

Contractual Legal Framework for Military-Technical Cooperation between the Republic of Armenia and the Russian Federation

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Abstract: The article deals with the contractual legal foundations of military-technical cooperation between the Republic of Armenia and the Russian Federation. The features of the development of military-technical cooperation, events affecting the formation of its contractual legal framework within the framework of the Commonwealth of Independent States and the Collective Security Treaty Organization, the significance of cooperation are shown.

Keywords: Armenia, Russia, military-technical cooperation, legal framework, allied states, security

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Introduction

Allied relations between the Republic of Armenia and the Russian Federation are built on the basis of bilateral and multilateral legal norms. Allied relations have developed between the two states, and cooperation in the military-technical sphere occupies a special place. Developing for about three decades, it contributes to strengthening the defense sector of both countries.

The Republic of Armenia and the Russian Federation have been carrying out military-technical cooperation both in a bilateral and multilateral format in the Commonwealth of Independent States (CIS), and since 2002, in parallel and at a deeper level, within the framework of the Collective Security Treaty Organization (CSTO). It is important to note

that military-technical cooperation between the Republic of Armenia and the Russian Federation is not only the import or export of weapons, but mutual allied obligations.

The problems of military-technical cooperation between the two states both in the CIS and the CSTO were considered by both Armenian and foreign researchers [1; 2; 4; 3; 6].

The purpose of the study is to analyze the legal framework of military-technical cooperation between the Republic of Armenia and the Russian Federation and the opportunities it provides.

Materials and Methods

The source base for the study is a number of legal documents signed between the Republic of Armenia and the Russian Federation at the bilateral and multilateral level.

The study was conducted using the method of content analysis of documents.

The comparative analytical method was used to make the results of the study more holistic and comprehensive.

Results

Military-technical Cooperation between the Republic of Armenia and the Russian Federation Within the CIS and CSTO

In the first years of the creation of the CIS, the participating states sought to carry out military-technical cooperation in a multilateral format. For this purpose, on February 14, 1992, by decision of the Council of Heads of State of the CIS, the Council of Defense Ministers (CDM) of the CIS member states was created, which is the body of the Council of Heads of State of the CIS on issues of military policy and military development of the CIS member states¹. In order to deepen cooperation in the military-technical sphere between the CIS member states, on April 19, 1995, the Military-Technical Committee under the CDM CIS was created, the tasks of which are to develop, coordinate and submit to the CDM proposals on the main directions of the military-technical policy of the states-members of the CIS, convergence of legal acts of the CIS member states in the military-technical sphere, and so on². Naturally, both the Republic of Armenia and the Russian Federation, being active participants in integration processes in the CIS, have established cooperation in the military-technical sphere since the formation of this organization. The Military Technical Committee under the CDM CIS dealt with military-technical cooperation, as well as issues of modernization and repair of weapons and military equipment of the national armed forces

¹ Regulations on the Council of Defense Ministers of the member states of the Commonwealth of Independent States. Available from: <https://mil.ru/smosng/about/documents/more.htm?id=12087397@egNPA>

² Military-technical committee at the CIS Defense Ministry. Available from: <https://mil.ru/smosng/units/coordinationcommittees/vtk>

of the CIS member states³. The Ministry of Defense of the Republic of Armenia actively participates in the work of expert commissions of the CDM CIS and other bodies⁴. The regular meeting of the Military Technical Committee at the CDM of the CIS member states, held in Moscow on November 11, 2021, was attended by delegations headed by deputy heads of defense departments of Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia, Tajikistan and Uzbekistan. Following the meeting, the Chairman of the Military Technical Committee at the CDM CIS, Army General D.Bulgakov, stated that “the meeting was held in an atmosphere of mutual understanding and will undoubtedly contribute to further convergence of views on the development strategy and organization of logistics support for troops.”⁵

The Republic of Armenia and the Russian Federation also closely cooperate in the military-technical sphere in the Council of Commanders of the Border Troops, created by the decision of the Council of Heads of State of the CIS on July 6, 1992⁶. According to the CIS Charter, “The Council of Commanders of the Border Troops is the body of the Council of Heads of State on issues of protecting the external borders of member states and ensuring a stable situation on them”⁷. One of the tasks of the Council of Commanders of the Border Troops is the development and strengthening of the border troops of the CIS member states through the convergence of national legislation on border issues and their protection, mutual exchange of information, cooperation in the field of military-technical policy and personnel training⁸.

The Republic of Armenia and the Russian Federation also carry out military-technical cooperation with other CIS member states within the framework of the joint air defense system (USA) of the CIS member states (the Agreement on the creation of a joint air defense system of the CIS member states was signed by the heads of the CIS member states 10 February 1995 in Almaty) [4:22]. Cooperation involves joint planning of military-technical policy, modernization of resources and air defense systems, rearmament, etc.⁹.

One of the priority areas in the first half of the 1990s was military integration within the CIS. Important was the signing of the Collective Security Treaty (CST) (May 15, 1992) (4:16), followed by the signing of the “Agreement on the approval of the Regulations on the Collective Security Council” (July 6, 1992), according to which the Collective Security Council Along with other powers, he also had the authority to make recommendations on the main directions of military-technical policy and equipping the Armed Forces of the

³ A collection of analytical, informational and scientific materials on the activities of the Commonwealth of Independent States, under the general editorship of V.G.Garkun. Minsk, 2013. P.135. Available from: <https://e-cis.info/upload/iblock/157/157c092a191e68f09e19062d855aeea2.pdf>

⁴ Military-political cooperation. Available from: <https://www.mil.am/ru/pages/39>

⁵ A meeting of the Military Technical Committee under the Council of Defense Ministers of the CIS member states was held in Moscow. Available from: <https://mil.ru/smosng/news/more.htm?id=12394396@egNews>

⁶ Decision on the creation of the Council of Commanders of the Border Troops. Available from: <https://cis.minsk.by/reestr2/doc/131#text>

⁷ The Charter of the Commonwealth of Independent States. Available from: <http://cis.minsk.by/reestr2/doc/187#text>

⁸ Agreement on the Regulations on the Council of Commanders of the Border Troops. Available from: <https://cis.minsk.by/reestr2/doc/258#text>

⁹ On the unified air defense system of the CIS countries. Available from: <https://cis.minsk.by/news/12024/ob-obedinennoj-sisteme-protivovozdusnoj-oborony-stran-sng>

participating states with weapons and military equipment¹⁰. An important step was the "Decision on priority measures for the implementation of the Collective Security Treaty of May 15, 1992" signed on December 24, 1993¹¹. From the point of view of military-technical cooperation between the two countries at the multilateral level, the Concept of Collective Security of the state's parties to the Collective Security Treaty, approved on February 10, 1995 [2:17], was important. The document noted that the participating states are united by military-political and economic interests, military-technical base and infrastructure, and the desire to pursue a coordinated policy to ensure collective security. As is known, the member states of the Collective Security Treaty planned to implement the collective security system in stages, and the first stage included the development of a program of military and military-technical cooperation between the member states and the beginning of its implementation¹².

In the late 1990s, it was obvious that not all CIS countries wanted to participate in deep integration in the military-political sphere (in April 1999, Azerbaijan, Georgia and Uzbekistan withdrew from the Collective Security Treaty) [4:21], and it was precisely for this reason. For this reason, integration in the military-political sphere began to gradually deepen within the framework of the member states of the Collective Security Treaty, this also applied to cooperation in the military-technical sphere.

An important legal basis here is the "Agreement on the basic principles of military-technical cooperation between the states parties to the Collective Security Treaty of May 15, 1992", signed on June 20, 2000 by the states parties to the Collective Security Treaty, which regulates the export and import, supply or procurement of military products, development and production of military products¹³. Article 6 of this agreement states

The supplying Party has the right to exercise control over the intended use of military products supplied under this Agreement. The control mechanism is determined by a separate Protocol, which will become an integral part of this Agreement¹⁴.

Mechanisms for control of supplier side military products are an important part of both multilateral and bilateral documents. In the military-technical sphere, cooperation between the CSTO member states deepened when the Collective Security Treaty was transformed into the CSTO and the CSTO Collective Security System gradually began to take shape. Both in the case of the CIS and within the CSTO, military-technical cooperation

¹⁰ Agreement on approval of the Regulations on the Collective Security Council. Available from: <https://cis.minsk.by/reestr2/doc/126#text>

¹¹ Decision on priority measures to implement the Collective Security Treaty of May 15, 1992. Available from: <https://cis.minsk.by/reestr2/doc/292#text>

¹² The concept of collective security of the states parties to the Collective Security Treaty. Available from: https://odkb-csto.org/documents/documents/kontseptsiya_kollektivnoy_bezopasnosti_gosudarstv_uchastnikov_dogovora_o_kollektivnoy_bezopasnosti/#loaded

¹³ "Agreement on the basic principles of military-technical cooperation between the states parties to the Collective Security Treaty of May 15, 1992." Available from: https://odkb-csto.org/documents/documents/soglashenie_ob_osnovnykh_printsipakh_voenno_tekhnicheskogo_sotrudnichestva_mezhdu_gosudarstvami_ucha/#loaded

¹⁴ Ibid.

has acquired great importance, which was enshrined in the CSTO Charter¹⁵. Important regulatory legal documents on deepening cooperation in the military-technical sphere were adopted by the CSTO member states at the session of the CSTO Collective Security Council, held on October 6, 2007 in Dushanbe¹⁶. The CSTO collective security system itself presupposes that the CSTO member states must cooperate in the military-technical sphere to develop this system. The security of the CSTO collective security system in the Caucasus region is based on the existing strategic cooperation between the Republic of Armenia and the Russian Federation. It becomes clear that military-technical cooperation between the two countries is not limited to only the bilateral level, but is part of an integral system.

In parallel with the development of the Collective Security System, the CSTO is making changes to a number of basic documents, for example, as a result of changes in the 2010 CSTO Charter, Article 7 was edited:

Member states also interact in the areas of military-technical (military-economic) cooperation, providing the armed forces, law enforcement agencies and special services with the necessary weapons, military, special equipment and special means, training military personnel and specialists for the national armed forces, special services and law enforcement¹⁷.

And in the "Agreement on the basic principles of military-technical cooperation between the member states of the Collective Security Treaty of May 15, 1992" in 2003-2017, amendments were introduced four times by the corresponding protocols (changes and additions to the Agreement signed on September 19, 2003, 6 October 2007, December 10, 2010, November 30, 2017)¹⁸. From the point of view of cooperation of the CSTO member states in the military-technical sphere, the "Agreement on cooperation of member states of the Collective Security Treaty Organization in the field of development, production, operation, repair, modernization, extension of service life and disposal", signed on December 10, 2010, was also important. military products¹⁹. In general, preferential terms for military-technical supplies have been established thanks to the existing contractual framework within the CSTO.

¹⁵ Charter of the Collective Security Treaty Organization. Available from: <https://szrf.ru/list.html#editions=e1028&divid=1000008&volume=10220040030008&page=1&sort=position&limit=50&valid=10220040030008&docid=14>

¹⁶ Regulatory legal documents signed within the framework of the CSTO. Available from: https://odkb-csto.org/documents/documents/normativnye_pravovye_dokumenty_podpisannye_v_ramkakh_odkb/#loaded

¹⁷ Charter of the Collective Security Treaty Organization. Available from: https://odkb-csto.org/documents/documents/ustav_organizatsii_dogovora_o_kollektivnoy_bezopasnosti/#loaded

¹⁸ Agreement on the basic principles of military-technical cooperation between the states parties to the Collective Security Treaty of May 15, 1992. Available from: https://odkb-csto.org/documents/documents/soglashenie_ob_osnovnykh_printsipakh_voenno_tekhnicheskogo_sotrudnichestva_mezhdu_gosudarstvami_ucha/#loaded. Look also: Fourth Protocol on Amendments to the Agreement on the Basic Principles of Military-Technical Cooperation between the States Parties to the Collective Security Treaty of May 15, 1992. Available from: <http://publication.pravo.gov.ru/Document/View/0001202003300001?index=1>

¹⁹ Agreement on cooperation between member states of the Collective Security Treaty Organization in the field of development, production, operation, repair, modernization, extension of service life and disposal of military products. Available from: https://mkves.odkb-csto.org/news/regulations/soglashenie_o_sotrudnichestve_gosudarstv-chlenov_5/#loaded

Bilateral Military-Technical Cooperation between the Republic of Armenia and the Russian Federation

Since the mid-1990s the slowdown of integration processes within the CIS [5: 28–29] “forced” the CIS member states to cooperate at the bilateral level, which also extended to cooperation in the military-technical sphere. This was expressed in the Treaty of Friendship, Cooperation and Mutual Assistance, signed on August 29, 1997 between the Russian Federation and the Republic of Armenia [3:77]. Article 4 of this agreement stipulates that the Republic of Armenia and the Russian Federation will cooperate in the field of military-technical policy, military production, taking into account the standardization of weapons, including the financing of agreed military programs²⁰.

The “Agreement between the Government of the Russian Federation and the Government of the Republic of Armenia on military-technical cooperation” signed on January 17, 2003 assumes that the Parties, if necessary, will create a joint working body on military-technical cooperation²¹. Developing this agreement, on June 25, 2013, the “Agreement between the Russian Federation and the Republic of Armenia on the development of military-technical cooperation” was signed. Article 9 of the Agreement provides that “The Party that supplied military products under this Agreement has the right to exercise control over its availability and intended use, the procedure for which the Parties will determine in an additional agreement”²². On October 13, 2016, the “Agreement between the Russian Federation and the Republic of Armenia on the procedure for monitoring the availability and intended use of military products supplied under the Agreement between the Russian Federation and the Republic of Armenia on the development of military-technical cooperation of June 25, 2013” was signed. Article 8 of this agreement states that

The party into whose territory military products are supplied is obliged to present the military products specified in the control request, as well as the necessary documentation confirming their intended use²³.

It is noteworthy that during the ratification of this agreement in the National Assembly of the Republic of Armenia, representatives of the opposition launched a heated

²⁰ Treaty of Friendship, Cooperation and Mutual Assistance between Russian Federation and the Republic of Armenia. Available from: <https://docs.cntd.ru/document/8306454?marker>

²¹ Agreement between the Government of the Russian Federation and the Government Republic of Armenia on military-technical cooperation. Available from: <https://docs.cntd.ru/document/901947466?marker=64U0IK>

²² Agreement between the Russian Federation and the Republic of Armenia on the development of military-technical cooperation. Available from: <https://docs.cntd.ru/document/499042956?marker§ion=text>

²³ Agreement between the Russian Federation and the Republic of Armenia on the procedure for monitoring the availability and intended use of military products supplied under the Agreement between the Russian Federation and the Republic of Armenia on the development of military-technical cooperation of June 25, 2013. Available from: <https://docs.cntd.ru/document/456039035?section=text>

debate on Article 8²⁴. Representatives of the opposition saw this clause as a limitation of the sovereignty of Armenia, although similar provisions were reflected in the “Agreement on the Basic Principles of Military-Technical Cooperation between the States Parties to the Collective Security Treaty of May 15, 1992” signed by the participating states of the CST.

It is obvious that after the 44-day war in Nagorno-Karabakh (Artsakh) in 2020, the Republic of Armenia needs to update and replenish its weapons to increase its defense capability, and in this regard, deepening military-technical cooperation with the Russian Federation is vital. A similar goal was pursued by the visit of the Minister of Defense of the Republic of Armenia to Moscow on August 11, 2021, during which the Minister of Defense of the Russian Federation S.Shoygu noted that Russia is ready to assist in reforming the armed forces of the Republic of Armenia²⁵. Earlier, according to TASS news agency, on April 7, 2021, the press secretary of the Federal Service for Military-Technical Cooperation of the Russian Federation V.Reshetnikova announced that the Russian Federation and the Republic of Armenia are implementing the military-technical cooperation program in full²⁶. After the Russian Federation launched a special military operation in Ukraine in 2022, problems arose, forcing the leadership of the Republic of Armenia to look for additional ways and suppliers to acquire weapons. However, the Russian Federation continues to play a primary role, as evidenced by the regular 16th meeting of the Armenian-Russian Intergovernmental Commission on Military-Technical Cooperation held in Yerevan in March 2023, during which the Armenian side emphasized the importance of strengthening and developing bilateral military-technical relations²⁷.

On April 7, 2023, Ambassador Extraordinary and Plenipotentiary of the Russian Federation to the Republic of Armenia S.Kopyrkin gave clarifications in an interview with Armenia Today on military-technical cooperation between both allied states, emphasizing its importance. The ambassador noted that the sphere of military-technical cooperation is not public, but noted “it has traditionally been and is an important part of our bilateral relations. There are appropriate mechanisms in place that ensure interaction in this area”²⁸.

At the same time, Ambassador S.Kopyrkin recalled that a Russian military base is stationed in the Republic of Armenia and a joint group of troops operates, and also added that

when we talk about military-technical cooperation, joint exercises, we consider this as a factor in ensuring the security of the Republic of Armenia and as an integral part of our common efforts

²⁴ They say: we will use the Aerospace Forces of the Russian Federation, well, we'll see. Nikol Pashinyan. [in Armenian]. Available from: <https://www.tert.am/am/news/2017/10/05/Pashinyan/2502421>

²⁵ The Russian Defense Minister held talks with his Armenian counterpart in Moscow. Available from: https://function.mil.ru/news_page/country/more.htm?id=12376659@egNews (дата обращения 22.05.2023).

²⁶ The Russian Federation believes that military-technical cooperation with Armenia is fully implemented. Available from: <https://tass.ru/ekonomika/11089461>

²⁷ Meeting of the intergovernmental commission in the administrative complex of the Ministry of Defense. Available from: <https://www.mil.am/ru/news/11389>

²⁸ Kopyrkin: Russia does not abandon its obligations to Armenia. Available from: <https://armeniatoday.news/exclusive-ru/601107/>

to maintain and strengthen security in the region, create conditions for the political settlement of those problems and contradictions that exist²⁹.

Thus, the Ambassador of the Russian Federation again emphasized the existence of a wide range of strategic and allied relations between the Republic of Armenia and the Russian Federation in the field of security, placing special emphasis on military-technical cooperation.

Conclusion

The Republic of Armenia and the Russian Federation, in the process of military-political integration within the CIS, are actively involved in military-technical cooperation at many levels. Taking into account that a huge legacy remains from the military-industrial complex of the USSR, there are great opportunities for developing cooperation in the military-technical sphere in both bilateral and multilateral formats. However, despite the existence of a legal framework, a number of CIS member states, for various reasons, did not show interest in military, including military-technical cooperation. However, Armenia and the Russian Federation continued to develop integration processes within the CIS. Both countries effectively cooperate within the CIS in matters of protecting external borders and developing a joint air defense system, which also contributes to the development of the legal framework for military-technical cooperation. The CSTO is an important legal basis for the establishment of multilateral allied relations between Armenia and the Russian Federation, on the basis of which the CSTO member states, deepening integration, continued to develop military-technical cooperation as allies. The formation of the CSTO Collective Security System, in turn, also stimulated the further development of military-technical cooperation within the CSTO. Based on some features of integration within the CIS and CSTO, a large-scale legal framework for military-technical cooperation has been formed between the Republic of Armenia and the Russian Federation at the bilateral level, which is complemented by military-technical cooperation within the CIS and especially the CSTO.

Thus, in the military-technical sphere, the legal framework formed by the Republic of Armenia and the Russian Federation at the multilateral and bilateral levels allows the allied states to develop effective cooperation, which helps to increase the defense capability of both states. Since the bulk of the weapons of the Republic of Armenia are of Soviet or Russian origin, deepening cooperation between our countries in the military-technical sphere and enriching the legal framework is very important.

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