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# DEAD-LETTER REGIMES IN THE POST-SOVIET SPACE: STRATEGIES AND COMMUNICATION

## Abstract

This paper explores why dead-letter regimes, sets of norms and institutions with low efficiency and few expectations of tangible output, have become an enduring feature of international politics in the post-Soviet space. It focuses on the Collective Security Treaty Organization and the Eurasian Economic Union, the two regional regimes endorsed by Russia. The paper analyzes their emergence and evolution, normative frameworks, performance and member states' expectations. It argues that, while mostly failing as instruments of strategic action, these regimes have become important conduits of communicative action and arenas enabling member states to enact specific international roles.

**Keywords:** dead-letter regimes, Collective Security Treaty Organization, Eurasian Economic Union, post-Soviet space, communicative action, strategic action

## Introduction

International regimes are classically defined as “sets of implicit or explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given area of international relations”.<sup>1</sup> A spin-off of the neo-liberal paradigm of international theory, the international regime theory aims at explaining cooperation among states without reducing it to the effects of international system and balance-of-power calculations. Among international regimes there is a peculiar type known as the “dead-letter regime”. These types of international regimes are distinguished by their high level of formalization in principles, norms, rules and procedures, paired with low expectations that the norms would actually be observed.<sup>2</sup> The opposite of a dead-letter regime is referred to as a full-blown regime.

A striking feature of international politics in the post-Soviet space is the proliferation of dead-letter regimes—sets of norms and institutions with surprisingly low efficiency and few expectations for tangible output. Throughout the 1990s dead-letter regimes in security and economy were established throughout the region, including the Commonwealth of Independent States (CIS), the Central Asian Economic Community and the Customs Union of Russia, Belarus, Kazakhstan and Kyrgyzstan. This pattern continued into the next decade, with the Union State of Russia and Belarus, the Eurasian Economic Community (EurAsEC) and the Central Asian Cooperation Organization which fail to meet their objectives.

This paper focuses on the Collective Security Treaty Organization (CSTO) and the Eurasian Economic Union (EAEU), the two international regimes Russia has most heavily invested in, both politically and financially. What do the member states expect of these regimes? Do the CSTO and the EAEU meet their stated objectives and the expectations of members? Are they dead-letter regimes, full-blown regimes or somewhere in the middle on this spectrum? What functions do they perform in interstate relations? How might they evolve? These are the questions this paper seeks to explore.

Methodologically this research relies on the theory of international regimes and on the distinction between two types of social action—strategic and communicative—introduced by the German philosopher Juergen Habermas. Strategic action “aims at influencing others for the purpose of achieving some particular end” whereas the goal of communicative action is “to reach an agreement or mutual understanding with one or more actors about something in the world”.<sup>3</sup> For the purposes of this research both are posited as ideal types, ends of “a continuum between a situation where power asymmetry destroys communication completely and a threat-free debate among equals”.<sup>4</sup> Starting with reconstructions of CSTO’s and EAEU’s emergence and evolution, this paper analyzes their normative frameworks, performance, member states’ expectations and strategic and communicative functions and proceeds to the evaluation of their prospects.

## **The Collective Security Treaty Organization: the Alliance in Decline**

### ***Emergence and Normative Framework***

The CSTO emerged out of the Collective Security Treaty signed by Russia, Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan and Armenia in May 1992. Azerbaijan, Belarus and Georgia joined in 1993. The Treaty established a classic military alliance, its 4<sup>th</sup> article stating that an aggression against one signatory shall be considered an aggression against all Treaty participants. If “threats to security, territorial integrity and sovereignty of one or several participating states arise”, treaty participants enter into consultations “to coordinate their positions and take measures to remove the threat”.<sup>5</sup>

Throughout the 1990s the CST remained a dead letter. Moscow declared that it sought an efficient defense union based on the treaty, but at the same time Russia seemed quite indifferent to the CST. Administratively, it remained linked to the fading CIS structures. It produced a number of documents, including the Collective Security Concept providing a long list of threats to military security, with international terrorism placed at the bottom. The concept laid out ambitious plans for the future, including the organization of collective military formations and of the joint air defense system; here, even the question of organizing the united military forces was debated.<sup>6</sup>

However, the joint military buildup did not materialize, and the CST did not even proceed in organizing its own Joint Staff. As the Taliban expanded its control over Afghanistan, foreboding an increased tension in Central Asian secular regimes—if not a direct threat to the southern reaches of the CIS—Russian and Central Asian officials voiced reminders that the CST remained in force, but no additional Russian military deployments to Central Asia followed. The joint air defense system did not cover Kyrgyzstan, Tajikistan or Uzbekistan. Another ambitious plan that had never moved forward was the establishment of a joint border defense perimeter where the CIS borders would be protected by Russian military.

Within the CST the contradictions between alliance members were often sharper than those of potential external adversaries. Armenia and Azerbaijan were locked in a conflict over Nagorny Karabakh. Georgia was increasingly critical of the CIS (in fact, Russian) peacekeeping operation in Abkhazia as well as Moscow’s support for Abkhazian and South Ossetian separatism. Uzbekistan was unhappy with Russian policies in Tajikistan.

In April 1999 when the CST's first five-year term expired Azerbaijan, Georgia and Uzbekistan refused to extend their participation. The new configuration of the CST shifted its center of gravity to Central Asia, with only one country in the South Caucasus region, Armenia, remaining a signatory. The new grouping had no glaring internal contradictions but lacked cohesion.

Putin's ascension to the presidency brought about a sustained effort from Moscow to transform the CST into an instrument of Russian foreign policy and national security. Quite in line with its professional background, the new Russian leadership adhered to a heavily securitized vision of Moscow's interests in the post-Soviet space. "Making the multilateral and bilateral cooperation with the CIS member states equal to the tasks of the country's national security" came to be seen as a foreign policy priority.<sup>7</sup> And Central Asia was then regarded second only to the North Caucasus—where the second Chechen War was unfolding—in terms of regions posing the greatest threat to Russian national security.

In August 1999 the Islamic Movements of Uzbekistan (IMU) moved into the Batken region of Kyrgyzstan, putting the vulnerability of Central Asian states and the weakness of their militaries in full view. The "Batken events" made these member states more eager to align with Russia, in particular as the latter began demonstrating greater willingness to provide help. Russian military officers were dispatched to southern Kyrgyzstan, paving the way for an uneasy cooperation between Moscow and the Uzbek government.

The escalating threats from the IMU and Afghanistan combined with the enhanced bilateral cooperation with Central Asian states allowed Russia to breathe new life into the CST. In June 2000 the CST participants agreed that weapons and equipment for other parties' militias included in joint military formations should be delivered at the same price as those for national military forces. The CST summit of May 2001 decided to establish CST's first joint military formation, the Rapid Deployment Forces with about 1,500 personnel.

The strategic landscape around Central Asia changed unexpectedly after 9/11. Facing the imminent war between the United States and the Taliban, as well as the deployment of American military bases in Central Asia, Russia tried to convince Central Asians to work out a unified position vis-à-vis the US military presence in the region. Moscow intended to talk to Washington on behalf of its Central Asian allies. However, realizing that the US did not need Russian mediation and Central Asians were keen to



seize the opportunity to host US bases even without Moscow's approval, Russia announced that it would support American military deployment to the region. At the same time Russia made it clear that it saw US military presence in the region as temporary and recognized only the Afghan operation as legitimate.

The cooperation over Afghanistan brought about a marked easing of tensions in the relations between Russia and the US, and between Russia and NATO. The CST states felt less pressure to choose between cooperating with Russia and building bridges with the US which made it easier for Moscow to pursue the transformation of the CST. In May 2002 the CST summit declared that a regional organization would be developed on the basis of the treaty. A few months later the CSTO Charter was signed.

The charter defines the CSTO's objectives as strengthening "peace, international and regional security and stability" and ensuring "the collective defense of the independence, territorial integrity and sovereignty of the member States". It establishes that CSTO decisions are binding on member states. The signatories commit to "coordinate their foreign policy positions regarding international and regional security problems" and to take measures to "harmonize" national legislation in the areas of defense and security. The charter requires that signatories determine the stationing of third countries' military facilities in their territories "after holding urgent consultations (reaching agreement) with the other member States".<sup>8</sup>

Judging by the charter and regulations on the organization's institutions and bodies, the CSTO is a collective defense regime where principles and norms are coherent and formalized, but rules and decision-making procedures are rather shifty and opaque. In particular, the crucially important Article 4 virtually hangs in the air, as the procedure for triggering the article has never been worked out. In the subsequent years Russia put much effort into developing the CSTO's normative framework. In 2004 the organization's Joint Staff began its operations. In 2005 an agreement on the training of military personnel was signed which included provisions for training officers entirely at the host country's expense. This was followed by a legal framework for CSTO peace-keeping operations. In 2009 the alliance was endowed with another military tool, the Collective Operative Reaction Forces (CORF) intended to cope with "local" conflicts and terrorist attacks.

The outburst of ethnic violence in Kyrgyzstan in 2010 forced Russia to initiate a revision of the CSTO norms. The amendments to the 1992 treaty and the charter approved in late 2010 included provisions for the

CSTO's "reaction to crisis situations threatening the security, stability, territorial integrity and sovereignty" of the member states.<sup>9</sup> The CSTO could now deploy the CORF to a member state if it appealed for help in a "crisis situation", not only in case of outside aggression. Along with military forces, the Organization could use police units, security services and border guards. Thus, the CSTO's mandate was significantly expanded to allow for interference in the internal crises facing the members. At the same time, the reform weakened the coherence of the Organization's normative framework, as rather vague notions of "stability" and "crisis situations" obfuscated a clear concept of external aggression.

### ***Expectations and Performance***

Initially, Russia saw the CSTO as the would-be "Eurasian NATO": an alliance underpinning Russia's foreign policy objectives across different regions and around the world. Other member states had narrower, regional and local expectations of the CSTO and tried to avoid being dragged into Russia's cycles of confrontation with the West.

*Armenia* needed the alliance with Russia as a guarantee that Azerbaijan (probably in alliance with Turkey) would not resume a war over Karabakh where the 1994 cease-fire established a status quo favorable for Yerevan. However, Armenia was actively developing relations with NATO, officially regarding the latter, in a glaring contradiction to Moscow's position, as a force for "reducing threats" to the country's military security.<sup>10</sup> Blockaded by Azerbaijan and Turkey, Armenia could not afford to risk ties with Georgia nor could it display solidarity with Moscow in its confrontation with Tbilisi. At the same time, Armenia, unlike other CSTO countries, had a keen interest in the Article 4 and was dissatisfied that this provision remained normatively unsubstantiated.

In fact, Belarus and Central Asian CSTO member states displayed reluctance to so much as hint at solidarity with Armenia in the event that its war with Azerbaijan resumed, with Kazakhstan especially active in developing ties with Baku. Armenia's bilateral alliance with Russia, underpinned by a Russian military base and Russian border guards, provided a sufficient guarantee of its fundamental strategic interests, the residual political import of the CSTO lying in the hope that Kazakhstan and Kyrgyzstan, as Yerevan's allies of the moment, would be reluctant to support Azerbaijan in international and regional forums.

For *Belarus*, under sanction by the EU and the US for human rights violations, the major danger could come from anti-government protests supported (and, in the government's view, certainly engineered) by the West. A union with Russia was from the outset chosen by the country's perpetual leader, Alexander Lukashenko, as a means of protecting and consolidating the resilient, albeit anachronistic, Belarusian political and economic system. As such, the bilateral alliance with Russia in the military and security areas was sufficient for Minsk. The CSTO's added value consisted in it becoming one of the arenas in which Minsk could demonstrate its loyalty to Russia or its dissatisfaction with Moscow's policies. Remarkably, while the country's national security apparatus says all the "right" things about "raising the CSTO's efficiency" and making it "the major instrument of collective security in the post-Soviet space"<sup>11</sup>, Belarusian legislation prohibits the involvement of its armed forces in military conflicts beyond its territory. Belarus made it clear that under no circumstances would it send troops to Central Asia. In 2009, when Russia banned Belarusian dairy products from its market—allegedly for sanitary reasons—Lukashenko boycotted the CSTO summit, demonstrating his disdain of the entire framework.

*Kazakhstan* is a strategically vulnerable country. Its huge territory is sparsely populated and unprotected by natural barriers, it shares long borders with China and southern Central Asian countries, while its northern border with Russia the longest in the world at 7,600 km. Understandably, as even Kazakh experts close to the government have acknowledged, the country was hardly capable of protecting its landmass on its own.

Kazakhstan, too, which has maintained the bilateral military alliance with Russia since its first days of independence, seemed to be satisfied with the way in which the country's vulnerabilities to external threats were being addressed, given the circumstances. Nevertheless, the CSTO had additional strategic significance for Kazakhstan as it provided the assurance that Russia would intervene should Kyrgyzstan or Tajikistan face destabilization, thus relieving Kazakhstan of the burden to cope with these countries' vulnerabilities. Kazakhstan could hope to have some influence over—or at least more information about—Russian policies in Kyrgyzstan or Tajikistan if Moscow chose to act there within the CSTO framework.

Despite its CSTO membership, Kazakhstan was actively developing cooperation with NATO and the US. Its military doctrine of 2007 referred to meeting "NATO standards" in pursuit of the modernization of the country's Armed Forces and strengthening cooperation with the

US.<sup>12</sup> In 2006 the country signed the Individual Partnership Action Plan with NATO. Reportedly, Kazakhstan helped Washington negotiate the extension of the American military base in Kyrgyzstan.

*Kyrgyzstan*, with its almost dysfunctional military and the lowest defense expenditures in the CIS, needed a military alliance with Russia as a shield against armed incursions from the south, insurance against internal disturbances and a source of money and ammunition. Being unable to contribute anything to the multilateral security regime and lacking any strategic expectations from its members, Kyrgyzstan primarily paid lip service to the CSTO's importance. While Russia did help the Kyrgyz military and opened an air base in the country in 2003, Moscow clearly separated its own interests from the aspirations of the increasingly voracious Kyrgyz leadership. Then during a February 2009 visit to Moscow Kyrgyz President Bakiyev pledged that the US military base in Kyrgyzstan would be closed. Deemed by both parties as a mere coincidence, the visit brought cash inflows from Russia and promises of much more to come. However, a few months later Bishkek, having secured more US money for the base, decided to retain the base and to rename it the Transit Center, at which point the negotiations with Moscow on the opening of a second Russian military base in Kyrgyzstan stalled.

There is, thus, little wonder that when Bakiyev's regime was violently overthrown in April 2010 there was no support from Russia to the embattled government. On the contrary, Russian officials castigated Bakiyev for corruption, finding themselves in the unusual position of solidarity with the revolt against state officials. Disloyal allies heard the message.

When ethnic violence engulfed southern Kyrgyzstan in June 2010 the interim government in Bishkek asked Russia to send peacekeepers to Kyrgyzstan. Moscow, unwilling to meddle with risky and uncertain situations unless its strategic region-wide interests were at play, responded that the violence was Kyrgyzstan's internal affair and the Kyrgyz authorities should "cope by themselves".<sup>13</sup> The Russian government referred the matter to the CSTO which, here, effectively provided Moscow the opportunity to shirk responsibility for its lack of action. Interestingly, Bishkek was actually barred from addressing the CSTO directly because the organization's Secretary General disagreed with the interim government as to who the country's legal representative in the CSTO was.

The military option was clearly off the table since Russia did not call for the CSTO emergency summit, opting to convene a meeting of national

security council secretaries. The secretaries promised to help Bishkek with military equipment and material and did not exclude that the situation might necessitate a CSTO summit. The interim government withdrew its request for peacekeepers but asked Russia to provide troops to defend infrastructure like dams and factories. Again, the answer was negative.

Moscow's response to the Kyrgyz crisis spared Russia human and economic losses as well as international criticism. However, the CSTO's credibility took a hit, and the difference between what a small member state and the powerful leader of the alliance could expect of the organization became glaring. The Russian leadership acknowledged that the CSTO had to be revitalized and endorsed a set of amendments to the charter in late 2010.

*Tajikistan* emerged from the civil war of the early 1990s as a fractured state where the Russian military contingent, ready to support President Rakhmon's government, underpinned a fragile peace settlement. Though gradually getting more entrenched, the regime in Dushanbe remained critically dependent on the Russian military support. With Afghanistan on the brink of a renewed wide-scale civil war and continued strained relations between Tajikistan and Uzbekistan over water and border issues, this dependency showed no signs of abating. Russia rebuffed Tajikistan's sporadic attempts to extract concessions from Moscow and prevented it from going too far in the pursuit of its proclaimed "multi-vector" foreign policy. Tajikistan demonstrated loyalty to the CSTO by dutifully endorsing all the documents and only once having threatened to boycott its summit because of "the energy crisis in the country" (a hint that it expected more Russian support in the row with Uzbekistan over dam constructions).<sup>14</sup> However, what Dushanbe needed was provided by the alliance with Russia; the CSTO hardly added anything, and Tajikistan's own contribution to the collective military build-up was purely symbolic.

*Uzbekistan* joined the CSTO in 2006 in what was seen as a major boost to the Organization's capacity. After the Andijon events and Western condemnation of the Uzbek government, followed by American and EU sanctions, Tashkent found unwavering support in Moscow. The agreement with Russia was not only a signal to the West that isolating Tashkent would be counter-productive. As President Karimov suffered a humiliating foreign policy defeat, the country's political and economic elite along with its security apparatus, who'd long been dissatisfied with Karimov's rule, seized the opportunity to rein in the President's power.

At this critical juncture, the Uzbek leader urgently needed support from abroad to counterbalance internal challenges to his government.

As such, the CSTO membership was not a reflection of Tashkent's changed assessment of the security environment and strategic interests but rather one in a series of concessions it reluctantly made to Russia in return for Moscow's support. Tashkent's decision was a means of facilitating communication with Russia by resolving the thorny issue of CSTO membership in their bilateral agenda and handing Moscow a diplomatic victory. It wasn't long before Uzbekistan began delaying the ratification of CSTO agreements, insisting rigorously that they should not be implemented unless ratified. Interestingly, even the treaty on joining the Organization was not ratified by Uzbekistan until 2008. In 2009 Uzbekistan openly broke the CSTO's ranks when it refused to sign the CORF agreement and voiced concern about Russian plans to set up a second military base in Kyrgyzstan. As the country's relations with the US improved and the Western sanctions were removed, Uzbekistan's contribution to the CSTO began dwindling to a mere formality. In 2012 Tashkent suspended its membership indefinitely.

It's no wonder then that *Russia's* expectations of the CSTO were frustrated by the organization's performance and Moscow's enthusiasm for the alliance was waning. The CSTO's normative framework was undermined by non-compliance among its ranks. There was no coordination on key foreign policy issues and allies were only ready to speak with one voice on the most generalized principles or on matters of secondary importance. Decisions on military deployments of third countries were made without so much as perfunctory consultations with other member states, as demonstrated by Kyrgyzstan's renewal of US basing rights. No coalition forces ever materialized and the CORF remained the apex of the CSTO military build-up. Moscow has yet to succeed in convincing NATO to deal with the CSTO as a collective body even on politically "safe" issues like drug trafficking and illegal migration as the Atlantic alliance insisted on interacting with the CSTO members on bilateral terms.

In July 2008 the Russian Foreign Policy Concept called the CSTO the "key instrument of maintaining stability and providing security in the CIS space".<sup>15</sup> However, the CSTO members quickly failed what in Russia's eyes was a major test of solidarity. At a summit convened after the Russo-Georgian war, Moscow's allies joined in condemning Georgia but disagreed on the term "Georgian aggression" in the final declaration.

Despite pressure from Russia, especially on Belarus, no CSTO member state sided with Moscow in recognizing Abkhazian and South Ossetian independence.

Russia's dissatisfaction with the CSTO grew over time, especially following the late addition of Uzbekistan, which proved to be more liability than asset. The 2010 reform only increased Russian commitments while those of its allies remained amorphous. In 2011, Russian political elites began to ponder a new reform of the CSTO. A group of experts close to the presidential administration suggested introducing majority voting for some of the CSTO's decisions and pressuring Uzbekistan either to comply or to leave.<sup>16</sup> Uzbekistan soon made its choice, but a shift to majority voting—an idea that was sure to meet fierce opposition even from the most loyal allies—was never seriously discussed. Russia's interest in the integration of post-Soviet countries shifted to the EAEU project. Moscow's Foreign Policy Concept of 2013 subtly acknowledged the CSTO's unsatisfactory performance, emphasizing the importance of its "further transformation into a universal international organization" and the need for "strengthening the operative reaction mechanisms, the peacekeeping potential and the foreign policy coordination of the CSTO member states".<sup>17</sup>

### ***The Decay of the Alliance***

The Ukrainian crisis and the "war of sanctions" between the West and Russia sent the CSTO into disarray. Russian allies refused to recognize Crimea as Russian territory and showed little solidarity or even sympathy with Russia as it faced off with the US and the EU. On the one hand, the rift between Russia and the West provided an opportunity for Russian allies to elevate their international profile as mediators or to redeem their refusal to side with Russia for considerations from the West. Belarus was especially adroit in pursuing these strategies, but other CSTO members acted in the same vein. On the other hand, and more importantly, Russia's audacity and eagerness to go to the extremes in what was perceived as the defense of Russian national interests made its allies, even—or, rather, especially—the closest ones like Belarus and Kazakhstan, feel increasingly distrustful of Moscow's policies.

As tensions between Russia and the West showed no signs of abating, Russian allies were less and less inclined to go on with military integration under the banner of the CSTO. Belarus refused to host a second Russian military base, pointing out that what it needed was military aircraft for its

national air force, not “warplanes from other states”.<sup>18</sup> Kazakhstan was alarmed at Russia’s launching of cruise missiles over the Caspian Sea to hit targets in Syria, to which Moscow responded, “we will do it so far as we find it necessary”.<sup>19</sup> Even Kyrgyzstan declared that the Russian base would have to leave the country after the relevant agreement expires. Among the CSTO members, only Armenia supported Russia in its row with Turkey over the shooting of a Russian fighter jet.

The CSTO’s flaws were also on display when the hostilities in Karabakh resumed in April 2016. Although the ceasefire was violated by Baku, Kazakhstan and Belarus displayed sympathy for Azerbaijan. Yerevan never expected much solidarity from these countries but their pointed refusal to take at least a neutral position was an unpleasant surprise. The Belarusian ambassador was summoned to the Armenian Foreign Ministry in protest against what was seen as the violation of Minsk’s obligations under the CSTO. The CSTO Secretary-General’s statement blaming Baku for the violation of the ceasefire was hardly consolation for Armenia.

The message Astana and Minsk intended to convey was of course for Russia rather than for Armenia. And the message was that Kazakhstan and Belarus would not allow themselves to be dragged into the escalating row between Russia and Turkey whom Moscow accused of “pouring oil” on the Karabakh flame.<sup>20</sup>

The controversies between Armenia and Kazakhstan (supported by Belarus) nearly paralyzed the CSTO. In 2015 the member states had agreed that the position of the Secretary-General should be rotated among them in alphabetical order (previously, it had been understood that the CSTO highest official would be a Russian representative). An Armenian representative was the first to take the helm. However, Kazakhstan blocked the appointment from 2016 to the first months of 2017. In October 2016 President Nazarbayev did not attend the CSTO summit in Yerevan, an unprecedented move on the part of the person who had preached the virtues of the Eurasian integration since the early 1990s. Lukashenko boycotted the next summit, convened in December 2016 in Moscow, as he tried to extract Russian concessions over gas prices and imports of Belarusian dairy products.

As the CSTO was visibly declining, so was Russian interest in the organization. Rather than investing time and effort in patching the holes in the CSTO, Moscow focused its efforts on building tactical alliances with major regional powers—in particular Iran and Turkey—while managing post-Soviet relations on bilateral bases. The Kremlin evidently decided



that the CSTO had not lived up to its strategic expectations. Though the latest Russian Foreign Policy Concept in 2016 would extol the CSTO's importance, it would conspicuously fail to mention the concrete areas of its future development. The renewed confrontation with the West and the cracks and holes it has revealed in the CSTO may have cemented the Russian leadership's conviction that Moscow has only "three allies: its army, navy and the military industry".<sup>21</sup>

## **Eurasian Economic Union: Great Expectations and Hard Times**

### ***Emergence and Normative Framework***

The EAEU was developed out of a number of failed attempts at integrating the economies of post-Soviet countries. Starting from the early 1990s, Moscow's policy towards the economic integration with its immediate neighbors has been ambiguous and hardly consistent. On the one hand, the prevailing liberal economists in the financial and economic ministries regarded Russia's own integration into the global economy as the highest priority. Aware of Russia's economic weakness, they looked skeptically at the benefits of investing in the economies of post-Soviet countries. Similarly, the newly arrived Russian oligarchs, mostly busy with exporting commodities, had little interest in post-Soviet markets. On the other hand, the military and secret services were focused on retaining Russian influence in the "near abroad", regarding it as imperative for maintaining Russia's own security and international role. They saw economic integration as a means to achieve strategic objectives. Russian producers of manufactured goods, in need of access to post-Soviet markets, were in favor of prioritizing closer economic links with the near abroad.

In the chaos of Yeltsin's foreign policy of the early 1990s, the liberals' approach generally prevailed. The disintegration of the former Soviet Union economic space moved forward offhandedly and with hardly any damage control. While Moscow initiated the signing of dozens of CIS documents on multilateral economic coordination, the Russian government followed the trajectory of liberal economic reforms and vigorously pushed other countries from the ruble zone.

By the mid-1990s, the liberals' influence in the Yeltsin administration began to wane. They lost the first Duma election. The partnership with the West did not bring the results Moscow had hoped for, with the unrealistic

expectations turning into accrued disappointment and irritation. Moreover, as the presidential election of 1996 neared, Yeltsin was anxious to curb the Communist Party's potential to exploit the electorate's nostalgia for the Soviet Union.

In the mid-1990s the discourse of integrating the post-Soviet space around Russia became entrenched as one of the core elements of Moscow's foreign policy positions. Russia's strategy in the CIS enacted by presidential decree in 1995 approved the model of integration "at different speeds" while retaining the overarching goal of integrating the entire CIS "economically and politically".<sup>22</sup> Moscow's efforts shifted from trying to breathe life into the moribund CIS structures to arranging narrow but presumably cohesive and efficient integration frameworks.

Obviously, Belarus and Kazakhstan were the two countries most ready to set course for integration with Russia. They had high levels of economic interdependence with adjacent Russian regions, their living standards were close to those of Russia and their leaders were outspoken figures for Eurasian integration. In 1995 Russia, Belarus and Kazakhstan signed an agreement on the customs union. In 1996 Kyrgyzstan joined, and a four-party treaty for deepening the integration in economic and humanitarian areas was signed. This treaty's objectives included the completion of the customs union by the end of 1996 and coordination of structural, monetary and social policies.

In reality, these treaties remained expressions of general principles with unsubstantiated norms and rules. The customs union would never materialize in the 1990s, stalled by a myriad of practical problems and fundamental disagreements about the common market for oil and gas—one of Belarus's key interests so that it could buy hydrocarbons at internal Russian prices—as well as free access to transit pipelines—one of Kazakhstan's points of interest. After Yeltsin's reelection, Russia's attention to the customs union project evaporated as the Kremlin was engulfed in the power struggle over the first president's successor and the funds to pay for integration costs remained scarce. The financial crisis of 1998 exposed the truth that the customs union existed on paper only. As the ruble was devalued and Russian exports became cheaper, the customs union members did not hesitate to impose restrictions on Russian imports.

The Putin administration saw the economic integration of post-Soviet states through the lens of security, and Moscow turned sustained attention to this policy area. Growing economy, both in Russia and in most of post-Soviet states, brought about the expansion of trade and labor migration,

creating incentives for the clearing the hurdles to economic flows and creating incentive for Moscow to foot the integration bills.

As with the CSTO, Russia tried to build on the foundation laid in the 1990s. In October 2000 members of the dysfunctional customs union established a new organization, the Eurasian Economic Community (EurAsEC).<sup>23</sup> Its objectives were essentially the same as those that the customs union had failed to achieve, but its main executive body, the Integration Committee, introduced a new decision-making procedure by a two-thirds vote. Russia had 40 votes, Belarus and Kazakhstan—20 each, Kyrgyzstan and Tajikistan—10 each. The authority of the Integration Committee remained, however, very limited. All the issues dealing with the EurAsEC's strategy, and which were "aimed at the implementation of its goals and objectives", were delegated to the heads of state and heads of government who took decisions unanimously.<sup>24</sup>

In 2003 the EurAsEC approved an ambitious development program which foresaw the "completion" of the customs union, the integrated energy market, free movement of capital and the unification of transport policies, including even, in the more distant future, the introduction of the single currency. After Uzbekistan joined the community in 2005 following the reorientation of its foreign policy with Moscow, the EurAsEC Secretariat seized on the idea of a "water-energy consortium" in Central Asia under the community's auspices.

The EurAsEC's far-reaching plans hit economic and political snags. Uzbekistan was unwilling to allow EurAsEC's institutions any influence over its policies, thus nipping the idea of a "water-energy" consortium in the bud. Kyrgyzstan and Tajikistan, low-income economies with most of workforce employed in agriculture, did not need the tariffs on manufactured goods which Russia and Belarus were keen on maintaining to protect their industries. For its part, Russia was reluctant to distribute the funds necessary to make the customs union attractive for Kyrgyzstan and Tajikistan.

After Moscow's design of a joint economic space with Belarus, Kazakhstan and Ukraine—a plan intended to tie Ukraine to the Russia-led customs union—was frustrated by the Orange Revolution, Russia focused on consolidating a narrower economic grouping with Belarus and Kazakhstan. In August 2006 the EurAsEC summit decided that the customs union would materialize in two phases. First, it would encompass Russia, Belarus and Kazakhstan and then other countries would join the "core" once they were prepared. This decision marked a division within

the EurAsEC between the trio of more economically advanced countries and the duo of “poor relatives” (Uzbekistan suspended its membership in 2008).

From 2007 to 2010 multiple agreements aimed at launching the customs union were signed by Russia, Belarus and Kazakhstan. In 2009 the supranational executive body, the Commission of the Customs Union, started its operations. The Union’s Customs Code came into effect in July 2010 and the customs controls on the borders between Russia and Belarus and between Russia and Kazakhstan were lifted on July 1, 2011, a development hailed by Moscow as “the most important geopolitical and integration event [...] after the breakup of the Soviet Union”.<sup>25</sup>

In December 2009 the presidents of the three countries signed a statement on moving to a higher stage of integration, the Common Economic Space (CES). It was to include a common market of goods, capital and labor, coordinated tax, monetary, fiscal and trade policies, and unified energy, transport and IT networks. In 2012 the CES was inaugurated and the Eurasian Economic Commission (EEC), its highest executive body, took over from the Commission of the Customs Union.

The CES had not yet come into existence when another chapter of integration began to unfold. As Putin’s campaign for his third presidential term was launched in the fall of 2011, a series of far-reaching initiatives was unveiled. Among them was the continued integration within the customs union which was to be recast as the “Eurasian Union”, a project outlined in Putin’s article published in October 2011. The treaty on the EAEU was signed in May 2014 and went into effect on January 1, 2015, thus terminating the EurAsEC. Armenia joined the EAEU on January 2, with Kyrgyzstan following in August 2015.

In many respects, the EAEU’s normative framework marks a departure from the previous attempts at post-Soviet economic integration. It is unusually coherent and thick, with principles and norms duly underpinned by elaborate rules and decision-making procedures. The cornerstone of the whole edifice is the liberal economic ideology. Indeed, the text of Putin’s article on Eurasian integration might make a reader believe that it was written by a paragon of liberalism. Citizens were promised “a free choice about where to live, study or work”, businesses, “all the advantages of a domestic producer” in the Union’s countries and member states, and “partners” in the EU, the eventual integration into “Greater Europe united by shared values of freedom, democracy, and market laws”.<sup>26</sup> A special treaty signed in 2011 in view of Russia’s accession to the World

Trade Organization made the WTO norms a part of the customs union's legal system.

The EAEU's main objective is to ensure the free movement of goods, services, capital and labor and the customs union's functionality. When the union's normative framework was negotiated, there was a common understanding that the EAEU would focus on economy and become as "depoliticized" as possible. Kazakhstan was particularly intent on prioritizing economy and blocked Russian suggestions to endow the EAEU with responsibilities in foreign policy coordination, border defense, visa policies, health care, education and culture. On the Russian side, the chief negotiator was the Ministry of Economic Development, the bulwark of liberal economic thinking within the Russian bureaucracy.

The EAEU's supranational component is stronger than that of the EurAsEC or of any other post-Soviet regional organization. It has a supranational judiciary to which the EEC, member states and legal entities can appeal. Its decisions, in a significant departure from previous attempts at establishing international courts in the post-Soviet space, are legally binding. The court has become an important actor within the EAEU institutional setting which tends to take a broad interpretation of its competence.

Each country appoints three members of the EEC Board wherein decisions are made by a two-thirds majority. This means that every country, including Russia, can be outvoted in the board, an arrangement representing Moscow's unprecedented concession to Minsk and Astana and their concern that the EAEU might become an instrument of Russia's hegemony. The EEC's decisions are directly binding on member states and legal entities. However, its autonomy vis-a-vis the member-state governments is limited by the fact that decisions deemed "sensitive" are the prerogative of the EEC Council which consists of deputy prime ministers and acts by consensus.

The EEC is meant to become a "breeding ground" for transnational bureaucracy. The Commission consists of 25 departments with more than 1,000 employees who must be selected by open competition. The EEC places emphasis on maintaining dialogue with businesses, national ministries and agencies through numerous consultative committees.

### ***Performance and Expectations***

The normative framework of the customs union and the SES (“rebranded” as the EAEU with little substantive change) was negotiated in 2009-2012, the years of a relatively benign international climate marked by a “reset” of US-Russian relations. Spurred by high oil prices, the Russian and Kazakh economies were growing, with a spillover effect for Belarus due to its close ties with the Russian market. Changes in the international setting and economic situation would be brought to bear on the transition from the SES to the EAEU and the Union’s first years of operation.

The crisis in Ukraine shook the foundations of the EAEU. As Russia responded to Western sanctions with a ban on agricultural imports from the EU and stopped free trade with Ukraine and Moldova, there was no such response with other EAEU members. Kazakhstan did, however, openly question Moscow’s assertions that the EU-Ukraine Association Agreement was detrimental to Russian economic interests while Belarus engaged in re-exports of “sanctioned” goods to Russia. In a clear departure from the EAEU norms, Russia restricted Ukrainian transit to Kazakhstan. After the Russian-Turkish row over a downed jet poisoned the relations between Moscow and Ankara in late 2015, Russia retaliated with economic sanctions to which none of the other EAEU countries joined.

The drop in oil prices and the effects of Western sanctions sent the Russian economy into recession, with the GDP shrinking by 3.7 % in 2015 and by a further 0.6 % in 2016. Belarus took a direct hit from the Russian recession, losing 3.9 % of its GDP in 2015 and 2.6 % in 2016 while Kazakhstan’s annual economic growth slowed to 1% in 2015 and 2016.<sup>27</sup> All the EAEU currencies were devalued.

The Russian foreign policy turn in 2014 and the change in its international standing undermined the EAEU’s fundamental principle of free trade. With Moscow’s new “selective” implementation of the union’s basic principles, its normative framework became much more difficult to sustain. As tensions with the US and the EU began to mount, Russia moved to “securitize” the EAEU, seeing it more and more as an area of political influence. Armenia was compelled to abandon its long-term objective of concluding the Association Agreement with the EU and to declare its intention to join the EAEU. This about-face following the Russian-Armenian summit came as a surprise to Belarus and Kazakhstan, the latter then balking to endorse Armenia’s membership. Kyrgyzstan,

unprepared for membership and deemed to be years from accession, was hastily recruited in the EAEU in 2015.

Another challenge to the EAEU came from Kazakhstan's admission to the WTO in late 2015. Kazakhstan agreed to lower its weighted mean customs tariff from 10.4% (established under the EAEU) to 6.5% across more than 3,000 categories of goods.<sup>28</sup> The EAEU exempted these goods from its customs tariff and Astana pledged to restrict their circulation to Kazakhstan's internal market. Russia would then have to deploy "mobile customs groups" not only near the border with Belarus (to restrict the smuggling of agricultural products from the EU) but also to the Kazakh border (to curb the illegal imports of "exempt goods").

Unsurprisingly, in 2014-2016 the EAEU would see a reduction in the free movement of goods as compared to 2011-2013. Unable to use tariffs and quotas against one another, the EAEU countries resort to wide-scale exploitation of sanitary and veterinary controls to advance their political and economic interests. Though Russia's meat and milk "wars" with Belarus have gained particular notoriety, with Minsk even opening a criminal investigation against the head of the Russian agency for consumer protection, Kazakhstan and Belarus often take similar measures. The long-promised establishment of a joint body of sanitary and veterinary control remains a feature of some distant and uncertain future. The single market for oil and gas is planned for 2025, and the decisions on how it would function are yet to be made.

The EAEU has demonstrated some progress in the trade of services. 43 sectors of services have been liberalized since January 2015 and 18 sectors, including construction, engineering, tourism and research, have been approved for further liberalization.<sup>29</sup> The liberalization of financial services has been delayed to 2025. Education has become one of the contested areas, as Russia has tried to expand integration to include this area claiming that it is a service inherently linked to the common labor market while Kazakhstan has staunchly objected to the idea and Belarus has shown little enthusiasm.

The EAEU has made tangible progress in facilitating the movement of labor. The time which labor migrants have to get registered at the new place of residence was extended and the number of necessary papers reduced. The uniform rules of access to health care and preschool education have been introduced and the agreement on labor migrants' pension rights is under consideration. Though it is essential for labor migrants that the EAEU has inherited a visa-free regime from the EurAsEC

and member states cannot arbitrarily introduce visas in relations with each other, most labor migrants continue to work illegally and rarely benefit from these new developments.

Hard economic times and currency depreciations largely account for the EAEU's disappointing progress in 2015 and 2016. After years of rapid growth in mutual trade (it grew by 29% in 2010, 34% in 2011 and 9% in 2012), the trade turnover of the SES countries fell by 5% in 2013, by 11% in 2014 and by 25.5% in 2015. In 2016 it further reduced by 6.7%. Physical trade volumes fell by 7.5% in 2015 and slightly increased by 0.4% in 2016.<sup>30</sup> In 2017, as oil prices stabilized and the EAEU currencies began to recover some of their previous losses, mutual trade began to rebound. However, the EAEU's trade with external partners suffered heavier losses, and the share of the intra-EAEU trade in the total turnover, while remaining rather low for an integrated economic grouping, increased from 11.3% in 2014 to 13.6% in 2015 and further to 14.2% in 2016.<sup>31</sup>

Unsurprisingly, the EAEU members are largely disappointed with its progress. *Armenia* has no common borders with other EAEU states and joined the Union under pressure from Moscow. The EU and Russia each account for a quarter of Armenian trade turnover, and its trade with Kazakhstan and Belarus is miniscule. Yerevan had hardly any expectations from EAEU membership in terms of economic benefits and joined the union simply to engage as a loyal ally to Russia and to avoid snubbing Moscow at a time of escalating geostrategic tensions. Armenian officials and experts are rather candid in explaining that their EAEU accession was necessary to avoid harm rather than to bring about improvements, hinting that Russia would probably have raised gas prices if Yerevan had not joined.<sup>32</sup> Still, the first years of the EAEU membership have been a disappointment for Yerevan as investment from Russia and revenues from tourism have plunged. In April 2016 Kazakhstan, intent to show solidarity with Azerbaijan after the Karabakh flare-up, insisted on moving a EAEU prime ministers meeting from Yerevan to Moscow which Armenia denounced as "detrimental to the EAEU's reputation".<sup>33</sup> No wonder Armenia's public support for the EAEU is the lowest of all member states.<sup>34</sup>

*Belarus*, with half of its foreign trade tied to Russia, had quite clear expectations of the EAEU. It wanted lower prices on Russian oil and gas and free access to the Russian market for its agricultural products and machinery. Having its expectations repeatedly dashed, Minsk has become the most openly dissatisfied EAEU member and the only one to threaten withdrawal from the Union. To this Russia did not hesitate to respond



that Belarus, were it to withdraw, would have to pay much more for oil and gas.<sup>35</sup>

*Kazakhstan's* expectations included having Chinese imports protected and developing non-commodity exports, benefiting from a single electricity market, and gaining access to Russian pipelines. Astana also hoped to build bridges between the EAEU and the EU. The support of the EAEU project marked Astana's decision to avoid getting caught in the "gravitational field" of the Chinese economy and to develop its own industry and technology.

Kazakhstan's expectations have also mostly been thwarted. The increase in non-commodity exports to the EAEU market has been quite modest, hindered by numerous Russian administrative barriers. The EAEU electricity market has been delayed to 2019 and the access to Russian pipelines is another feature of an indefinite future. The Ukrainian crisis cast doubt that the EU and the EAEU would be entering into a dialogue on economic cooperation in "wider Europe" anytime soon. Seeing the EAEU's performance as largely disappointing, the Kazakh elite have come to a consensus that no integration in other areas (such as social policy or visas and migration) would be possible within the EAEU until its initial objectives are reached.

*Kyrgyzstan* joined the chorus of discontents. Bishkek had hoped that joining the EAEU would open Russian and Kazakh markets for its agricultural products and bring the Russian money for the construction of hydroelectric plants, an investment Moscow had been promising for years. In reality, Astana had placed hurdles blocking the sale of Kyrgyz meat in Kazakhstan and its transit to Russia. In late 2015, Moscow told Kyrgyzstan that it had no resources to fund the \$3 billion hydroelectric projects,<sup>36</sup> though some smaller financial rewards from Russia followed in 2016 and 2017.

The EAEU's economic significance is limited for *Russia* whose trade with the Union's members accounts for less than 10% of total turnover. Moscow expects that the EAEU would help to link the member states' economies to Russia so closely that their long-term political loyalty could be guaranteed. The EAEU is the economic means to consolidate Russia's position as a world power and to demarcate its zone of privileged interests from those of the EU and China. So far, the progress in this direction remains limited and reversible, with both Kazakhstan and Belarus doing all they can to maintain as much policy leeway as possible.

## Conclusions

More than a decade of CSTO's performance shows that it can be categorized as a dead-letter regime, with members hardly expecting its norms and rules to be followed. The CSTO is largely redundant for its participants in terms of their strategic objectives. However, it is relevant as a stage on which the member states perform their roles as Russia's allies. As such, it is a conduit of communication, and leaving the CSTO or reducing the level of its engagement would be unthinkable for any of the participants as it would mean snubbing Moscow and undermining bilateral relations with Russia.

The EAEU is a more complicated case. In its current form, it is only in the third year of existence which is obviously too new to achieve its ambitious goals. It is not a single international regime but a framework of four different overarching regimes (for goods, services, labor and capital). The EAEU does provide tangible benefits for citizens and businesses. At the same time, it risks degenerating into an assemblage of predominantly dead-letter regimes as the chasm between member states' expectations and reality grows, as its normative framework is diluted, and its activities are politicized.

More often than not the EAEU fails as an instrument of strategic action. However, by way of its functioning transnational bureaucracy and the dense webs of intergovernmental interactions it weaves, the union has become a major conduit of communicative action in the post-Soviet space. At the very least, it allows member states to come to a shared understanding of economic realities and of obstacles to further cooperation. It has codified a shared set of economic and legal definitions which serve as a frame of reference for national bureaucracies and judiciaries. It requires permanent dialogues between member states in multilateral settings and increases the density of communication between countries that would otherwise be less interested in dealing with each other (Kazakhstan and Belarus coordinating their positions with regard to Russian policies is one example).

Russia remains persistent in trying to bring forward the EAEU project. However, it is increasingly inclined to use "sticks" rather than "carrots" in relations with its partners, an approach which decreases the likelihood that the EAEU collapses but makes the deepening of integration more problematic. As Russian foreign policy tends to become riskier and more of a challenge to the post-Cold War status quo, the international regimes Russia has built in Eurasia are less likely to progress to their objectives. At

the same time, they are likely to retain importance for Russia's neighbors as a means of communication with Moscow, allowing for better access to information about Russia's intentions and reducing the level of mutual misperceptions.

## NOTES

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