profit partnership to provide consulting and information services to private business facilitating the CIS economic integration. The institution does include some organizations, which have at least partial focus on consulting the governments (the Union of Independent Experts of the CIS), but primarily it is concerned with services offered to the private business (legal consulting, electronic trade system etc.).

Probably, if the Customs Union is more successful (what is, generally speaking, doubtful), the business participation in this institution could increase. However, at the moment the lobbying of the business associations at the CIS and the EurAsEC level is extremely limited. There are probably two main reasons for that. First, the experience of the failing regional initiatives in the past can be considered as a de-motivating factor for the regional business. It suffices to cite Igor Yurgens, deputy head of the Russian Union of Industrialists and Entrepreneurs, who in 2005 claimed that the CIS is “rather dead than alive” (Allians-media, 2005, May 3). Therefore for the business groups the

priority seems to be the direct lobbying of national governments than the engagement on the CIS (or even EurAsEC) level.

The second reason is probably also one of the key factors explaining the very poor presence of non-business associations and NGOs at the CIS and the EurAsEC levels. It is hardly possible to expect a vivid international civil society, if the domestic civil society is negligibly small and strictly controlled by the governments. In addition, for example, in Russia, relations to the CIS after the “orange revolution” in Ukraine obviously fall in the domain of the “national priorities,” which also imply the restriction of any form of non-governmental influence on the policy-making in this area: so, non-governmental actors are simply too weak to be actively involved in the regional civil society activity. Once again, there are several cross-border associations in this area (for example, Eurasian University Association, which has been created already in 1989), and there have been several specific events where CIS NGOs (or, at least, their selection made by the non-democratic governments) met together in a specialized event (as the Congress of CIS NGOs on cooperation in the area of culture, science and education in 2005). However, generally speaking, the role of NGOs in terms of political decision-making involvement at the CIS level is negligible and mostly restricted to those closely allied with the national governments (once again, the situation is similar to that of the political parties). One should notice that in this area the situation could change, if the humanitarian turn in the CIS activity described above becomes more pronounced.

In addition one should notice though that the CIS includes several “hybrid” institutions, which count as the decision-making bodies of the CIS and partly represent the non-governmental organizations (associations of voluntary military assistance societies, societies of veterans and pensioners, chambers of trade and commerce; agricultural union; international wine-making academy; associations of leasing companies and stock exchanges also have the same status). Most of these institutions (with the exception of leasing and stock exchanges associations) were created in the early years of the CIS and demonstrate an extremely low level of any activity whatsoever.

To conclude, the non-governmental agents, with the limited exception of business associations and “governmental” political parties (though the latter, once again, are

nothing else but an alternative mechanism of governmental control), have almost no access to the CIS and the EurAsEC decision making and are not organized in any systematic lobbying landscape. The CIS and the EurAsEC are run by the governments and governmental agencies.

5.2. Popular participation and inter-parliamentary assemblies

From the point of view of the popular participation, as it follows already from the previous discussion, the key problem for the CIS and the EurAsEC seems to be not the legal framework preventing the bureaucrats to receive petitions from the citizens and NGOs, but rather the weakness of the institutions, which makes them an unattractive partner in resolving any problems. Therefore it looks like there seems to be simply a very limited interest in what CIS and EurAsEC actually do. An obvious consequence of this situation is that the CIS and the EurAsEC bureaucracy experience a very limited level of public control – what, however, corresponds to a limited level of public control of the bureaucracy in the FSU countries in general. However, once again, given the weakness of the institutions, limited public control rather results in unproductive activities and rent-seeking of the bureaucrats than serious misdirection in the development of regional integration. Once again, the Customs Union, once successful, could change this situation; however, at the moment any guesses would be highly speculative.

While the public control over the CIS and the EurAsEC institutions is weak, so is the parliamentary control. The CIS and the EurAsEC both have their own IPAs, which function, as described above, in the fairly similar manner. The CIS IPA is, as mentioned, a consensus-based institution, where each country is assigned one vote. The EurAsEC IPA makes decisions through a two-third majority of its members with a weighted representation of each country in the Assembly. Both assemblies consist of the members of parliaments of the countries, who are selected by the parliaments themselves, and include a large number of specific committees on different areas of legislation. Both the CIS IPA and the EurAsEC IPA have a standing governing body coordinating its activity: the Council (CIS) and the Bureau (EurAsEC), which simply includes the presidents of the national parliaments.

However, the IPAs are not empowered to control the officials of the regional integration institutions in any manner and do not seem to have any power directly influencing the decision-making in the CIS and EurAsEC. As for the CIS IPA, there are two main groups of documents passed by this institution: the “model acts” (which have been mentioned above) and the recommendations for the member parliaments and the CIS institutions, which, however, have no binding power. In addition, the IPA has an important role in the electoral monitoring in the CIS: its members usually form the monitoring missions for the national elections, and the International Institute of the Democracy Monitoring is associated with the IPA (the democracy promotion by the CIS will be discussed in what follows).

So, in fact, the main task of the CIS IPA at the moment is to serve as a forum for meeting of parliaments of different member countries and to develop the “best practices,” which could then be implemented in the national legislation. Generally speaking, the “model laws” are potentially a very important tool of coordination (comparable to the European open method of coordination) and often are more advanced than the national legislation in terms of both timing when the acts have been passed and their content (for instance, CIS IPA provided a huge legal framework in the area of civil and commercial law, as well as some areas of public law, including taxation, customs etc.). From that point of view an important role is attributed to the committees, which have to develop the model laws, which are then passed by the IPA. However, to my knowledge, there has been only very limited acceptance of the model law in the national legislation; the model laws affect the decisions of the national parliaments only through informing individual members of the parliaments about the possible regulatory options – a function which is even less relevant now because the main agent initiating the new acts in the CIS is now mostly the executive. The recommendations of the CIS IPA have no influence on the actual decision making and are used, for example, as political declarations for sensitive issues of the international law. In 2008 the IPA established the International Dispute Settlement Center at the CIS Economic Court to facilitate the arbitration of conflicts in the international economic relations in the region, yet it does not play an important role either. Finally, IPA regularly hosts specialized conferences, which provide a platform for debate of the governmental and even non-governmental actors regarding individual policy matters.

The EurAsEC IPA has a somewhat higher power than the CIS IPA: instead of passing the model law, which is even not intended to be implemented in the CIS and serves as a pure “best practices” information channel, the EurAsEC IPA passes the Fundamental Acts, which are then, as discussed, presented for the Integration Committee. The Fundamental Acts are usually more general than the model acts of the CIS and cover a wide area of the legislation (like education, banking law etc.). In addition, the EurAsEC IPA also passes the model acts, which could then be implemented in the national legislation by the member parliaments. One should, however, bear in mind that the peak of activity of the EurAsEC IPA was in the 2000s, when several member countries (specifically, Russia and Kazakhstan) had an already relatively developed legal framework, so the advancement of the EurAsEC IPA vis-à-vis the national law of these countries was not so visible as that of the CIS IPA model acts in the 1990s. An important part of the EurAsEC IPA activity is that it regularly publishes the results of comparative analysis of the regulation of the EurAsEC countries in specific areas of law: it does not provide any new norms and regulations per se but serves as a very good tool of information on the regulatory systems of the member countries. Finally, the EurAsEC IPA also passes special recommendations, which are usually more targeted than those of the CIS IPA and address economic regulation.

To conclude, the CIS IPA seems to be an institution with greater indirect power and higher activity, than the EurAsEC IPA (it is also the case that the CIS IPA is the only one which is an international organization in its own right), but is much more limited in terms of direct regulatory power. The huge information advantage of the model laws they had in the 1990s has almost never been utilized by the national parliaments; the acts do not seem to have any impact on the national legislation nowadays. The EurAsEC IPA, on the contrary, is engaged in more specialized activities clearly concentrating on selected economic areas of the EurAsEC integration (similarly to the EurAsEC in general, which is more focused than the CIS). But its influence on the actual decision-making is also very small. Basically, in both the CIS and the EurAsEC their IPAs are representative, but not legislative bodies, and there seem to be no plans or attempts to strengthen their positions.

More importantly, the weakness of the IPAs is enforced not just by institutional structure of the international organizations as such, but also by the weakness of parliaments in the semi-democratic regimes of the FSU countries in general. Russian State Duma or Kazakhstan Parliament have long turned into bodies strictly controlled by the executive – so, there is no reason to expect the members of these institutions to control the CIS or the EurAsEC – which are, as discussed, mostly driven by the interaction of national executives.

5.3. Supranational institutions, power limitations and inter-state democracy

As it has already been discussed, the elements of the supranationality in the CIS and the EurAsEC are extremely weak: both institutions act primarily as the intergovernmental bodies with very limited commitments for the member states (explicitly so in the CIS and less pronounced, but still present in the EurAsEC). The reason for this situation, are, probably, the following. First, when the CIS was designed, any approach with stricter limitation and higher level of binding obligations could be probably rejected by the member states – given the argument about the SSG design well in memory of all participants at that moment. Second, the functionalist logic of integration, based on the supranational bureaucracy becoming a strong force supporting regionalism, does not seem to work in the FSU. As Libman and Vinokurov (2010) show, in a regional alliance created as a result of a collapse of a previous political unity, the budget maximization logic of the bureaucrats assumed, for instance, by the public choice approach, makes them prefer more budget-intensive solutions – which, unlike a “coming-together” regional project, are exactly associated with severing the existing links and interdependencies. An additional problem is of course the qualification of the supranational bureaucrats (and national officials responsible for the integration), and their knowledge of how the regional integration and regionalism in a market economy actually works – which has been extremely limited in the first years of the CIS (although currently situation seems to changing rapidly, specifically, with the emergence of the EDB).

So far any attempts to promote the supranational institutions in the CIS have been outright rejected by several member states, most notably Ukraine. It should be, however, also noticed that the Russian Federation does not belong to the key forces

supporting supranationalism, since as for the strongest partner in the integration project it could imply a significant limitation of its influence: a preferable option seems to be in many cases (most notably, monetary politics) a transfer of authorities to the Russian decision-making structures – what is, in turn, not acceptable for other CIS countries. It is my impression that the country being the strongest promoter of the supranational institutions in the CIS is at the moment Kazakhstan. In the early 1990s the president of Kazakhstan Nursultan Nazarbaev explicitly suggested to establish a new political unity of the CIS countries within the framework of the so-called “Eurasian Union” (which was, by the way, rejected by Russia). Vinokurov (2010a) argues, however, that Kazakhstan’s interest to the regional integration goes up when the economic conditions become worse – like during the financial crisis of 2008-2009. So, even in this case active support of a supranational strategy seems to be driven by the urgent need to overcome economic difficulties.

To conclude, there is no supranationalism in the CIS and the EurAsEC simply because there seems to be no demand for supranationalism within the framework of these institutions. On the other hand, the absence of the supranational design seems to be particularly important for the inter-state democracy. Both regional projects are based on very strong consensus-based councils, where all member countries have equal representation. So, the actual economic and political asymmetry with Russia’s dominance is not translated into a de-jure asymmetric design of the regionalism. Even if the weighted voting is implemented (as it used in the EurAsEC), still the smaller countries seem to obtain an over-proportionally large share of votes (compared to their population or economic potential). In addition, the CIS opting-out rule makes it virtually impossible to enforce the participation of the countries in the agreements or projects they are not interested in. This approach, although ensures limited political risks for each member state from the inadequate decision-making, is of course extremely costly in terms of advancing regional integration. Or so it is theoretically: so far the main problem has been not to force countries to *sign* the agreements, but rather to enforce their implementation – as notices, in the CIS signing agreements, which are not implemented at a later stage, happens very often.

Both CIS and EurAsEC have to implement their decisions through the national bureaucracy and political systems, and the control is very weak.⁸ However, at the same time, there seems to be no elaborate system of checks and balances within the organizations themselves. Basically, the intergovernmental institutions representing the national executives are the only decision-making authorities in both organizations. Legislative branch has, as discussed, only a formal representation role in the IPAs. It should also be noticed, that there seems to be no evidence of development of a separate “CIS bureaucracy” or “EurAsEC bureaucracy” with its own ethos and career orientations, like in the EU – bureaucrats on the supranational level are usually closely linked to the domestic bureaucracy (see also Libman and Vinokurov 2010).

Discussing supranationalism, it is also necessary to address the existence of specific institutions at the supranational level: courts and central banks. Although the idea of the regional currency or a regional monetary union has been actively discussed in both the CIS and the EurAsEC after the collapse of the ruble zone, there has been almost no progress towards creating somewhat viable institutions in this area. However, as already mentioned, the EurAsEC is closely linked to the EDB, which is, in our opinion, an extremely interesting and promising institution of regional cooperation in the FSU. To start with, the EDB is among the few institutions able to create direct incentives for member states and their companies (given it has its own financial resources at disposal, and also currently manages the Anti-Crisis Fund, which has been set up by the EurAsEC countries during the global financial crisis of 2008-2009 to facilitate the economic recovery). In addition, it has a strong and pro-active role in many regional initiatives. So, theoretically, EDB could turn into a core for a more pragmatic and realistic cooperation.

As for the Court, as described, its jurisdiction is limited and (in case of the CIS) its decisions are not binding. However, it is probably reasonable to conjecture that the international court's importance and power depends upon their ability to resolve intergovernmental disputes (or any other disputes – but for the non-democratic FSU countries relations between governments obviously constitute the most important dimension) in critical situations. So far, to my knowledge, the Economic Court of the CIS has no significant experiences of this sort. However, the situation looks somewhat

⁸ One should probably say that the weak control over bureaucratic hierarchies is a general feature of the FSU public administration.

promising at the moment: in April 2010 the government of Belarus accused the government of Russia of violating the Customs Union treaty in terms of imposing export duties for the oil refinery products exported to Belarus. Hence, the Court has to resolve a highly sensitive and very important matter. However, since the issue is also subject to the active diplomatic negotiations and public discussions between countries, there is no reason to expect that the Court will indeed turn out to be the final institution in this matter.

5.4. Output legitimacy

As it has already been mentioned, the post-Soviet integration is characterized by a combination of highly aggressive and ambitious goals and extremely limited achievements. Decades of integration rituals have been unable to produce even the elementary forms of cooperation between the FSU countries. It is therefore not surprising that the output legitimacy of the post-Soviet regionalism is relatively small. However, from this point of view two aspects should probably be distinguished. First, one has to understand whether the post-Soviet regionalism is, generally speaking, *desirable* for the population of the countries. The situation here is very different from the standard regionalism discourse: the CIS and even the EurAsEC to some extent emerged “by default” after the collapse of the USSR, and it is impossible to reject ex ante the claim that the population of the FSU countries is simply not interested in developing further regionalism and is rather concentrating on weakening the ties between nations and moving towards alternative vectors of integration (for example, European or Islamic). Second, one has to evaluate whether the activity of the CIS and the EurAsEC is considered as sufficient from the point of view of this public perception of objectives.

In order to check the output legitimacy of the CIS and the EurAsEC, I will refer to the data of the *Eurasian Monitor*, a regular survey published by a consortium of the sociological agencies in the CIS countries, and start with the first aspect of the output legitimacy: does FSU population want the advancements of the regional integration? On the one hand, the 6th wave of the survey performed in 2006 clearly shows that the majority of post-Soviet population considers the re-creation of the USSR impossible (68% in Russia, 76% in Belarus and 71% in Ukraine). Moreover, in Russia the share of those considering the collapse of the USSR inevitable increased from 2003 to 2006 from 25% to 41%. However, the share of those

regretting the dissolution of the Soviet Union is still relatively high, although it went back from 70% to about 60% in Russia in 2004-2006. The regrets are however clearly concentrated in the older cohorts of the population: while about 83% of people older than 60 years regret the USSR, only 44% of the people between 18 and 24 years do it. However, in spite of this dynamics, the demand for regional integration in the public opinion is still high, although unequally distributed among post-Soviet countries, see *Table 1*.

Table 1: Preferences for integration in the post-Soviet space

	4	Apr 2005	Oct 2005	May 2006	Dec 2006	May 2007	Oct 2007	May 2008	May 2009	Dec 2009
Russia	57	53	46	49	52	44	41	44	46	53
Belarus	54	47	47	50	48	45	47	48	44	49
Ukraine	51	42	51	51	51	49	46	45	50	53
Kazakhstan	58	63	50	47	49	53	48	53	50	46
Azerbaijan	NA	NA	NA	24	21	NA	NA	NA	NA	NA
Armenia	NA	NA	NA	NA	31	36	22	33	NA	32
Kyrgyz Rep.	NA	NA	NA	NA	NA	73	68	63	62	NA
Tajikistan	NA	NA	NA	NA	NA	NA	39	52	43	NA
Moldova	NA	NA	NA	NA	NA	NA	35	35	37	39
Uzbekistan	NA	NA	NA	NA	NA	NA	NA	49	43	NA

Note: the data represents share of surveyed preferring to live in the re-integrated post-Soviet space (union of Russia, Belarus, Ukraine and Kazakhstan, re-created USSR or CIS) rather than in the EU or in the independent state without membership in any integration groups, % Source: Eurasian Monitor, 2004-2009

There is also no trend towards an obvious decline of the integration support, at least in the last 5 years.

Nevertheless, the shifts of public opinion are partly extremely complex. Kertman (2005) shows that in Russia the majority still supports the reintegration in the CIS, but claims, that Russia loses from the participation in the post-Soviet regionalist projects. Filippov (1995) and Blyakher (2008) claim that either admiring or regretting the Soviet past, post-Soviet countries “remain” post-Soviet just *because* the Soviet Union is still the “point of departure” in their argument (for Blyakher it also provides potential for re-integration). Anyway, it is premature to conclude that the “rhetorical integration” is dead, although it is certainly much less important than one and a half decades ago. Furthermore, the social basis of the post-Soviet and, for example, of the EU integration is completely different: whether the European Union receives support of younger and better educated groups, the CIS and other groups are often driven by nostalgic

sentiments of the older generation (Furman 2005). Anyway, it is possible to conclude that the demand for regionalism in the FSU does exist, and from that point of view the output legitimacy of the CIS and EurAsEC is given. Finally, in many CIS countries people become much more sceptical if specific issues of integration (like restrictions on trade in goods and services, migration or investments) are considered – for example, in Russia, Ukraine, Kazakhstan and Belarus alike the majority is clearly against providing access for the foreign labour to their domestic market and selling assets of domestic enterprises to foreign investors (see Zadorin 2006).

Things become significantly more difficult if one looks at the public assessment of the efficiency of the regional integration institutions as such. To start with, in this case the empirical data one could rely on is significantly smaller and underdeveloped. A survey of FOM in Russia in 2005 shows that 40% of the respondents expect a reduction in the CIS membership or the collapse of the organization (in a follow-up survey in 2007 the result was slightly better with 30% expecting the reduction of the membership or the collapse of the CIS). 32% of the respondents in 2005 believe that the distance between the CIS countries goes down over time, while only 16% claim to observe an increasing distance (in 2007 the results were somewhat better: 21% for reduction of the distance and 19% for the increasing distance; 35%, however, observe no changes, and this number remains robust as opposed to 31% in 2005). In a different survey in 2005 only 37% of the respondents claim that the participation in the CIS is likely to provide more benefits to Russia; 22% expect benefits and harm in equal proportion and 11% consider it harmful. About one-third of the respondents (30%) do not have a clear opinion on the subject. To conclude, it looks like the population of the CIS does not have very far-fetched expectations regarding the future of this institution; however, there are also no reasons to believe that the CIS activity faces an outright rejection, at least in Russia: it looks like the CIS is rather simply treated as not relevant. It should be noted though that a possible collapse of the CIS is usually evaluated as a negative event – so, it looks like even the non-functioning CIS does produce a specific “public good” of “visible unity” of the countries of the region, in spite of absent practical advancements (see also Libman 2007, 2009 for the debate on the psychological integration).

Another way to assess the effectiveness of the CIS is to rely on the expert opinion survey published by the Eurasian Development Bank in 2010 (see Vinokurov 2010). The advantage of this dataset is that it is specifically directed to evaluate the resources and the results of the activity of the international organizations. The disadvantage is of course that the link between the public perception and the expert perception is not unambiguous. It should also be noted that the expert community of the CIS countries is very much split about what the CIS or EurAsEC are actually able to achieve and whether the institutions are desirable (see Kazin 2002; Tsygankov 2003 and Grinberg 2004 for a survey of different approaches and ideas), what could lead to a certain bias in the expert evaluation. Nevertheless, the results are interesting. For the CIS 65% of the experts grade the results of the institution as 1 or 2 at a 5-point scale (with 5 being the highest grade). 61% gives the same grades on the same scale for the sufficiency of the resources of the CIS. 57% of the experts grade the CIS as 1 or 2 in terms of adequacy of its institutional structure to the goals of the organization. Hence, CIS seems to be perceived as grossly inadequate in terms of its resources and results. It should be noted though that evaluating the goals of the CIS, 47% describe them as “formalistic”, 22% as “unachievable” and only 3% as “realistic”.

The situation with the EurAsEC is, however, significantly better: 50% of the experts claim that the goals of this institution are realistic (and only 3% consider them as unachievable). The most popular grade for the adequacy of the EurAsEC structure to its goals is 3 (55%) followed by 4 (31%); for the sufficiency of the resources the most popular grade is 4 (45%), followed by 3 (41%); and for the efficiency of the organization it is 3 (48%) followed by 4 (28%). However, one has to understand that these data are more likely to exhibit an upward bias, first, because the reference point is very often the CIS (so, basically, the experts just claim that the EurAsEC is better than the Commonwealth, but it would be advisable to exercise caution while putting these estimates on an absolute scale). In addition, the survey was done in 2009, when the goals of creating the new Customs Union seemed highly realistic. In addition, while experts certainly are able to distinguish between the CIS, EurAsEC and other FSU regionalism projects (Organization of the CST, Russia-Belarus Union etc.), it remains questionable whether the population of the countries can do it – rather it is

reasonable to assume that its perception of the CIS describes the perception of the “FSU regionalism” in general.

5.5. Promotion of national democracy and human rights

Probably the most questionable aspect, if one takes the institutional isomorphism problems into account, is the ability of the CIS to act as an institution promoting human rights and democracy in its member countries. If one looks at the level of the formal institutions and conventions signed by the CIS members, the Commonwealth explicitly declares the objective of promoting human rights and democratization in a number of key acts – however, not all members of the CIS signed the respective documents. The **CIS Convention on Human Rights and Freedoms** of 1995 was signed by Armenia, Belarus, Kyrgyz Republic, Moldova, Russia and Tajikistan, with Moldova and Armenia still pending ratification of this act. Basically, the list of freedoms and rights protected by the Convention is fairly standard for international acts of this level, and includes both fundamental human rights, a number of political freedoms (freedom of association and of expression), but also a wide scope of social rights (specifically, unemployment protection, special labor regime for women, education financing and social security are explicitly mentioned in the Convention).

In order to monitor the implementation of the provisions of the Convention by individual CIS members, the CIS installs a **Human Rights Commission** set up by the representatives of the member countries, but based on a weighted voting scheme (a decision is passed if supported by two thirds of the members of the Commission). In fact, the Commission was already proposed by the Articles of the CIS. Countries, individuals and NGOs have the right to petition the Commission, however, the mechanism of petitioning is somewhat restrictive for the individuals and NGOs: the Commission considers petitions only if they are not under consideration through a different international mechanism and if all internal legal measures within the member countries have been explored, and the final decision was made less than six months ago. The last rule is also valid for the countries petitioning the Commission: however, these petitions are accepted only if they follow a direct request to another member, which has not been settled within six months. The decisions of the Commission are non-binding.

Individual provisions of the Convention are extended in specific agreements and conventions. It is interesting to notice that according to the CIS information most of them are concentrated in the social rights domain; it is also the case that the membership in these agreements is somewhat higher than in other areas of human rights and freedoms protection. For instance, specific agreements regulate the protection of the disabled persons, labor migration, protection of labor conditions and social compensation and alimony payments. The focus on social aspects is evident given that these issues more often concern the international relations between the CIS countries. Further additional agreements deal with the criminal law, human trafficking and children and youth.

As for democracy, theoretically, the CIS pays a significant attention to promoting democratization in the member countries – in fact, probably even more than many other regional integration groups. Seven countries of the CIS (Russia, Moldova, Armenia, Tajikistan, Kazakhstan, Kyrgyz Republic and Belarus) signed a **Democratic Elections Convention** in 2002. The Convention concentrates on a very precise description of the mechanisms and the preconditions of democratic and fair elections, and includes an encompassing list of legal definitions and freedoms to be ensured during this process (although other aspects of the democratization are not considered). In addition, Convention introduces the concepts of the “standards of democratic elections” and lists its main elements. Special attention is paid to the status of international observers, however, Convention includes a very detailed list of provisions for national elections, for example, regulating the aspects of funding (of both electoral procedures themselves and campaign contributions) or freedom of expression during the campaigns, and seems to satisfy almost all international requirements regarding the freedom of elections. Article 21 of the Convention specifies the need to establish an Intergovernmental Electoral Council as a monitoring body for national elections in the CIS. However, this mechanism has not been implemented (although the project of the Council Status was developed by the Inter-Parliamentary Assembly in 2004), and the Convention has almost never been referred to in the legal practice of the CIS countries (see Golubok 2010).

Nevertheless, the Inter-Parliamentary Assembly of the CIS does include an institution specifically devoted to the issues of electoral democracy. The

International Institute of Monitoring of Development of Democracy, Parliamentarism and Protection of Electoral Rights was set up in 2006 and also established its local branches in Azerbaijan and Kyrgyz Republic in 2007. The objective of the institution, according to its statute, is to support the development of the IPA documentation concerning democracy and elections, provide methodological assistance to the IPA observers and to monitor the media reports on the organization of elections in the CIS. The institution therefore acts as the key element in the electoral monitoring of the IPA, which has been established since 1994 in Kazakhstan and could theoretically serve as an important center of information collection and transmission. It should be noted that in 2004 the CMFA passed a special statute of the **Mission of Observers** of the CIS, designed to regulate the monitoring of regional elections by the Commonwealth. However, the real objectives of the Institute seem to be somewhat different from the declarations. At least from the reports of the Institute to be found at its website the general impression seems to be that the Institute's activity is primarily designed to "counteract" the monitoring of the Western organizations and institutions through the "own" CIS bodies with seemingly identical objectives.

So, in an interview of Mikhail Krotov (2007), secretary general of the IPA council, he claims that the electoral legislation and its implementation in the European Union are inferior to that of the CIS: in fact, the EU elections are claimed to be closed for the international observers and hence less satisfactory from the point of view of transparency than that of the CIS countries. In yet another interview (Krotov 2007a) he claims that the Western observers of the elections (specifically that of the OSCE) represent an outdated approach to the monitoring of the elections, which is therefore used as a tool of implementation of double standards and of political pressure. Finally, the monitoring ought to be extended to the Western countries' elections as well and once again strongly criticizes the OSCE (Krotov n.d.). To conclude, the direction of the Institute's activity seems to be clear: the CIS electoral monitoring mechanisms are supposed to act as a "countervailing argument" to the claims of the Western observers. Strong deviations between the CIS and the OSCE positions on regional elections were observed in a variety of cases. Anyway, it looks like presence of the institutions dedicated to the promotion of democracy at the CIS level rather has a

negative impact on the democratization in the region, serving as a tool of protection of regional autocracies – and, from the normative perspective, absence of any institutions regarding political freedoms and human rights in the CIS could be treated at least as the “second best” option as opposed to the proliferation of the “protective integration.”⁹

The Eurasian Economic Community, to our knowledge, does not have any instruments and agreements specifically devoted to democracy or human rights. This is also hardly surprising, since the EurAsEC has a well-defined economic objective. Several acts of the EurAsEC dealing, for instance, with international mobility and youth, could have an impact on the matters of human rights and political freedoms, but this aspect still remains of secondary importance for the organization.

6. Conclusions

The post-Soviet regionalism, as it has been described in this chapter, seems to have achieved a rather low level of international cooperation and integration. The Commonwealth of Independent States is currently just a loose alliance of several countries united by more or less regular meetings of their leadership, several infrastructural projects and humanitarian cooperation. The Eurasian Economic Community obviously demonstrates a more significant potential. Some of the recent initiatives associated with this structure (like the Eurasian Development Bank) are very likely to be successful; the more ambitious projects (like the Customs Union) still remain questionable. In addition, the post-Soviet countries tend to have significant problems with the implementation of the agreements passed in the region, and therefore the credibility of even formally binding documents (yet alone political declarations) is rather low. Given this weakness of the CIS and the EurAsEC, it is not surprising that these institutions attract little attention of the anyway weak civil society in the FSU countries. The involvement of the non-governmental organizations in the affairs of the post-Soviet integration is very limited. Even in the most obvious cases, like the business associations lobbying for the expanding Russian multinationals, CIS and EurAsEC seem not to be attractive for the non-governmental actors – with the

⁹ It is by the way not surprising that most of these institutions were established in the first half of the 2000s, during the period of consolidation of autocracies in most CIS countries and of the “colored revolutions.”

exception of those seeking additional funding and rents from the organization and the “governmental NGOs.” Probably, yet another reason for the limited development of the civil society on the CIS and EurAsEC level is the specific position of these organizations as the tools of the “protective integration,” used by the semi-authoritarian regimes to provide support to each other in the post-Soviet area. Hence, these institutions seem to rather perceived as tools of restricting political freedoms than as a platform for the development of civil society. Indeed, the impact of the CIS and EurAsEC institutions on the local democracy is overall negative.

One should be aware of the fact that it does not mean that there exist no cooperation or mutual learning links between the emerging civil societies of the FSU countries. On the contrary, as the chain of the colored revolutions of 2003-2005 shows, the links between the FSU countries should not be under-estimated. In the same way, skyrocketing labor migration and significant informal business activity in the FSU most likely will preserve a certain level of unity of these countries. However, there are no reasons to expect that this informal unity will have any effect on the formal regionalism on the CIS and EurAsEC level, and hence, on the institutions relevant from the perspective of the international democracy.

From the organizational point of view both CIS and EurAsEC are primarily intergovernmental; although there exists a relatively large supranational bureaucracy, its impact remains relatively small. The situation seems to be somewhat better in the EurAsEC than in the CIS, also because the incentives for high-ranked bureaucrats are different; integration in the EurAsEC is also more often (Antri-Crisis Fund of the EurAsEC, EDB) associated with the allocation of financial resources. The CIS consensus scheme with an opting-out variant seems to be particularly likely to generate complex and intransparent structures, also very difficult to monitor for the outsiders; the EurAsEC weighted voting scheme protects the organization from this problem, but still is no guarantee of the implementation of the agreements, which faces significant difficulties in the region.

Finally, the output legitimacy of the CIS and the EurAsEC is somewhat ambiguous: while there still exist a widespread public support for the integration, the functioning of the institutions themselves is evaluated more critically – however, even those considering CIS ineffective seem to often object its dissolution. EurAsEC enjoys

somewhat more positive evaluation, which could be biased due to the reference point effect.

References

Allison, Roy. 2008. "Virtual Regionalism, Regional Structures and Regime Security in Central Asia." *Central Asian Survey* 27(2): 185-202

Ambrosio, Thomas. 2006. "The Political Success of Russia-Belarus Relations: Insulating Minsk from a Color Revolution." *Demokraizatsiya* 14(3): 407-434

Ambrosio, Thomas. 2008. "Catching the 'Shanghai Spirit': How the Shanghai Cooperation Organization Promotes Authoritarian Norms in Central Asia." *Europe-Asia Studies* 60(8): 1321-1344

Aslund, A., M.B. Olcott and S.W. Garnett. 1999. *Getting It Wrong: Regional Cooperation and the Commonwealth of Independent States*. Washington: Carnegie Endowment for International Peace

Beissinger, Mark R. 2007. "Structure and Example in Modular Political Phenomena: The Diffusion of Bulldozer/Rose/Orange/Tulip Revolutions." *Perspectives on Politics* 5(2): 259-276

Blyakher, Leonid. 2008. "Vozmozhen Li Postimperskiy Proekt: Ot Vsaimnykh Preternsiy k Obshemu Budushemu." *Politiya* (1)

Bremmer, Jan, and Alyson Bailes. 1998. "Sub-Regionalism in the Newly Independent States." *International Affairs* 74(1):131-147

Brzezinski, Zbigniew and Paige Sullivan (eds.) 1997. *Russia and the Commonwealth of Independent States: Documents, Data and Analyses*. New York: M.E. Sharpe

Collins, Kathleen. 2009. "Economic and Security Regionalism among Patrimonial Authoritarian Regimes: The Case of Central Asia." *Europe-Asia Studies* 61(2): 249-281

Coppieters, Bruno (ed.) 1996. *Contested Borders in the Caucasus*. Brussels: Vub Brussels University Press

D'Anieri, Paul. 1997. "International Cooperation Among Unequal Partners: The Emergence of Bilateralism in the Former Soviet Union." *International Politics* 34(4)

Dabrowski, Marek. 1995. *The Reasons of the Collapse of the Ruble Zone*. Unpublished manuscript, CASE

Danilenko, Gennady M. 1999. "The Economic Court of the Commonwealth of Independent States." *NYU Journal of International Law and Politics* 31:893-918

Fel'dman, Dmitriy. 2005. "Vzaiomdeistvie Elit Stran SNG." *POLIS* (4)

Filippov, A. 1995. "Smysl Imperii: K Sociologii Politicheskogo Prostranstva," in S. Chernyshev (ed.) *Inoe: Hrestomatiya Novogo Rossiiskogo Samosoznaniya*. Moscow

Furman, Dmitriy. 2004. „Rossiya, SNG i ES.” *Mir Peremen* (3)

Furman, Dmitriy. 2007. "Obshee i Osobnoe v Politicheskom Razvitii Postsovetskikh Gosudarstv," in Andrei Ryabov and Maria Lipman (eds.) *Puti Rossiyskogo Postkommunizma*. Moscow: R. Elinin, Moscow Carnegie Center

Furman, Dmitriy. 2009. "Moldavskie Moldavane i Moldavskie Rumyny (Vliyanie Osobennosti Nacional'nogo Soznaniya Moldovan na Politicheskoe Razvitie Respubliki Moldova)," in Dimitry Furman (ed.) *Moldavia*. Moscow: Institut Vostochnoi Evropy

Furman, Dmitriy. 2010. *Dvizhenie po Spirali: Politicheskaya Sistema Rossii v Ryadu Drugikh Stran*. Moscow: Ves' Mir

Furman, Ekaterina. 2005. "Otnoshenie naseleniya k integratsii v SNG i ES." *Informatsionno-analiticheskii byulleten' Tsentra problem integratsii Instituta Ekonomiki RAN* (3)

Gleason, Gregory. 1992. "The Federal Formula and the Collapse of the USSR." *Publius: The Journal of Federalism* 22(3): 141-16

Gleason, Gregory. 2003. *The Reintegration of Eurasia: Functional Theory and Interstate Policy Coordination*. Mimeo

Golovnin, Mikhail (ed.) 2010. *Vzaimodeistvie Finansovykh Sistem Stran SNG*. St. Petersburg: Aleteya

Golubok, Sergei (2010): *Pravo na Svobodnye Vybory: Pravovye Positsii Evropeiskogo Suda po Pravam Cheloveka i Formirovanie Mezhdunarodno-Pravovykh Standartov Sodruzhestva Nezavisimyykh Gosudarstv*. Cand. Sc. thesis, St. Petersburg State University

- Grinberg, Ruslan. 2004. "Integration und Desintegration im postsowjetischen Raum," in Dieter Cassel and Paul J.J. Welfens (eds.) *Regionale Integration und Osterweiterung der Europäischen Union*. Stuttgart: Lucius & Lucius
- Hale, Henry E. 2006. "Democracy or Autocracy on the March? The Colored Revolutions as Normal Dynamics of Patronal Presidentialism." *Communist and Post-Communist Studies* 39:305-329
- Hancock, Kathleen J. 2009. *Regional Integration: Choosing Plutocracy*. Palgrave MacMillan
- Hantsevich, Oleg. 2010. "Edinoe Gumanitarnoe Prostranstvo – Nash Obshchiy Interes." *NG Sodruchestvo*, April 26
- Kazin, F. 2002. *Problemy Integracii v Rossiysko-Ukrainskikh i Rossiysko-Belorusskikh Otnosheniyakh v 1992-1997 gg.* PhD Thesis, St. Petersburg State University
- Kertman, G.L. 2005. "SNG – Mezhdru Proshlym i Nastoyashim." *POLIS* (6): 110-125
- Kosikova, Lidiya. 2004. "Nesostoyavshaysya Integraciya, Ili Pochemu Rossii ne Udalos' Ob'edinit' Strany SNG?" *Mir Peremen* (1)
- Kosikova, Lidiya. 2008. *Integracionnye Proekty Rossii na Postsovetskom Prostranstve: Idei i Praktika*. Moscow: IE RAS
- Kosikova, Lidiya. 2010. *Ekonomicheskaya Politika Rossii v SNG: Evolyutsiya Podhodov, Rezul'taty, Problemy*. Moscow: IERAS
- Krotov, Mikhail (n.d.): *Mezhdunarodnye Nablyudateli – Sovetniki, a ne Sudyi*. Accessed online at www.iacis.ru/html/?id=161
- Krotov, Mikhail. 2007. "V Evrosoyuze Izbiratel'noe Zakonodatel'stvo i Praktika Otstayut ot SNG." *REGNUM*, August 14
- Krotov, Mikhail. 2007a. *Zaokeanskije Kritiki Propoveduyut Ustarevshie Vzglyady na Monitoring Vyborov*. *REGNUM*, November 12
- Libman, Alexander, and Boris Kheyfets. 2006: *Ekspansiya Rossiyskogo Kapitala v Strany SNG*. Moscow: Ekonomika

- Libman, Alexander, and Evgeny Vinokurov. 2010. *Holding Together Regionalism and the Interaction of Functional Bureaucracies*. MPRA Working Paper No. 23217
- Libman, Alexander. 2006. Stabil'nost' Mezhdunarodnykh Soyuzov v Retrospektive SNG. *Mezhdunarodnye Processy* 4(3): 38-51
- Libman, Alexander. 2006a. "Vliyaniye Korporativnykh Struktur na Processy Ekonomicheskoi Integracii." *Informacionno-Analiticheskiy Byulleten' Centra Problem Integracii IE RAN* (4):14-28
- Libman, Alexander. 2007. "Regionalisation and Regionalism in the Post-Soviet Space: Current Status and Implications for Institutional Development." *Europe-Asia Studies* 59(3): 401-430
- Libman, Alexander. 2009. *Federalism, Integration and Multilevel Governance in Eurasia: Intergovernmental Relations across and within National Borders in the Post-Soviet Space*. Saarbrücken: VDM Verlag
- Linn, Johannes and Oksana Pidufala. 2009. "The Experience with Regional Economic Cooperation Organizations: Lessons for Central Asia," in *EDB Eurasian Integration Yearbook 2010*: 84-94
- Malfliet, Katlijn, Lien Verpoest and Evgeny Vinokurov (eds.) 2007. *The CIS, the EU, and Russia: Challenges of Integration*. London: Palgrave Macmillan
- Markedonov, Sergei (2010): Dagestan: Novye i Starye Problemy. *Svobodnaya Mysl'* 3: 59-72
- Markedonov, Sergei. 2006. „Kavkaz v Poiskakh "Svoei Zemli": Etnichnost' i Konflity v Regione." *Svobodnaya Mysl'* (4):70-76
- Markedonov, Sergei. 2010. Cherkesskiy Vyzov. Mimeo <http://www.polit.ru/analytics/2010/03/25/georgia.html>
- Matsuzato, Kimitaka. 2008. "From Belligerent to Multi-ethnic Democracy: Domestic Politics in Unrecognized States after the Ceasefires." *Eurasian Review* 1: 95-119
- Matsuzato, Kimitaka. 2008. "From Belligerent to Multi-ethnic Democracy: Domestic Politics in Unrecognized States after the Ceasefires." *Eurasian Review* 1: 95-119
- Obydenkova, Anastassia. 2010. "Multi-Level Governance in Post-Soviet Eurasia: Problems and Promises," in Henrik Enderlein, Sonja Walti and Michael Zurn (eds.) *Handbook on Multi-Level Governance*. Edward Elgar

- Offe, Claus. 1991. "Capitalism with Democratic Design? Democratic Theory Facing the Triple Transition in East Central Europe." *Social Research* 58(4):865-892
- Orlowski, Lucjan T. 1994. "The Disintegration of the Ruble Zone: Driving Forces and Proposals for Policy Change." *Aussenwirtschaft* 49: 101-129
- Pomfret, Richard. 2009. "Regional Integration in Central Asia." *Economic Change and Restructuring* 42(1-2):47-68
- Popova, Maria. 2010. "Political Competition as an Obstacle to Judicial Independence: Evidence from Russia and Ukraine." *Comparative Political Studies*, forthcoming
- Rector, Chad. 2009. *Federations: The Political Dynamics of Cooperation*. Ithaca: Cornell University Press
- Remizov, Mikhail. 2006. *Pervoi iz SNG Dolzhna Vyiti Rossiya*. APN Nizhniy Novgorod, May 5
- Ryabov, Andrei. 2005. "Moskva Prinimaet Vyzov Tsvetnykh Revoluciy." *Pro et Contra* 9(1):18-27
- Silaev, Nikolai. 2009. "Dvadtsat' Let Raskhodyashimsya Kursom." *Rossiya v Global'noi Politike* (5)
- Silitiski, Vitali. 2006. *Contagion Deterred: Authoritarianism in the Former Soviet Union (The Case of Belarus)*. CDDRL Working Paper No. 66
- Sterzhneva, M. 1999. *Evropeiskii Soiuz i SNG: Sravnitelnyi Analiz Institutov*. Moscow
- Torkunov, Anatoliy. 2004. *Sovremennye Mezhdunarodnye Otnosheniya i Mirovaya Politika*. Moscow: Prosveshchenie
- Tsygankov, Andrei. 2003. "Mastering Space in Eurasia: Russia's Geopolitical Thinking after the Soviet Break-Up." *Communist and Post-Communist Studies* 36:101-127
- Valasek T. 2007. *On Oligodemocracy and People Power in Ukraine*. Center for European Reform, May
- Vinokurov, Evgeny. 2008. *The CIS Common Electric Power Market*. EDB Industrial Report No. 3
- Vinokurov, Evgeny. 2010. *System of Indicators of Eurasian Integration*. Alamy: EDB
- Vinokurov, Evgeny. 2010a. *The Evolution of Kazakhstan's Position on Relations with Russia in 1991-2010*. MPRA Paper no. 22187
- Walker, Edward W. 2003. *Dissolution: Sovereignty and the Breakup of the Soviet Union*. Lanham: Rowman & Littlefield

Yazkova, Alla. 2007. “Sodruzhestvo Nezavisimykh Gosudarstv: Stranitsy Istorii.”
Informacionno-Analiticheskiy Byulleten Centra Problem Integracii IE RAN (1):40-54

Yevstigneev, Vladimir. 1997. *Valyutno-Finansovaya Integraciya v ES i SNG: Sravnitel’nyi Semanticheskiy Analiz*. Moscow: Nauka

Zadorin, Igor (ed.) 2006. *Integraciya v Evrazii: Narody i Elity Stran EEP*. Moscow: Evropa



I D W

**INTERNATIONAL
DEMOCRACY WATCH**

INTERNATIONAL DEMOCRACY WATCH

C/o Centre for Studies on Federalism

Via Real Collegio, 30

10024 Moncalieri (TO) - Italy

Tel. +39 011.6705024

Fax +39 011.6705081

E-mail: finizio@csfederalismo.it

Web site: www.internationaldemocracywatch.org