



CIS INTERPARLIAMENTARY ASSEMBLY: ROLE IN POST-SOVIET INTEGRATION

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ABSTRACT

The Interparliamentary Assembly (IPA) was established at almost the same time as the Commonwealth of Independent States (CIS). According to the official position, to date the IPA CIS has adopted about 650 model laws and other documents and has become the main cooperation platform for parliamentarians in a new political and economic environment. More than 70% of all IPA acts are implemented into the legislation of the CIS countries, and about 10% contain provisions that overlap with those in national laws.

However, there are also problems. Throughout the history of the Assembly, its chairmen have always been representatives of Russia. Considering the specifics of the political development of the post-Soviet area, one can note the relative weakness of parliaments, which tend to act only in conjunction with the Presidents. And the CIS itself has for a long time been more of a reserve platform for Russia than an influential integration organization.

KEYWORDS Commonwealth of Independent States, Interparliamentary Assembly, model legislation, integration, former Soviet countries

1. Introduction

In the space of the former USSR, there are now three large regional international organizations: one of broad competence – the Commonwealth of Independent States (CIS), one of economic profile – the Eurasian Economic Union (EAEU), and one of military-political profile – the Collective Security Treaty Organization (CSTO). In addition, there is a Union State of Russia and Belarus.

Accordingly, the Commonwealth of Independent States has in its system of bodies the *Interparliamentary Assembly of the CIS Member States* (hereinafter – the IPA CIS), the Collective Security Treaty Organization has the CSTO

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Parliamentary Assembly ([Parliamentary Assembly of the Collective Security Treaty Organization, n.d.](#)), and the Union State – the Parliamentary Assembly of the Union of Belarus and Russia ([Parliamentary Assembly of the Union State of Belarus and Russia, n.d.](#)).

As for the Eurasian Economic Union, it does not have its own interparliamentary body; its system of bodies includes only four main bodies: two Councils, a Commission and a Court ([Treaty on the Eurasian Economic Union, 2014](#)). The predecessor of the EAEU, the Eurasian Economic Community, had an Interparliamentary Assembly, but the Community was replaced by the Union on January 1, 2015, and that Assembly ceased to exist.

Due to such a *truncated* structure of the EAEU governing bodies, the CIS Interparliamentary Assembly also plays an important role for the Eurasian Economic Union, primarily in the field of trade and economic cooperation. Through it, national members of parliaments of the former Soviet Union countries can influence the formation of legal regulation of the movement of goods and services in the region.

The Interparliamentary Assembly of the CIS was created by the *Agreement* of March 27, 1992 ([Agreement on the Interparliamentary Assembly of Member States of the CIS, 1992](#)), four months after the creation of the Commonwealth itself by the former Soviet republics ([Agreement establishing the CIS, 1991](#)). On September 15, 1992, the Rules of Procedure of the IPA CIS were adopted ([Interparliamentary Assembly of Member States of the CIS, 1992](#)).

In 1995, the *Convention on the CIS Interparliamentary Assembly* was signed by representatives of Azerbaijan, Armenia, Belarus, Georgia, Kazakhstan, the Kyrgyz Republic, Russia and Tajikistan, and later was signed by Moldova (1997) ([Interparliamentary Assembly of Member States of the CIS, 1995](#)).

Under the Convention, the IPA CIS meets at regular and extraordinary plenary sessions. Regular plenary sessions are held at least twice a year. The IPA CIS has the right to adopt *model laws* and recommendations and to send them to the parliaments of the member states.

To date, more than 650 model laws have been adopted. What does this number mean, and what real role does this Assembly play in the development of integration in the post-Soviet space?

2. Model legislation

According to the 1995 Convention, the CIS Interparliamentary Assembly:

- discusses issues of cooperation between member states in various fields and sends its recommendations on these issues to the governing bodies of the Commonwealth;
- adopts recommendations for rapprochement of the legislation of the member states;
- adopts *standard (model) legislative acts* and, with appropriate recommendations, submits them to the Parliaments of the member states;
- adopts recommendations on the synchronization of procedures for ratification (approval) by the Parliaments of the CIS member states of treaties (agreements) concluded within the framework of the Commonwealth, and of other international treaties in which the participation of the Commonwealth member states is highly desirable to achieve their common goals enshrined in the CIS Charter;
- adopts recommendations for bringing the legislation of the member states into compliance with the provisions of international treaties concluded by these states within the CIS;
- facilitates the exchange of legal information between member states;
- discusses other issues of interparliamentary cooperation (Article 4).

Detailed rules regarding model and other acts of the Assembly were established a decade later by the IPA CIS Resolution *On Model Lawmaking in the Commonwealth of Independent States (April 14, 2005)*. As Annex No. 2, it included the Regulations *On the Development of Model Legislative Acts and Recommendations of the CIS Interparliamentary Assembly*.

These acts define what a CIS model legislative act is (paragraph 1.2 of the Regulations):

A CIS *model legislative act* is a legislative act of a recommendatory nature, adopted by the Interparliamentary Assembly in the prescribed manner, in order to form and implement coordinated legislative activities of the member states of the Interparliamentary Assembly on issues of common interest, to bring the legislation of the member states of the Commonwealth into compliance with international treaties concluded within the framework of the Commonwealth, and other international treaties, the participation of the Commonwealth member states in which is highly desirable in order to achieve common goals.

Model legislative acts of the Commonwealth include:

- a *CIS model code* – a systematized legislative act of a recommendatory nature, adopted by the Interparliamentary Assembly with the aim of harmonizing the legal regulation of homogeneous spheres of public relations in the Commonwealth member states;
- a *CIS model law* – a legislative act of a recommendatory nature, adopted by the Interparliamentary Assembly with the aim of harmonizing the legal regulation of specific types (groups) of public relations in the Commonwealth member states.

As we can see, these types of acts differ in the degree of systematization and the scale of regulation. Under the Regulations, model legislative acts can take the form of *standard provisions, charters, and agreements*.

The development of CIS model legislative acts can be initiated mainly by the parliaments of the member states, as well as the Commonwealth bodies. In practice, the vast majority of acts were developed by committees of the Federal Assembly (Parliament) of the Russian Federation ([Krasukhina, 2006](#)).

The legislative activity of the CIS Assembly is organized in accordance with the plans it adopts. *The Perspective Plan for Model Lawmaking in the Commonwealth of Independent States for 2023–2025* is currently in effect ([Interparliamentary Assembly of Member States of the CIS, n.d.](#)). In addition, a number of model laws and recommendations are planned (or have been planned and carried forward from previous years) within the cooperation programs and action plans in various areas outside of this Perspective Plan.

Analysis of the 2023–2025 Perspective Plan indicators show a high degree of intensity of the CIS Assembly legislative activity for these three years. The acts are divided into eight main areas:

- economics and finance;
- social policy;
- humanitarian sphere;
- agricultural policy, ecology and environmental management;
- military cooperation and security;
- legal sphere;
- science and education;
- state building and local self-government.

Moreover, the types of acts planned for adoption are very diverse and are not limited to *model codes, model laws or recommendations* (there are no model provisions or charters among them):

- new editions of model codes – 2;
- chapters of model codes – 6;
- amendments to model codes – 2;
- model laws or their new editions – 75;
- model concepts – 1;
- concepts – 1;
- recommendations – 26;
- glossaries of terms – 3;
- draft agreements – 1;
- analysis of directions of model lawmaking – 1;
- model instructions for service – 1.

In terms of content, these model acts (based on their titles) reflect the latest trends in the development of social relations not only for post-Soviet countries, but also for any other countries.

In first place in terms of the number of model laws and recommendations are those aimed at regulating processes of *digitalization, electronic circulation and artificial intelligence*. They are characterized by such titles as: “On Digital Financial Assets,” “On Digital Rights,” “On the Digital Space, Its Infrastructure and Regulation,” “On the Digital Transformation of Industries,” “On Digital Health,” “On Artificial Intelligence Technologies,” etc.

The second group of drafts is related to ensuring *various aspects of security*, in particular: economic security of states, environmental monitoring and safety, radiation safety in medicine, radioactive waste management, protection of electoral sovereignty, combating cybercrime, protection of children from harmful information, prevention of ICT-related offenses, and responsibility for financing terrorism, mobilization preparation and territorial defence, etc.

The third group of planned model acts can be identified as those aimed at *support for younger generations and maintaining continuity of generations*: measures to support talented youth, digital development in culture and sports, state policy towards the older generation, ensuring historical memory, etc.

And the general background of all this activity is the development of the economy and labour in the CIS countries.

What impact will these model acts have on the regulation of social relations, and what is their nature and legal status?

3. Nature of model legislation

Model legislation is assessed differently in terms of its nature and place in the national legal system of the CIS member states.

So, Yu. Bezborodov defines *international model norms* as norms that authorize or oblige states or other entities to develop and adopt legal acts or legal norms, international or domestic, of a certain content. An international model norm includes two elements: 1) the right or obligation to adopt a legal act or norms and 2) the model(s) of these acts or norms. Depending on the level at which the model norm will be implemented in the *future – international or national – model norms* can be divided into future international and future national norms. This author's reasoning regarding the functions of model norms (*regulatory, translational, evaluative, as well as orientation, unification and scientific forecasting functions*) is interesting (Bezborodov, 2004).

In his dissertation thesis, Bezborodov advocates the recognition of model norms as *soft law* and finds this term successful, since it

“classifies certain types of acts as legal (i.e. within the legal sphere), but at the same time separates them from purely normative legal ones, since such acts do not contain mandatory rules of conduct (i.e., they do not contain rules of law), secured by measures inherent in the norms of international law” (Bezborodov, 2003, p. 9).

The advantages of recommendatory model norms include the possibility of wider involvement of states, that is, ensuring the universality of the model norms through their use by states at their free discretion or choice.

The question of the direct effect of the norms of CIS model laws is controversial. According to Yu. Bezborodov, model laws were created not for the law enforcer, but for the law creator. The law enforcer may qualify the failure to adopt the relevant law as a violation of the model norm. At the same time, when qualifying a crime, he/she cannot use the provisions of model norms (for example, the CIS Model Criminal Code).

According to Bakhin, for national courts it is not the model law that is applied, but the normative acts of the relevant state:

"It seems a distortion of the legal nature of model acts to consider them not as a sample or a model, but as a set of norms adopted in the national legislation of many countries and, in connection with this, acquired binding force on the territory of the relevant states. It must be emphasized that it is national acts adopted on the basis of the model law that have acquired binding force on the territory of the relevant states." (Bakhin, 2003a, p. 175)

As practice shows, a gap in regulation, that is, the absence of a domestic law on a particular issue, may force the parties to turn to the norms of model laws when resolving disputes. Most often, this is due to the desire of not only the participants in the trial, but also the court itself, to find additional arguments to substantiate their position, supporting it with the authority of the international organization that adopted the model law (Antonova, 2017). Moreover, references to the CIS model laws can be found in Russian judicial practice not only when considering civil law disputes, but also when litigating regional and municipal regulatory legal acts.

This was the case with the CIS Model Law "On the Treatment of Animals" of October 31, 2007, until the adoption of the Federal Law "On the Responsible Treatment of Animals in the Russian Federation" on December 27, 2018. The courts referred to the articles of this Model Law. This was also facilitated by Art. 40 of this Model Law, which read: *"Until the state legislation is brought into compliance with this Law, acts of state legislation are applied to the extent that they do not contradict this Law, unless otherwise established by the constitution of the state."* (Federal Law of the Russian Federation, 2018, art. 40)

The Constitution of the Russian Federation states that:

"Universally recognized norms of international law and international treaties and agreements of the Russian Federation shall be a component part of its legal system. If an international treaty or agreement of the Russian Federation fixes other rules than those envisaged by law, the rules of the international agreement shall be applied." (Constitution of the Russian Federation, 1993, art. 15, para. 4)

However, not every international treaty has priority over federal laws. According to the Federal Law "On International Treaties of the Russian Federation" of July 15, 1995, the provisions of officially published international treaties of the Russian Federation, which do not require the publication of internal acts for application, are directly effective in the Russian Federation. To implement other provisions of international treaties of the Russian Federation, relevant legal acts are adopted (Federal Law of the Russian Federation, 1995).

Resolution of the Supreme Court Plenum of the Russian Federation of October 10, 2003, No. 5 “On the Application by Courts of General Jurisdiction of Generally Recognized Principles and Norms of International Law and International Treaties of the Russian Federation” explains that

“rules of the current international treaty of the Russian Federation, consent to be bound by which was adopted in the form of a federal law, have priority in application in relation to the laws of the Russian Federation. The rules of the current international treaty of the Russian Federation, the consent to be bound by which was not adopted in the form of a federal law, have priority in application in relation to by-laws issued by a government body or an authorized organization that has concluded this treaty.” ([Supreme Court of the Russian Federation, 2003, para. 8](#))

For example, if an agreement between the Russian Government and the Kazakhstan Government was approved by a government act, then the norms of this Agreement are lower in legal force than federal laws in this area.

As for the model laws of the CIS Interparliamentary Assembly, they are advisory (recommendatory) in nature, as indicated in paragraph 1.3 of the Regulations “On the Development of Model Legislative Acts and Recommendations of the CIS Interparliamentary Assembly.” In addition, the Regulations establishes that the use of model legislative acts in general or of their provisions by the member states’ parliaments can be carried out either in the form of drafting and adopting domestic normative legal acts on their basis, or introducing amendments and additions to domestic normative legal acts ([Interparliamentary Assembly of Member States of the CIS, 2005, para. 8.3](#)).

Thus, there is no reason to equate a model law with an international treaty or to include it in the system of international legal documents, the provisions of which, in accordance with the Constitution of the Russian Federation, have priority over domestic laws ([Antonova, 2017](#)).

4. Impact of model laws

In Russian science, when analysing the practice of creating the CIS model laws, attempts are made to identify periods in the development of the CIS model legislation. Of course, in the first years of the functioning of the Commonwealth of Independent States, most of the organization’s acts remained *on paper* and were of a declarative nature. Later, a legal basis for economic and other integration between post-Soviet countries was formed. Since the early 2000s, certain types of social relations have been particularly regulated ([Shestakova, 2006](#)). Later, general integration processes slowed down, and the search for new

solutions began to be carried out within the framework of highly specialized regional organizations such as the EAEU, CSTO and others.

According to experts, in the period from 1992–2020, more than 600 such documents were prepared. The quantitative analysis of the above-mentioned legislative acts made it possible to highlight four main directions of the Assembly's activity: harmonization and unification of national legislations of the CIS member states (more than 400 documents); trade-economic and energy aspects of cooperation (more than 300 model acts); political interaction and cooperation in the sphere of regional security provision (about 270 documents); and finally, cultural and humanitarian cooperation (100–130 documents). Except for these four areas, there are several other, less significant aspects of the organization's activities (Shabaga et al., 2020).

The website of the Federation Council of Russia provides data that the Russian Federation Parliament took into account various provisions of the IPA CIS model legislation when developing Part Two of the Russian Federation Tax Code, the Federal Law "On the State of Emergency," the Federal Law "On Weapons," the Federal Law "On State Protection of Judges and Officials of Law Enforcement and Regulatory Agencies," etc. (Federation Council of the Federal Assembly of the Russian Federation, n.d.).

Currently, the CIS Interparliamentary Assembly model legislative acts cover almost all spheres of public life and are actively used by all national parliaments of the CIS countries when working on their own laws. Among the most important model legislative acts, special mention should be made of the model codes – *Civil, Criminal, Criminal Procedure, Criminal Executive, Tax, Library, the Model Code on Subsoil and Subsoil Use, and the Forestry and Land codes*. Thus, three parts of the *Model Civil Code*, developed by the CIS IPA, have found, to one degree or another, practical implementation in the civil legislation of all CIS states. Based on the Model Civil Code, civil codes have been developed in Armenia, Belarus, Moldova, Kazakhstan, Kyrgyzstan, and Uzbekistan. The model legislation of the Interparliamentary Assembly has been most fully applied in the areas of defence and security; education, culture, tourism and sports; economics and finance; and ecology (Krasukhina, 2006).

According to Sergeev, the Model Civil and Criminal Codes for the CIS member states have most dramatically affected the national legislative system in most Commonwealth countries. The norms of several model laws, with minimal modifications, are incorporated into the CIS countries' laws on the fight against terrorism, on combating illicit trafficking of narcotic drugs, psychotropic substances and their precursors, on electronic digital signatures, on combating the legalization (laundering) of incomes and financing of terrorism, and many others (Sergeev, 2017).

In several areas, the CIS model laws contain *more advanced* legal and management mechanisms. For example, Belarusian author M. Gurina, considering the field of education, notes that in the CIS model legislation, there were such organizational forms of education as e-learning, cross-border education, and a network form of educational programs implementation, which at that time were not included in the national legislation of the CIS member states, including the current Belarusian Code on Education (Gurina, 2021). Thus, we are talking not only about bringing the legal regulation of post-Soviet countries closer together, but about filling gaps in national legislation and the adoption of more modern rules.

5. Problems of model legislation

Despite the established practice of adopting and following the CIS model legislation, experts highlight problems in this area.

Progressing economic cooperation between states and business circles places new demands on model law-making, since the process of transforming it into national legislation is not easy and is often distorted or simplified. In this regard, the main question arises – the simplification and acceleration of these processes. In the future, it is necessary to develop organizational and legal mechanisms and a system of measures to increase the demand for model acts (Shestakova, 2006).

Several IPA CIS model laws do not correspond to current integration processes, contain errors of a legal and linguistic nature, and in some cases the model laws duplicate already adopted model acts and recommendations, and sometimes contradict each other (Krasukhina, 2006).

Often, their compromise nature is pointed out as a significant drawback of unification acts. It is sometimes emphasized that the creation of a certain average regulatory version leads to the emergence of complex and detached from real-life legal structures. However, the search for a compromise lies at the heart of the unification process, since states are unlikely to accede to an international act that does not consider the specifics of their approach to regulating any issue. At the same time, it should be noted that in recent years, states are gradually moving away from the search for an *average* regulatory option that suits everyone, seeking to establish an *optimal* regulatory regime in relation to the chosen area of legal convergence (Bakhin, 2003b).

According to Bakhin, the most serious problem in relation to model acts is the problem of their uniform interpretation. Until now, it has not been the subject of special consideration, even though it has significant specifics. Domestic acts adopted based on the model law are incorporated into the system of national law according to the rules provided for in it. In recent years, many unifying

international acts have included a special article prescribing the obligation of their uniform interpretation (for example, the UNCITRAL model laws) (Bakhin, 2003a).

A serious problem in relation to model law-making is also the adjustment of previously adopted model acts. According to Yusupov & Vus, who analyse the legal regulation of issues of state secrets in the CIS, over the past decade, the national legislation of member states in the area under discussion has changed and improved, but the CIS model legislation has not responded to these changes, which has given rise to the question of the need for its revision and improvement (Yusupov & Vus, 2017).

Another example is given by authors who research legal regulation of security issues in the CIS countries. They note that an analysis of many adopted model laws indicates problems with legal comprehensiveness, quality and efficiency. There is a different semantic and normative content of the understanding of *security* and its types, a diverse approach of national legislation to defining *challenges* and *threats*, and the unstable state of national currencies, inflation, and budget deficits. The implementation of attempts to satisfy the positions of all CIS member states in the texts of model laws, as a rule, leads to the fact that legal norms are vague, unclear and do not contain an effective mechanism for legal regulation, which is completely unacceptable in relation to a whole range of issues united under the concept of *ensuring security* (Proletenkova & Belikov, 2021).

Some researchers propose to move away from the practice of developing advisory norms to mandatory ones to achieve more tangible results of model rulemaking. However, mandatory norms may be an obstacle to the adoption of such acts by as many states as possible (Bezborodov, 2003).

6. Conclusion

Now, when more than 30 years have passed since the creation of the Commonwealth of Independent States, we can say with confidence that the Organization has stood the test of time. The value of the Commonwealth is that it provides the opportunity for regular political contacts at the highest level. In the process of its reform, it is focused on maintaining the multidisciplinary nature of the association and, in the future, on expanding the scope of cooperation (Pivovar et al., 2021).

At the same time, in the highest-priority areas of cooperation within the CIS, the Eurasian Economic Union (EAEU) and the Collective Security Treaty Organization (CSTO) have emerged and are actively developing, confirming the transition to

multi-speed and multi-level integration in the post-Soviet space (Petrovich-Belkin et al., 2019).

Although the Commonwealth has adopted documents characteristic of highly integrated unions, a significant part of them does not work in full. Many are advisory in nature. The CIS model law-making is a tool for harmonizing legal norms in the post-Soviet space. We can agree with Trofimova that the word harmonization is increasingly used in jurisprudence in normative legal acts and, without a doubt, is becoming a characteristic of a new stage in the development of society (Trofimova, 2013). Model acts are aimed at creating unified or uniform legal norms not only with the aim of eliminating contradictions and differences between national legal systems or between international legal norms, but also with the aim of creating new norms that fill existing gaps in the regulation of certain issues (Bezborodov, 2004).

The problems of legal harmonization in the CIS primarily depend on the political will of states for rapprochement, and the very use of model acts in the process of harmonization of legal systems is a promising form of law-making, used to one degree or another all over the world (Makarova, 2019). For objective reasons, Russia remains the main moderator of economic and political processes taking place in the post-Soviet space (the developers of most of the CIS Assembly model acts are representatives of the Russian Federal Assembly) (Krasukhina, 2006). At the moment, there is broad consent in defining the priorities of the CIS: economic integration, ensuring stability and security, cooperation in the humanitarian sphere (Pivovar et al., 2021). And in the development of a common legal space, the CIS Interparliamentary Assembly, through its model legislation, plays a significant role.

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