

Legal Instruments of the Shanghai Cooperation Organisation: A Case of Missed Opportunities?

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Abstract

Since its creation in 2001, the Shanghai Cooperation Organisation (SCO) has not produced legal instruments that could have a significant impact on the legal environment in the region, although its organisational goals call for such action. This chapter will explore the following hypothesis: the SCO is in a good position to propose treaties that will benefit the development of Asian region and strengthen ties between states, and doing so would satisfy its organisational goals. First, it will be established whether the SCO indeed has enough influence over its member states and provides, or is capable of providing, tools for international law making. Thereafter, common needs of the region will be highlighted, and those needs will be matched against the SCO's goals, in order to establish which needs the SCO should address, such as drug trafficking and weapon trafficking, energy partnership, information exchange related to the threat of terrorism, a rational regime for using natural resources and a support system in case of natural disasters. Selected issues will be examined separately, and components to be addressed by hypothetical legislation will be identified. The chapter will conclude by answering or reiterating why the SCO, as an international organisation, is not yet as effective as it could be.

Keywords: SCO, international law, economic cooperation, international legislation.

1 Introduction

Since its creation in 2001, the Shanghai Cooperation Organisation (SCO) has not produced legal instruments that would significantly impact the legal environment in the Asian region, despite its organisational goals calling for cooperation in order to further the goals of peace, security and stability. This chapter will explore the areas where the SCO should be able to propose legislation to the member states and whether it has failed to do so, the rules in those areas whose unification would be beneficial, and how those instruments would fulfil the SCO's goals. The chapter will also try to predict how those potential initiatives will impact the region.

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The hypothesis hereby proposed is that the SCO is in a suitable position to propose treaties that will benefit the region and strengthen ties between the SCO member states, and doing so would be in alignment with its organisational goals. First, it is to be established whether the SCO indeed has enough influence over its member states and provides, or is capable of providing, tools for international law making. Thereafter, the needs of the region that the SCO could address in compliance with its goals will be defined, which would enable the selection of distinct areas for prospective legislation. The concluding part of this chapter will summarise the reasons behind the lack of such legislative initiatives from the SCO on the basis of its key documents, as well as institutional and political characteristics.

2 SCO As a Platform

The Vienna Convention on the Law of the Treaties (1969) extends its scope to treaties adopted within international organisations, such as the SCO, and does not suggest that the treaties adopted by the members of such international organisations would be invalid or otherwise inferior to any other treaty. As any international document adopted within the SCO would be considered a treaty under of the Vienna Convention, the member states' ratification and implementation mechanisms, or rather a combination of such, may potentially be a root of future complications for the SCO's more decisive initiatives. SCO functions as an interstate platform, thus the implementation of the adopted initiatives is left to the individual member states.¹

Bigger issues stem from the SCO's organisational structure, in particular the different statuses of the countries based on their political influence, although that, in itself, is not an obstacle to concluding an international instrument between its member states. It is, however, problematic if such an instrument is to be concluded within the SCO's framework. How much negotiating power does an observer country really have? Although observer countries are only potential members and not full members yet, the status of the observer country was introduced in order to facilitate dialogue and cooperation between the SCO's member states and observer countries.² It is only logical to assume that productive dialogue and cooperation would have the capacity to result in an agreement, in other words, a treaty.

Article 14 of the SCO, on cooperation with other states and international organisations, does not define anything else besides the possibility of receiving the status of an observer country, and that the order and procedures for granting such status would be defined by the SCO's member states.³ Further provisions were introduced in the *Regulation on the Status of a Dialogue Partner of the Shanghai Cooperation Organisation* and the *Regulation on the Status of an Observer to the Shanghai Cooperation Organisation*. However, despite the usual practice in

1 Gatev and Diesen 2016, p. 137.

2 *Charter of the Shanghai Cooperation Organisation*, Art. 14.

3 *Ibid.*, Art. 14.

the SCO for the observer states and dialogue partners not being allowed to engage in core discussions, both observer states and dialogue partners of the SCO are allowed to attend meetings, voice their position, receive documents and materials relevant for the discussion and disseminate their own. Dialogue partners of the SCO are entitled to an advisory vote, whereas observer states not only do not have that right,⁴ but also have an obligation to notify the Secretariat about their attendance, intention to speak and/or disseminate any materials at the event they are attending.⁵ That is a perfectly reasonable solution that would potentially enable prospective member states or states, interested in joining a certain treaty, to influence that prospective piece of legislation, without a need to create a specific forum for it that would contribute to constructive interstate dialogue.

However, there are a multitude of political peculiarities that may affect the SCO's capacity to be a legislative platform. First, the elephant in the room is that two of the SCO's member states are regional powers that are also active in the global political arena, those states being Russia and People's Republic of China. That creates a certain power imbalance within the organisation, which may affect negotiations of the instruments within the organisation. Another hurdle is the potential absence of political will among members states to cooperate with all the participants, as countries that participate in the SCO are far from homogenous, unlike EU or ASEAN countries, which have shared histories and whose cultures are closely interrelated as a consequence of this as well as common interests. A plethora of bilateral instruments have been concluded between states that are SCO members; however, within the SCO itself, despite a certain level of enthusiasm for cooperation being expressed, only soft instruments have been adopted. These initiatives, declarations and joint communications primarily express the positions of SCO member states on a particular issue, which is a valid political goal, nevertheless.

It is important to remember that it is peculiar that member states view SCO meetings as productive if their positions align on particular issues. Even within the framework of the SCO meetings, there is a certain amount of bilateral cooperation, which results in legal agreements more readily than the SCO meetings themselves.⁶ This feature does demonstrate that SCO is a capable organisation in terms of facilitating alignment and promote development of strategic partnerships among its member states as a post-Cold War era security alignment,⁷ however, is also a sign of the lack of productive cooperation in the organisation as a whole.

4 *Regulation on the Status of a Dialogue Partner of the Shanghai Cooperation Organisation*, para. 2.3.1.

5 *Regulation on the Status of an Observer to the Shanghai Cooperation Organisation*, para. 9.

6 SCO 2017.

7 Wilkins 2012, p. 67-69, 75.

3 SCO and International Legislation

This section will analyse the needs of the region that must be productively addressed, cross-reference those needs against the SCO's goals and purposes and, on the basis of the resulting analysis, formulate proposals for instruments, where necessary, that will be well suited within the SCO's framework with regard to its current stage of development.

3.1 Needs of the Region

The security threats in the region constitute one of the more prominent and urgent risks. These threats can be categorised as –terrorism-related threats, regional threats and internal crises.

Terrorism-related threats not only include direct attacks, but also recruitment from, and the slow religious radicalisation of, select groups. The cyber dimension in terrorist activity is becoming increasingly relevant, especially for the SCO member states, which held an anti-cyberterrorism drill in December 2017.⁸ The urgency of cyber security in the region is emphasised by the fact that both Russia and China have an ambiguous reputation in the field of cyber security, and Iran's nuclear programme has faced several cyberattacks. Religious radicalisation overlaps with internal threats, which for the countries participating in the SCO include political and socio-economic instability, with a few exceptions, and drug trafficking and power continuity-related problems.⁹ Drug trafficking is, in fact, within the area of interest of most of the SCO participants.

Regional issues include unresolved territorial disputes, some of which remain from the time of the USSR's dissolution, and transboundary water and river disputes, such as the ones relating to the Zhetysu region and the Caspian Sea, with the latter still remaining unresolved, as, although 2018 Caspian Sea Convention was met with some optimism, it did not constitute final agreement between the disputing parties.¹⁰ Leadership disputes among the SCO member states still ought to be considered, but the SCO *de facto* involves countries belonging to several regions, when observer states and dialogue partners are taken into account – Central Asia, East Asia, South Asia, North Asia, as well as Europe, since Belarus is an observer state. That regional diversity within the organisation has led to a complex power dynamic within the organisation itself, characterised not only by the Russia-China fluctuating relationship but the rivalry between China and India and China-Pakistan partnership.¹¹ The SCO, therefore, due to such composition, is not very well suited to address regional power dynamics, as it does not involve any of the aforementioned regions fully.

Economic cooperation is one of the priorities of the SCO member states, with the exception of China and India: these two states can be described as growing or

8 Xinhua 2017.

9 Daynekin et al. 2014, p. 87.

10 Ibid., p. 87.; Abilov et al 2020.

11 Madan 2021, p. 3.

weak economies on the basis of their GDP growth rate.¹² It holds true, however, that the aforementioned threats contribute to economic stagnation, among other things.

Environmental issues related to cross-border pollution can also be considered a problem that needs to be addressed in the region, one of the examples being the Aral sea, which was severely affected by water overuse and pollution.

3.2 *Goals of the Organisation*

In its Charter the organisation proclaims that the aim for its creation was, in a nutshell, multi-profile cooperation in various fields – from global economic integration to counterterrorism measures in order to facilitate safety, stability and peace in the region, strengthening and developing neighbourhood relationships and facilitating regional economic growth.¹³ In the light of this, it would be rational to distinguish between three vectors of cooperation and development that would be most relevant and practical to legislate on: security, economy and trade and education.

When it comes to security cooperation, it is impossible to avoid mentioning the Regional Antiterrorism Structure (RATS). Activities of this organisation include organising counterterrorist military manoeuvres, the last of which took place in 2021, being a joint exercise of China and Pakistan.¹⁴ The organisation had become more active, organising the exercises with more regularity – no cooperation strategies, no coordinated response strategies – which is not only lost time, but a liability when existing regional risks are taken into consideration.

The three major issues compromising regional security are terrorist activity, drug trafficking and internal instability.¹⁵ Antiterrorism efforts have comprised military manoeuvres, intentions being proclaimed and discussions being held, as discussed above.¹⁶ The same holds true for drug trafficking.¹⁷ However, when it comes to internal instability issues, the SCO prefers to steer away. This attitude stems from the organisation's stance on state sovereignty and its past experience with the Kyrgyzstan internal crisis.¹⁸

In view of the SCO as an example of Asian multilateralism, state sovereignty is the fundamental basis of stability and identity for the organisation, which is consistent with the tendency of Asian regional organisations to enhance state sovereignty as opposed to the European post-sovereignty model.¹⁹ In addition, the SCO has already demonstrated through its conduct that it is not inclined to directly interfere in the internal affairs of a state, even if that state requests it, but would rather offer diplomatic and humanitarian support.²⁰ On the basis of

12 International Monetary Fund 2017.

13 *Charter of Shanghai Cooperation Organisation*, Art. 1.

14 The Economic Times 2021.

15 *The Shanghai Convention on Combating Terrorism, Separatism and Extremism*, preamble.

16 Alimov 2022.

17 Ibid.

18 Aris 2009, p. 459.

19 Ibid.

20 Aris 2012, p. 463.

the aforementioned, it is possible to conclude with certainty that the SCO would refuse to be a peacekeeper of the region by direct intervention in states' internal affairs. Moreover, instability in the region stemming from internal crises is not in the SCO's sphere of interest in regard to cooperation. By extension, territorial and water regime disputes are unlikely to be addressed by the SCO, as this would be contrary to the organisation's stance on state sovereignty, although it would fit the goal of facilitating peace, stability and safety in the region.

Why would education be one of the cooperation vectors? Security and economic cooperation are expressly stated in the SCO Charter, Article 1 as main priorities for the SCO and directions of development, however, education and environment protection are listed as examples of common interest in regional cooperation. A question arises in that case: why would education be a cooperation vector rather than environment when the latter is one of the region's problems and is listed as one of the possible cooperation areas? Environmental issues in the region are mainly tied to territorial and water disputes, which would place them outside the desired scope for the SCO. That does not preclude the SCO from becoming a platform and playing a supportive role in the settlement of those disputes, but as environmental problems in the geographical regions covered by the SCO are specifically tied to territory, river regimes and standard unification, it appears that the SCO would not be inclined to legislate in that area. The majority of the environment-related issues concerning SCO states would be better suited to be resolved either through bilateral treaties (e.g. Aral Sea drying out only directly involves Kazakhstan and Uzbekistan) or through treaties concluded outside the SCO framework, due to some of the countries involved not being participants in the SCO, one example of such treaty being Convention for the Protection of the Marine Environment of the Caspian Sea from 4 September 2003, which had addressed Caspian Sea pollution and territorial regime issues. The treaty was more suitable to address outside SCO framework, as Azerbaijan is only became a dialogue partner of the SCO in 2016²¹ and Iran is an acceding member state from 2021, but had been an observer state from 2001.²²

The educational vector of cooperation in the SCO context is a supporting one for the economic cooperation that would build on the existing intent for cooperation among higher education institutions of SCO countries. Examples of cooperation in the educational sphere among the SCO countries include China and Russia establishing joint educational programmes and student exchange programmes²³ and Uzbekistan and Kazakhstan extending their cooperation to education sector, which covered 20 scientific universities and included the signing a cooperation agreement in the sphere of education.²⁴ However, most of this cooperation is bilateral, and there are hiccups, an example of such being complications in diploma recognition between the SCO member states, difficulty

21 SCO 2016.

22 SCO 2021.

23 Krasnova 2016, p. 123.

24 Uzbekistan National News Agency 2018.

in negotiating common financing and differences in the educational standards.²⁵ Developing common procedures with regard to educational cooperation is especially relevant because among the SCO member states only Russia and Kazakhstan are members of the Bologna Process, which sets certain mandatory parameter, such as facilitation of the student and researcher mobility, quality standard of higher education and recognition questions.²⁶

As for economic cooperation, the SCO not only proclaims the desire to cooperate in trade and economics but also to build a common integration policy. It is clear that all the SCO member states would be interested in developing their own economies and having stronger and stabler neighbours and economic partners. However, it cannot be overlooked that internal instability will inevitably impact economic development of the states and that the SCO is neither suited nor motivated to address such internal instability. Ultimately, a weak economy brings about internal instability, and instability brings about a weak economy, so the vicious cycle continues. That brings us to the conclusion that all the three development vectors proposed for the SCO are tied to each other: regional security promotes economic development and higher quality education facilitates it, but both security and education depend on the resources provided by the economy. It is our belief that a region will greatly benefit from unified effort in these areas of development and cooperation.

3.3 *Cross-Analysis and Proposals*

Relying on the previous two subsections, it is possible to sketch the three development vectors in a more detailed way, by pointing out certain shortcomings of the SCO and proposing issues that cooperative mechanisms would have to address in order for the SCO to be effective.

For cooperation on security issues, one of its main priorities, the SCO has introduced a plethora of documents. However, the prevailing majority of these documents have been aimed at declaring intent and announcing priorities and unified positions of the states. Although an important goal of cooperation, security cooperation remains limited due to the lack of specific procedures and unresolved underlying issues, such as the lack of actual consensus between Moscow and Beijing, despite open and frequent statements to the contrary, historical differences between member states and different visions for the organisation.²⁷ Exercises that were carried out within the RATS framework have not decreased or mitigated individual attacks.²⁸ That is not to say that soft measures of the organisation have not borne any fruit, as the SCO's efforts to encourage its members to amend national legislation to allow cross-border movement of troops for the purposes of joint exercises and trainings²⁹ as well as reduction of drug trafficking have been rather successful.³⁰

25 SCO University 2022.

26 ENQA et al 2015, p. 7.

27 McDermott 2012, p. 57.

28 Ibid., p. 57.

29 Ibid., p. 58.

30 SCO 2017.

However, without a clear strategy to address the security priorities of the region, RATS lacks in productivity, as this organisation has been predominantly inactive 2013 and 2018. It was created for organising security exercises; however, the cyber security drill organised by the SCO countries in December 2017 was not within the RATS framework. All the possible directions and forms of cooperation are accounted for in the Concept on Cooperation of the SCO Member States in Combating Terrorism, Extremism and Separatism,³¹ and RATS has all possible competencies required to offer new strategies and policies, collect and analyse information, help in the organisation of various trainings and cooperate with international organisations, as described in the Convention that established it.³²

This leads to the conclusion that RATS is ineffective due to either structural or institutional issues or its inability to negotiate with the states because of their possible reluctance to cooperate in that area. The latter does not seem likely considering the aforementioned cyber security exercise (organised in December 2017). Indeed, it demonstrates the capacity of SCO member states to organise such exercises. Security cooperation, as one of the major priorities of the SCO, is very well covered in various international legal instruments for cooperation, such as the Convention establishing RATS; the Shanghai Convention on Combating Terrorism, Separatism and Extremism; the Concept of Cooperation of the SCO Member States in Combating Terrorism, Separatism and Extremism; the Treaty Between SCO Member States on Cooperation in Combating Illegal Trafficking of Narcotic and Psychotropic Substances, as well as Their Precursors and the Agreement Between the Governments of the SCO Member States on International Information Security Cooperation, in Combination with Numerous Statements. These documents contain all provisions necessary for successful cooperation in regional security, providing for information exchange between states, coordinating their actions, setting priorities and providing RATS competencies to propose initiatives and exercises.

Security initiatives and policies address existing threats, emergency action procedures and rules on interactions between the military and police units for utmost efficiency in addressing the issues at their core.³³ As there is no need to adopt legislation in the area of regional security cooperation with regard to terrorism and drug trafficking, which are major regional security priorities that are capable of being addressed at the international level, the following measures would be appropriate to consider in order to improve cooperation revise the structure of RATS and urge it to take a proactive stance with regard to initiatives; set out a specific strategy proposal for regional security addressing common regional priorities; account for the cyber dimension in terrorist, extremist and separatist activities in the strategies created for the region; develop and implement specific procedures for relevant national-level agencies to facilitate the

31 *Concept on Cooperation of the SCO Member States in Combating Terrorism, Extremism and Separatism*, Arte 2-4.

32 *Agreement between SCO Countries on the Regional Anti-Terrorist Structure*, Art. 6-8.

33 Buzan 1998, p. 27.

exchange of information and coordination of activities in combating drug trafficking and terrorist, extremist and separatist activities.

The next regional priority to be addressed is economy and trade cooperation. Economic development in the region is defined by uneven development rates of the SCO participant countries, with China maintaining high GDP growth rates in 2021,³⁴ and Tajikistan placing 78 in the Sustainable Development Goals Index as of 2021.³⁵ It is also important to know that Asia, in general, is characterised by the concentration of most of its foreign direct investment (FDI) in the region itself rather than outward. In China's case, for example, its FDI rate in Asia is 75%, whereas India is an exception, with its outward FDI rate in Asia being 14%.³⁶ However, the most recent statistic indicating FDI percentages from a country per region is from 2009 and is not exactly true to date.³⁷ It is interesting enough though that, with regard to economy, Asian states of middle and dominant power levels have demonstrated a willingness to sacrifice sovereignty to an extent if there are economic gains to be had.³⁸ It is important to note that the three countries that account for 70% of Asia's regional economy – China, Japan and South Korea – are already bound by the Trilateral Investment Agreement.³⁹ It is possible to reason, relying on the aforementioned, that China, as an influential regional player, is less interested in SCO member states as they are weaker economies. In addition, would such an investment agreement including all SCO countries even be possible at the moment due to the very different types of legal systems involved? Negotiating for such a document would definitely be a difficult feat, in particular with regard to its enforcement provisions.

However, there are economic initiatives of a less grand scale between SCO member states, such as a tourism cooperation development programme and the Agreement on International Road Transportation Facilitation. Drafting the latter took eight years, which is a testament to the difficulty of international law making, but this agreement is a very important step in facilitating the regional economy, which is a main purpose of the economic cooperation and coordinated integration proclaimed as goals of the SCO. However, the global situation requires more decisive action in economic cooperation in areas such as innovation and green economy, in particular.⁴⁰ Facilitating the regional economy may include the following two vectors: coordinating development and creating favourable conditions for economic activities region-wide. Coordinating development is rather complicated, considering disparities in economic development, whereas the SCO is working on creating favourable conditions. The next step can be policy coordination with regard to particular areas that would aim at creating a favourable economic environment, examples being further

34 Magdalinskaya 2021.

35 Sustainable Development report 2021.

36 Pekkanen 2012, pp. 145-147.

37 *Ibid.*, p. 146.

38 *Ibid.*, p. 136.

39 *Ibid.*, p. 147.

40 Denisov and Safranchuk 2016, p. 282.

agreements on facilitating international transport, including railways and air transport⁴¹; aligning the customs regime⁴² and creating or synchronising corresponding legal conditions.⁴³

The educational sphere would be a good pick as a supporting initiative for economic cooperation, despite the fact that only Kazakhstan and Russia are signatories to the Bologna Convention and, therefore, have sufficiently similar educational systems. The educational system, especially universities, significantly contributes to sustainable regional development through providing specific knowledge that can be transformed into social skills if its potential is fully realised.⁴⁴ The purpose of the educational system is not just to provide education and thus facilitate the accumulation and preservation of knowledge, but also to provide the social skills necessary for economic development.⁴⁵ In the area of educational cooperation, a bonus for the SCO is that Moscow and Beijing manage to agree on the importance of cooperation in the sphere.⁴⁶ A common framework for the development of joint educational programmes; short- and long-term student and specialist exchanges; established procedures for joining such programmes and addressing diploma recognition procedures taking into account the issue of diploma falsifications would be an initiative worth taking into consideration for the SCO in stimulating the involvement of higher education institutions in sustainable economic development in order to support economic growth of the region. University of SCO is a network university that, as a project, is still not in the final development stage, as it does not, at the moment, involve universities in India and Pakistan and has only about 2000 students, which is only a fraction of a total number of students across the SCO member states.⁴⁷

4 Challenges and Obstacles

Relying on the analysis carried out in previous sections, it is apparent that the SCO is moving ahead, albeit very slowly, and there are rather significant reasons contributing to this.

In the course of its work, the SCO has to balance the political and regional differences of close neighbours, some of which have competing interests. In addition, the economic development of SCO member states is at different levels, which influences which policies and strategies they would be interested in following and subsequently codifying in the form of international law.

Furthermore, it is not the best-kept secret that Moscow and Beijing have different visions for the SCO, which leads to blanket tugging, although their

41 Rasulev 2012, p. 207.

42 Gatev and Diesen 2016, p. 144.

43 Ibid.

44 Sedlacek 2013, p. 74.

45 Ibid., p. 75.

46 Medianik 2017, p. 9.

47 Fedorov 2018.

membership adds significance to the organisation and they carry its financial burden.⁴⁸

It is possible to suggest that the SCO is serving a different purpose, that of essentially being a loud speaker for the region in order to solve its internal problems and react to new challenges⁴⁹; however, this is not a purpose that is incompatible with greater integration.

With regard to possible constraints, it needs to be noted that the SCO's restrictive and protective stance with regard to state sovereignty is possibly affecting the speed at which regional cooperation is developing. The SCO definitely has more similarities with the ASEAN than with the EU in this respect. Both organisations have also been repeatedly criticised for ineffectiveness, and their failure has been foretold multiple times; however, both organisations continue to exist, which adds more to the common features of ASEAN and SCO.⁵⁰

One of the most problematic issues for the SCO is that Russian Federation is, at the moment, considered a "toxic asset", even more so with respect to economic cooperation. Sanctions were imposed against Russia by the EU, the United States and an array of other influential countries for the crime of aggression against Ukraine⁵¹ and occupation of a part of Ukrainian territory^{52,53,54}; destruction of the Malaysian Boeing MH-17⁵⁵; support of the Bashar al-Assad regime in Syria; blocking of UN Security Council resolutions⁵⁶; poisoning of Julia and Sergey Skripal in United Kingdom and interfering with elections in the United States and other countries. Readiness of the United States to penalise not only Russian firms but firms from third countries that would engage in business with sanctioned companies plays a significant role in Russia being considered a "toxic asset". The most challenging part of this issue is that there can be no solution before there is a change of Putin's criminal regime or Russia is excluded from the SCO.

With regard to the SCO's institutional composition, the Secretariat has proven to be effective in administrative issues related to the activities of the organisation, whereas RATS falls short of that, as noted in a previous section, due to primarily devoting its efforts to reporting.

The SCO proclaims consensus, flexibility, informality and sovereignty-enhancing cooperation as its leading underlying principles⁵⁷ while focusing on regional security, economic development and stability.⁵⁸ The conventions that the SCO has managed to adopt in the course of its existence resemble UN-style treaties in their flexibility, which supports the underlying principles of the

48 Naarajärvi 2012, p. 124.

49 Koldunova 2013, p. 64.

50 Aris 2009, p. 458.

51 Merezhko 2018, p. 112.

52 Tsybulenko and Kelichavyi 2018, p. 277.

53 Azarova 2018, p. 44.

54 Tsybulenko and Platonova 2019, p. 135.

55 Tsybulenko and Francis 2018, p. 134.

56 Butkevych 2018, p. 193.

57 Aris 2009, p. 464.

58 *Ibid.*, p. 464.

organisation. Initiatives, that have been adopted by the SCO address the needs of the region and contribute to the fulfilment of its organisational goals, such as creation of the SCO University, anti-terrorism cooperation within the RATS framework, close cooperation with UN, as well as support expressed by SCO to initiatives outside its framework, which benefit the region, such as China's Belt and Road Initiative (BRI).⁵⁹ They are also sufficiently supported by necessary protocols in case there was a need for specificity and support the UN framework at the regional level. It is possible to argue that the instruments that have been adopted do fulfil their role with sufficient effectiveness. It is another question entirely whether the number of instruments and the areas in which they have been adopted contribute enough to the overall efficacy of the organisation.

5 Conclusion

The hypothesis proposed at the beginning of this chapter was that the SCO is in a suitable position to propose treaties that will benefit the region and strengthen ties between its member states, and doing so would be in alignment with its organisational goals. It is indeed so that the SCO is in a unique position to unify, coordinate and integrate the elements of area in which it operates, as the SCO geopolitical profile has expanded since it was created, especially based on the involvement of the observer states and dialogue partners that participate in the activities of the organisation and potentially want to join it.⁶⁰ However, international regional cooperation is not as simple as proclaiming a desire for such. Considering the difficulties that the SCO has to face due to its make-up and political composition, it is not surprising that the integration is moving rather slowly. That is not to say that the ineffectiveness criticism⁶¹ is completely unfounded, but the situation is somewhat balanced nevertheless, although a certain increase in effort would be more than welcome.

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59 SCO 2021.

60 Singh Roy 2012, p. 645.

61 Koldunova 2013, p. 64.

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