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Doctor of Political Sciences, Professor of Faculty of Humanities
and Social Sciences, Peoples' Friendship University of Russia
(RUDN University) (Russia, Moscow)

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Executive Secretary
Shkurina S.S.

Computer-aided makeup by
Antsiferova A.S.

Translated by
Chernyshova E.V.

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E-mail address: voprosplitolog@yandex.ru

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PROBLEMS OF EURASIAN AND POST-SOVIET COOPERATION

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A. A. AMIANTOV

*Candidate of Sciences (political sciences),
Associate Professor of the Chair of state
and municipal administration,
Peoples' Friendship University of Russia,
Moscow, Russia*

A. V. GRACHEV-VORONTSOV

*Consultant of the Section of organizational
support of the State Duma meetings,
Department of organizational support of the
legislative process, State Duma of the Federal Assembly
of the Russian Federation, lawyer,
Moscow, Russia*

TRENDS IN THE DEVELOPMENT OF INTER-PARLIAMENTARY COOPERATION (ON THE EXAMPLE OF THE CIS INTER-PARLIAMENTARY ASSEMBLY)

Based on the normative documents of the CIS Interparliamentary Assembly, the article defines the main directions of interparliamentary cooperation within that organization. By analyzing changes in the trends over the course of the organization's existence, the authors reveal that the level of inter-parliamentary interaction is limited to a certain range of problems that do not affect many real problems of the Commonwealth's development.

Key words: *CIS Interparliamentary Assembly, CSTO parliamentary Assembly, Interparliamentary cooperation, regulations, model legislation.*

The creation of the CIS was a natural result of the collapse of the USSR. The Union republics, which had been part of a single state for almost 70 years, needed to determine the legal forms of further cooperation. The Bialowieza agreements were signed by the heads of Russia, Ukraine and Belarus on December 8, 1991, and on December 21, 1991, the Protocol to the agreement on the creation of the CIS in Alma-ATA was signed by the heads of 11 of the 15 former Soviet republics [4. Pp. 23-24]. Over the next year, the Commonwealth launched an active legislative process that regulated the division of property of the USSR, succession and the establishment of military cooperation between the participants. The working body regulating legal relations within the Commonwealth was the

inter-parliamentary Assembly of the CIS member states, organized in Alma-Ata on March 27, 1992, just three months after the creation of the Commonwealth. The main principles of the new body, set out in the relevant Agreement, were:

- equality of the parties (each delegation has one vote);
- development of decisions based on consensus (General agreement);
- development of recommended (model) legislative acts [13].

The Assembly has the right to discuss political and socio-economic issues that require coordination, consider problems of parliamentary cooperation, develop and send proposals to both the Supreme Councils of the Commonwealth members and the CIS supreme governing bodies – the Council of the heads of state and the Council of heads of government. The Assembly is formed by the parliamentary delegations of the parties, the composition of which is determined independently, from among the deputies of their Parliaments. Each delegation is funded by the relevant Parliament, and the organizational support of the inter-parliamentary Assembly is provided by all parties equally. The Council of the Assembly, consisting of the heads of parliamentary delegations, organizes the activities of the IPA. The Chairman of the Council is elected annually from among its members by secret ballot (since 1994, this has always been the representative of the Russian Federation).

Already on September 15, 1992, the Regulations of the Inter-parliamentary Assembly were adopted, which were later supplemented in December 1992 and March 1994 [11]. They define the organization of regular plenary sessions (twice a year). The heads of parliamentary delegations take turns as Chairman. The legitimacy of these forums is ensured by the turnout of at least two-thirds of parliamentary delegations. The Regulations provide for the possibility of forming permanent and temporary commissions from among representatives of the parliamentary delegations for preliminary consideration and preparation of issues for the Assembly meetings. Meetings of both the Assembly and its commissions are to be held mostly open (except in cases where one of the delegations insists on the closed nature of the meeting). Observers from both the CIS and non – CIS member states, as well as international organizations, have the right to attend public meetings. The same document formulated the concept and the features of the development of recommendatory legislative acts. They refer to the acts adopted by the Assembly “to guide the agreed legislative activities of the parties to the Agreement.” They are prepared by the relevant commissions, after which they are submitted for discussion to the Assembly Council. If significant amendments appeared during the Council meeting, the draft is sent for revision to the relevant Commission.

The Regulations on the permanent commissions of the Assembly were approved on May 23, 1993 [10]. According to the document, the commissions are formed from representatives of the Parliaments of the participating states, and the official representative of each Parliament has equal rights in the Commission.

They are supposed to analyze information in their field of activity, conduct discussions, and, ultimately, prepare questions and draft decisions to be submitted to the plenary session of the Assembly. The activities of these bodies are organized by the Chairman and his Deputy, who are elected annually from among the Commission members and approved by the Assembly Council. Their meetings are held quarterly. Only half of the official representatives are required to be present for a quorum, but decisions are also taken by consensus, so they can be blocked by an official objection from any participant.

The creation of the CIS Interparliamentary Assembly took place during the most difficult period of the economic and political crisis of 1992-1994. Accordingly, not all CIS members were in a hurry to start working in the new body. At the beginning, the IPA agreement was signed by only six states: Armenia, Belarus, Kazakhstan, Kyrgyzstan, Tajikistan and the Russian Federation. Georgia joined the IPA in May 1994, Moldova in July 1994, and Azerbaijan joined the Alma-Ata agreement the following year. During this period, Ukraine, which finally joined the organization in 1999, also participated in all meetings of the Assembly as an observer. The next stage of the Assembly's activity (1994-1995) marked its formation as a CIS working body: the completion of the legal formalization of the IPA and the definition of the main directions for the inter-parliamentary cooperation. It ended with the adoption on May 26, 1995 of the Convention of the Assembly at the meeting of the Council of the CIS heads of state in Minsk [6]. Most of the articles of the document confirmed and systematized the provisions adopted by previous acts. The article on the rights of the Assembly underwent the greatest modification: the document clearly defined the range of issues to be considered by it. The Assembly can discuss issues of cooperation between the participating states, as well as issues referred to it for decision by the CIS governing bodies (Councils of heads of state and government). Recommendations on them are sent to the Councils. The remaining items are devoted to the development of issues related to the approximation of the legislation of the member states, creation of model legislative acts, ratification of international treaties by the CIS states and bringing legislation in line with the agreements concluded within the Commonwealth. The main focus of the Assembly is the development of model legislation. Therefore, the third stage in the Assembly's activity, according to V. I. Balakireva's well-reasoned opinion, was marked by the resolution "on the program of model legislation of the CIS for 1996-1998," adopted by the IPA on November 2, 1996. Her characteristic was based on the volume of recommendatory legislative acts adopted by the Assembly: two documents in 1992, two documents in 1993, six – in 1994, seven – in 1995 [1. Pp. 53-54]. Thus, a total of 17 recommendation acts were adopted at the stages of creation and formation of the IPA, less than in any year of the next stage. In 1996, the IPA adopted 21 legislative acts, in 1997 – 25, in 1998 – 17. This is largely due to the "cumulative effect": the results of the work carried out during the first years of the Assembly's activity were shown in 1996-1998.

V. I. Balakireva predicted a decrease in the growth rate of model legislation after 1998, but in reality it remained at the same level: in 1999 the Assembly adopted 16 model laws, in 2000 – 14, in 2001 – 14, in 2002 – 20, and in 2003 – 12. The long-term plan for model lawmaking and convergence of national legislation in the CIS for the period up to 2005, adopted by the inter-parliamentary Assembly on December 9, 2000, included 163 model laws in 9 areas and 16 model codes [8. P. 212]. Thus, the evolution of trends in inter-parliamentary cooperation within the framework of the CIS IPA can be observed mainly due to changes in the range of issues to be discussed and regulated by the Assembly. To a large extent, these trends are determined by the gradually changing range of domestic and foreign policy problems that arise in the CIS member states.

The first post-Soviet years were marked by the legal formalization of interstate barriers: in 1992, the IPA adopted a recommendation act “On the agreed principles of citizenship regulation,” in 1993 – “General principles of customs regulation.” As noted by V. I. Balakireva, at the first stages of the Assembly’s activity (until 1999), economic and financial regulation (18 acts) were clearly the predominant direction in the subject of model legislation. Almost equal attention was paid to the problems of the social and humanitarian sphere and migration (14 acts). These topics naturally came first in the years of the most difficult socio-economic situation [1. Pp. 55-56]. The main achievement in the IPA legislative activity in the social sphere was the adoption of the Charter of social rights and guarantees of citizens of Independent States on October 29, 1994. According to this document, the participants of the Commonwealth pledged to ensure the creation of a single labor market with visa-free movement of citizens across the territory and equal labor guarantees. It was also supposed to observe the principle of freedom of migration and provide social and legal protection to the forced migrants [13].

In 1998, model laws “On the indexation of income of the population,” “On compulsory social insurance against accidents at work and occupational diseases,” “On general principles of regulating issues related to refugees” were introduced. The Charter of older persons was also adopted, in which the Assembly called on national Parliaments to adopt laws that guarantee the elderly a decent lifestyle and the possibility of working. Next year, 1999, the development of social legislation also remained a priority, as evidenced by the laws “On employment,” “On basic guarantees of the rights of the child” and recommendations on the main directions of wage reform in the CIS countries.

In the first period of the IPA’s activity, three other areas of legislation occupied the second place: civil, environmental and criminal legislation. While the first topic has been a cross-cutting issue for the legislative activity of the Assembly since 1992, environmental and criminal legislation have been in its focus since 1996. The last subject is largely due to the tense situation in the North Caucasus after the First Chechen war in August 1996, a Model law “On combating terror-

ism” was adopted in 1997. In 1999, it was based on the “Treaty on cooperation between the CIS member states on combating terrorism.” The following year, an agreement on cooperation in the fight against drug trafficking, based on the Assembly proposals, was signed (approved by the Council of heads of government of the Commonwealth on November 30, 2000).

The Second Chechen war which began in August 1999, stimulated the military and political rapprochement of the CIS States on the basis of countering international terrorism. In this regard, the period of the Assembly’s work from 1999 to 2003 can be described as anti-terrorist. Already in 1998, the Assembly’s peacekeeping group headed by O. A. Bogomolov worked in Abkhazia from May 14 to May 17. In June 1998, based on the results of its work, the Assembly Council adopted a statement in connection with the escalation of armed actions in the conflict zone in Abkhazia. In 1999, in connection with the worsening situation in Kyrgyzstan and the Caucasus, the Assembly issued a Statement on the serious threat posed by international terrorist groups and proposed strengthening the fight against international terrorism. From October 28 to October 1, the IPA parliamentary group headed by E. A. Zelenov monitored the situation in the North Caucasus and presented its conclusion at the PACE session on November 2-4, 1999 in Strasbourg at the discussion of the relevant issue. As the result of this work, PACE adopted a balanced resolution “On the conflict in Chechnya” which emphasized the recognition of the territorial integrity of the Russian Federation, condemned the acts of terrorism and supported efforts to establish democracy on the territory of the Chechen Republic.

Next year peacekeeping MPA has become even broader. On January 7 to 10 2000, the MPA delegation again traveled to Chechnya to study the situation in the areas liberated during the antiterrorist operation in the Republic. As a result of this trip, a unified position was formed on this issue, which was defended by a MPS group who visited Chechnya. The opinion was presented at a meeting of the standing Committee of the OSCE Parliamentary Assembly in Vienna on January 12-14, 2000. The active position of the deputies helped to reject the draft biased resolution on the Chechen issue, proposed by the USA. The IPA’s peacemaking efforts were recognized at the session of the European Parliament in Strasbourg (March 14-16, 2000), and in June 2000. The IPA Council adopted a statement “On joint support for the actions of the Russian Federation in the fight against international terrorism in Chechnya.” On April 23-26, 2000, the IPA peacekeeping group headed by B. N. Pastukhov also worked in the Republic of Moldova to study in-depth problems in order to help resolve the situation in Transnistria.

Furthermore, the Assembly concentrated its activities on the international issues triggered by the tragic events of September 11, 2001. On March 27-28, 2002, an inter-parliamentary forum on combating terrorism was held in St. Petersburg at the joint initiative of the IPA CIS and PACE in cooperation with the OSCE parliamentary Assembly and the European Parliament. At its meetings, issues of rap-

prochement between Russia and NATO in the fight against international terrorism, problems of countering the financing of terrorism, and improving legislation to combat it were discussed. The discussion resulted in a Declaration presenting the positions of the forum participants in the fight against international terrorism.

As part of the military-political rapprochement of the CIS members in 1999, the IPA CIS Council adopted a decision according to which the IPA members, parties to the collective security Treaty, began to consider the legal issues of the implementation of the Treaty within the framework of the Assembly. The collective security Treaty was signed on May 15, 1992 in Tashkent (Uzbekistan) with the aim of “protecting on a collective basis the independence, territorial integrity and sovereignty” of the CIS member states [2]. The Treaty was initially signed by Armenia, Kazakhstan, Kyrgyzstan, Russia, Tajikistan and Uzbekistan, and was joined by Azerbaijan, Georgia and Belarus in 1993. The document entered into force on April 20, 1994. It was designed for a 5-year term but allowed for an extension. However, in April 1999, Armenia, Kazakhstan and Uzbekistan refused to extend the Treaty, while the heads of other states signed a Protocol on its extension for the next five-year period. It was partly this crisis that stimulated the 1999 decision, which was consolidated on November 23, 2001, when the Council of the CIS IPA adopted a program of legal support for the plan of main measures for the formation of the collective security system of the CSTO member states. Regular meetings of the members of the IPA CIS Council on defense and security issues have become the main form of the Assembly’s work in the format of the DCB. Groups of IPA deputies studied the military and political situation in all regions of collective security (in Central Asia-in March 2001, in the Caucasus-in October 2004, in Western Europe-in September 2005). Thus, the CSTO parliamentary Assembly actually began its activities within the framework of the CIS IPA even before the official creation of the collective security Treaty Organization. The decision to create it was made in Moscow on May 14, 2002, and on October 7, 2002, the Charter and Agreement on the legal status of the CSTO were signed in Chisinau. The official registration of the CSTO parliamentary body took place only four years later. The need to create such a body was determined at the session of the CSTO collective security Council on June 23, 2006 in Minsk. Its goals were stated to be the harmonization of national legislation and development of model laws for solving the main CSTO tasks. Creation of the CSTO parliamentary Assembly was legally formalized by the chairmen of the parliaments of the CSTO members at a meeting on November 16, 2006 [3. Pp. 46-47].

According to the “Interim regulation on the CSTO parliamentary Assembly,” its main goals include discussing issues of cooperation between member states in the international and military-political spheres, and developing recommendations to be sent directly to the Supreme body – the collective Security Council. The most important task of the CSTO PA, as well as its “parent organization” – the IPA CIS – is also to develop model legislation aimed at regulating legal relations in the are-

as of the CSTO's activities. The structure of the CSTO PA also almost completely repeats the structure of the CIS IPA. The CSTO's governing body is the Council, headed by a Chairman elected for a three-year term. The CSTO consists of three permanent commissions: on defense and security, international cooperation and socio-economic and legal issues. An important task of the organization, along with the development of model acts and legislative recommendations, is the practical study of the socio-political situation in the CSTO member states, the analysis of the military-political situation in "hot spots," the development of mechanisms for peacekeeping, the settlement of "frozen" conflicts (in Nagorno-Karabakh, Abkhazia and South Ossetia, and Transnistria). The CSTO PA should also promote the development of cooperation between the CSTO and international organizations (UN, SCO, OSCE, NATO), primarily through the preparation of draft agreements on international cooperation [3. Pp. 47-50].

It has already been stated above that the IPA CIS activity at the turn of the XX-XXI centuries can be described as anti-terrorist. On the other hand, during that period the idea of creating a single economic space matured within CIS and it became the main content of the next stage of development of inter-parliamentary cooperation within the IPA CIS. Already adopted in April 1999 the Protocol to the agreement on the establishment of a free trade zone required a whole set of measures from the Assembly, within the framework of which the main provisions of the program of measures for the implementation of the Agreement were formed. The Assembly's recommendation was also adopted by the Council of CIS heads of governments on January 25, 2000 as an agreement "On basic directions of cooperation of CIS members in the sphere of protection of consumer rights." The agreement on the formation of the Common economic space was signed on September 19, 2003 at the Yalta summit by the heads of Russia, Belarus and Kazakhstan [12. P. 56-57]. It provided for the development of a set of measures, the implementation of which required the conclusion of more than fifty contracts. The main principle of the CES operation was to ensure the freedom of movement of goods, services, capital and labor across the borders of the member states. To implement this principle, it was necessary to unify customs tariffs and form a common tariff established on the basis of an agreed methodology. Accordingly, in the second half of the 2000s, the activities of the IPA should have acquired more of an economic connotation, characteristic of the first stage of its operation in 1992-1998. In accordance with the long-term plan for model lawmaking in the CIS in 2005-2010, approved in April 2005, it was planned to develop more than 80 model legislative acts. But contrary to the above assumption, the sphere of military cooperation and security (15 acts) has occupied the first place in the CIS activities, the second place was occupied by the traditional sphere of social policy (14 acts), and the economic sphere was only the third (13 acts). The humanitarian sphere (12 acts), science and education (10 acts), and ecology and nature management (9 acts) are not far behind the economy [8. Pp. 212-213].

Thus, the analysis of the model legislation developed by the Assembly in 2005-2010 shows that the greatest importance was paid not to solving economic problems, but to fighting crime and ensuring collective security (the CSTO Parliamentary Assembly was officially registered in 2006). In the second half of the 2000s, the IPA CIS implemented a number of long-term plans for the development of cooperation between the member states in various fields of activity. In 2005-2010, there are programs of cooperation of the CIS member states in the fight against terrorism and violent manifestations of extremism, in 2008-2010 – an interstate program to combat crime, and a program to combat drug trafficking, in 2007-2010-a program of cooperation to combat illegal human trafficking, in 2006-2011 – programs of cooperation of the member states in countering illegal migration [12. Pp. 15-16].

And in the 2010s, the IPA CIS model legislative activity continued to maintain a certain bias towards anti-terrorist, migration and criminal legislation. For example, in 2012 the permanent MP CIS Commission on economy and finance took part in the preparation of 6 model bills, the standing committee on science and education prepared 11 model laws, and a permanent commission on defense and security joined the Commission on harmonization of legislation in the sphere of combating terrorism, crime and drug trafficking in the work on preparation of 14 acts. The reason for special attention to the migration legislation and the suppression of human trafficking and drug trafficking was a sharp increase in migration flows to the Russian Federation from the Central Asia states and Transcaucasia. At the 37th IPA plenary session, the Concept of the common migration space of the CIS member states was adopted on May 17, 2012 [5]. The document formulated the goals, objectives and principles of the CIS interstate migration policy, defined its main directions and established the functions of the CIS interstate infrastructure for the provision of migration services.

In 2013, the CIS IPA adopted the Interstate agreement on the joint information system of the member states for the protection from biohazards and the “Convention on the conservation of agrobiodiversity,” in 2014 – “Strategy for ensuring information security of the member states,” in 2015 – the CIS IPA developed draft model agreements “On the organized recruitment of citizens for temporary employment in the CIS” and “On information interaction in the field of migration,” in 2017 – the draft “CIS Convention on cooperation in the exploration and use of outer space for peaceful purposes” prepared by the IPA was approved (signed on September 28, 2018). As we can see, the legislative activity covers a very wide range of issues from ecology to migration policy, from border protection to space exploration. But at the same time, financial and economic policy, as we have seen, does not even occupy the second place, but only the third.

The perspective plan of the IPA CIS model legislation for 2016-2020 includes seven programs, and five of them are dedicated to combating crime and terrorism. These include programs to jointly combat crime (for 2014-2018), to combat terror-

ism and other violent manifestations of extremism (for 2014-2016 and 2017-2019), to combat drug trafficking (for 2014-2018), and to combat crimes committed with the use of information technology (for 2016-2020). Two more legislative packages were being developed in connection with the implementation of the Strategy for cooperation of the CIS states in building and developing the information society (until 2015) and the Action Plan for the implementation of the second stage of the CIS economic development Strategy (until 2020). You can see that in the framework of cooperation between the CIS countries about countering terrorism. Ten legislative acts and recommendations were developed for drug trafficking and criminal crime, only two laws were devoted to promoting the development of the information society (“On electronic government” and “On cross – border information exchange of electronic documents” in 2016), and only one law was devoted to the development of economic cooperation (“On the procedure for participation of local authorities in cross-border cooperation” in 2016). in addition to the traditional programs to combat terrorism (for 2017-2019 and 2020-2022), as well as information crimes (for 2016-2020), it includes only work on the implementation of the strategy “Health of the population of the CIS member states,” which so far involves the development of only one law (“On social advertising in the field of healthy lifestyle”). Thus, the long-term plans of the IPA CIS modal legislation for the last five-year period indicate a further narrowing of the range of legislative activity of the Assembly, focusing mainly on the cooperation of the CIS states in the field of countering terrorism and crime [7].

It should be noted that throughout the IPA CIS activities, the task of monitoring elections in the participating countries also remained an IT priority. A special Convention on the standards of democratic elections, electoral rights and freedoms of the Commonwealth member states was signed in Chisinau on October 7, 2002. The document recognizes such principles of electoral law as universality, equality of all citizens, frequency of elections, openness and transparency. According to the Convention, citizens should enjoy the right for secret vote without the possibility of “any influence, violence, threat of violence or other illegal action,” free access to information about candidates who have equal and fair conditions for registration [3]. In addition, a special body was established on February 10, 2006 to monitor the electoral process – the International Institute for monitoring the development of democracy, parliamentarism and respect for the electoral rights of citizens of the CIS IPA member states. Its main tasks, in addition to monitoring elections, are to train observers, compile experience in the development of democracy and exchange information on human rights. From 1994 to 2019 the IPA organized more than 100 trips of groups of observers to the elections in the CIS countries.

But in general, despite all the active legislative activity, the CIS IPA role in the political life of the CIS member states has been gradually decreasing over the past decade. First of all, during almost thirty-year of free navigation, the CIS members

have formed economic and political priorities far beyond the Commonwealth borders. A. D. Murzakulova quite rightly notes that despite an active legislative position the Assembly still has not realized the CIS main goal –formation of a single economic and legal space [9. P. 64-65]. The collapse of the idea to form a single economic space in the CIS territory quickly became obvious. By the end of the 1990s, the vast majority of the CIS countries had considerably diverged economically, preferring more profitable cooperation with foreign partners to the resumption of the Soviet economic ties, interrupted during the economic crisis at the turn of the 1980s and 1990s. As a result, two blocs were formed within CIS, one is focused on cooperation with Russia (CSTO, EurAsEC, CGRB) and another bloc preferred to focus on the West (GUAM). A. D. Murzakulova sees the main integration function of the CIS Interparliamentary institutions (which primarily include the CIS IPA and the CSTO PA) as the socialization of “post-Soviet parliamentarians in the process of their desire to join in the development of parliamentary democracy on their own model,” as well as building interstate relations between the post-Soviet countries [9. P. 66].

At the same time, the CIS interparliamentary institutions “perform the functions of a normative level without overcoming the real problems that stand in the way of the organization’s development.” This opinion is fully confirmed by our analysis of trends in the development of the IPA CIS inter-parliamentary cooperation. If at the first stages of activity in 1992-1998, the IPA paid the greatest attention to the development of economic partnership, the turning point was in 1999 (the withdrawal of three countries from the CSTO, on the one hand, and the aggravation of the situation in the North Caucasus, on the other) which led to the concentration of legislative activity of the Assembly mainly in the field of state security and the fight against terrorism. The result was the actual (and in 2006 – legal) registration of the CSTO Parliamentary Assembly, whose activities are aimed at harmonizing relations within this military-political union, which is very fragile, but extremely important for the existence of the CIS.

In the second half of the 2000s, due to the emergence of stable migration flows from the Central Asia and Transcaucasia to Russia, the issue of countering illegal migration, human trafficking and drug trafficking came to the fore in the IPA legislative activity. Since that time, for almost a decade and a half, the vector of legislative activity (the main one for the CIS IPA) has not changed much. Numerous real problems of community development remain excluded from the discussion of parliamentarians. The processes of economic convergence have slowed down significantly. It negatively affected the authority of the inter-parliamentary Assembly and has led to the curtailment of peacekeeping activities, which were very important for an increase of its prestige at the turn of the XX-XXI centuries. It’s typical that IPA practically did not react to the armed conflict in Eastern Ukraine which started in April 2014. The Parliamentary Assembly practically does not participate in the solution of real political problems in the territory of the

Commonwealth, the fact that can be explained by the weakness of Parliaments in almost all Commonwealth member countries and their strong dependence on the presidential power.

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