CHARTER OF THE COMMONWEALTH OF INDEPENDENT STATES

22. January 1993

The States, having voluntarily united in the Commonwealth of Independent States (hereinafter – the Commonwealth), based on the historical commonality of its peoples and the relations that have formed between them, acting in accordance with generally accepted principles and norms of international law, the provisions of the Charter of the United Nations, the Helsinki Final Act and other documents of the Conference on Security and Co-operation in Europe, striving to secure through joint efforts the economic and social progress of their peoples, firmly resolved to realize the provisions of the Agreement on the Establishment of the Commonwealth of Independent States, the protocol to that Agreement, and the provisions of the Alma-Ata Declaration, developing cooperation between each other in order to ensure international peace and security, and also to support civil peace and international harmony, desiring to establish conditions for the preservation and development of the cultures of all the peoples of the members states, striving to improve the mechanisms for cooperation in the Commonwealth and to increase their effectiveness, have decided to adopt this Charter of the Commonwealth and have agreed upon the following:

Chapter I. PURPOSES AND PRINCIPLES

Article 1

The Commonwealth is based on the foundations of the equality of all of its members. The member states are independent and equal subjects of international law.

The Commonwealth serves the further development and strengthening of relations of friendship, good neighbourhood, international harmony, trust, mutual understanding and mutually beneficial cooperation between member states.

The Commonwealth is not a state and does not hold supranational powers.

Article 2

The purposes of the Commonwealth shall be:

- The realization of cooperation in political, economic, environmental, humanitarian, cultural and other spheres;
- universal and balanced economic and social development of member states under the framework of common economic space, interstate cooperation and integration;
- ensuring human rights and fundamental liberties in accordance with generally recognized principles and norms of international law and documents of the CSCE;
- cooperation between member states to ensure international peace and security, the realization of effective measures for the reduction of arms and military expenditures, the elimination of nuclear and other types of weapons of mass destruction, and the achievement of universal and full disarmament;
- assisting citizens of member states in free interaction, contacts and movement in the Commonwealth;
- mutual legal assistance and cooperation in other spheres of legal relations;
- peaceful resolution of disputes and conflicts between states of the Commonwealth.

Article 3

In order to achieve the purposes of the Commonwealth the member states, based on generally recognized norms of international law and the Helsinki Final Act, shall build their relations in accordance with the following interconnected and equal principles:

- respect of the sovereignty of the member states, the inalienable rights of peoples to self-determination and the right to determine their fate without outside interference;
- the inviolability of state borders, the recognition of existing borders and the rejection of unlawful territorial annexations;
- the territorial integrity of states and the rejection of any actions directed towards breaking up alien territory;
- rejection of force or the threat of force against the political independence of a member state;
- resolution of disputes by peaceful means in such a way that international peace, security and fairness are not threatened;
- supremacy of international law in interstate relations;
- non-interference in internal and external affairs of each other;
- ensuring human rights and fundamental liberties for all, with distinction based on race, ethnicity, language, religion, political or other convictions;
- rigorous performance of obligations undertaken pursuant to the documents of the Commonwealth, including this Charter; account of each other's interests and the Commonwealth as a whole, rendering of assistance on the basis of mutual consent in all spheres of their relations;
- uniting of efforts and rendering of assisting to each other for the purposes of establishing peaceful conditions for the life of the peoples of the member states of the Commonwealth, ensuring their political, economic and social progress;
- development of mutually beneficial economic and scientific and technical cooperation, broadening of integration processes; spiritual unity of their peoples, which is based on respect for their originality, close cooperation in the preservation of cultural valuables and cultural exchange.

Article 4

The spheres of joint activity of the member states which is realized on an equal basis through common coordinating institutions in accordance with the obligations undertaken by the member states under the framework of the Commonwealth shall include:

- ensuring human rights and fundamental liberties;
- coordination of foreign policy activity;
- cooperation in the formation and development of a common economic space, common European and Eurasian markets, and customs policy;
- cooperation in the development of transport and communications systems;
- protection of health and the environment; questions of social and migration policy;
- combating organized crime;
- cooperation in the sphere of defense policy and the protection of external borders.

This list may be appended with the mutual consent of the member states.

Article 5

The principal legal basis for interstate relations under the framework of the Commonwealth shall be multilateral and bilateral in various spheres of relations of the member states.

Agreements concluded under the framework of the Commonwealth must conform to the purposes and principles of the Commonwealth, and the obligations of the member states pursuant to this Charter.

Article 6

Member states shall facilitate the cooperation and development of relations between state bodies, public associations and economic structures.

Chapter II. MEMBERSHIP

Article 7

Founding states of the Commonwealth are the states which have signed and ratified the Agreement on the Establishment of the Commonwealth of Independent States of December 8, 1991 and the Protocol to that Agreement of December 21, 1991 as of the time of the adoption of this Charter. Member states of the Commonwealth are those same founding states who shall accept obligations pursuant to this Charter within the course of one year after the adoption by the Council of Heads of States.

A state which shares the purposes and principles of the Commonwealth and accepts the obligations contained in this Charter may also become member of the Commonwealth, by acceding to this Charter with the consent of all member states.

Article 8

On the basis of a decision of the Council of Heads of States, a state which desires to participate in certain types of its activity, on the terms defined in an agreement on associated membership may accede to the Commonwealth as an associated member.

On the decision taken by the Council of Member States, representatives of other states may be present at sessions of bodies of the Commonwealth as observers.

Questions concerning the participation of associated members and observers in the work of bodies of the Commonwealth shall be regulated by the rules of procedure of such bodies.

Article 9

A member state shall have the right to withdraw from the Commonwealth. The member state shall notify the depositary of this Charter of such intention 12 months prior to the withdrawal. Obligations which have arisen during the period of participation in this Charter shall be binding upon the relevant states until full compliance therewith.

Article 10

Violations by a member state of this Charter, systematic failure by a state to fulfil its obligations pursuant to agreements concluded under the framework of the Commonwealth, or decisions of the bodies of the Commonwealth, shall be examined by the Council of Heads of States. Measures permitted under international law may be imposed in relation to such a state.

Chapter III. COLLECTIVE SECURITY AND MILITARY-POLITICAL COOPERATION

Article 11

Member states shall conduct coordinated policy in the sphere of international security, disarmament and arms control, and building of Armed Forces, and shall support security in the Commonwealth, including with the assistance of groups of military observers and collective forces for maintenance of peace.

Article 12

In the event that a threat arises to the sovereignty, security or territorial integrity of one or several member states or to international peace and security, the member states shall without delay bring into action the mechanism for mutual consultations for the purpose of coordinating positions and for the adoption of measures in order to eliminate the threat which has arisen, including peacekeeping operations and the use, where necessary, of the Armed Forces in accordance with the procedure for exercising the right to individual or collective defense according to Article 51 of the UN Charter.

A decision on the collective use of armed forces shall be adopted by the Council of Heads of States of the Commonwealth or interested member states of the Commonwealth with account of their national legislation.

Article 13

Each member state shall adopt appropriate measures to ensure a stable situation at the external borders of member states of the Commonwealth. On the basis of mutual consent, member states shall coordinate the activity of border guards and other competent services which exercise control and bear responsibility for observance of the established procedure for crossing external borders of the member states.

Article 14

The supreme body of the Commonwealth for questions concerning defense and the protection of external borders of the member states shall be the Council of Heads of States. The coordination of military-economic activity of the Commonwealth shall be carried out by the Council of Heads of Governments. The interaction of member states in the implementation of international agreements and the decision of other questions in the sphere of security and disarmament shall be organized by way of joint consultations.

Article 15

Specific questions concerning military-political cooperation of member states shall be regulated by special agreements.

Chapter IV. PREVENTION OF CONFLICTS AND RESOLUTION OF DISPUTES

Article 16

Member states shall undertake all possible measures for the prevention of conflicts, first and foremost on an international and inter-confessional basis, which may give rise to the violation of human rights.

They shall render to each other, on the basis of mutual consent, assistance in the regulation of such conflicts, including under the framework of international organizations.

Article 17

Member states of the Commonwealth will refrain from actions capable of causing damages to other member states and lead to the aggravation of possible disputes.

Member states will rigorously and in the spirit of cooperation make efforts towards the fair peaceful resolution of their disputes by way of negotiations or reach agreement on an appropriate alternative procedure for the resolving the dispute.

If the member states do not resolve a dispute using the means indicated in part two of this article, they may transfer it to the Council of Heads of States.

Article 18

The Council of Heads of States shall have the authority at any stage of a dispute, the continuation of which could threaten the maintenance of peace or security in the Commonwealth, to recommend an appropriate procedure of methods for its resolution to the parties.

Chapter V. COOPERATION IN ECONOMIC, SOCIAL AND LEGAL SPHERES

Article 19

Member states shall cooperate in economic and social spheres in the following directions:

- the formation of a common economic space on the basis of market relations and free movement of goods, services, capital and labor;
- the coordination of social policy, development of joint social programs and measures to reduce social tension in connection with the conducting of economic reforms;
- the development of transport and communications systems, as well as energy systems;
- the coordination of credit and financial policy;
- facilitation of the development of trade and economic relations of member states;
- encouragement and mutual protection of investments;
- assistance in standardization and certification of industrial production and goods;
- legal protection of intellectual property;
- assistance in developing common information space;
- performance of joint environmental protection measures, rendering of mutual assistance in the liquidation of the consequences of environmental catastrophes and other emergency situations;
- implementation of joint projects and programs in the sphere of science and technology, education, healthcare, culture and sport.

Article 20

Member states shall implement cooperation in the sphere of law, in particular, by way of concluding multilateral and bilateral agreements on the rendering of legal assistance and facilitate the coordination of national legislations. In the event of contradictions between norms of the national legislation of member states regulating relations in the sphere of joint activity, member states shall conduct consultations and negotiations for the purpose of drafting proposals in order to eliminate those contradictions.

Chapter VI. BODIES OF THE COMMONWEALTH COUNCIL OF HEADS OF STATES AND COUNCIL OF HEADS OF GOVERNMENTS

Article 21

The supreme body of the Commonwealth shall be the Council of Heads of States.

The Council of Heads of States, in which all member states are represented at the highest level, shall discuss and decides fundamental questions connected with the activity of member states in the sphere of their common interests.

The Council of Heads of States shall gather at sessions two times per year. Extraordinary sessions of the Council may be convened at the initiative of one of the member states.

Article 22

The Council of Heads of Governments shall coordinate the cooperation of bodies of executive authority of member states in economic, social and other spheres of common interests.

The Council of Heads of Governments shall convene four times per year. Extraordinary sessions of the Council may be convened at the initiative of the government of one of the member states.

Article 23

Decisions of the Council of Heads of States and Council of Heads of Governments shall be adopted with general consent – consensus. Any state may declare its non-interest in a given question, which must not be considered to be a hindrance for the adoption of a decision.

The Council of Heads of States and Council of Heads of Governments may conduct joint sessions.

The procedure for the work of the Council of Heads of States and Council of Heads of Governments shall be regulated by the Rules of Procedure.

Article 24

Heads of states and heads of governments at sessions of the Council Heads of States and Council of Heads of Governments shall preside sequentially in the order of the names of the member states of the Commonwealth using the Russian alphabet.

Sessions of the Council of Heads of States and Council of Heads of Governments shall be conducted, as a rule, in the city of Minsk.

Article 25

The Council of Heads of States and the Council of Heads of Governments shall form working and auxiliary bodies both on a permanent and on a temporary basis.

These bodies shall be formed from representatives of the member states vested with the corresponding authorities.

Experts and consultants may be invited for participation in their sessions.

Article 26

For the decision of questions concerning cooperation in specific spheres or the development of recommendations for the Council of Heads of States and Council of Heads of Governments, conferences of leaders of the corresponding state bodies shall be convened.

Council of Ministers of Foreign Affairs

Article 27

The Council of Ministers of Foreign Affairs, on the basis of decisions of the Council of Heads of States and the Council of Heads of Governments, shall carry out the coordination of foreign policy activity of member states, including their activity in international organizations, and shall organize consultations on questions concerning world politics, in which they have a mutual interest.

The Council of Ministers of Foreign Affairs shall carry out its activity in accordance with a Statute approved by the Council of Heads of States.

Coordinating-Consultative Committee

Article 28

The Coordinating-Consultative Committee shall be a permanently functioning executive and coordinating body of the Commonwealth.

In execution of decisions of the Council of Heads of States and Council of Heads of Governments the Committee shall:

- draft and submit proposals on questions concerning cooperation under the framework of the Commonwealth, developing socioeconomic ties;
- facilitate the realization of agreements pursuant to specific directions of economic relations;
- organize conferences of representatives and experts for the preparation of draft documents submitted to sessions of the Council of Heads of States and the Council of Heads of Governments;
- secure the conduct of sessions of the Council of Heads of States and the Council of Heads of Governments;
- facilitate the work of other bodies of the Commonwealth.

Article 29

The Coordinating-Consultative Committee shall consist of permanent authorized representatives, two from each member state of the Commonwealth, and the Coordinator of the Committee, appointed by the Council of Heads of States.

For the organizational and technical support of the work of the Council of Heads of States, the Council of Heads of Governments and other bodies of the Commonwealth, there shall be under the Coordinating-Consultative Committee a Secretariat headed by the Coordinator of the Committee who is the Deputy Chairman of the Coordinating-Consultative Committee.

The Committee shall operate in accordance with the Statute approved by the Council of Heads of States.

The location of the Committee shall be the city of Minsk.

Council of Ministers of Defense

Chief Command of United Armed Forces

Article 30

The Council of Ministers of Defense shall be the body of the Council of Heads of States for questions concerning the military policy and military building of member states.

The chief command of the United Armed Forces shall carry out the leadership of the United Armed Forces, as well as by groups of military observers and collective forces for maintaining peace in the Commonwealth.

The Council of Ministers of Defense and the Chief Command of the United Armed Forces shall carry out their activity on the basis of relevant provisions approved by the Council of Heads of States.

Council of Commanding Border Troops

Article 31

The Council of Commanders of Border Troops shall be a body of the Council of Heads of States for questions concerning the protection of external borders of member states and support stable situation at them.

The Council of Commanders of Border Troops shall carry out their activity on the basis of a corresponding Statute approved by the Council of Heads of States.

Economic Court

Article 32

The Economic Court shall operate for the purposes of fulfilling economic obligations under the framework of the Commonwealth.

The mandate of the Economic Court includes the resolution of disputes arising during the implementation of economic obligations. The Court may also resolve other disputes classified as within its mandate by agreements of member states.

The Economic Court shall have the right to interpret provisions of agreements and other acts of the Commonwealth for economic issues.

The Economic Court shall carry out its activity in accordance with an Agreement on the Status of the Economic Court and a Statute thereon, approved by the Council of Heads of States.

The location of the Economic Court shall be the city of Minsk.

Commission for Human Rights

Article 33

The Commission for Human Rights shall be a consultative body of the Commonwealth and shall observe the fulfillment human rights obligations undertaken by member states under the framework of the Commonwealth.

The Commission shall consist of representatives of member states of the Commonwealth and operate on the basis of a Statute approved by the Council of Heads of Statutes.

The location of the Commission for Human Rights shall be the city of Minsk.

Bodies of Sectoral Cooperation

Article 34

On the basis of agreements of member states on cooperation in economic, social and other spheres, bodies of sectoral cooperation may be established, which shall carry out the development of agreed principles and rules for such cooperation and facilitate their practical implementation.

Bodies of sectoral cooperation (councils, committees) shall fulfil the functions envisaged in this Charter and in statutes thereon, securing the consideration and decision on a multilateral basis of questions concerning cooperation in relevant spheres.

The composition of bodies of sectoral cooperation shall include directors of the corresponding bodies of executive authority of member states.

Bodies of sectoral cooperation within the bounds of their competence shall adopt recommendations, as well as in necessary cases submit proposals for consideration by the Council of Heads of Governments.

Working Language of the Commonwealth

Article 35

The working language of the Commonwealth shall be the Russian language.

Chapter VII. INTERPARLIAMENTARY CO-OPERATION

Article 36

The inter-parliamentary assembly shall conduct inter-parliamentary consultations, discuss questions concerning cooperation under the framework of the Commonwealth, and develop joint proposals in the sphere of activity of national parliaments.

Article 37

The Inter-parliamentary Assembly shall consist of parliamentary delegations.

Organization of the activity of the Inter-parliamentary Assembly shall be carried out by the Council of the Assembly, consisting of the leaders of the parliamentary delegations.

Procedural questions concerning the activity of the Inter-parliamentary Assembly shall be regulated by its Regulations. The location of the Inter-parliamentary Assembly shall be the city of St. Petersburg.

Chapter VIII. FINANCING

Article 38

Expenditures for financing the activity of bodies of the Commonwealth shall be distributed on the basis of the participatory share of member states and shall be established in accordance with special agreements on budgets of the bodies of the Commonwealth.

Budgets of bodies of the Commonwealth shall be approved by the Council of Heads of States upon a submission from the Council of Heads of Governments.

Article 39

Questions concerning the financial and administrative activity of the bodies of the Commonwealth shall be examined in accordance with the procedure determined by the Council of Heads of Governments.

Article 40

Member states shall independently bear expenditures connected with the participation of their representatives, as well as their experts and consultants in the work of conferences and bodies of the Commonwealth.

Chapter IX. CONCLUDING PROVISIONS

Article 41

This Charter shall be subject to ratification by founding states in accordance with their constitutional procedures.

Ratification instruments shall be submitted to the Government of the Republic of Belarus, which will notify the other founding states of the submission for storage of each instrument.

This Charter shall enter into force for all of the member states from the time of submission for storage of ratification instruments by all founding states or, for the founding states who have submitted their ratification instruments, one year after the adoption of this Charter.

Article 42

Amendments to this Charter may be proposed by any member state. Proposed amendments shall be considered in accordance with rules of procedure of the Council of Heads of States.

Amendments to this Charter shall be adopted by the Council of Heads of States. They shall enter into force after ratification by all member states in accordance with their constitutional procedures, from the date of receipt by the Government of the Republic of Belarus of the last ratification certificate.

Article 43

Founding states of the Commonwealth may, upon the ratification of this Charter, make reservations and statements on chapters III, IV and VII and Articles 28, 30, 31, 32 and 33.

Article 44

This Charter will be registered in accordance with Article 102 of the Charter of the United Nations.

Article 45

This Charter is done in one copy in the state languages of the founding states of the Commonwealth. The original shall be stored at the Archive of the Government of the Republic of Belarus, which shall send certified copies hereof to all the founding states. This Charter was adopted on January 22, 1993 at a session of the Council of Heads of States at Minsk.