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## HISTORY OF GUAM

**O**rganization for Democracy and Economic Development - GUAM (hereinafter – GUAM) is an international regional organization which includes the Republic of Azerbaijan, Georgia, the Republic of Moldova and Ukraine.



GUAM originally was established as a Group of these four states on 10 October 1997 in Strasbourg, when the Presidents of Azerbaijan, Georgia, Moldova and Ukraine signed a Joint Communiqué.

In this Communiqué, the Presidents stressed the necessity of developing the quadrilateral cooperation for promoting stability and strengthening security in Europe on the basis of principles of sovereignty, territorial integrity, inviolability of state borders, democracy, rule of law and respect for human rights. The Presidents also emphasized the importance of cooperation between the four nations in establishing a Eurasian, Trans-Caucasus transportation corridor, considering joint actions taken in this direction a sound foundation for fostering friendship and cooperation, goodneighborly relations and full utilization of existing economic opportunities.

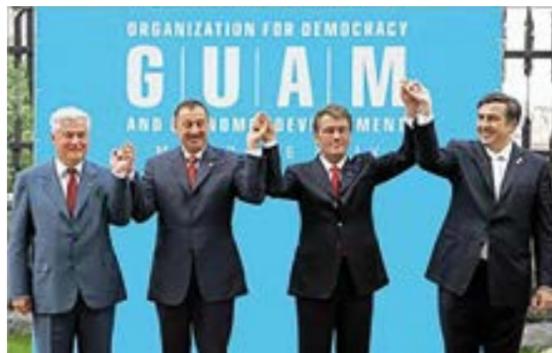
On April 24, 1999, the meeting of the GUAM Presidents and Uzbekistan took place during the high-level meeting of the Euro-Atlantic Partnership Council in Washington. The Association after the accession of Uzbekistan was transformed into the GUUAM. In 2002, Uzbekistan announced the suspension of its participation, and in 2005 – the withdrawal from the Association.

On November 6, 2000, the meeting of the GUUAM Presidents held during the 55<sup>th</sup> session of the UN General Assembly in New York resulted in the adoption of the New York Memorandum given the GUUAM cooperation a multi-level nature. The Presidents decided to hold regular Summits of Heads of State and meetings of the GUUAM Foreign Ministers, as well as to create a working body – the Committee of National Coordinators.

The first GUAM Summit, which took place on 7 June 2001 in Yalta, became a crucial event in its formation and institutionalization as an international structure. Yalta Charter of GUAM, signed by the Presidents, determined the purposes, principles and directions of cooperation among the participating states.

The main purposes of cooperation are formulated in Yalta Charter as follows: promoting social and economic development; strengthening and expanding trade and economic relations; development and effective usage of the transport and communication arteries in the interests of the GUAM states with its corresponding infrastructure located in their territories; strengthening of regional security; developing relations in the science and culture and in the humanitarian spheres; cooperation within international organizations; combating international terrorism, organized crime and drug trafficking.

Fundamentals of the GUAM organizational structure, as laid down in the Charter, have fixed the existing mechanisms of cooperation among the Member States, which proved its efficiency in practice. According



to the Yalta Charter, annual meeting of the Heads of the GUAM participating states (supreme body), Council of Ministers of Foreign Affairs (executive body) and Committee of National Coordinators (working body), were the main bodies of the Organization.

Coordination of cooperation between GUAM Member States on the branch level was laid upon seven working groups: for energy; transport; trade and economic development; information

technologies and telecommunication; culture, science and education; tourism; combating terrorism, organized crime and drug trafficking.

The decision on creation of the GUAM Information Office in Kyiv to carry out the functions of the Secretariat of the Organization was adopted as well.

More than 20 multilateral agreements were concluded within GUAM. These documents serve as a legal basis for the establishment of a free trade zone as well as cooperation between the transport, law enforcement, border and customs authorities etc.

With the purpose of better utilization of the existing business opportunities was established also the GUAM Business Council.

On 23 September 2004, the parliaments of the GUAM Member States declared the establishment of the GUAM Parliamentary Assembly to provide legislative support for the development of the Organization.

The GUAM Member States actively cooperate within international organizations, first of all within the UN and OSCE. They adhere to common positions on many important issues of international policy. In 2003, GUAM has been granted an observer status in the UN General Assembly. At the initiative of the GUAM Member States, the item entitled "Protracted conflicts in the GUAM area and their implications for international peace, security and development" was included into the agenda of the 61<sup>st</sup> session of the UN General Assembly.

The Chisinau Summit of 2005 demonstrated the shared views of the countries on democratization of society, European integration, economic development, stability and security in the region. The Heads of State expressed their common position with regard to the necessity of transformation of GUAM into international organization to be directed at strengthening democracy and providing for stability and sustainable development in the region.

This decision of the GUAM Heads of State was implemented at the next Summit, held on 22-23 May 2006 in Kyiv. Following their decisions, taken at the Chisinau Summit, the GUAM Heads of State declared the establishment of the Organization for democracy and economic development – GUAM, and adopted its Charter.

According to the Charter, the structure of the newly created organization includes the Council and the Secretary. The Council is the main body of the Organization which carries out its work on the level of the Heads of State (Summit), Ministers of Foreign Affairs, National Coordinators and Permanent Representatives. The Secretariat provides organizational and technical support for GUAM activities and functions under the direction of the Secretary General. The place of activity of the Secretariat and the Depository of GUAM is the city of Kyiv. During the Summit the Ministers of Foreign Affairs approved the Rules of Procedure, Provision on the Secretariat and Financial Provisions of GUAM.

At the Kyiv Summit the Heads of State expressed their confidence that the establishment of the Organization for democracy and economic development – GUAM would ensure achievement of the set purposes and enable to deepen and enhance cooperation of its Member States. They also stressed that the priorities of the future Organization would consist of strengthening of the democratic values, rule of law, human rights and freedoms, stability and security, combating international terrorism, aggressive separatism, extremism and transnational organized crime, deepening of the European integration and achievement of sustainable development and well-being of their peoples.

The Heads of State emphasized in particular that GUAM is an open organization, and any state, sharing its purposes and principles, may join it. They also adopted the Decision concerning the GUAM's partnership with the interested states and international organizations, and approved the relevant provisions.

GUAM Member States cooperate at the level of international organizations, in particular, the UN and the OSCE. GUAM was granted observer status in the UN General Assembly in 2003.

Furthermore the GUAM develops its cooperation with the third countries, including US, Japan, Bulgaria, Romania, Hungary and Baltic states. A number of joint projects were implemented in the sphere of security and combating crime with the expert assistance of the aforementioned countries.

## ORGANIZATIONAL STRUCTURE

### *The Organization consists of the following main institutions:*

- Council of Heads of States
- Council of Ministers for Foreign Affairs
- Council of Permanent Representatives
- Council of National Coordinators
- Parliamentary Assembly
- GUAM Business Council

The GUAM Council is the supreme body of the Organization. The Council works at the level of heads of State (Summit), foreign ministers, national coordinators, and permanent representatives. Permanent or provisional working and subsidiary bodies may be set up, as well as meetings of representatives of ministries and/or departments concerned may be held upon Council's decision.

The Secretariat ensures organizational and technical support for GUAM operation and works under the authority of the Secretary-General. The GUAM Secretariat is located in the city of Kyiv.

### *GUAM Working Groups and Subgroups are the following:*

- Working Group on Economy and Trade
- Working Group on Transport
- Working Group on Energy
- Working Group on Information Technologies
- Working Group on Coordination on Combating Crime
- Working Subgroup on Combating Trafficking in Persons and Illegal Migration
- Working Subgroup on Combating Drug Trafficking
- Working Subgroup on Combating Terrorism
- Working Subgroup on Combating Corruption and Money Laundering
- Working Subgroup on Legal Statistics
- Working Group on Civil Emergency
- Working Group on Cyber Security
- Working Group on Science and Education
- Working Group on Culture and Tourism
- Working Group on Youth and Sports

### *Other sectorial cooperation mechanisms:*

- Joint Meetings of the Working Groups on Economic Cooperation
- Joint Meetings of the Working Groups on Law-Enforcement and Security Cooperation
- Joint Meetings of the Working Groups on Humanitarian Cooperation
- Working Meetings of the Heads of Body Guard Authorities
- Meetings of the Heads of Customs Authorities
- Consular Services Multilateral Negotiations
- Virtual Law Enforcement Center (VLEC) on Combating Terrorism, Organized Crime, Drug Trafficking and Other Dangerous Types of Crime
- Inter-State Information-Analytic (Management) System (IMS)
- Meetings of the Representatives of National Inter-Agency Group (NIAG)
- GUAM Project on Trade and Transport Facilitation (TTF) Steering Committee

## LEGAL FRAMEWORK

### **Joint Communiqué of the Meeting of the Presidents of Azerbaijan, Georgia, Moldova and Ukraine**

*10 October 1997, Strasbourg, France*

On October 10, 1997 the Presidents of Azerbaijan, Georgia, Moldova and Ukraine held a joint meeting where they addressed the issues of mutual interest including bilateral and regional cooperation, European and regional security, political and economic contacts.

During the meeting, the Presidents stressed the importance of the four nations cooperation in establishing a Euroasian, Trans-Caucasus transportation corridor, considering joint actions taken in this direction a sound foundation for fostering friendship and cooperation, good-neighborly relations and full utilization of existing economic opportunities.

In this context, the need to use the possibilities of other regional organizations and initiatives was acknowledged. The Presidents supported the Ukraine's initiative to host in Crimea in 1999 a summit of the Black Sea and Baltic states' leaders.

The Presidents underscored the need for strengthening quadrilateral cooperation for the sake of a stable and secure Europe guided by the principles of respect for sovereignty, territorial integrity, inviolability of state frontiers, mutual respect, cooperation, democracy, supremacy of law, and respect for human rights. Leaders of the four nations were unanimous in assessing threats and risk for the European, as well as for the regional securities. They agreed that the process of integration into Trans-Atlantic and European structures could to a considerable extent reduce these threats and risks.

In this connection, they underlined the prospects of the four nations cooperation within the framework of the OSCE, other European and Atlantic structures, including the recently established Euro-Atlantic Partnership Council and the Partnership for Peace NATO Program.

The Presidents of the four states agreed that such cooperation, as well as the development of a distinctive partnership, like that envisaged in the Charter on a Distinctive Partnership between NATO and Ukraine, could become an important element in strengthening stability, and serve as the basis for relationship and further development of cooperation between NATO and other countries in the region. Azerbaijan, Georgia, Moldova and Ukraine will undertake joint efforts in order to overcome the difficulties that Europe faces on the threshold of the 21<sup>st</sup> century.

Having expressed their concern with respect to the long-standing conflicts in Europe, the heads of the four states supported a prompt and peaceful settlement of the unresolved problems.

The President unanimously upheld the need for combating aggressive nationalism, separatism, and international terrorism.

The Presidents agreed to continue on various levels the quadrilateral dialogue regarding the aforementioned issues.

## Final Communiqué of the Yalta GUUAM Summit

7 June 2001, Yalta, Ukraine

On 6 and 7 June 2001, the Summit of the Presidents of the Republic of Azerbaijan, Georgia, the Republic of Moldova, the Republic of Uzbekistan and Ukraine was held in Yalta, Ukraine. Within the framework of the Summit the status and prospects of cooperation within the GUUAM were discussed.

Taking into account their traditional historical ties, the Heads of State reaffirmed their readiness to fulfill further their previously adopted decisions regarding the interaction of their countries in all spheres of mutual interest.

A discussion was held concerning issues connected with the development, effective functioning and assurance of the security of the transport infrastructure in the territories of the GUUAM member States, including the Europe-Caucasus-Asia Transport Corridor (TRACECA).

The parties condemned all forms and kinds of separatism, nationalism, extremism and terrorism. They reaffirmed their adherence to the peaceful settlement of conflicts on the basis of generally accepted norms and principles of international law, in particular, the respect for sovereignty, independence, territorial integrity and non-interference in the domestic affairs of the member States.

As a result of the Summit the Yalta GUUAM Charter and the Convention on Rendering Mutual Assistance in Consular Matters were signed. The Heads of State stressed the importance of completing the preparation of the Agreement on the Establishment of the GUUAM Free Trade Area, with a view to its signing.

The Yalta GUUAM Charter fixes the principal directions of the forum, defines the objectives and principles of multilateral cooperation and establishes the format and periodicity of the meetings of the Heads of State of the member States. The further strengthening of relations shall advance the development of interaction among the GUUAM member States and promote cooperation in the political, trade and economic, humanitarian and other spheres of mutual interest.

The Convention on Rendering Mutual Assistance in Consular Matters lays down the legal basis for interaction in the sphere of the protection of the rights and interests of individuals and legal entities of GUUAM member States in the territories of third countries.

The Presidents issued an instruction on the fulfillment of the Future Plan of Work adopted by the Foreign Ministers in November 2000, the preparation of the regulations for the GUUAM Information Office in Kyiv and the steps in its inauguration, and also for drawing up the document on the status of observers in GUUAM.

The parties agreed that the Governmental Economic Forum of the GUUAM States would be held in the Republic of Uzbekistan in 2001 and that the representatives of interested international organizations would be invited to participate in it.

The Yalta GUUAM Summit laid down the foundations for a deeper cooperation among the GUUAM member States. Implementation of the decisions of the GUUAM Summit shall promote further interaction and all-round cooperation among the Republic of Azerbaijan, Georgia, the Republic of Moldova, the Republic of Uzbekistan and Ukraine.

An agreement was reached to hold the next GUUAM Summit at Yalta, Ukraine in 2002.

## Final Communiqué of the Kyiv GUAM Summit

23 May 2006, Kyiv, Ukraine

On 23 May 2006 Presidents of the Republic of Azerbaijan, Georgia, the Republic of Moldova and Ukraine took part at the GUAM Summit in Kyiv (Ukraine). Presidents of Lithuania and Poland, Vice-President of Bulgaria, and high-level representatives of Romania, Kazakhstan, the USA and also, of international organizations, such as the OSCE, BSEC and diplomatic missions, participated in the Summit as guests.

The Heads of State expressed gratitude to President Vladimir Voronin for the successful chairmanship of Moldova in the GUAM during the preceding period. In accordance with the decision of the Summit, Ukraine has taken over the chairmanship.

The Heads of GUAM States reviewed the implementation of the decisions adopted at the 2005 Chisinau Summit, perspectives of development of interaction in the context of ensuring democracy, stability and development in the region, cooperation in the spheres of economy, energy, trade, transport and security, and also, development of cooperation with other States and international organizations.

The Heads of GUAM States emphasized with satisfaction that over the last year the necessary mechanisms have been created to ensure successful cooperation, thus enabling to step into a new stage of cooperation with involvement of other states and international organizations. They reaffirmed determination of their countries to take consistent and consolidated efforts to implement decisions of the Chisinau Declaration “In the name of democracy, stability and development”.

The Heads of State noted the high level of cooperation within the Parliamentary Assembly of GUAM and called the Assembly to actively contribute to the institutional consolidation of the Organization for Democracy and Economic Cooperation – GUAM.

They stressed importance of regular meetings of the secretaries of councils of national security and defense with the purpose of preparation of proposals for cooperation in the spheres of security and economy.

The participants of the Summit paid special attention to challenges and threats of modern time: international terrorism, aggressive separatism and extremism, and transnational organized crime.

It was emphasized that these threats, as well as unresolved conflicts and illegal presence of foreign troops and armaments in GUAM States are recognized as main obstacles on the way to full-scale democratic transformations and economic development in the region.

The participants of the meeting reviewed the processes of settlement of conflicts in GUAM States since the time of the Chisinau Summit.

They noticed positive shifts in the implementation of step-by-step Plan of settlement of the Transnistrian conflict “To settlement through democracy”, presented at the Chisinau Summit, including continuation of negotiation process with participation of USA and EU. They positively assessed the EU Mission activities related to the provision of assistance on the Ukrainian-Moldovan state border.

The Heads of State gave high appraisal and stressed the necessity to implement the Plan of peaceful settlement of the conflict in Tskhinvali region/South Osetia, Georgia, presented by Georgia and supported by the OSCE Council of Ministers in Ljubljana on 5 December 2005. Signing of the agreements between Georgia and the Russian Federation on the terms of withdrawal of the Russian military bases and transit of the armaments subject to withdrawal was mentioned with satisfaction.

The Heads of State called for implementation of the UNSC resolutions regarding the conflict in and around the Nagorno-Karabakh region of the Republic of Azerbaijan and of the principles of settlement of this conflict, elaborated at the OSCE Lisbon Summit. A hope for effective continuation of the negotiation process based on the above mentioned documents was expressed.

The Heads of State decided to enhance interaction with the view to intensify the processes of settlement of conflicts and adopted a Joint Declaration on these issues.

The participants of the Summit highly assessed the level of interaction in combating terrorism, organized crime, drug trafficking and other dangerous types of crimes. They welcomed the Joint Statement of the law enforcement authorities of the GUAM Member States as a result of the meeting in Kyiv on 22 May 2006, and signing by the Heads of Border Services of the Protocol Concerning Cooperation Between Operation Bodies of Border Services of the GUAM States in the framework of the Summit.

The Heads of State welcomed the start of implementation of the Trade and Transport Facilitation Project (TTFP) and the establishment of the Virtual Center for combating terrorism and the Interstate Information Management System (VC/IIMS) Project, implemented with support of a Euroatlantic Advisory Team and the SECI Center. They also welcome the beginning of implementation of the Agreement on Free Trade Area.

The Heads of State expressed their appreciation to the US Government for effective assistance in implementation of the said projects and other programs within the GUAM. They welcomed adoption of the GUAM-United States Joint Statement at the Summit and pointed out the necessity to interact in the implementation of these projects.

The importance of development of mutually beneficial contacts between GUAM and the European Union, and also, with regional organizations, programs and initiatives, such as the BSEC, the Stability Pact for South Eastern Europe, the Visegrad Group, the South Eastern European Cooperative Initiative (SECI) and others, was stressed.

The perspective of further cooperation of GUAM States in the UN and OSCE was underlined, and necessity to use this experience in other international organizations was emphasized. They welcomed adoption of GUAM action plans for cooperation within the UN and OSCE.

The Heads of State underscored the importance of development of cooperation in the humanitarian sphere, including culture, education, health care, youth exchange, tourism and sports. They also welcomed signing of the Agreement between the Ministries of Foreign Affairs of the GUAM States for training of diplomatic representatives.

Following their decisions, adopted at the Chisinau Summit, the GUAM Heads of State declared the establishment of the Organization for Democracy and Economic Development – GUAM and signed its Charter.

The Heads of State expressed their confidence that the establishment of the Organization for Democracy and Economic Development – GUAM will ensure achievement of the set purposes and enable to deepen and enhance cooperation of its Member States.

They stressed that the priorities of the future Organization shall be strengthening of the values of democracy, the rule of law, human rights and freedoms, stability and security, combating international terrorism, aggressive separatism, extremism and transnational organized crime, deepening of the European integration and achievement of sustainable development and well-being of their peoples.

The Heads of State particularly emphasized that GUAM is open organization, and any state, sharing its purposes and principles, may join it. They also adopted the Decision concerning the GUAM's partnership with the interested states and international organizations, and approved the relevant provisions.

## GUAM Charter

The GUAM Group Participating States – the Republic of Azerbaijan, Georgia, the Republic of Moldova and Ukraine, hereinafter referred to as the “Parties”,

*Guided by* generally recognized norms and principles of international law concerning the maintenance of peace, security, the development of good neighbourly and friendly relations among the states, in particular the provisions of the Charter of the United Nations, the Helsinki Final Act, the Paris Charter for New Europe and the Charter for European Security of the Organization for Security and Cooperation in Europe,

*Reaffirming* adherence to the purposes and principles of cooperation defined in the GUUAM Yalta Charter of 7 June 2001 and other fundamental documents adopted within the Group,

*Aimed at* implementing the provisions of the Chisinau Declaration “In the Name of Democracy, Stability and Development” of 22 April 2005,

*Reiterating* adherence to the democratic norms and values and determination to further proceed on the path of European integration,

*Expressing* deep concern with regard to the unsettled protracted conflicts and increasing security threats, including those originating from conflict zones, in particular, threats of international terrorism, aggressive separatism and extremism and other dangerous phenomena related to them,

*Emphasizing* the increasing role of regional cooperation based on mutual respect of sovereign rights of states in the pan-European processes, and underlining that such cooperation promotes the development of democracy with the purpose of strengthening security and stability, economic development, cultural and social prosperity,

*Expressing* desire to promote democratic values in all spheres of activities of the state and society, respect fully human rights, strengthen the spirit of confidence and tolerance, ensure supremacy of the rule of law both in internal and international affairs,

*Based on* historically developed relations of their peoples,

*Aspiring to* further deepening of comprehensive cooperation,

*Believing* that their cooperation is entering a qualitatively new stage,

*Have agreed* to transform GUAM Group into an international regional organization – “Organization for Democracy and Economic Development – GUAM,” hereinafter referred to as “GUAM”, and, to this end, adopted the present Charter.

## Chapter I

### PURPOSES AND PRINCIPLES OF COOPERATION

#### Article 1

The main purposes of GUAM are:

- promoting democratic values, ensuring rule of law and respect of human rights;
- ensuring sustainable development;
- strengthening international and regional security and stability;
- deepening European integration for the establishment of common security space, and expansion of cooperation in economic and humanitarian spheres;
- development of social and economic, transport, energy, scientific and technical, and humanitarian potential of the Parties;
- intensification of political interaction and practical cooperation in the fields of mutual interest.

#### Article 2

In order to achieve these purposes, the Parties shall develop mutually beneficial cooperation, guided by the principles of respect for sovereignty and territorial integrity of the states, inviolability of their internationally-recognized borders and non-interference in their internal affairs and other universally recognized principles and norms of international law.

## Chapter II

### STRUCTURE OF ORGANIZATION

#### Article 3

1. Structure of GUAM includes:

- a. Council;
- b. Secretariat.

2. The Council is the main body of Organization which carries out its work on the level of the Heads of State (summit), the Ministers for Foreign Affairs, National Coordinators and Permanent Representatives.

3. The functions, competences and working order of the Council are defined by the present Charter and the GUAM Rules of Procedure.

4. The functions and working order of the Secretariat are defined by the present Charter, Financial Regulations, Rules of Procedure and the Provision on Secretariat.

5. By decision of the Council of Ministers for Foreign Affairs (CMFA), working and ad hoc bodies may be established on a permanent or temporary basis, as well as meetings of representatives of corresponding ministries and/or agencies of the Parties may be conducted.

#### *Article 4*

1. The Council of the Heads of State (CHS):
  - a. defines priorities and works out main directions of the GUAM activities;
  - b. decides on principal issues of its internal structure and functioning and its interaction with other states and international organizations;
  - c. decides on membership in GUAM and granting observer or partner status;
  - d. addresses the most pressing international issues and takes corresponding decisions and recommendations.
2. The Council of the Heads of State conducts its sessions, as a rule, once a year.

#### *Article 5*

1. The CMFA:
  - a. ensures the implementation of decisions and recommendations adopted by the CHS;
  - b. holds consultations in the field of foreign policy on the issues of mutual interest;
  - c. establishes and defines functions and order of work of GUAM working and ad hoc bodies for implementation of concrete task;
  - d. considers and takes decisions on current issues of GUAM activities;
  - e. adopts GUAM budget for the next year;
  - f. considers a draft of the CHS agenda;
  - g. considers and takes decisions on other issues envisaged by the present Charter.
2. The CMFA conducts its sessions, as a rule, twice a year.

#### *Article 6*

1. The Council of National Coordinators (CNC) ensures interaction within GUAM, preparation of the CHS and CMFA sessions. National coordinators are designated by the Ministers for Foreign Affairs of the Parties.
2. The CNC conducts its sessions, as a rule, four times a year.

#### *Article 7*

1. The Council of Permanent Representatives (CPR) carries out its work on a permanent basis, in order to facilitate GUAM activities and, in particular:
  - a. reviews progress in implementation of the Councils' decisions adopted at higher level;
  - b. considers and agrees upon draft agenda, decisions and other documents to be adopted during the sessions of the Council of higher level;
  - c. takes part in preparing and conducting sessions of the Council of higher level;
  - d. adopts decisions within its competence on the issues of GUAM activities.
2. The CPR consists of permanent representatives of the Parties with permanent accreditation to GUAM in accordance with location of the Secretariat.

#### *Article 8*

1. The Secretariat provides organizational and technical support for GUAM activities, guided by the provisions of present Charter and Council's decisions.
2. The Secretariat functions under supervision of the Secretary General.
3. The Secretariat staff act as international officials.
4. The Secretary General and staff of the Secretariat represent GUAM while executing his/her duties. They are not entitled to request or receive instructions from a Party or a body beyond the framework of GUAM, which may prevent them from fulfilment of their international mission.
5. The Secretariat prepares and presents to the Council annual reports on its and GUAM activities for approval by the CMFA.
6. The city of Kyiv is the seat of GUAM Secretariat.

## Chapter III

### GENERAL PROVISIONS

#### *Article 9*

GUAM is a subject of international law.

#### *Article 10*

1. The Chairmanship in GUAM is held by one of the Parties, as a rule, for one year term, based on the principle of rotation in accordance with the names of the Member States in the order of English alphabet.
2. The Party holding Chairmanship ensures proper functioning of GUAM in accordance with the present Charter and decisions of the Council, coordinates all activities carried out within GUAM as well as ensures implementation of adopted decisions.

#### *Article 11*

1. GUAM has its own budget which is formed and implemented in accordance with the Financial Provisions of GUAM. The budget is adopted by the CMFA decision.
2. Expenses technical related to organizational and technical support of events within GUAM are covered by the receiving Party.

#### *Article 12*

1. Decisions in GUAM bodies shall be adopted with participation of all Parties on the basis of consensus by achieving agreement without voting.
2. Decisions enter into force from the date of their adoption, unless other procedures are envisaged therein.

#### *Article 13*

1. GUAM is open for accession of other states, which commit to respect the provisions of the present Charter as well as the 2001 Yalta Charter of GUUAM and the 2005 Chisinau Declaration of GUAM Heads of State "In the Name of Democracy, Stability and Development".
2. The decision on adoption of a new member to GUAM shall be taken by consensus at the GUAM CHS upon recommendation by the CMFA following an official request of an interested state addressed to the Party holding the Chairmanship.
3. Membership in GUAM of a state, which violates the provisions of the present Charter and/or systematically fails to fulfil obligations taken under the international treaties and documents concluded

within GUAM, may be suspended by the decision of the CHS, upon recommendation of the CMFA, to be adopted by "consensus minus one" principle. If this state continues to violate its obligations, the CHS may adopt decision on termination of its membership in GUAM as of the date, which shall be defined by the CHS. Membership in GUAM may be restored by decision of the CHS upon recommendation by the CMFA.

4. Each Party shall have the right to withdraw its membership in GUAM by sending the Party holding the Chairmanship an official notification in writing not later than twelve months prior to the date of withdrawal.

#### *Article 14*

1. Based on agreement of all the Parties, GUAM may enter into dialogue and interact with other states and international organizations.
2. GUAM may establish and develop partner relations and grant a status of observer to the states and international organizations which express an interest in cooperation with GUAM and share the purposes and principles of the present Charter. The order and procedure for establishing such relations and granting such a status are defined by decisions of the CHS and the Rules of Procedure.

#### *Article 15*

The Parties designate their Permanent Representatives to GUAM in accordance with their national legislation. The Permanent Representatives of the Parties have a status of diplomatic staff in accordance with the 1961 Vienna Convention on Diplomatic Relations.

#### *Article 16*

1. GUAM enjoys such privileges and immunities on the territory of all Parties which are necessary for exercising its functions and achieving the GUAM purposes.
2. The scope of such privileges and immunities is to be defined in a separate international treaty.

#### *Article 17*

English and Russian are official and working languages of GUAM.

#### *Article 18*

Ukraine is the depositary of the present Charter.

## Chapter IV

### FINAL PROVISIONS

#### *Article 19*

1. The present Charter is concluded for an indefinite term.
2. The present Charter is to be applied provisionally as of the date of its signature and shall enter into force as of the date of receipt by the depositary of the last written notification on fulfilment by the Parties of all internal procedures, necessary for its entry into force.

#### *Article 20*

1. After its entry into force, the present Charter shall be open for accession of the states on membership of which in GUAM the decision of the CHS is taken.
2. For the acceding state, the present Charter shall enter into force as of the date of receipt, by the depositary, of official written notification on fulfilment by the acceding state of all internal procedures, necessary for its entry into force.

#### *Article 21*

Amendments and additions may be introduced into the present Charter by mutual consent of the Parties by means of separate protocols, being an integral part of the present Charter and shall enter into force according to the order envisaged by Article 19 of the present Charter.

#### *Article 22*

In case of disputes over interpretation or application of the present Charter, the Parties shall settle them through consultations and negotiations.

#### *Article 23*

No reservations may be made to the present Charter.

#### *Article 24*

The present Charter shall be subject to registration in the UN Secretariat in accordance with Article 102 of the Charter of the United Nations.

Done at Kyiv on 23 May 2006 in one copy in English and Russian languages, both texts being equally authentic.

In case of divergences in the interpretation of provisions of the present Charter, the English text shall prevail.

## Rules of Procedure of GUAM

The present Rules of procedure regulate activities of bodies of the Organization for Democracy and Economic Development – GUAM (hereinafter referred to as GUAM).

#### *Article 1*

##### Regular meetings of the Council

1. The frequency of meetings of the Council and its authority at all levels are determined by the Statute of GUAM.
2. Place and date of the next regular meeting of the Council shall be determined at the end of each meeting, as a rule. If this has not been done, the next meeting shall be agreed upon by the Party holding the Chairmanship.
3. Place and date of meetings of the Council of Heads of States (CHS) shall be agreed upon, as a rule, 60 days prior to the meeting, of the Council of Ministers of Foreign Affairs (CMFA) 30 days and of the Council of National Coordinators (CNC) 15 days prior to the meeting. Meetings of the Council of Permanent Representatives (CPR) shall be held as needed.

#### *Article 2*

##### Extraordinary meetings of the Council

1. If necessary, the Party holding the Chairmanship shall summon extraordinary meetings of the Council through the Secretariat at the request of one or more Member States of GUAM and based on the consensus thereupon.
2. Place and date of extraordinary meetings of CHS shall be agreed upon 30 days prior to the meeting, of the CMFA 15 days and of the CNC 10 days prior to the meeting.
3. The information about place and date of an extraordinary meeting shall be distributed among the Member States through the Secretariat.

#### *Article 3*

##### Agenda of Meeting

1. The Party holding the Chairmanship shall prepare draft agenda of regular and extraordinary meetings of the Council in accordance with its decisions, The Secretariat shall issue and distribute them among the Member States.
2. Proposals to make amendments to a draft agenda of a regular meeting shall be sent to the Party holding the Chairmanship not later than five days prior to the meeting.

- When reviewing a draft agenda during a meeting of the Council each Party may propose to include a new item therein.

Within three working days after a meeting of the Council, the Secretariat shall send out the documents adopted at the meeting to the Member States.

#### **Article 4**

##### Chairmanship

- Chairmanship in the GUAM shall be exercised by one of the Parties in accordance with Article 10 of the Charter of GUAM.
- Transfer of chairmanship shall take place at a regular meeting of the CHS.

#### **Article 5**

##### Functions of Chairperson

- The functions of a Chairperson at a meeting shall include the following:
  - to open, conduct and close meetings;
  - to present draft agenda and program of work for consideration and approval at the beginning of a meeting;
  - to determine the order of interventions and give the floor;
  - to request the necessary information from Secretariat;
  - to agree upon the draft documents and proposals envisaged in the agenda and submit them to the Council for approval.
- At the proposal of the Party holding the Chairmanship, the relevant body may take a decision to have a meeting conducted by a representative of another Party, as a rule, by the Party that shall assume chairmanship in the following period.

#### **Article 6**

##### Meetings

- Representatives of the Member States shall participate in meetings of the Council and other bodies of GUAM.
- By consent of all Parties, representatives of other states and international organizations may be invited to participate in meetings.

#### **Article 7**

##### Partnership relations and observer status

- A decision to establish partnership relations or grant an observer status in the GUAM to interested states and international organizations shall be taken by the CHS on the basis of Article 14 of the Charter of GUAM.
- Request of interested states and international organizations for establishment of partnership relations or obtaining the status of observer in the GUAM shall be sent to the Party holding the Chairmanship.
- The Party holding the Chairmanship shall conduct relevant consultations with the GUAM Member States and submit this issue for consideration of the Council upon their common consent.

#### **Article 8**

##### Expenditures for participation in the events

The expenditures related to participation of delegations of the Member States in GUAM events shall be covered, as a rule, by sending Parties.

#### **Article 9**

##### Entry into force

The present Rules of procedure and the order of their entry into force shall be approved by decision of the CMFA.

#### **Article 10**

##### Changes and amendments

Changes and amendments to the present Rules of procedure shall be made by decision of the CMFA.

## GUAM Secretariat Provision

### Article 1

The present Provision shall establish the procedure for functioning of the Secretariat of GUAM (hereinafter referred to as Secretariat), and also, the rules, principles and procedure for the appointment of its personnel.

### Article 2

1. In its activities the Secretariat shall be guided by the Charter, the Rules of procedure, the Financial provisions of the GUAM and the present Provision.
2. The objective of Secretariat is to provide organizational and technical support for the GUAM activities.
3. Functions of the Secretariat shall include the following:
  - a. to prepare and present draft documents of GUAM in accordance with the Council decisions and instructions of the Party holding the Chairmanship;
  - b. to distribute the documents received from the Member States of GUAM;
  - c. to maintain the correspondence related to the Secretariat activities;
  - d. to maintain the archives and web-page of GUAM;
  - e. to provide an organizational and technical support for the GUAM events and participate therein;
  - f. to provide as necessary information on the GUAM activities to the Member States of GUAM as well as to other states and organizations;
  - g. to submit to the Council a report on its activities (except of a report on financial performance, which is provided on a quarterly basis), with reflecting in its structure and content of the relevant functions of the Secretariat, generally, in the period between next Summits, as the results of GUAM Chairmanship by respective member state;
  - h. to facilitate the development and implementation of projects and programs of GUAM cooperation;
  - i. to conduct relevant consultations with the Member States, partners, observers, the Parliamentary Assembly and Business Council;
  - k. to exercise other functions in accordance with the instructions of the Council.
4. The Secretariat shall not interfere with the policy issues of the Member States of GUAM. The Member States of GUAM shall exert no pressure upon the Secretariat in performing its objectives and functions.

5. Decisions on all issues of the Secretariat activities, including the appointment of international officials to their positions, approval of the budget and reporting of the Secretariat shall be taken by the CMFA.

6. The Secretariat communication with the members of the Council and transmission of correspondence and other materials related to the activities of the Organization shall be performed through the Permanent Representatives of the Member States of GUAM.

### Article 3

1. The Staff of the Secretariat consists of international officials and administrative-technical employees.
2. The international officials include the Secretary General and three Program Coordinators. The Secretary General and the Program Coordinators shall be appointed on the basis of the principle of rotation for four and three years term, correspondingly.
3. In the absence of the Secretary General, his/her functions shall be temporarily exercised by one of the Program Coordinators, as appointed by the Secretary General.
4. The administrative-technical part of the Staff of the Secretariat, which are appointed by the Secretary General, includes an assistant-secretary, an archivist, an accountant, a driver/supply clerk.

### Article 4

1. The international officials shall perform their duties exclusively in the interests of achievement of the purposes of GUAM.
2. The international officials shall perform their work under the guidance of the Secretary General and be accountable to him/her in performing their duties. Each GUAM Member State shall respect the international character of these responsibilities and refrain from attempts to influence a representative of the Secretariat in the discharge of his/her duties.
3. Activities of the international officials assigned by their national authorities shall have by no means a negative effect on their professional status and career advancement in their country upon expiration of the term of their assignment.
4. Staff of the Secretariat shall be at Secretary General's disposal during the entire working day. The Secretary General shall establish the number of working days per week and working hours per day. For full-time employees, a working week shall be comprised, as a rule, of five working days, from Monday to Friday, and eight hours per day. The Secretary General may engage the employees, if necessary, in work in excess of regular days/hours.

**Article 5**

1. To have the Secretariat perform its functions effectively, the Secretary General may distribute or redistribute responsibilities of the administrative-technical part of the Staff, taking into account education, competence and other qualities of its employees.
2. The Council may, by its decision, introduce new or terminate the existing positions. A position may be terminated only upon expiration of the terms of office of the working international official.

**Article 6**

1. The Secretary General is a chief administrative person of the Secretariat, responsible for the fulfillment of the objectives and functions of the Secretariat, as determined in Article 2.
2. Responsibilities of the Secretary General include also the following:
  - a. to distribute duties of the Staff of the Secretariat and control their fulfillment;
  - b. to control financial and logistical activities, operational management of resources and other assets of the Secretariat within the limits of the approved budget;
  - c. to submit report on these activities to the Council.
3. The Program Coordinators are responsible for the directions of GUAM activities in accordance with distribution of responsibilities in the Secretariat.
4. The Secretary General and other international officials take part in meetings of the Council without a right to vote.

**Article 7**

1. The candidates for positions in the Secretariat shall be only the citizens of the Member States of GUAM.
2. While appointing the international officials to the positions, the candidate's professionalism and the principle of equal representation of the Member States in the Secretariat on the basis of a rotation principle shall be taken into account.
3. While appointing the international officials to the positions in the Secretariat, the following procedure shall be applied:
  - a. the Secretariat shall announce vacancies minimum twelve months prior to expiration of the term of assignment of an appropriate member of the Staff;
  - b. the Secretariat shall distribute among the Member States of GUAM the notifications on nomination of their candidates received from the Member States;
  - c. the CMFA shall take the decision on the appointment of the candidates.

4. While appointing the administrative-technical employees, the following procedure shall be applied:
  - a. the Secretary General shall announce the competition on the vacancies;
  - b. a candidate shall fill in and submit an appropriate form to the Secretariat;
  - c. the Secretary General, based on evaluation of the qualities and experience of all candidates and in consultation with the international officials, shall take a decision regarding the employment of a corresponding employee and conclude a contract with him/her for a two year term. Upon its expiration, the contract may be extended for the next two year term.

**Article 8**

The activities of the Secretariat and its Staff shall be financed from the budgetary sources in accordance with the approved estimate of expenditures based on the Financial Rules of GUAM and from donor contributions.

**Article 9**

1. Ukraine shall provide accreditation of the Secretariat and its Staff, non-citizens of Ukraine, at the Ministry of Foreign Affairs of Ukraine and concede such privileges and immunities to the Secretariat, which are necessary to exercise its functions and usually provided to the missions of international organizations in Ukraine. The scope of such privileges and immunities shall be determined by a separate international agreement.
2. The Secretariat shall have independent balance sheet, accounts in banking institutions and its stamp.

**Article 10**

Ukraine shall provide the necessary facilities to the Secretariat in the city of Kyiv at the expense of budgetary funds of the Secretariat in accordance with a separate international agreement.

**Article 11**

The Provision on the Secretariat as well as the amendments and changes thereto shall be approved by the CMFA.

## Decision on the Approval of Symbolics of GUAM and the Design of the Seal of the Secretariat

The Council of Foreign Ministers of the Organization for Democracy and Economic Development – GUAM, Being guided by the GUAM Charter,

### DECIDED TO:

1. Approve the Emblem of the Organization for Democracy and Economic Development – GUAM (design is enclosed).
2. Approve the Flag of the Organization for Democracy and Economic Development – GUAM (description and design of the Flag is enclosed).
3. Approve the design of the Round Seal of the Secretariat of the Organization for Democracy and Economic Development – GUAM (enclosed).
4. Approve the Logo of the Organization for Democracy and Economic Development – GUAM (design is enclosed).



## Agreement on privileges and immunities of the Organization for Democracy and Economic Development – GUAM

The member states of the Organization for Democracy and Economic Development – GUAM – the Republic of Azerbaijan, Georgia, the Republic of Moldova and Ukraine;

guided by generally recognized principles and norms of international law;

taking into account the provisions of Article 16 of the Statute of the Organization for Democracy and Economic Development – GUAM;

have agreed as follows:

### Chapter I

#### Definitions

##### Article 1

For purposes of the present Agreement:

- a. “GUAM” means the Organization for Democracy and Economic Development;
- b. “Statute” means the Statute of the Organization for Democracy and Economic Development – GUAM, signed on 23 May 2006 in Kyiv;
- c. “member states” means the states which are parties to the Statute and the present Agreement;
- d. “Council” means the Council of the Organization for Democracy and Economic Development – GUAM;
- e. “permanent representative” means the person who is empowered by sending member state to act as head of its permanent mission to GUAM;
- f. “employees of a permanent mission” means permanent representatives of the member states at GUAM and personnel of a permanent mission;
- g. “members of a delegation” means persons appointed by a member state, other state or an international organization to participate, in the capacity of their representatives, in the work of a body of GUAM or a conference convened by GUAM or under its guidance;
- h. “Secretariat” means the Secretariat of GUAM;
- i. “Secretary General” means the Secretary General of GUAM;
- j. “employees of the Secretariat” or “personnel of the Secretariat” means international officials and administrative-technical employees of the Secretariat of GUAM;

k. “property of GUAM” means funds, facilities and assets, including all movable and immovable property owned or administered by GUAM;

l. “premises of GUAM” means buildings or their parts, including adjoining land plots, irrespective of the right of ownership, which are used exclusively for purposes of GUAM;

m. “archives of GUAM” means documents, records, correspondence, including manuscripts, audio records, video records, photos, discs, computer software and other information carrying media, wherever they are, which are owned or kept safe by GUAM;

n. “family members” means the wife (husband) and children of employees of a permanent mission or employees of the Secretariat depending upon and residing with them.

## Chapter II

### Legal personality and application of the Agreement

#### Article 2

1. GUAM is a subject of international law, having capacity to conclude treaties, acquire, take on lease, dispose and administer the property of GUAM, and exercise other actions directed towards ensuring its activities, including legal defence of its interests. In these matters GUAM shall be represented by its Secretary General.

2. In application of present Agreement, the Secretary General shall act on behalf of the Presiding Side and/or as agreed with the Council.

#### Article 3

The Secretary General shall cooperate with corresponding authorities of the member states for the purpose of facilitating the proper execution of orders given by law-enforcement authorities, course of justice and prevention of any abuses related to the privileges and immunities provided by the present Agreement.

## Chapter III

### Property

#### Article 4

1. The property of GUAM shall enjoy immunities from any forms of administrative and judiciary interference except cases in which the Council decides to waive the relevant immunity.

2. The waiver of the immunity from the jurisdiction with respect to civil or administrative case shall not mean the waiver of the immunity with respect to the execution of a decision, in which case a special waiver is required.

#### Article 5

1. Premises and archives of GUAM shall be inviolable.
2. Premises and archives of GUAM shall enjoy the immunity from search, requisition, confiscation, expropriation, arrest and any other executive-procedural actions.

#### Article 6

1. The flag and the emblem of GUAM and flags of the member states shall be mounted on premises of GUAM.
2. The flag of GUAM shall be mounted on vehicles when they are used for official purposes.

#### Article 7

1. GUAM may obtain and dispose funds, precious metals or any currency, own and dispose of bank accounts in any currency and other financial assets.
2. GUAM may freely transfer funds owned by it from one member state to another, use them and convert them into any currency, owned by it, without restriction with any financial control, regulations or moratorium by the relevant authorities of the member states.

#### Article 8

1. GUAM, its assets, incomes and other property shall be exempted:
  - a. from all direct taxes and duties collected in the territory of the member states except those which are charges for specific types of services;
  - b. from all types of customs duties concerning the property, including publications, which are imported or exported by GUAM for official use except for expenses associated with warehousing, the customs clearance of cargoes outside the places specified for these purposes and those associated with overtime premiums to customs authorities.
2. The property of GUAM imported in accordance with privileges of that type shall not be alienated in the member state into the territory of which it is imported, otherwise subject to conditions agreed upon with this state.

#### Article 9

1. GUAM shall be exempted from those indirect taxes and duties, including value added taxes and excises, which constitute a part of the price of goods or services, purchased by GUAM for performing its functions, to the extent agreed upon by every member state.
2. Goods purchased in accordance with that type of exemption or reimbursement may be sold or otherwise alienated only on terms determined by the member state which granted exemption or reimbursement.

## Chapter IV

### Communications facilities, correspondence and publications

#### Article 10

1. The member states shall ensure, in their territory, for GUAM, a favourable treatment with respect to official communications which is not less favourable than that accorded to diplomatic missions of other states or international organizations.
2. Censorship shall not be applied to communications facilities, official correspondence, publications, photo and motion pictures materials, sound and video records of GUAM.
3. GUAM shall have the right to use codes, to receive and despatch diplomatic post covered by the privileges and immunities provided by the Vienna Convention on Diplomatic Relations of 1961.

## Chapter V

### Permanent representatives and members of a delegation

#### Article 11

1. Members of a delegation, while fulfilling their functional duties in the territory of the member states, shall enjoy the following privileges and immunities:
  - a. the exemption from criminal, civil and administrative liability for words spoken or written and for all actions committed by them in the capacity of representatives of the member states;
  - b. the inviolability of documents and all types of information-carrying media designated for official use;
  - c. the right to use codes, to receive and despatch diplomatic post;
  - d. the exemption from restrictions related to arrival, departure and stay in the territory of the member states which they visit or through they travel as transit while fulfilling their functions;
  - e. the privileges and immunities in respect to the import, export and exchange of currency and the import and export of personal baggage similar to those enjoyed by diplomatic agents in accordance with the Vienna Convention on Diplomatic Relations of 1961.
2. Permanent representatives and other employees of permanent missions of the member states and members of their families shall enjoy the privileges and immunities provided by the Vienna Convention on Diplomatic Relations of 1961, respectively, for heads of missions and members of diplomatic, administrative and service personnel of a mission.

#### Article 12

In order to provide permanent representatives of the member states and members of delegation with the right to freedom of speech and independence in exercising their duties, the immunity from legal process in respect of words spoken or written by them and for all acts performed by them in the capacity of representatives of states or international organizations shall be granted even after the termination of performing these duties by the mentioned persons.

#### Article 13

Privileges and immunities shall be accorded to permanent representatives of the member states and members of delegations not for the personal benefit of certain individuals, but for ensuring the efficient fulfillment of their functional duties.

The member states may waive the immunity from jurisdiction enjoyed by their permanent representatives.

#### Article 14

The provisions of Articles 11, 12 and 13 of the present Agreement shall not be applied as between a member state and its representative.

## Chapter VI

### Employees of the Secretariat

#### Article 15

1. Employees of the Secretariat fulfilling functions in the capacity of international officials:
  - a. shall enjoy the immunity from the criminal, civil and administrative jurisdiction of the member states in respect of words spoken or written by them and for all act performed by them in the course of fulfilling their functional duties;
  - b. shall be exempted from taxation on the salaries and emoluments received from GUAM;
  - c. shall enjoy the immunity from restrictions related to arrival, departure and stay in the territory of the member states;
  - d. shall enjoy the privileges in respect of the import, export and exchange of currency similar to those accorded to diplomatic agents of the corresponding ranks;

e. shall have the right to enjoy the privileges, in case of repatriation related to emergencies, accorded to diplomatic agents;

f. shall have the right, in accordance with the current legislation of the host country where the Secretariat is situated, to freely import personal belongings, including vehicles, upon appointment in the host country and to freely export them upon the expiry of the term of tenure.

2. The privileges and immunities provided by subparagraphs “c,” “d,” “e,” “f” of paragraph 1 shall be applied to family members of employees of the Secretariat residing with them.

3. Property imported in accordance with that type of privileges may be alienated in the country where the Secretariat is situated only in accordance with the current legislation of that country.

#### *Article 16*

In addition to the immunities and privileges mentioned in Article 15 of the present Agreement, international officials of the Secretariat and members of their families residing with them shall be accorded with other immunities and privileges accorded to diplomatic agents in accordance with the Vienna Convention on Diplomatic Relations of 1961.

Administrative-technical personnel of the Secretariat and members of their families shall enjoy the immunities and privileges provided by the Vienna Convention on Diplomatic Relations of 1961 for members of administrative-technical personnel.

#### *Article 17*

Employees of the Secretariat who are citizens of the host country or other member states residing in the state where the Secretariat is situated shall enjoy only the privileges and immunities provided by subparagraph “a” of paragraph 1 of Article 15 of the present Agreement.

#### *Article 18*

1. Privileges and immunities shall be accorded to employees of the Secretariat for the interests of GUAM and not for the personal benefit of certain individuals.

2. The Council shall have the right to waive the immunity to a employee of the Secretariat who is an international official, if the immunity would impede the course of justice and if the waive would not prejudice to the purpose for which the immunity accorded.

3. The Secretary General shall have the right to waive the immunity of employee of the Secretariat who is an administrative-technical employee, if the immunity would impede the course of justice and if the waive would not prejudice to the purpose for which the immunity accorded.

## Chapter VII

### Final provisions

#### *Article 19*

The present Agreement shall be concluded for an indefinite term.

The present Agreement shall be temporarily applied as of the date of its signature in accordance with national laws of the member states and shall enter into force as of the date of receipt by the depository of the last written notification on fulfillment of all internal procedures necessary for its entry into force, by the member states which are signatories of the present Agreement.

#### *Article 20*

1. After entry into force, the present Agreement shall be open for accession of the states which were granted membership in GUAM in accordance with Article 13 of the Charter.

2. For the acceding state, the present Agreement shall enter into force as of the date of receipt, by the depository of official written notification on fulfillment by the acceding state of all internal procedures, necessary for its entry into force.

#### *Article 21*

Amendments and additions may be introduced into the present Agreement by mutual consent of the member states by means of separate protocol, being an integral part of the present Agreement and shall enter into force according to the order envisaged by Article 19 of the present Agreement.

#### *Article 22*

In case of disputes over interpretation or application of the present Agreement, the member states shall settle them through consultations and negotiations.

#### *Article 23*

No reservations shall be made to the present Agreement.

#### *Article 24*

The depository of the present Agreement is the Secretariat.

Done in Baky on 19 June 2007 in one copy in English and Russian languages, both texts being authentic. In case of divergences in the interpretation of provisions of the present Agreement, the English text shall prevail.

## SECTORIAL COOPERATION

### GUAM SECTORIAL COOPERATION DEVELOPMENT STRATEGY

#### *I. Economic Issues*

##### *1. Economy and Trade*

Full-scale implementation of the Agreement on the creation of a free trade zone among GUAM Member-States of 20 July 2002 should play an important role in achieving statutory goals of the Organization in the field of trade and economic cooperation among Member-States.

##### *Priority areas of cooperation*

- finalizing creation and ensuring effective functioning of the GUAM free trade zone without any exceptions and limitations whatsoever, based on GATT/WTO principles;
- approaching and harmonizing legislation in the field of foreign trade and foreign trade policy, as well as bringing it into consistency with legislation governing EU internal market;
- developing cooperation in the field of customs, inclusive of customs policy;
- progressively liberalizing and creating conditions for services, capital, and labor to flow freely;
- developing specialization and cooperation in the fields of mutual interest, including based on setting up international business organizations and joint ventures;
- developing cooperation in the field of economic policy, budgetary policy, public finance, financial markets, statistics;
- developing cooperation in the field of public (State) procurement, rights of intellectual and industrial property, competition, industry, research and technology, outer space;
- developing cooperation in the field of employment, social policy, health, and consumers' rights protection;
- developing cooperation in the field of agriculture and fish industry.

##### *Objectives of Cooperation*

- creation of a free trade zone without any exceptions and limitations whatsoever which should ensure:
  - elimination of customs duties, quantitative limitations in State-to-State trade;

- elimination of other obstacles to free flow of goods and services;
- setting up and developing an efficient system of mutual settlements and payments in the field of trade and other transactions.
- elimination of technical barriers in trade;
- promotion of trade and investments which ensures sustainable development of Member-States' economies on the basis of generally recognized rules and principles of international law;
- integrating and building up economic potentials of Member-States in view of strengthening competitive capacity of their economies at external markets;
- facilitating development of industrial cooperation and scientific and technical cooperation at international (intersectoral, regional) level and at the level of economic operators;

##### *Major Tasks of Cooperation*

- ensuring as open as possible mutual access of goods and services at each other's markets;
- representing and protecting economic operators of Member-States in matters related to economic cooperation;
- encouraging inflow of investments, first and foremost in export-oriented projects;
- ensuring compliance of foreign economic operations with national laws.

##### *Forms of Cooperation*

- implementation of GUAM Council's decisions and of treaties in the field of economy which were concluded within GUAM framework;
- elaboration of a strategy to support Member-States' manufacturers;
- holding joint conferences, seminars, as well as mutually planning, preparing, and implementing research projects.

##### *2. Transport*

Favorable geographic position of GUAM Member-States whose territories thus form a natural bridge between highly integrated European community and impetuously developing Asian countries constitutes one of the most important prerequisites for the development of transport corridors and transport infrastructure.

In globalization environment, efficiently managed and safe GUAM's transport corridors will play the role of a system-building element in the development of economy, such element promoting trade, private entrepreneurship, and investments within GUAM space.

They will substantially facilitate regional economic integration of our States, emergency of a common commodities and services market, and strengthening GUAM's key role in the creation of the transport corridor "Europe-Caucasus-Asia." In this connection, GUAM Member-States have set the following objectives and forms of cooperation in the field of transport:

#### *Objectives of Cooperation*

- preparing proposals for improving transport policy, harmonization of legislation and mechanisms for its execution, standards and norms specifying the manner in which all types of transport means should operate in the territory of GUAM Member-States;
- developing transport infrastructure and setting up a stable chain for multimodal transportation;
- elaborating uniform requirements for passenger and freight carriers and transportation operators, such requirements being included in appropriate agreements;
- defining principles for the development of a flexible tariff policy in the field of passenger and freight transportation;
- loosening procedure for crossing frontiers of GUAM Member-States by transported passengers and freights;
- participating in the elaboration and implementation of joint proposals, projects, and programs in the field of transport;
- developing and ensuring safety of sea transport;
- taking advantage of informational technologies in order to increase efficiency of international transportation by rail, road, sea, and air, as well as border and customs formalities;
- promoting development of all types of transport services among GUAM Member-States;
- creating equal conditions for the competition among individual types of transport;
- developing international cooperation in the field of transit traffic, as well as improving coordination of actions by all those concerned;
- ensuring safety of traffic and freights and promoting environmental protection;
- elaborating and implementing coordinated scientific-and-technical policy, including in the field of ecology and traffic safety.

#### *Forms of cooperation*

- implementation of GUAM Council's decisions and of treaties concluded within GUAM framework in the field of transport;
- harmonization of transport policy and legal framework in the field of transport;
- training and retraining;
- cooperation with working bodies of international transport organizations;
- assessment of the progress in implementation of projects and treaties concluded within GUAM Framework;
- joint planning and carrying out actions aimed at preventing likely problems in transportation of passengers and freights;
- holding conferences, seminars, and workshops, as well as mutually planning, preparing, and implementing research projects;
- introduction of new transport technologies in organization and coordination of transportations.

#### *3. Energy*

Increasingly large needs of GUAM Member-States in energy supplies require closer cooperation in the field of energy.

Taking into account realities of our times, GUAM Member-States seek to coordinate steps aimed at strengthening energy security, benefiting from, and developing pipeline networks and other transport infrastructure to increase transit and energy supplies, as well as to combine their efforts aimed at preparing and implementing projects in the field of alternative energy sources.

Accordingly, in the field of energy, GUAM Member-States have set the following objectives and forms of cooperation, which will be considered subject to their commercial costs and benefits:

#### *Objectives of Cooperation*

- elaboration of proposals for optimizing utilization and development of existing oil and gas transportation routes and other transport infrastructure;
- identification of promising energy supplies routes;
- discussion of technological and operational aspects relating to access to energy markets;
- implementation of programs for ensuring Member-States' energy security;

- deeper coordination of the development of alternative energy sources;
- looking for ways and possibilities to loose States' dependency on imported energy supplies from third countries.

#### *Forms of Cooperation*

- elaboration of proposals for effective utilization of energy supply transportation networks;
- preparation of investment projects;
- promotion of projects aimed at strengthening energy security of GUAM countries;
- finding possibilities to integrate efforts at energy supplies markets;
- planning and implementing actions aimed at loosing dependence on imported energy supplies.

#### *4. Informational Technologies*

Development of economy, improvement of utilization and strengthening the role of information and communication technologies, as well as ensuring access to information and informational services require that a new approach should be found to the concept of utilization and introduction of informational technologies.

GUAM Member-States need to establish cooperation in view of developing information-oriented community, integrating in world informational system, and increasing efficiency of public administration.

Member-States have set the following objectives and forms of cooperation in the field of informational technologies:

#### *Objectives of Cooperation*

- improvement of legislation which seems to be necessary for the development of cooperation in this field;
- elaboration and improvement of methods and means which allow developing information-oriented community;
- implementation of joint projects aimed at creating and developing informational infrastructure;
- development of distance learning;
- creation and improvement of a system for interaction among Member-States.

#### *Forms of Cooperation*

- cooperation in building up information-oriented community;
- holding conferences, seminars, and workshops, as well as mutually planning, preparing, and implementing research projects;
- implementation of earmarked and scientific-and-technical programs;
- exchange of experience in the field of utilization and application of digital signature;
- joint implementation of interstate projects aimed at increasing the openness of public authorities and the level of citizens' participation in political life through information-and-communication technologies;
- jointly conducting researches at the level of existing public and community institutions in order to identify the extent of software development and the prospects for the development thereof at the basis of the national standardized framework;
- preparation of proposals for the improvement Organization for Democracy and Economic Development - GUAM;
- implementation of joint actions within the framework of the appropriate international programs;
- exchange of specialists and researchers, training;
- exchange of information, periodicals, methodic and other literature, video and photo materials;
- preparation of, and support for, joint interstate projects in the field of equal access to public information for all users, including disabled people;
- discussion of problems existing in utilization of open code software;
- elaboration and implementation of joint interstate programs in the field of training and development training for the staff of public and community institutions in mastering electronic control applications;
- actions in the field of exchanging experience in the provision of electronic services;
- consultations on the problem of statistical indicators in the field of information-oriented community;
- elaboration and adoption of a joint strategy for creation, operation, and further development of GUAM communication-and-postal space.

## II. Legal Order and Security

### 1. Fight against Terrorism, Organized Crime, and Drug Trafficking

Organized crime whose scope and destructive effect acquire global nature poses a real threat to the security of GUAM Member-States. Terrorism and illegal trade in arms, criminal group's activities in the economic field, illegal drug trafficking, trafficking in persons, and illegal migration have exceeded national boundaries.

Trends towards delineating spheres of criminal world influence show that it is necessary to further develop international cooperation at the regional level, specific and coordinated actions by competent authorities of Member-States to fight against terrorism, organized crime, drug trafficking, and other dangerous types of crimes.

Consequently, GUAM Member-States have set the following objectives and forms of cooperation in the field of fight against terrorism, organized crime, drug trafficking, and other dangerous types of crimes.

#### Objectives of Cooperation

- harmonization and improvement of legislation;
- elaboration of projects and measures to set up and improve a system for interaction of law enforcement authorities;
- elaboration and improvement of appropriate methods, means, and mechanisms;
- development of analytical aspect of cooperation;
- promotion of operational interaction.

#### Forms of Cooperation

- elaboration of proposals for legislative improvements;
- organization and promotion of preparation of experts in information analysis;
- cooperation in ensuring security of transport and communication lines and related infrastructure;
- establishing cooperation in preventing likely terrorist acts with the use of weapon of mass destruction, including technological and bioterrorism;
- organizing and conducting monitoring, preparing forecasts to detect dangerous trends and likely zones of criminal risk;
- planning, arranging, and holding joint regional and local events;
- taking advantage of GUAM Virtual Center to allow exchanging information among operational bodies of border guard agencies;

- organizing and conducting joint actions within the framework of relevant international programs;
- promotion of exchanges through NIATS;
- enlarging existing communication possibilities of MIAS and ensuring required level of protection for information exchanges;
- exchange of experience in the field of improving national and regional cooperation;
- extending cooperation with other regional organization involved in the fight against terrorism, organized crime, drug trafficking, and other types of transnational crimes (UN Committed against Terrorism, OSCE Counterterrorism Network, Interpol, Europol, SECI);
- creation of an allocated information database in view of extending analytical potential of national segments in GUAM Virtual Center;
- conducting meetings of the GUAM working bodies concerned;
- conducting joint seminars, study tours, training, etc.

### 2. Preventing and Eliminating Consequences of Natural and Man-Made Emergencies

In times when economies develop, urbanization and urban population grow, ecology and environment bear additional pressure, technologies are being sophisticated, catastrophes and natural disasters become increasingly frequent, and new challenges and threats appear, it is necessary to find a new approach to the prevention of, and respond to, emergencies.

GUAM Member-States acutely need to establish cooperation in view of increasing effectiveness of systems for the protection of population, strategic and public sites and survival support facilities, territories, environment from various types of emergencies.

Accordingly, GUAM Member-States have set the following objectives and forms of cooperation in the field of emergencies prevention.

#### Objectives of Cooperation

- improvement of legislation to allow development of cooperation among Member-States in this field;
- setting up and improving a system for interaction among appropriate structures of Member-States in the field of prevention and elimination of natural and man-made emergencies' consequences;
- elaboration and improvement of methods and means aimed at preventing and eliminating natural and man-made emergencies;

- provision of mutual assistance in elimination of natural and man-made emergencies' consequences;
- assistance in the organization of operational interaction among Member-States if an emergency response is needed.

#### *Forms of Cooperation*

- elaboration of proposals for the improvement of legislation and for matters falling within the competence of appropriate structures of GUAM Member-States;
- carrying out joint actions in appropriate international programs;
- exchange of specialists and researchers, training and retraining;
- designing means for direct and immediate communication in order to exchange information with regard to proposals and requests for help;
- exchange of information, periodicals, methodic and other literature, video and photo materials;
- implementation of targeted and scientific-and-technical programs aimed at preventing and eliminating emergencies' consequences;
- design and implementation of research projects in the field of crisis management;
- exchange of experience in the formation of lower bodies;
- organization of operational interaction among GUAM Member-States in cases of emergency responses;
- establishing operative communication to timely warn about emergencies occurring in the territory of GUAM Member-States;
- joint organization and implementation of the monitoring of dangerous man-made and natural processes;
- organization and provision of joint assistance to third States in eliminating natural and man-made emergencies' consequences;
- provision of joint humanitarian assistance should a natural and man-made emergency occur in the territory of GUAM Member-States;
- jointly developing a plan of response to emergencies occurring in the territory of GUAM Member-States;
- identifying zones of potential risk, monitoring, forecasting and assessing natural and man-made emergencies' consequences;

- jointly planning and implementing actions aimed at preventing natural and man-made emergencies and eliminating consequences thereof;
- holding joint conferences, seminars, and workshops, as well as planning, designing, and implementing research projects;
- conducting joint exercises, training, relief contests.

### **III. Humanitarian Matters**

#### *1. Culture, Science, and Education*

Intensification of GUAM multilateral cooperation in the field of culture, science, and education is called to facilitate promotion of spiritual and moral values, creation of conditions for peace and social cohesion, mutual familiarization with national wealth, identity, historical and cultural heritage, strengthening friendship relations among GUAM Member-States.

Recognizing the importance of cooperation in the field of culture, science, and education within the framework of the Organization for Democracy and Economic Development (GUAM), Member-States have set the following objectives and forms of cooperation.

#### *Objectives of Cooperation*

- strengthening cultural relations in the field of preservation of, and familiarization with, cultural heritage;
- promoting cultural dialogue, developing cultures of peoples and ethnic groups residing in the territories of each other and promoting cultural diversity as a foundation of civil society;
- maintaining relations among youth organizations;
- strengthening and developing cooperation in the field of education based on principles of independence and integrity of GUAM Member-States' educational systems;
- improvement of educational process, particularly in order to develop aspiration to knowledge among young generation;
- strengthening cooperation in the field of science;
- design and implementation of joint programs and researches;
- benefiting from new forms and areas of cooperation, as well as experience of developed countries in the field of education and protection, preservation and use of historical and cultural heritage;
- implementation of relevant treaties of cooperation in the field of culture, science, and education;
- improvement of pertaining legal framework.

*Forms of Cooperation*

- continuing regular expert cooperation within appropriate working group;
- elaboration of programs for the exchange of experience in the field of education and science;
- promotion of artistic and cultural projects and organization of joint cultural events under GUAM aegis (festivals, master-classes, exhibitions, new works of art, tourist tours, conferences, concerts, days of culture);
- development of cooperation within the framework of appropriate international forums, in particular UNESCO, to achieve common goals, advocacy and promote Member-States' cultural diversity;
- organizing patriotic camps for the youth;
- elaboration and implementation of common scientific projects (cooperation with Ukrainian Scientific and Technological Center and other scientific organizations);
- conducting common scientific and educational events under GUAM aegis (lectures/seminars for students, scientific conferences, and symposiums) with participation of young researchers;
- deepening direct ties among academies of sciences, other scientific institutions, and research institutes;
- establishing direct relations among general education schools and Art schools and higher education institutions;
- improvement of mechanisms and legal framework for exchanging pupils, students, and teachers so that they could obtain education and development training in educational institutions of GUAM Member-States at a compensation basis;
- exchange of experience and information, at international conferences as well;
- production of TV cultural and educational programs devoted to GUAM Member-States.

*2. Tourism*

GUAM Member-States possess a reach historic and cultural potential.

Economic development of the region contributed to the development of new tourist routes and related infrastructure.

Cooperation of GUAM Member-States in the field of tourism promotes regional economic integration and building up common market of tourist services.

In this connection GUAM Member-States have set the following objectives and forms of cooperation in the field of tourism.

*Objectives of Cooperation*

- improvement of tourist policy, harmonization of legislation and mechanisms for its implementation;
- development of tourist infrastructure;
- participation in the preparation and implementation of joint proposals, projects, and programs in the field of tourism;
- development of stable tourist products which contribute to the reduction of poverty, especially ecotourism's products;
- development of investment policy in such areas as ecotourism, agrotourism, as well as elaboration of a joint plan of actions aimed at creating a favorable investment environment in tourist industry;
- institutional and legal support for cooperation in the field of tourism in accordance with standards and requirements of the World Tourist Organization;
- facilitating all forms of tourism and creating equal conditions for competition;
- conducting joint marketing campaigns devoted to interregional tourism at major directions;
- building up a common framework for dialogue of governmental structures with the private sector, educational institutions, tourist centers, and other parties concerned in the field of tourism;
- ensuring safety of tourist travels and environmental protection;
- deepening knowledge in the field of tourism in order to ensure competitive and sustainable tourism.

*Forms of Cooperation*

- implementation of GUAM Council's decisions and of treaties in the field of tourism which were concluded within GUAM framework;
- harmonization of legislation in the field of tourism;
- training and retraining;
- cooperation with international tourist organization;
- assessment of the progress in implementation of projects and treaties which were concluded within GUAM framework;
- jointly planning and carrying out actions aimed at promoting joint tourist products;
- holding joint conferences, seminars, and workshops, as well as mutually planning, preparing, and implementing research projects.

## Development Concept for the GUAM Transport Corridor

### Introduction

According to the provisions of the Joint Statement on the future development of Euro-Asian transport links, signed at the Ministerial meeting held in Geneva under the auspices of UNECE on February 19, 2008, the development of more efficient, secure and more reliable Euro-Asian transport routes should enable the provision of additional transport options to existing and future trade flows between Europe and Asia, and facilitate the participation of these national economies in the world economy.

During the GUAM Baku summit (June 18-19, 2007), held under the motto “GUAM: Bringing continents together”, which defined the long-term priorities for the organization’s development, Heads of State instructed their governments to intensify efforts regarding the transit potential of GUAM member states and to attract international support and investment to this end.

At the international conference “GUAM-Transit”, held in Baku on April 29-30, 2008, projects on developing the GUAM transport corridor in the direction of Baku-Tbilisi-Poti (Batumi)-Ilyichevsk-Kiev-Chisinau were presented. At that time, the main issues that needed to be urgently resolved in order to enable fully realising the corridor’s potential were also discussed. The Baku conference created an opportunity to outline the basic contours of future actions in this direction.

At the GUAM summit in Batumi, held on July 1, 2008, Heads of State instructed their governments to develop a comprehensive concept of the GUAM transport corridor, also entailing involvement on the part of the private sector.

Economic changes and their accompanying processes in advancing foreign economic relations require a new approach to developing transport, and redistributing freight and passenger traffic flows. Extending international cooperation, intensifying integration processes and expanding international trade requires a favourable environment for the unhindered flow of cargo and passenger traffic connected with providing interstate economic and cultural ties.

The growth of transit traffic increases the efficiency of using national transport systems’ carrying capacity reserves, and stimulates their replenishment and improvement.

Concluding intergovernmental agreements, adhering to existing international conventions and treaties, and developing a unified interstate strategy should make it possible to avoid tension in international relations with regard to competition between the sovereign states, on the territories of which there exist alternative transport routes.

Finding the appropriate solution to these problems will make it possible to avoid tensions and moreover, will become a long-term stabilising factor in developing relationships.

Whatever political and economic changes may take place, the traffic transit route chosen, developed and tested in practice along the GUAM corridor shall be a stabilising long-term factor.

The present concept is being developed in accordance with the above-mentioned instructions by the Heads of State and is intended to promote the development of the GUAM transport corridor, to ensure its competitiveness, to improve the network of communication routes along the corridor, and to increase the international traffic flow through the Republic of Azerbaijan, Georgia, Ukraine and the Republic of Moldova, thereby contributing to economic prosperity and creating a zone of integration and security within the GUAM region.

### Section 1. Analysis of the condition and main directions for developing the GUAM international transport corridor

#### 1.1. Definition, objectives and tasks of the GUAM transport corridor

The GUAM transport corridor is a complex of thoroughfares, both overland and over water, with appropriate infrastructure extending across the territories of GUAM member states.

The objective of developing the present corridor is to improve the efficiency of foreign trade transportation and to secure guarantees of its implementation on the basis of international agreements and arrangements strengthening states’ economic security, as well as attracting third-party states to national passenger transport infrastructure and generating additional income as a result.

In order to achieve the above-mentioned objectives, it is necessary:

- to create conditions for transport services to stimulate GUAM member states’ further economic growth;
- to gradually implement institutional changes in the economy’s transport sector on the basis of an improvement management system, the development of a competitive environment within the transport services market, and pricing liberalisation;
- to accelerate integration into the European and world transport systems according to the principles of the European transport policy, approaching international standards, and technical and operational requirements in the sphere of transport activity;
- to unify legislation in the sphere of transport and customs of GUAM member states;
- to strengthen the state’s coordinating role in developing the transport network, multimodal transportation and logistic systems, to create new transport equipment and technology, and to increase the efficiency of interaction between different types of transport;
- to create the conditions for improving national carriers’ and freight forwarders’ competitiveness on both the domestic and international transport services market;
- to ensure the effective operation of a national network of international transport corridors and their integration into a single transport network system of international significance, and attracting transit freight flows in terms of Euro-Asian and other prospective international trade routes;
- to create a flexible tariff system;
- to create and develop a virtual informational system, and to develop an informational database between GUAM member.

## 1.2. Analysis of the condition and main directions of developing international transit through the GUAM

### 1.2.1. Principles of developing transit through the GUAM corridor are as follows:

- establishing international transport corridors with branched transport-communicational infrastructure and a network of logistics terminals, which form the basis for integrating transport into the world transport system, as well as an important prerequisite for attracting foreign investment for transport infrastructure development;
- developing international transport corridor zones, which should be implemented according to the general directions of states' socio-economic development in order to satisfy requirements related to the economic efficiency of capital investments and ensure significant improvement in the technical level of transport, and to consider current international standards and regulations in this field;
- improving the regulatory framework and tariff policy aimed at attracting transit flows along the international transport corridors passing through the GUAM countries;
- conducting foreign policy aimed at fully using GUAM countries' transit transport potential;
- developing transport intermodality by optimising interaction between different types of carriage and a rationalisation of transfer

### 1.2.2. Main directions of developing transit through the GUAM corridor:

- effectively using international transport corridors and integrating into the international transport system;
- providing GUAM states' economies with safe, smooth, maximally short and low-cost means of communication for to access neighbouring countries and international economic centres;
- fully implementing the export potential of GUAM member states;
- maximal usage of opportunities for regional economic integration;
- strengthening GUAM member states' transit potential by forming an optimal scheme for international transport corridors;
- developing road infrastructure.

### 1.2.3. Priority areas for organising the transport of transit goods and export-import oriented goods through GUAM member states:

- developing and expanding the route for transporting goods using the "Viking" combined transport train and the "Zubr" container train in the direction of the GUAM states' transport route, with consideration of the unification of prioritised transport routes of "Eastern Partnership" member countries and the network of TEN-T corridors;
- maintaining the operation of the Poti-Baku-Aktau-Almaty container train as a continuation of the route for the "Viking" combined transport train and the "Zubr" container train;
- taking measures to ensure interaction between the GUAM and TRACECA transport.

## 1.3. Ensuring transport safety and environmental

Taking into consideration the fact that the corridor's functioning forms the basis for the sustainable economic development of the GUAM member states, the problem of ensuring the security of the GUAM transport corridor should be taken into account while developing all components of GUAM member states' transport policy.

The main directions for ensuring transport safety within the GUAM corridor are as follows:

### 1. Developing and implementing actions aimed at ensuring:

- safety in terms of the life and health of passengers and transport sector employees;
- the safety of cargo, carried on the different types of transport in the GUAM corridor;
- the safety of vehicles and transport infrastructure of international function to provide the security of passenger and freight;
- the prevention of the illegal transportation of arms, ammunition, explosives, narcotics and dangerous goods;
- the financing of expenses related to anti-terrorist actions and trafficking in the transport sphere;
- economic security, and the fight against.

### 2. Implementing measures to identify, prevent and mitigate possible illegal actions that heighten risks with respect to ensuring security within the GUAM.

### 3. Developing common rules to ensure transport systems' safety, and the mechanisms of their implementation in accordance with international.

### 4. Providing a legal framework in the sphere of transport.

The GUAM transport system's functioning shall ensure minimised negative environmental impact of transport activity, including air emissions, minimised harmful effects of infrastructure facilities' construction, reconstruction and exploitation.

Improving environmental safety encourages improvements in terms of transport characteristics, as well as characteristics of infrastructure exploitation.

It is advisable that GUAM member states interact in the field of environmental protection, to be carried out in the following areas:

- developing common requirements regarding the environmental impact of transport activity and control methods for its detection;
- developing and implementing common methods for planning and developing infrastructure with respect to its environmental impact;

- jointly developing passenger and freight transport systems for environmental safety;
- implementing common scientific and technical developments with respect to minimising the negative environmental impact of transport activity;
- implementing joint actions in order to prevent traffic flow that can be damaging to human health and the environment.

#### 1.4. Increasing the efficiency of the GUAM transport corridor as an economically beneficial link between Europe and Asia

The globalisation of the economy and trade is leading to the continual growth of freight traffic between Europe and Asia, which, in turn, increases the importance of the GUAM member states' transport system.

The development of more effective, safe and reliable overland transport routes may provide additional transport alternative facilities to existing and future trade flows between Europe and Asia, and facilitate the participation of national economies in the world economy.

The development of overland transport routes in order to facilitate access to the markets of those countries located along the corridor could significantly contribute to these countries' economic development and effective cooperation in terms of transit traffic.

In order to create high-quality transport infrastructure and to facilitate the adequate and economically beneficial supply of services for freight shipment between Europe and Asia, it is necessary to increase both public and private investment in transport infrastructure.

To improve the efficiency of the GUAM transport corridor and to determine the appropriate priority transport routes within this corridor, the following is necessary:

- to expand and intensify measures at the national level to stimulate the long-term financing of priority projects;
- to support and promote cooperation with other countries and international organisations with respect to transit, and with the private sector regarding transport;
- to eliminate any non-physical barriers along the corridor existing at key transport hubs and ferrying points;
- to increase the capacity of border crossing points;
- to stimulate actions taken to harmonise transport.

To develop international traffic through the GUAM corridor, it is necessary to protect roads from intensive deterioration and bring them in conformity with international standards. The main criteria for this are road capacity, improving traffic safety, creating services for motorists (e.g. hotels, motels, camping, along with trade, food, medical care, and other facilities), as well as transport services (technical maintenance, refuelling, help with respect to traffic accidents).

## Section 2. Extending the GUAM international transport corridor

### 2.1. Prospects for combining the GUAM transport corridor with combined transport trains connecting the Black and Baltic seas

“Viking” is a combined transport train that runs along the Ilyichevsk (Ukraine) – Minsk (Belarus) – Klaipeda (Lithuania) route, covering 1,738 km. The train connects the chain of sea container and pickback lines in the Baltic region with the Black, Mediterranean and Caspian Seas.

“Zubr” is a container train that runs along the Ukraine – Belarus – Latvia – Estonia route and back (the Ilyichevsk – Minsk – Riga – Tallinn route and back), covering about 2,160 km.

Jointly, both the “Viking” and “Zubr” trains run to the Kalinkovichi Station (Belarus), where railcars are further sorted accordingly to the destination stations. In 2012, Poland and Moldova were joined to the existing route.

Transportation along the GUAM corridor using the “Viking” and “Zubr” combined transport trains, connecting the Black Sea and Baltic Sea, with involvement of ports, ferries, rail and road networks in Ukraine, Moldova, Azerbaijan, and Georgia, as well as transport links to Central Asia, China and other countries, should attract additional freight traffic and increase freighters' interest in the present route.

### 2.2. Prospects for cooperation between the GUAM and TRACECA transport

Expanding mutually beneficial cooperation in the region will contribute significantly to regional economic integration, to the emergence of a common market of goods and services, as well as strengthening GUAM's key role in establishing the Europe-Caucasus-Asia transport corridor (TRACECA).

Efficient operation and ensuring the security of transport communication infrastructure extending across GUAM member states, including the Europe-Caucasus-Asia (TRACECA) transport corridor, will enable the routes to compete with other corridors.

Prospective interaction between the TRACECA and GUAM transport corridors is also, to a large extent, connected with the following routes: Baku-Tbilisi-Kars and Almaty-Baku-Tbilisi-Poti-Odessa-Chisinau. The beginning of the Baku-Tbilisi-Kars railway will enable the unimpeded delivery of transit freight from Central Asia to Turkey by train, and the Almaty-Baku-Tbilisi-Poti-Odessa-Chisinau route will enlarge the possibilities of combined transportation to Europe via Ukraine and Moldova. Meanwhile, to realise this plan requires an agreed-upon transport and tariff policy, the harmonisation of legislation, broadening of the informational network, and the simplification of customs procedures about the crossing of goods across states' borders.

The Odessa-Chisinau and Odessa-Kiev routes with further access to EU borders are also an important vehicle segment on the territories of GUAM and TRACECA, and attention should be paid to this in order to attract additional traffic flows.

### 2.3. Joining the Poti-Baku-Aktau-Almaty container train to the “Viking” combined transport train and the “Zubr” container train

Combining the routes of the “Viking” train and the “Zubr” container train with the Poti-Baku-Aktau-Almaty route will increase the transport of containers, trailers and trucks (contrailers) through Odessa and the Ilyichevsk port to the Middle East, the Caucasus and Central Asia, and also in the reverse direction.

### *Conclusion*

Implementing the provisions of the present Concept will ensure rapprochement and the integration of the national economies of the GUAM states, aimed at the creation of a free trade zone, the further development of the economic space, and improved cooperation in the transport sphere, which is a necessary condition for establishing this space.

The increased efficiency of transport work will be of great economic and social importance for each of the countries involved. Particularly significant, this effect will show itself in terms of long distance transportation. By minimising transportation costs, the competitiveness of the GUAM corridor will increase and, thus, transport's contribution to resolving economic problems will lead to strengthening the unity of GUAM member states.

Accelerating the implementation of the provisions of the present Concept is of crucial importance

for participating states as a whole, entailing the effective functioning of their industrial and social spheres, and the provision of secure, stable and reliable operations of all types of aboveground and water transport. Moreover, GUAM member states' geopolitical roles should increase.

The provisions of the present Concept on developing the GUAM corridor may be specified with regard to their priorities, and depending on the social and economic situation in GUAM member states.

### **Memorandum of Understanding on trade and transport facilitation**

*June 4, 2003*

**G**UAM Participating States, hereinafter referred to as "the Parties",  
Wishing to develop mutual cooperation and exchange of information of problems related to trade and transportation, in order to facilitate trade and transportation within GUAM;

Reaffirming common aspiration to simplify border and customs procedure, unify and harmonize border and customs legislation for the purpose of strengthening cooperation and increase of volumes of trade among GUAM Participating States, strengthen the fight against terrorism, smuggling, customs offences and corruption in the course of border crossing;

Underlining their adherence to the GUUAM Project on Trade and Transportation Facilitation, hereinafter referred to as the PTTF, which is partially funded by the International Bank for Reconstruction and Development, International Development Association and other creditors and donors;

Have agreed as follows:

#### ***Article 1 – Goals***

The basic goals of this Memorandum shall be:

- Broadening of interstate and interagency cooperation on facilitation and securing trade and transportation;

- Ensuring implementation and application of common principles of trade and transportation facilitation that meet international norms;

- Improvement of the system of efficient and effective border and customs control at state borders and internal customs terminals, which would promote the increase of flow of passengers and goods, protection of intellectual property, ensure collection of relevant duties and fees, and prevention of economic offenses and smuggling;

- Implementation of the third Chapter of the GUUAM – U.S. Framework Program on Trade and Transportation Facilitation, Customs and Border Management, Fight Against Terrorism, Organized Crime and Drug Trafficking.

#### ***Article 2 – Common obligations***

Each Party shall in due time inform other Parties about implementation of any project that is component of the PTTF,

#### ***Article 3 – Steering Committee***

The Parties shall establish the Steering Committee for the purpose of joint supervision over implementation of the PTTF; it shall be comprised of one high-level representative from each Party appointed by the Governments of the Parties.

The Steering Committee shall hold regular meetings at least once every three months. The Steering Committee Secretariat shall be established under the GUUAM Information Office for the purposes of practical implementation of the PTTF. The Statute of the Steering Committee and of the Steering Committee Secretariat shall be approved by the Committee of National Coordinators of GUUAM Participating States.

#### ***Article 4 – Implementation***

The activity under the PTTF shall be based on the Regional Strategy and Action Plan, which shall be developed until the end of 2003.

#### ***Article 5 – Final provisions***

This Memorandum shall be of indefinite duration; it shall enter into force on the date of signature. If legislation of any Party requires completion of domestic procedures for the Memorandum to enter into force, it shall enter into force for such Party on the date of notification of the Depositary of completion of the relevant procedures.

This Memorandum shall be open for accession of third parties. Requests for accession shall be drawn up in the form of written application to the Depositary. This Memorandum shall enter into force for each applying State on the date of receipt from the Depositary of written notification of consent of the Parties to this Memorandum.

The Government of Ukraine shall be the Depositary of this Memorandum.

## Agreement on Establishment of Free Trade Area among the GUAM Participating States

*December 10, 2003*

The States Parties to the present Agreement, hereinafter referred to as the Contracting Parties,  
Striving to develop mutually beneficial trade and economic cooperation based on equality and mutual benefits,

Forming the conditions for free movement of goods and services,

Promoting the growth of economic potential of the States Parties on the basis of development of mutually beneficial cooperation ties and collaboration,

Desirous to permanently increase the living standards of the population of their States,

Reaffirming their commitment to the principles of the General Agreement on Tariffs and Trade (GATT/WTO),

Concluding the Agreement on Establishment of Free Trade Area, hereinafter referred to as the Agreement,

Have agreed as follows:

### *Article 1*

#### *General provisions*

1. The Contracting Parties, in order to achieve the goals of the present Agreement, shall cooperate in establishing free trade area to ensure:

- Elimination of customs duties, as well as taxes and dues having equivalent effect, and of quantitative limitations in mutual trade;
- Removal of other obstacles to free movement of goods and services;
- Establishment and development of effective system of mutual settlement of accounts and payments in trade and other operations;
- Cooperation in conducting trade and economic policy to achieve the goals of this Agreement in the fields of industry, agriculture, transport, finance, investments, social sphere, as well as in development of fair competition etc.;
- Harmonization of the legislation of the Contracting Parties to the extent necessary for proper and effective functioning of free trade.

2. This Agreement shall be applied within the customs territories of the Contracting Parties, as provided by their national legislation.

3. If the meaning of terms is not specially defined in this Agreement or in any other arrangement among the Contracting Parties, then the provisions of 1969 Vienna Convention on the Law of International Treaties and GATT/WTO agreements shall be used for their interpretation by the Contracting Parties.

Disputes relating to the interpretation of this Agreement or its terms shall be resolved in accordance with the procedure set for the settlement of disputes relating to this Agreement.

4. The Contracting Parties shall refrain from actions contrary to the provisions of and impeding the achievement of the goals of this Agreement. This provision concerns, inter alia, the terms of participation of the Contracting Parties in other regional economic groupings, and other issues related to the regulation of relations within the scope of the Agreement.

### *Article 2*

*Working Body for coordination of the actions of the Contracting Parties related to the implementation of the provisions of the Agreement*

The monitoring of the implementation of this Agreement by the Contracting Parties, elaboration of proposals as to the development of their trade and economic cooperation, settlement of issues, coordination of economic policy to achieve the goals of this Agreement shall be carried out by a permanent Working Body, status and functions of which shall be separately set by the Contracting Parties.

### *Article 3*

*Customs duties, as well as taxes and dues having equivalent effect, and quantitative limitations*

1. The Contracting Parties shall not apply customs duties, as well as taxes and dues having equivalent effect, and quantitative limitations, to import and/or export of commodities originating from customs territory of one of the Contracting Parties and destined to the customs territories of other Contracting Parties.

2. From the moment of entry into force of this Agreement no quantitative and tariff limitations of import and/or export and measures having equivalent effect shall be introduced to the trade between the Contracting Parties. The Contracting Parties, which apply exemptions from the regime, established by paragraph I of this Article, shall, within 12 months from the moment of entry into force of this Agreement, on bilateral basis arrange their gradual removal and notify the Working Body and the Depository of the present Agreement thereof.

3. For the purposes of this Agreement, quantitative limitations and other administrative measures shall include any measures, implementation of which establishes material obstacle or limitation to import of a commodity originating from the territory of one on the Contracting Parties to the territory of another Contracting Party or to export of a commodity originating from the territory of one on the Contracting Parties to the territory of another Contracting Party, including quoting, licensing, control of prices or other conditions of supply and any other special requirements for import or export, which directly or indirectly limit the rights of exporter or importer as compared to the rights of seller or customer of similar commodity residing within the territory of the country of its origin and conducting purchase or sale within this territory. The provisions of this Article shall be applied without prejudice to the rights

of any Contracting Party to introduce the measures foreseen by Articles 14 and 15 of this Agreement and the measures introduced by any Contracting Party to fulfill its obligations under other international agreement.

#### **Article 4**

##### *Technical and other special requirements (limitations)*

1. Each Contracting Party shall accord to the commodities originating from customs territory of any other Contracting Party and imported to its territory, treatment no worse than the treatment accorded to its national commodities or commodities of any third country in respect of technical and qualitative requirements.
2. The provisions of this Article shall be applied without prejudice to the measures, which can be introduced by any Contracting Party in order to implement agreements on mutual recognition of test results, quality certificates and other similar agreements, and to the measures, which can be introduced in case of threat or possible threat to life and health of humans, animals and plants.
3. The Contracting Parties shall cooperate and exchange information in the fields of standardization, metrology and certification with the purpose of removal of technical barriers and other special trade requirements (limitations).

#### **Article 5**

##### *Dues and formalities related to import and export of commodities*

1. All dues and fees (with the exception of customs duties, taxes and dues having equal status), imposed by the Contracting Parties in connection with import or export of commodities in mutual trade, shall not exceed, within reasonable limits, direct actual expenses.
2. The Contracting Parties shall inform the Working Body about the types of dues and fees and shall strive towards accorded decrease of their number and size.
3. The Contracting Parties shall strive towards simplifying and unification of administrative formalities.
4. The provisions of this Article shall relate, inter alia, to the dues and formalities connected with:
  - quantitative limitations;
  - licensing;
  - currency controls;
  - statistical records;
  - documents, documentation and authentication of documents;
  - analysis and examinations;
  - quarantine, health service, fumigation and other import and export related procedures.

#### **Article 6**

##### *Unification and/or harmonization of customs procedures*

1. The Contracting Parties shall take measures for maximum simplification and unification of customs formalities, in particular, through establishment of common forms of customs and shipping documentation, guided by the existing international agreements and arrangements.
2. The Contracting Parties shall charge their competent authorities with the task to elaborate proposals as to harmonization of customs procedures and mutual recognition of customs documents and guarantees.
3. The Contracting Parties shall conduct registration, customs control and clearance of commodities and means of transportation, which cross the borders of the free trade area, in accordance with the national legislation and norms of international law.

#### **Article 7**

##### *Commodity classification*

The Contracting Parties shall use commodity classification for foreign economic activity based on the 1996 Harmonized System for Specification and Coding of Commodities during the conducting of measures of tariff and non-tariff adjustments, statistical records and statistical information exchange as well as for customs control and procedures. At the same time, for their own needs, the Contracting Parties shall conduct further development of their national commodity classifications.

#### **Article 8**

##### *Internal taxes and other dues of fiscal character*

1. The Contracting Parties shall not, directly or indirectly, levy taxes and other dues of fiscal character on the commodities originating from customs territories of other Contracting Parties at the rates higher than their level for the national commodities.
- These commodities shall be accorded with treatment no less favorable than the treatment accorded to similar national commodities in respect of all laws, rules and requirements concerning their sale at the internal market, sale offers, purchase, shipment, distribution or use.
2. The Contracting Parties shall present full information about all taxes and other dues of fiscal character currently in force.

#### **Article 9**

##### *Procedure of application of indirect taxes*

1. The Contracting Parties in their mutual trade shall not levy indirect taxes (VAT, excise duties) on the commodities (works, services) exported from customs territory of one Contracting Party to customs territory of another Contracting Party.
2. The provisions of the paragraph 1 of the present Article shall mean zero-level VAT and excise duty levying on exported commodities from within exporting country. In cases when the national legislation of the Member States of this Agreement does not envisage zero-level VAT and excise duty levying, an exemption from VAT and excise duty of commodities (works, services) shall be applied.

**Article 10***Subsidies*

1. The Contracting Parties have agreed not to grant export and other subsidies to enterprises within their territories if the conditions of fair competition are violated as a result of such subsidies.
2. The Contracting Parties shall ensure, through information exchange at the request of any Contracting Party, the transparency of the measures related to the granting of subsidies.
3. The Working Body shall conduct monitoring of situation relating to the subsidies other than state export assistance and shall develop the rules of their implementation, guided by the international practice.
4. If any Contracting Party considers that the practice of granting of subsidies is not compatible with the paragraph 1 of this Article, it may take necessary measures in accordance with conditions and procedure set by Article 15 of this Agreement.

**Article 11***Transit*

1. The Contracting Parties have agreed that adherence to the principle of freedom of transit presents a paramount condition of achievement of goals of this Agreement and a substantial element of the process of their connection to the system of international division of labor and cooperation.
2. Transit shipments shall not be subjected to groundless delays or limitations.
3. Transit through territory of every Contracting Party shall be conducted on the basis of the principle of freedom of transit through the ways designated for international transit shipments and transit shipments within the territory or from the territory of other Contracting Parties without any distinction or discrimination based on the flag of the ship, origin, location of consignment, call, departure, destination or any conditions relating to the property of the commodities, vessels or other vehicles.
4. The conditions of transit, including transportation fares for any type of transport and service tariffs, shall be determined by the Basic Multilateral Agreement on International Transport for Development of Europe-Caucasus-Asia Corridor of 8 September 1998.

**Article 12***Re-export*

1. Each Contracting Party shall not allow unsanctioned re-export of the commodities, lists of which shall be exchanged among the Parties in future, with respect to export of which other Contracting Parties, from the territories of which those commodities originate, apply the measures of tariff and/or non-tariff regulation. At that, the Contracting Parties shall exchange the names of bodies authorized in accordance with their legislation to sanction re-export of commodities.
2. The Contracting Parties shall not prevent business entities from including of provisions concerning re-export of commodities into their contracts.

**Article 13***Manufacturing cooperation and scientific and technical cooperation*

The Contracting Parties shall promote the development of manufacturing cooperation and scientific/technical cooperation at interstate (inter-branch, regional) level and at the level of business entities, including granting various forms of state support.

**Article 14***Exceptions*

1. General exceptions.

This Agreement shall not prejudice the right of any Contracting Party to take generally accepted in international practice measures of state regulation of foreign economic connections that are deemed necessary by such Party to protect its vital interests or that are unconditionally necessary for implementation of international treaties, to which it is a Party or to which it intends to become a Party, if such measures are not taken ad arbitrum or in a discriminating manner and if such measures concern:

- protection of public morality and public order;
- protection of human life and health;
- protection of animals and plants;
- protection of environment;
- protection of artistic, archeological and historical values that are national heritage;
- protection of industrial and intellectual property;
- marketing of gold, silver or other precious metals and gems;
- preservation of nonrenewable natural resources;
- limitations of export of production if internal price of such production is lower than the world price as a result of implementation of state support programs;
- imbalance of payments.

2. Exceptions on the security grounds.

Nothing in this Agreement shall prejudice any Contracting Party from introduction of any measures of state regulation that it deems necessary, if such measures concern:

- ensuring national security, including prevention of leakage of confidential information relating to state secrets;

- trade in arms, military equipment, ammunition, rendering of services of military character, transfer of technologies and rendering of services for manufacturing of arms and military;
- equipment and other military purposes;
- shipments of fissile materials and sources of radioactive substances, utilization of radioactive waste;
- measures taken during wartime or other force-majeure in international relations;
- actions taken in pursuance of obligations under UN Charter for maintenance of international peace and security.

### **Article 15**

#### *Antidumping compensational and special measures*

The Contracting Parties shall be guided by the principles and provisions of the General Agreement on Tariffs and Trade (GATT/WTO) in application of antidumping compensational and special measures regarding imports.

### **Article 16**

#### *Sphere of application of the Agreement regarding commodities*

1. Free trade area regime shall be applied to the commodities originating from customs territory of the Contracting Parties and destined for customs territory of the Contracting Parties.
2. For the purposes of this Agreement, the Contracting Parties, in six months since the date of signature of this Agreement, shall work out a Protocol on Rules of Definition of Country of Origin of Commodities, which shall constitute an inalienable part of this Agreement.

### **Article 17**

#### *Services*

1. The Contracting Parties shall create conditions for liberalization of the national markets of services and, on the basis of reciprocity, shall strive for gradual removal of limitations with a view of creation of conditions for free rendering of services within the territory of the free trade area.
2. The Contracting Parties shall define the types of services for which this Article shall be applied, and define priority types of services in the field of direct servicing of commodity circulation, regarding which the issues of liberalization of imports and exports shall be subject to priority settlement.
3. The Contracting Parties shall reserve the right to coordinate the issues related to rendering services at both multilateral and bilateral basis.

### **Article 18**

#### *Competition in business activities*

The following shall be incompatible with due fulfillment of this Agreement as far as it could influence trade within the free trade area:

any arrangement between enterprises, associations of enterprises, conciliatory practice of which aims at or is a result of removal, prevention, limitation or distortion of competition;

unlawful use by one or several enterprises of dominating position within the territory of free trade area as a whole or within its considerable part.

### **Article 19**

#### *Public procurement*

The Contracting Parties shall create conditions for liberalization of national public procurement markets on the basis of non-discrimination and reciprocity.

### **Article 20**

#### *Intellectual property protection*

1. The Contracting Parties shall provide and ensure adequate, impartial and non-discriminatory protection of intellectual property rights, including measures to provide protection and restitution of those rights from their violation, forgery and piracy.
2. The Contracting Parties shall cooperate within intellectual property field, and on demand of any Contracting Party shall conduct consultations on those problems at expert level, especially concerning the functioning of existing and future international conventions on harmonization, management and strengthening of protection of intellectual property and functioning of international organizations, such as the World Trade Organization and the World Organization of Intellectual Property, as well as cooperation of the Contracting Parties with any third country concerning intellectual property.

### **Article 21**

#### *Settlement of disputes*

1. The Parties shall take all necessary measures to fulfill their obligations under this Agreement.
2. Without prejudice to the provisions of Article 15 of this Agreement, in case when one of the Contracting Parties considers that another Contracting Party does not fulfill its obligations under this Agreement and if such non-fulfillment of obligations causes or may cause damage to economic interests of the former Contracting Party it may request the latter Contracting Party to conduct consultations, which shall be held within two months since the date of written request with a view to search for a settlement acceptable for both Contracting Parties. A copy of such request shall be sent to all other Contracting Parties to this Agreement and any Party may take part in the consultations if it deems that the circumstances mentioned in the first sentence of this paragraph concern its interests.

The written request shall be supplemented by all information concerning the merits of case.

3. In case when the Contracting Parties do not reach a mutually acceptable settlement of the problem during the consultations mentioned in the paragraph 2 of this Article, the Contracting Party that made request for consultations has a right to settle the disputes concerning rights and obligations of the Contracting Parties within the framework of a special conciliation recommended by the Working Body during 30 days after the date of receipt of request (through establishment of working groups for studying the materials of the dispute and elaboration of recommendations).

4. In case when the Contracting Parties do not reach a mutually acceptable settlement of the problem during the consultations mentioned in the paragraph 2 of this Article and as a result of the special procedure mentioned in the paragraph 3 of this Article, the Contracting Party that made request for consultations has the right to recede from the fulfillment of its obligations under this Agreement regarding approximately equivalent amount of trade or to take other measures that it deems necessary as not to allow damage to the national economy. In selection of such measures, preference shall be given to the measures that violate the effects of this Agreement to the smallest degree. Application of such measures shall be immediately terminated as soon as the decisions of the other Contracting Party that led to introduction of these measures are repealed.

5. The provisions of this Article shall be without prejudice to settlement by the Contracting Parties of the emergent disputes among them through the procedures set by international law.

#### **Article 22**

*Correlation of this Agreement with other obligations and rights of the Contracting Parties*

1. Nothing in this Agreement shall be construed to prejudice fulfillment of obligations undertaken by any Contracting Party under any other international agreement to which such Contracting Party is or will become a party.

This provision shall by no means prejudice the rights of the Contracting Party to independently determine the regime of foreign economic relations with states that are not parties to this Agreement.

2. The provisions of this Agreement shall not affect the rights and privileges of the Contracting Parties granted by the Contracting Parties within the framework of economic associations, border trade, preferences for developing countries, free economic or trade areas regulated by internal legislation or international agreements.

#### **Article 23**

*Correlation of this Agreement with bilateral free trade agreements of the Contracting Parties*

Bilateral free trade agreements currently in force between GUUAM Member States shall be applied only to the extent to which their provisions are compatible with the provisions of this Agreement.

#### **Article 24**

*Amendments and supplements*

This Agreement may be amended and supplemented by mutual consent of the Contracting Parties. The amendments and supplements shall be drawn up in the form of protocols that shall constitute inalienable parts of this Agreement, and enter into force in accordance with Article 25 of this Agreement.

#### **Article 25**

*Entry into force*

1. This Agreement shall enter into force on the date of deposit of the second notification about fulfillment of all necessary internal national procedures by the Contracting Parties.

2. The Depositary of this Agreement shall be the Executive Power of Georgia.

#### **Article 26**

*Accession*

1. Upon consent of GUUAM Participating States, this Agreement shall be open for accession by any state, which recognizes the goals and principles of GUUAM and the provisions of this Agreement that are in force at the time of accession and which expresses its readiness to fulfill them in corpore.

2. The accession shall be conducted on conditions and in order set by a separate Agreement (Protocol) concluded with the accessing state that is subject to preliminary agreement and approval by all Contracting Parties in accordance with their internal state procedures.

#### **Article 27**

*Denunciation*

1. Any Contracting Party may denounce this Agreement by an official written notification of its intention to denounce the Agreement, communicated to the Depositary six months before withdrawal.

2. In case of violation of the provisions of this Agreement by any Contracting Party, that causes serious damage to achievement of its goals, other Contracting Parties may take extreme measures through suspension of effect of this Agreement or its separate provisions in respect of such Contracting Party.

3. For the purposes of settlement of possible disputes and claims, including those of material character, the provisions of this Agreement shall be applied in respect of the denouncing Contracting Party until complete settlement of all claims.

4. Done at Yalta on "20" July 2002 in a single original in the English and Russian languages, both texts being equally authentic.

The original text shall be deposited in the archives of the Depositary, which shall send its certified copies to the Contracting Parties.

## Agreement on international multimodal transportation of goods among the GUAM Participating States

*June 19, 2007*

**G**overnments of States-Members of the Organization for Democracy and Economic Development – GUAM (ODED-GUAM) hereinafter referred to as “Parties”,

recognizing that international transportation of goods is one of the means contributing to purposeful development of trade and economic relations among ODED – GUAM Member-States;

aware that environmental protection, increasing transportation economic efficiency, reducing consumption of fuel and energy resources, ensuring traffic safety, increasing capacity of transportation system require that owners of goods have alternatives in the choice of the type of transport utilized in transportation of goods;

convinced that multimodal transportation offers a large choice for international transportation of goods;

have agreed as follows:

### *Article 1*

#### *General Provisions*

The present Agreement shall govern relations among transport organizations, multimodal transportation operators, consignors, consignees, other natural and legal persons representing the owner of goods during transportation of goods, multimodal transportation utilizing rail, sea, river, road transport and ferry service, set forth rights, obligations, and liability of each of the participants to the transportation.

The present Agreement shall not affect rights and obligations arising from other international instruments to which ODED-GUAM Member-States are Parties.

The present Agreement shall apply in the field of international multimodal transportation of goods among ODED-GUAM Member-States and transit through their territories carried out by carriers incorporated in the territory of a Party with origin and destination in their territory and utilization of rail, river, sea, and road transport.

### *Article 2*

#### *Definitions*

Definitions used in the present Agreements shall have the following meaning:

1. Multimodal transportation – transportation of goods performed with two or more types of transport.
2. Multimodal transportation operator – any natural or legal person that, in order to perform multimodal transportation, concludes, on his own behalf, agreements with owners of goods (consignors) and transport organizations and is liable for organization of such transportation.

3. Multimodal transportation agreement – an agreement concluded by multimodal transportation operator or another carrier with the owner of goods (forwarder) on the delivery of goods by two or more types of transport.

4. Transport unit of multimodal transportation – transport means, containers used for multimodal transportation of goods.

5. Multimodal transportation terminal – a territory with a complex of buildings, structures, engineering facilities and communications (railway stations, vehicle terminals, sea, river, air, and road ports, freight customs depots) which are necessary to load and unload transport units of multimodal transportation and to their short-term conservation in point where types of transport are changed, as well as customs and other types of control, formalizing goods and vehicles in accordance with domestic legislation of the Parties.

6. Consignor – legal or natural person that commits goods under the authority of other persons or companies (forwarder, carrier/transportation operator) for its delivery to consignee.

7. Carrier – legal or natural person that is incorporated in the territory of a Party and that, under transportation agreement with an operator, takes up obligations and liability for the delivery of goods in the place of destination, performs transportation of goods and delivers (transfers) them to the consignee or another person as specified in the transportation agreement.

8. Forwarder – intermediary that arranges transportation of goods and/or provides correspondent services upon consignor’s instruction.

### *Article 3*

#### *Objectives*

1. The present Agreement shall pursue the following goals:
  - a. developing economic relations, trade and transport services among ODED-GUAM Member-States;
  - b. creating conditions for ensuring and providing services related to multimodal transportation of goods;
  - c. setting up uniform requirements for multimodal transportation carriers and operators to meet when fulfilling a multimodal transportation agreement;
  - d. increasing economic efficiency of transportation of goods;
  - e. ensuring traffic safety, safety of goods and environmental protection;
  - f. creating equal conditions for the competition among various types of transport;
  - g. harmonizing transport policy and legal rules in the field of transport.

2. Multimodal transportation of goods shall be governed by Parties' domestic laws. In accordance with international treaties, the present Agreement, and other legal and regulatory acts, competent authorities of the Parties issue, within their competencies, rules for transportation of goods in multi-modal operation by rail, river, sea, and road transport and ferry services, and freight terminals, guidelines and other legal and regulatory acts governing relations in multimodal operations, all of such acts being binding on legal and natural persons.

#### **Article 4**

##### *Organization of Multimodal Transportation of Goods*

1. The way in which multimodal transportation of goods should occur shall be defined by rules of international law and national laws of Parties governing such operations, unless the present Agreement provides otherwise.

2. The following may participate in multimodal transportation of goods:

- a. railway stations open for appropriate operations in multimodal transportation of goods;
- b. sea and river ports (hereinafter referred as "ports");
- c. freight terminals;
- d. ferry complexes;
- e. ships designed to carry transport units of multimodal transportation.

3. Appropriate authorities of the Parties shall determine terminals for multimodal transportation of goods. Appropriate authorities communicate each other the list of terminals.

#### **Article 5**

##### *Rights, Obligations, and Liability of the Multimodal Transportation Operator*

1. Multimodal transportation operator shall be required to ensure organization of transportation of goods it is responsible for.

2. Multimodal transportation operator shall be liable before consignor (owner of goods), consignee, and carrier in accordance with domestic laws of the Parties.

3. Insurance in the field of multimodal transportation of goods shall be made in accordance with domestic laws of the Parties.

#### **Article 6**

##### *Rights, Obligations, and Liability of the Owner of Goods (Consigner)*

Rights, obligations, and liability of the owner of goods (consigner) shall be defined in accordance with international agreements to which States are Parties and with domestic laws of the latter.

#### **Article 7**

##### *Settlement of Disputes*

Disputes and disagreements which may arise in connection with application and interpretation of the present Agreement shall be settled through negotiations and consultations between Parties.

#### **Article 8**

##### *Competent Authorities*

1. For the purpose of the present Agreement, the following shall be competent authorities of the Parties.

2. Parties shall be required to inform each other on any changes in the appointment of appropriate competent authority.

#### **Article 9**

##### *Support for, and Promotion of, Multimodal Transportation of Goods*

1. Parties shall take all necessary measures so that their railway administrations, ports, shipping companies, road transport firms, and multimodal transportation operators, in accordance with domestic laws of the Parties, have agreed on urgent actions in support of multimodal transportation of goods taking into account advantages offered by this type of transportation.

2. Parties, within the framework of domestic laws, shall contribute to encouraging the development and competitiveness of multimodal transportation operations which transport companies and multimodal transportation operators carry out by rail, road, river, and sea transport.

3. Parties shall support and assist their railway and road companies and ports in developing infrastructure used for multimodal transportation of goods.

4. Parties, within the framework of domestic laws, shall take necessary measures to accelerate inspections of goods shipped through multimodal transportation and shall promote transferring customs clearance of multimodal transportations from border crossings to multimodal transportation terminals.

5. Parties shall cooperate and assist each other in creating favorable conditions for the development of multimodal transportation of goods.

6. Parties' appropriate authorities shall contribute to the implementation of the present Agreement, the exchange of information which regulates multimodal transportation of goods.

7. Parties will promote pursuing coordinated tariff policy in the field of transportation and handling of goods at multimodal transportation terminals.

**Article 10***Force Majeure*

Whenever any force majeure occurs in the course of multimodal transportation of goods, the Parties will take measures as provided for in their domestic laws. Parties shall promptly inform each other on the occurrence of the force majeure and decide on urgent actions to be taken to ensure the continuity of multimodal transportation of goods.

**Article 11***Amending or Modifying the Present Agreement*

The present Agreement shall be amended or modified upon agreement among the Parties. Any amendments or modifications should be executed in a protocol which constitutes an integral part of the present Agreement and enters into force as prescribed in Article 12 of the present Agreement.

**Article 12***Entry into Force*

The present Agreement shall enter into force 30 (thirty) days after the Depositary has received, through diplomatic channels, the last notification that Parties have completed all internal procedures necessary for the present Agreement to enter into force. The Depositary informs all of the Parties on the entry into force of the present Agreement.

**Article 13***Accession to the Present Agreement*

1. The present Agreement shall be open for accession of any State provided that the Depositary has received the consent of all Parties of the present Agreement through diplomatic channels.
2. In respect of any acceding State, the present Agreement shall enter into force thirty (30) days after the Depositary has received the instrument of accession and notification that all internal procedures necessary for the accession to the present Agreement have been completed. The acceding State informs the Depositary on its competent authority.

**Article 14***Tenure of the Agreement*

1. The present Agreement shall remain in force indefinitely.
2. Any of the Parties may denounce the present Agreement by addressing the notification to the Depositary through diplomatic channels. Such denunciation takes effect six months after the date of receipt of the notification by the Depositary.

**Article 15***Depositary of the Agreement*

1. Secretariat of the ODED-GUAM shall be the Depositary of the present Agreement.
2. The Depositary shall transmit certified copies of the present Agreement to Parties. The Depositary notifies the Parties of any accession to the present Agreement or its denunciation by a Party or by all of the Parties.

### **Agreement on Establishment of the Business Council of GUAM Participating States**

*July 20, 2002*

**R**epresentatives of structures uniting entrepreneurs, manufacturers and businessmen of GUUAM Participating States, represented by the Heads of Chambers of Trade and Commerce, hereinafter referred to as "the Parties",

Being guided by the goals and principles of Yalta Charter of GUUAM,

Realizing considerable business potential of GUUAM Participating States,

Taking into account the need for deepening multilateral cooperation among the representatives of business circles of GUUAM Participating States,

Desirous to improve investment and business climate, ensure permanent forum for discussion of the problems of development of business within GUUAM region and active involvement of business community into the processes of GUUAM cooperation,

Have agreed as follows:

**Article 1**

The Business Council of GUUAM, hereinafter referred to as "the Council", as a part of organizational structure of the Grouping, shall be established.

**Article 2**

The Council shall facilitate implementation of agreements concluded within the framework of GUUAM, agreements on development of cooperation among business circles and business entities of GUUAM Participating States.

**Article 3**

The Council shall be guided by the basic documents of GUAAM, treaties concluded among GUUAM Participating States, decisions of the Heads of States of GUUAM and by this Agreement.

**Article 4**

The Council shall coordinate its activities with executive and working bodies of GUUAM.

**Article 5**

The Council shall render assistance to deepening comprehensive economic cooperation within GUUAM, realization of free trade regime, ensuring favorable conditions for transition to a higher level of economic cooperation based on free movement of goods, services and capitals, development of cooperation ties and scientific/technical cooperation among enterprises of GUUAM Participating States, trade, investment activity, rendering services in the sphere of manufacturing and business activities.

**Article 6**

The Council shall create conditions for permanent exchange of business proposals, search for partners for cooperation, discussion of urgent problems of economic and legal character at the level of businessmen, detection of obstacles preventing active realization of this cooperation, elaboration of proposals to the Governments of GUUAM Participating States on removal of such obstacles.

**Article 7**

*The main functions of the Council shall be:*

1. Elaboration of proposals on activation of economic ties among GUUAM Participating States, as well as of proposals on the ways of intensification of business ties in the interests of business entities;
2. Elaboration of proposals aimed at development of multilateral cooperation, in particular, in the fields of transportation and energy;
3. Elaboration of proposals on improvement of national legislation of GUUAM Participating States in the field of economic relations aimed at stimulation of cooperation business circles;
4. Promotion of integration of GUUAM Participating States into the global business system, development of cooperation with business circles of other countries;
5. Exchange of information in the field of economic cooperation and investment, formation of common market of business information;
6. Promotion of organization of specialized exhibitions, seminars, conferences, business-forums etc.;
7. Other functions, which may be useful for the achievement of goals of the Council.

**Article 8**

*The main functions of the Council shall be:*

1. Elaboration of proposals on activation of economic ties among GUUAM Participating States, as well as of proposals on the ways of intensification of business ties in the interests of business entities;
2. Elaboration of proposals aimed at development of multilateral cooperation, in particular, in the fields of transportation and energy;

3. Elaboration of proposals on improvement of national legislation of GUUAM Participating States in the field of economic relations aimed at stimulation of cooperation business circles;
4. Promotion of integration of GUUAM Participating States into the global business system, development of cooperation with business circles of other countries;
5. Exchange of information in the field of economic cooperation and investment, formation of common market of business information;
6. Promotion of organization of specialized exhibitions, seminars, conferences, business-forums etc.;
7. Other functions, which may be useful for the achievement of goals of the Council.

**Article 9**

This Agreement shall be of unlimited duration; it shall enter into force upon signature.

Any Party may withdraw from this Agreement by mutual notification of other Parties on such intention.

This Agreement shall be terminated with regard to such Party on receipt of the aforementioned notification by other Parties.

**Establishment of GUAM Virtual Center for fight against terrorism,  
organized crime, drug trafficking and other dangerous types of crime  
and GUAM Interstate Information Management System**

*June 28, 2004*

**C**ouncil of Ministers of Foreign Affairs of GUUAM States,  
Guided by the provisions of the Agreement on cooperation between GUUAM member states in the field of fight against terrorism, organized crime, drug trafficking and other dangerous types of crime, adopted at the GUUAM Summit in 20 July 2002 and the Agreement on establishment of the GUUAM Virtual Center for fight against terrorism, organized crime, drug trafficking and other dangerous types of crime and Interstate Information-Management System (VC/IIMS), adopted at the GUUAM Summit in 4 July 2003. Coming out from the GUUAM – U.S. Framework Program on trade and transport facilitation, ensuring the border and customs control, fight against terrorism, organized crime, drug trafficking and other dangerous types of crime,

Aiming at effective combat terrorism, organized crime, drug trafficking and promote contacts, analysis and operative exchange of information in the read-time regime the GUUAM framework,

In the way of implementing of the decisions adopted at the meetings of the Heads of GUUAM States and the Council of Ministers for Foreign Affairs of GUUAM States,

**Adopted the following documents**, agreed on the meeting of Authorized Coordinators of the GUUAM Working Group on combating terrorism, organized crime, drug trafficking on 24-25 May 2004 in Baku.

1. Rules and Procedures of the GUUAM Virtual Center;
2. Plan of establishment and action plan of the Virtual Center for fight against terrorism, organized crime, drug proliferation and other dangerous types of crime and Interstate Information-Management System (VC/111\4S) for 2004-2005;
3. Common standards and procedures of the exchange of information within the GUUAM Virtual Center;
4. Conception of the GUUAM Interstate Information Management System (IIMS);
5. Strategic plan of the GUUAM Virtual Center for fight against terrorism, organized crime, drug trafficking and other dangerous types of crime.

### **Cooperation in the field of combat against terrorism, organized crime and other dangerous types of crimes**

*December 4, 2008*

The Governments of the Participating States of the Organization for Democracy and Economic Development – GUAM – the Republic of Azerbaijan, Georgia, the Republic of Moldova and Ukraine, hereinafter referred as the Parties,

Being guided by the Agreement on Cooperation among the Governments of GUUAM Participating States in the Field of Combat against Terrorism, Organized Crime and Other Dangerous Types of Crimes of the 20 July 2002 (hereinafter referred as the Agreement of 2002), as well as the documents approved by the Council of Ministers for Foreign Affairs of GUUAM on 28 June 2004 in Istanbul,

Have agreed as follows:

#### *Article 1*

The exchange of information with classified level of restricted access not higher than “Secret” shall be conducted within the communication subsystem of the GUAM Interstate Information Management System (hereinafter referred as IIMS) in accordance with the norms of the national legislation of each Party.

#### *Article 2*

The protection of information within the national segments of GUAM IIMS shall be provided in accordance with the established requirements and with the use of means of protection of information, which are authorized (cleared to exploit, or certified) by the Parties.

#### *Article 3*

The protection of information within the interstate channels of communications among the national segments of GUAM IIMS shall be provided in four stages:

1. By using an open program module of cryptographic protection of information (taking into account the national requirements to the exploitation of program systems of protection of information without the right to transfer information with classified level “For Official Use Only (Restricted)” and higher levels).

2. By using the means of cryptographic protection of information with classified level of restricted access “For Official Use Only (Restricted)” developed and authorized (cleared to exploit, or certified) in one of the GUAM Participating States, which shall bear responsibility for securing information exchange through the channels of GUAM IIMS.

3. By using the means of cryptographic protection of information with classified level of restricted access “Secret” developed and authorized (cleared to exploit, or certified) in one of the GUAM Participating States, which shall bear responsibility for securing information exchange through the channels of GUAM IIMS.

4. By using the means of cryptographic protection of information authorized (cleared to exploit, or certified) in all Participating States of GUAM.

#### *Article 4*

1. The present Protocol shall constitute an integral part of the Agreement of 2002 and shall enter into force and terminate its effect under conditions provided by this Agreement.

2. Each of the GUAM Participating States may withdraw from the present Protocol in accordance with the procedure envisaged by the Agreement of 2002.

3. The Depositary of the present Protocol shall be the Depositary of the Agreement of 2002.

#### *Article 5*

Any disputes related to the interpretation or application of the present Protocol shall be settled in accordance with the procedure envisaged by the Agreement of 2002.

### **Cooperation in the field of prevention of emergencies and elimination of their effects**

*July 4, 2003*

The Government of the Republic of Azerbaijan, the Executive Authority of Georgia, the Government of the Republic of Moldova, the Government of the Republic of Uzbekistan and the Cabinet of Ministers of Ukraine, hereinafter referred to as the Parties,

Proceeding from the traditional relations of friendship and cooperation among their countries and peoples, and underlining their aspiration for further development,

Praising the development of multilateral interaction among GUUAM Participating States,

Reaffirming their adherence to basic norms and principles of international law,

Being deeply concerned with increasing number of emergencies and terrorist acts, including the possibility of use of weapons of mass destruction or their elements that represent a serious threat not only to individuals and States, but also to the whole international community, and recognizing the need for cooperation in the field of prevention of emergencies and elimination of their effects,

Taking into account the benefits for the Parties brought by exchange of scientific and technical information and elaboration of actions during joint training of readiness and reaction to emergencies,

Reaffirming the need for improvement of the mechanism of communication and cooperation among the Parties in the said field at the national and regional levels,

Recognizing that cooperation in the field of prevention of emergencies and elimination of their effects shall represent a weighty contribution to the welfare and security of all States,

Being guided by the provisions of Yalta Charter of GUUAM dated 7 June 2001, as well as by bilateral agreements among the Parties on cooperation in the field of prevention of emergencies and elimination of their effects,

Have agreed as follows:

### *Article 1*

#### *Sphere of application*

This Agreement shall regulate the conditions and forms of cooperation in the field of prevention of emergencies and elimination of their effects, as well as interaction of the Parties at the international level in the course of emergency reaction.

### *Article 2*

#### *Definitions*

The terms used in this Agreement shall have the following meaning:

**Cooperation** – interaction of the Parties for application of necessary resources for the purpose of joint effective activity in the field of prevention of emergencies and elimination of their effects under immediate control of civil structures;

**National Coordination Center** – a center that exists, or performs its duties, in the State of each Party for the purposes of coordination of activities on minimization or elimination of effects of emergencies, exchange of information and other activity related to implementation of this Agreement;

**Emergency** – violation of normal conditions of human life and activity within a certain territory, caused by an accident, catastrophe, emergency or other dangerous phenomenon that led or may lead to human and material losses;

**Elimination of effects of emergency** – search and rescue and other immediate works carried out in case of emergency, aimed at saving human life and health, minimization of damage to environment and material damages, as well as localization of emergency area.

### *Article 3*

#### *Principles of Corporation*

All joint activities under this Agreement shall be carried out in accordance with the legislation of the States of the Parties and universally recognized international norms; they shall also be based on the principles of equality, reciprocity and mutual benefit; they shall be aimed at solution of common problems, improvement of readiness of the Parties to emergency response and rescue operations in case of emergency.

### *Article 4*

#### *Forms of cooperation*

1. The Parties shall develop their cooperation in the aforementioned field in the following directions of common interest:

a. development of mechanisms and methods of improvement of capabilities of the Parties regarding their readiness to reaction, mitigation and elimination of consequences of natural and man-made emergencies, including:

- monitoring of dangerous natural and man-made phenomena;
- mutual informing about threats of emergency, or emergencies of transborder character;
- forecasting of natural and man-made emergencies; coordination of emergency assistance;
- assessment of impact of emergencies and reaction required; development of emergency plans.

b. exchange of specialists and researchers, as well as of information, technologies and assessment methodology;

c. joint conferences, seminars and practical training, as well as mutual planning, development and implementation of research and development projects;

d. training of rescue operations and joint training exercises;

e. creation of databases and other developments related to the subject of this Agreement;

f. establishment of communication among the Parties; g) implementation of pilot projects;

g. training and professional development of personnel;

h. any other form of cooperation, subject to approval by the Competent Authorities of the Parties.

2. Establishment of mechanisms of operative communication regarding:

- a. information of the Parties about natural and man-made emergencies that took place within the territories of the Parties;
- b. requests and proposals regarding assistance among the Parties;
- c. possible joint reaction to natural and man-made emergencies in third countries.

### **Article 5**

#### *Competent authorities*

1. For the purposes of implementation of this Agreement, the Parties shall appoint the following Competent Authorities:

For the Republic of Azerbaijan: State Commission for Emergencies;

For Georgia: Main Department for Emergencies and Civil Defense, Ministry of Internal Affairs;

For the Republic of Moldova: State Department for Emergencies;

For the Republic of Uzbekistan: Ministry of Emergencies;

For Ukraine: Ministry for Emergencies and Protection of Population from the Effects of Chernobyl Disaster.

2. The Parties shall inform each other in writing through diplomatic channels on any designation and change of the Competent Authority or the national Coordination Center.

### **Article 6**

#### *Joint Commission*

1. In order to develop the strategy, tactic and plans of joint activities within the framework of this Agreement, review and analyze the results of such activities, the Parties shall establish the Joint Commission on Cooperation in Prevention of Emergencies and Elimination of their Effects, hereinafter referred to as the joint Commission.

2. The Competent Authorities of the Parties shall determine the composition and functions of the Joint Commission.

3. The meetings of the joint Commission shall be held in turns in the territories of GUUAM Participating States annually, as a rule; they shall be held as deemed necessary by agreement of the Competent Authorities of the Parties.

### **Article 7**

#### *Coordination Centers*

1. The national Coordination Centers of each Party shall perform coordination and facilitate development of cooperation under this Agreement.

2. The Coordination Centers of the Parties shall perform the following tasks:

- sending information to GUUAM Participating States, UN Office for the Coordination of Humanitarian Affairs and NATO Euro-Atlantic Disaster Response Coordination Center about emergency and making requests for the aid necessary;
- receipt and processing of humanitarian aid proposals;
- performance of domestic procedures, preparation and sending of information to the national Coordination Centers of GUUAM Participating States, UN Office for the Coordination of Humanitarian Affairs and NATO Euro-Atlantic Disaster Response Coordination Center about readiness of countries to provide humanitarian aid and about adjustment of the list of the required material means and delivery site;
- development of domestic procedures, preparation and sending answers about the readiness to provide aid by various means of transport;
- organization of receipt of aid, development and conduct of customs and border procedures in accordance with the national legislations of the States of the Parties;
- sending information to GUUAM Participating States, UN Office for the Coordination of Humanitarian Affairs and NATO Euro-Atlantic Disaster Response Coordination Center about arrival of humanitarian aid;
- preparation and sending of information to GUUAM Participating States, UN Office for the Coordination of Humanitarian Affairs and NATO Euro-Atlantic Disaster Response Coordination Center about the end of emergency or terrorist act and of request for aid to affected population;
- preparation and sending of information about provision of aid;
- other coordination activities related to the subject of this Agreement.

### **Article 8**

#### *Access to territories*

In order to conduct joint activities under this Agreement, each Party shall, in accordance with international law and relevant domestic legislation, provide assistance for access to the territories under its jurisdiction, as well as to relevant establishments, organizations and information sources on such acceptable conditions that may be established by such Party.

### **Article 9**

#### *Exchange of information*

The information received as a result of activity under this Agreement, except for the information that is not subject to disclosure in accordance with domestic legislations of the States of the Parties, may be accessible to the world community through conventional channels on the basis of the legislations of the States of the Parties, if not agreed otherwise in writing by the Parties.

**Article 10***Relation to other international treaties*

This Agreement shall be without prejudice to rights and obligations of the Parties arising from other international treaties, parties to which are the States of the Parties.

**Article 11***Dispute Settlement*

Any disputes regarding interpretation or application of this Agreement shall be settled through negotiations among the Competent Authorities of the Parties; if necessary, they shall be settled through diplomatic channels.

**Article 12***Depositary*

The Government of Ukraine shall be the Depositary of this Agreement.

**Article 13***Amendments and supplements to this Agreement*

1. Amendments and supplements to this Agreement may be introduced by mutual consent of the Parties; they shall be drawn up in the form of Protocols, which shall form inalienable part of this Agreement.
2. The Protocols shall enter into force in accordance with the procedure laid down in Article 14 (1) of this Agreement.

**Article 14***Final provisions*

1. This Agreement shall be of indefinite duration; it shall enter into force on the thirtieth day from the date of receipt by the Depositary of this Agreement of the last written notification of completion by the Parties of the domestic procedures required for its entry into force.
2. Any Party may withdraw from this Agreement by sending through diplomatic channels a written notification of its intention to terminate this Agreement to the Depositary of this Agreement. In such case, this Agreement shall be terminated for such Party in six months from the date of receipt by the Depositary of this Agreement of the written notification of its intention to terminate this Agreement.
3. The termination of this Agreement, if not agreed otherwise by the Parties, shall not affect the obligations undertaken during the period of validity of this Agreement.

## Memorandum of Cooperation and Mutual Assistance in the field of nuclear and radiation safety among the GUAM Participating States

**G**overnment of the Republic of Azerbaijan, Government of Georgia, Government of the Republic of Moldova, and the Cabinet of Ministers of Ukraine, hereinafter referred to as "Parties", striving for further strengthening and developing fruitful cooperation and mutual assistance in the field of nuclear and radiation safety regulation,

realizing the importance of combining efforts and popularizing positive experience of introduction of advanced regulating approaches and principles in the field of nuclear and radiation safety based on international standards and science and technology development,

being guided by international standards of, and requirements for, radiation protection of the population and natural environment, safety in the field of handling radioactive wastes, radioactive sources of ionizing radiation, including their physical protection,

confirming commitment to the Code of Conduct in the Field of Safety and Integrity of Radioactive Sources,

considering that GUAM Member-States are members of the International Atomic Energy Agency (IAEA),

have agreed as follows:

**Article 1***Memorandum's Objectives*

Parties shall develop cooperation in the field of nuclear and radiation safety regulation in order to:

- develop and improve legislative framework and national infrastructure in the field of nuclear and radiation safety regulation;
- design coordinated actions in response to man-made emergencies;
- strengthen safety and protection against current threats, including terrorism and unauthorized displacement of nuclear and radioactive materials.

**Article 2***Competent Authorities*

Parties' competent authorities in charge of the implementation of the present Memorandum shall be:

- Ministry for Emergency Situations of the Republic of Azerbaijan;
- Ministry of Environment and Natural Resources Protection of Georgia;
- National Agency for Regulation of Radiation and Nuclear Activities of the Republic of Moldova;
- State Committee for Nuclear Regulation of Ukraine.

**Article 3***Major Areas of Cooperation*

The following shall be major areas of cooperation:

- exchange of information on legislative support for regulatory activities in the field of nuclear and radiation safety;
- exchange of experience in the field of practical response to nuclear or radiation accidents, including based on procedures and methods as set forth in IAEA's technical documents;
- exchange of experience in the field of handling ionizing radiation sources, including ensuring their integrity, as well as radioactive wastes and nuclear materials, inclusive of procedures for licensing, registering, and controlling their displacements;
- interaction in the course of implementation of IAEA's regional projects;
- timely mutual information on any accident affecting nuclear and radiation safety in the territories of GUAM Member-States taking into account the likely cross-border propagation of radioactive substances in case of their unanticipated release;
- other cooperation areas of mutual interest.

**Article 4***Forms of Cooperation*

The following shall be basic forms of cooperation:

- exchange of national reports on nuclear and radiation safety, radiation state of the environment, including reports prepared within the framework of the convention on nuclear safety and joint convention on safe handling of used nuclear fuel and safe handling of radioactive wastes;
- creation of, and support for, informational resources in Internet network on issues of mutual interest, including through Parties' participation in IAEA's databases;
- preparation of joint reports (communications, speeches) at seminars, conferences, meetings devoted to issues of mutual interest;
- holding joint working meetings, including within the framework on international events in major areas of cooperation;
- other forms of cooperation acceptable to Parties.

**Article 5***Confidentiality*

Exchange of information under the present Memorandum shall be made in compliance with domestic laws of GUAM Member-States. Whenever it comes to information with limited access, transmitting Party should notify of the degree of confidentiality/ secrecy of information. Confidential/ secret information is subject to the protection by the receiving Party.

**Article 6***Intellectual Property Right*

Parties shall undertake to effectively protect intellectual property in accordance with their laws.

**Article 7***Amendments and Modifications*

The present Memorandum shall be amended or modified upon agreement of the Parties. Any amendments or modifications should be executed in a protocol which constitutes an integral part of the present Memorandum and enters into force as prescribed in Article 11 of the present Memorandum.

**Article 8***Scope of Application*

1. Parties shall promote the development of direct scientific, technical, and economic cooperation among nuclear and radiation safety regulators, organizations involved in scientific and technical support for the regulatory effort, institutes, educational institutions, enterprises, and organizations whose operation complies with the stated objectives of cooperation.

2. The present Memorandum shall be the basis for such cooperation and conclusion of contracts (treaties, agreements) among enterprises (organizations, institutions) in accordance with laws of the Parties.

**Article 9***Settlement of Disputes*

Disputes which may arise in connection with application and interpretation of the present Memorandum shall be settled through negotiations and consultations between Parties.

**Article 10***Coordination*

Parties shall appoint responsible officials and exchange contact information thereon in order to ensure coordination of cooperation and interaction within the framework of the present Memorandum.

**Article 11***Entry into Force and Tenure*

1. The present Memorandum shall enter into force as of the date on which the Depositary has received the second notification that Parties have completed all required domestic procedures. In respect of the Party which submits such notification after such date, the present Memorandum enters into force as of the date on which the Depositary has received the Party's notification.

2. Ministry of Foreign Affairs of the Republic of Azerbaijan shall be the Depositary of the present Memorandum.

3. The present Memorandum shall be concluded for 5 (five) years. The present Memorandum may be prolonged for successive periods of five years upon consent of the Parties.

4. A Party may withdraw from the present Memorandum by addressing a withdrawal notification to the Depositary.
5. Withdrawal shall take effect 90 days after the Depositary has received such notification.

### *Article 12*

Authenticity of Texts

## **Joint Declaration of the Heads of States of the Organization for Democracy and Economic Development – GUAM on the issue of conflict settlement**

*May 23, 2006*

The Heads of State of the Republic of Azerbaijan, Georgia, the Republic of Moldova and Ukraine, Guided by the purposes and principles, enshrined in the Charter of the United Nations, universally recognized norms and principles of international law, provisions of the fundamental documents of the Organization for Security and Cooperation in Europe, the Yalta Charter and the Chisinau and the Kyiv Declarations of GUAM,

Proceeding from adherence to democratic values and aspirations advance further on the way to European and Euro-Atlantic integration,

Emphasizing the ever growing role of regional cooperation based on mutual respect of the sovereign rights of the states in pan-European integration processes,

Stressing that such cooperation facilitates advancement of democracy, strengthening of regional and international security and deepening of economic and commercial ties,

Reaffirming the necessity to respect the sovereignty, territorial integrity and internationally recognized borders of states, as one of the pillars of maintenance of international security,

Reaffirming also the necessity to develop democracy and respect of human rights and fundamental freedoms, including persons belonging to national or ethnic minorities, with the purposes of maintaining peace and security, strengthening the spirit of tolerance, ascertaining values, of cultural diversity and peaceful coexistence of various ethnic communities within the internationally recognized borders of states,

Recognizing that unresolved conflicts and illegal military presence on the territory of the Republic of Azerbaijan, Georgia and the Republic of Moldova undermine the sovereignty, territorial integrity and political independence of these states, impede implementation of full-scale democratic reforms and achievement of sustainable development, jeopardize regional security, negatively impact pan-European integration processes and challenge the entire international community, Expressing deep concern with regard to increasing security threats emerging from conflict zones, including international terrorism, aggressive separatism, extremism, organized crime and other related dangerous phenomena,

Being deeply concerned of continuing people's sufferings resulting from conflicts and their destructive consequences,

Drawing attention of the international community to the need of conflict-affected states for assistance in restoration of the infrastructure destroyed by military action,

Reaffirming that the root causes of conflicts are multi-faceted by their character and therefore, require comprehensive, complex and stepwise approach to their settlement,

Acknowledging the necessity to intensify conflict settlement efforts and calling upon the states and international and regional arrangements and institutions to further facilitate, within their competence, the processes of settlement of conflicts in the GUAM area,

1. Declare that settlement of conflicts on the territories of the GUAM States shall be carried out exclusively on the basis of respect to sovereignty, territorial integrity and inviolability of internationally recognized borders of these states, and is one of the priority objectives of cooperation within GUAM.

2. Stress that the territory of a state may not be a subject of acquisition or military occupation, resulting from the threat or use of force in breach of the relevant norms of international law. No territorial acquisitions and the resulting self-declared entities may be recognized as legal under any circumstances whatsoever.

3. Remind in this regard about the obligation of states of non-interference with the affairs of any other state and non-exertion of military, political, economic or any other pressure thereupon.

4. Underscore the lack of prospects and malignancy of separatism and disintegration, the incompatibility of the use of force and the practice of ethnic cleansing and territorial seizures with the universal and European values, the principles and ideals of peace, democracy, stability and regional cooperation.

5. Stress in this context the importance of consolidation of efforts of the GUAM States and the international community to settle conflicts on their territories by means of reintegration of uncontrolled territories into the states that they are part of, return of forcibly displaced population to the areas of permanent residency and ensuring peaceful coexistence of various ethnic groups within the internationally recognized borders of the states, development of civil society, restoration of destroyed infrastructure on these territories, and also, use of communications to the benefit of all parties.

6. Especially emphasize the importance of demilitarization of conflict zones and establishment of security in these zones with the help of multinational peacemaking forces deployed therein under UN or OSCE auspices for providing conditions for return of population and peaceful coexistence of ethnic communities.

7. Believe that the status of self-rule for the communities constituting the population of uncontrolled territories that will create the necessary conditions for effective exercise of their rights to equal participation in administration of state affairs, including through formation of legitimate regional authorities at all levels, can be determined exclusively within the legal and democratic process.

8. Welcome the efforts of international community and stress the importance of providing support to GUAM States in the development and implementation of a comprehensive and consistent strategy for conflict settlement based on the above mentioned principles, including short-term and long-term measures aimed at the achievement and maintenance of lasting peace, security and sustainable development.

9. Entrust the Council of Ministers of Foreign Affairs with the task to develop concrete measures and steps with the purpose of implementation of provisions of this Declaration.

## INTERNATIONAL COOPERATION

## GUAM – UNITED NATIONS

Observer status for the  
GUUAM in the General Assembly

December 9, 2003

United Nations

A/RES/58/85



## General Assembly

Distr.: General  
8 January 2004Fifty-eighth session  
Agenda item 163

## Resolution adopted by the General Assembly on 9 December 2003

[on the report of the Sixth Committee (A/58/524)]

## 58/85. Observer status for the GUUAM in the General Assembly

*The General Assembly,**Wishing to promote cooperation between the United Nations and the GUUAM,*

1. *Decides to invite the GUUAM to participate in the sessions and the work of the General Assembly in the capacity of observer;*
2. *Requests the Secretary-General to take the necessary action to implement the present resolution.*

72nd plenary meeting  
9 December 2003Cooperation between the United Nations and the Organization for  
Democracy and Economic Development – GUAM

United Nations

A/71/L.12



## General Assembly

Distr.: Limited  
11 November 2016

Original: English

Seventy-first session

Agenda item 126 (x)

Cooperation between the United Nations and regional and  
other organizations: cooperation between the United Nations  
and the Organization for Democracy and Economic  
Development — GUAM

Azerbaijan, Georgia, Republic of Moldova and Ukraine: draft resolution

Cooperation between the United Nations and the Organization for  
Democracy and Economic Development — GUAM*The General Assembly,**Referring to its resolution 58/85 of 9 December 2003, by which it granted the GUUAM observer status in the General Assembly, and its resolution 67/109 of 17 December 2012, in which it took note that GUUAM had been transformed into the Organization for Democracy and Economic Development — GUAM by the Heads of State of members of the organization in their Kyiv Declaration of 23 May 2006,<sup>1</sup>**Referring also to its resolution 69/271 of 2 April 2015,**Recalling that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of a political, economic, social, cultural or humanitarian nature,**Referring to Security Council resolution 1631 (2005) of 17 October 2005, in which the Council recalled its invitation to regional organizations to improve coordination with the United Nations and the Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security, adopted by the General Assembly on 9 December 1994,<sup>2</sup>**Acknowledging the efforts of the Organization for Democracy and Economic Development — GUAM to develop partnership relations with the United Nations and its Member States, based on the principles of sovereign equality, mutual respect*<sup>1</sup> A/60/875-S/2006/364, annex I.<sup>2</sup> Resolution 49/57, annex.16-19951 (E) 151116  

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and mutually beneficial cooperation, as well as on the commitment to democratic values, the rule of law, human rights and fundamental freedoms.

*Convinced* that further developing cooperation between the United Nations and other organizations of the United Nations system and the Organization for Democracy and Economic Development — GUAM will further contribute to the promotion of the purposes and principles enshrined in the Charter of the United Nations.

*Taking note* of the report of the Secretary-General,<sup>3</sup>

1. *Takes note* of the activity of the Organization for Democracy and Economic Development — GUAM aimed at promoting regional cooperation in various areas such as trade and economic development, energy, transportation, agriculture, disaster management, culture, science, education, public health, youth, tourism and sport, as well as countering terrorism, drug trafficking, organized crime, human trafficking, illegal migration and other types of criminal activity of a transnational nature, which contributes to the attainment of the purposes and principles of the United Nations, and to that end welcomes the intention of the Organization for Democracy and Economic Development — GUAM to cooperate with the Economic Commission for Europe and the United Nations Conference on Trade and Development;

2. *Emphasizes* the importance of strengthening dialogue, cooperation and coordination between the United Nations system and the Organization for Democracy and Economic Development — GUAM, and to that end invites the Secretary-General of the United Nations to engage in regular consultations with the Secretary-General of the Organization for Democracy and Economic Development — GUAM, utilizing for that purpose the appropriate inter-institutional forums and formats, including the annual consultations between the Secretary-General of the United Nations and the heads of regional organizations;

3. *Invites* the specialized agencies, components, organizations, programmes and funds of the United Nations system to cooperate and develop direct contacts with the Organization for Democracy and Economic Development — GUAM for the joint implementation of projects aimed at the attainment of common objectives, and in that context takes note of the existing practice of cooperation between the Organization for Democracy and Economic Development — GUAM and the United Nations Office on Drugs and Crime;

4. *Requests* the Secretary-General of the United Nations to submit to the General Assembly at its seventy-third session a report on the implementation of the present resolution;

5. *Decides* to include in the provisional agenda of its seventy-third session, under the item entitled "Cooperation between the United Nations and regional and other organizations", the sub-item entitled "Cooperation between the United Nations and the Organization for Democracy and Economic Development — GUAM".

<sup>3</sup> See A/71/160-S/2016/621, sect. II.

## Memorandum of Understanding between the Organization for Democracy and Economic Development – GUAM and the United Nations Alliance of Civilizations

November 19, 2018

### Preamble

This Memorandum of Understanding («MoU») is signed between the Organization for Democracy and Economic Development – GUAM («GUAM») and the United Nations Alliance of Civilizations («UNAOC»), hereinafter referred to as «the Parties».

### Whereas:

GUAM, as an inter-governmental international organization, aims to promote peace, security, stability and sustainable development in the region through the means of cooperation in economic, social and humanitarian spheres on the basis of norms and principles of international law, the UN Charter, the UN Global initiative for sustainable development and the OSCE key documents;

UNAOC, as an initiative of the United Nations, aims to build bridges between societies, promote dialogue and understanding, forge collective political will to address growing divisions between societies and restore mutual respect between peoples of different cultures, traditions and religions, inspiring them to mobilize behind concrete measures to achieve these goals;

GUAM and UNAOC agree to broaden and enhance their dialogue and cooperation, as well as maximize the effectiveness of their efforts to achieve their common goals and objectives in sectors of mutual interests, especially concerning the preservation of cultural diversity, prevention of polarization and extremism that could divide people and the promotion of tolerance, inclusiveness, integration and diversity to bring people together. The Parties in promoting and planning their activities will attach particular attention to youth.

GUAM and UNAOC wish to encourage intercultural dialogue and create conditions conducive thereto, with a view to improving relations between peoples of different cultures, religions and traditions to foster understanding, respect and cohesiveness, increase confidence and help to solve divisive issues.

### Article 1

The purpose of this MoU is to establish a general framework of cooperation between GUAM and UNAOC and to mutually benefit from and develop their dialogue and cooperation in areas of common interest and concern.

### Article 2

The areas for dialogue and cooperation shall include, but not limited to the following:

1. drawing on mutual synergies and complementarities, develop cooperation in activities pertaining to the dialogue of cultures;
2. fostering and enhancing the engagement of governments, civil society and other social actors in the work and principles of UNAOC;

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and mutually beneficial cooperation, as well as on the commitment to democratic values, the rule of law, human rights and fundamental freedoms.

*Convinced* that further developing cooperation between the United Nations and other organizations of the United Nations system and the Organization for Democracy and Economic Development — GUAM will further contribute to the promotion of the purposes and principles enshrined in the Charter of the United Nations.

*Taking note* of the report of the Secretary-General,<sup>3</sup>

1. *Takes note* of the activity of the Organization for Democracy and Economic Development — GUAM aimed at promoting regional cooperation in various areas such as trade and economic development, energy, transportation, agriculture, disaster management, culture, science, education, public health, youth, tourism and sport, as well as countering terrorism, drug trafficking, organized crime, human trafficking, illegal migration and other types of criminal activity of a transnational nature, which contributes to the attainment of the purposes and principles of the United Nations, and to that end welcomes the intention of the Organization for Democracy and Economic Development — GUAM to cooperate with the Economic Commission for Europe and the United Nations Conference on Trade and Development;

2. *Emphasizes* the importance of strengthening dialogue, cooperation and coordination between the United Nations system and the Organization for Democracy and Economic Development — GUAM, and to that end invites the Secretary-General of the United Nations to engage in regular consultations with the Secretary-General of the Organization for Democracy and Economic Development — GUAM, utilizing for that purpose the appropriate inter-institutional forums and formats, including the annual consultations between the Secretary-General of the United Nations and the heads of regional organizations;

3. *Invites* the specialized agencies, components, organizations, programmes and funds of the United Nations system to cooperate and develop direct contacts with the Organization for Democracy and Economic Development — GUAM for the joint implementation of projects aimed at the attainment of common objectives, and in that context takes note of the existing practice of cooperation between the Organization for Democracy and Economic Development — GUAM and the United Nations Office on Drugs and Crime;

4. *Requests* the Secretary-General of the United Nations to submit to the General Assembly at its seventy-third session a report on the implementation of the present resolution;

5. *Decides* to include in the provisional agenda of its seventy-third session, under the item entitled "Cooperation between the United Nations and regional and other organizations", the sub-item entitled "Cooperation between the United Nations and the Organization for Democracy and Economic Development — GUAM".

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### Whereas:

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UNAOC, as an initiative of the United Nations, aims to build bridges between societies, promote dialogue and understanding, forge collective political will to address growing divisions between societies and restore mutual respect between peoples of different cultures, traditions and religions, inspiring them to mobilize behind concrete measures to achieve these goals;

GUAM and UNAOC agree to broaden and enhance their dialogue and cooperation, as well as maximize the effectiveness of their efforts to achieve their common goals and objectives in sectors of mutual interests, especially concerning the preservation of cultural diversity, prevention of polarization and extremism that could divide people and the promotion of tolerance, inclusiveness, integration and diversity to bring people together. The Parties in promoting and planning their activities will attach particular attention to youth.

GUAM and UNAOC wish to encourage intercultural dialogue and create conditions conducive thereto, with a view to improving relations between peoples of different cultures, religions and traditions to foster understanding, respect and cohesiveness, increase confidence and help to solve divisive issues.

### Article 1

The purpose of this MoU is to establish a general framework of cooperation between GUAM and UNAOC and to mutually benefit from and develop their dialogue and cooperation in areas of common interest and concern.

### Article 2

The areas for dialogue and cooperation shall include, but not limited to the following:

1. drawing on mutual synergies and complementarities, develop cooperation in activities pertaining to the dialogue of cultures;
2. fostering and enhancing the engagement of governments, civil society and other social actors in the work and principles of UNAOC;

3. continued collaboration within UNAOC Group of Friends;
4. inviting each other to meetings, lectures, workshops, and other events of mutual interest;
5. cultural and outreach activities, including policy roundtables, forums, lectures, research on multiculturalism and tolerance, and other activities;
6. other areas of international relevance as the parties may agree and find appropriate;
7. wherever possible and appropriate, engaging the interested third parties and relevant international organizations.

### *Article 3*

This MoU will provide a framework for inter-institutional dialogue and cooperation between GUAM and UNAOC and will include, but not be limited to the following working principles:

1. development of informal, regular bilateral consultative meetings as may be necessary from time to time;
2. engagement in ongoing consultation and reciprocal sharing of information;
3. exchange of experiences and best practices.

### *Article 4*

Each party will identify its own focal point, which will be responsible for coordinating the activities hereunder. Any changes concerning the focal point shall be notified to the other party as soon as is practicable. For the purposes of this MoU, the Parties hereby appoint the Director of UNAOC and the Program Coordinator of GUAM as their focal points.

### *Article 5*

Modalities for the cooperation will be further established by GUAM and UNAOC through further Cooperation Agreements, Memoranda of Understanding or exchange of letters, and could include specific arrangements, such as a framework for financial contractual relations between both Parties.

In the event that the Parties choose to sign separate project-specific cooperation agreements, these shall contain at least the following:

1. the objectives sought and work product to be completed;
2. the work plan, which shall include a chronogram identifying progress milestones and dates for completion of the final work product and interim work product;
3. the budget, including the cost of technical supervision, administrative support, indirect costs or Institutional Net Rate (INR), identification of the resources required by the project, and the schedule of the contributions and;
4. a provision recognizing this MoU as the framework governing the project.

### *Article 6*

In its reports, speeches, outreach materials and other publications, each party shall give due recognition to the other for the other's contributions to the projects and other activities completed under this MoU.

### *Article 7*

The Parties shall hold annual meetings through their focal points in order to review this MoU and the activities carried out hereunder in order to assess, coordinate, revise and plan joint efforts as needed.

### *Article 8*

This MoU may be amended by written agreement of the Parties and shall remain in full force and effect until such time as either party notifies the other in writing of its intent to terminate it. Such notice shall become effective within thirty calendar days of its receipt by the other party.

### *Article 9*

Nothing herein constitutes an express or implied waiver of the privileges and immunities of the Parties, their personnel, and their assets, in accordance with the Charter of the United Nations, relevant agreements, applicable national law, or the general principles and practices of international law.

### *Article 10*

Any dispute that arises in connection with the application or interpretation of this MoU or any supplementary agreement, memorandum of understanding or exchange of letters, shall be resolved by direct negotiation between the Parties. The decision shall be final and binding and not subject to appeal.

### *Article 11*

The Parties acknowledge and agree that this MoU does not contain obligations regarding international law nor does it create financial obligations between the Parties.

### *Article 12*

The present MoU shall come into effect on the date of signature by the Parties and shall remain in force for an indefinite period of time. Should either party wish to terminate the MoU, it shall do so by means of official notification to the other party one month in advance. Early termination of the present MoU shall not affect the implementation and conclusion of any Letters or Memoranda of Understanding underway.

## GUAM – United States

### Joint Statement

21 September 2017, New York

On September 21, 2017, in New York, the 22<sup>nd</sup> meeting of the GUAM Council of Ministers for Foreign Affairs with the delegation of the United States of America took place on the sidelines of the 72<sup>nd</sup> Session of the UN General Assembly.

The Council reconfirmed its interest in further development of an efficient and beneficial cooperation with the USA.

The Sides assessed their cooperation following the last GUAM-USA Meeting, held in Basel, Switzerland, on December 5, 2014, and exchanged their views on the issues of mutual interest. The Sides expressed common interest in enhancing GUAM-USA dialogue.

The Sides took positive note of the 20<sup>th</sup> anniversary of the GUAM establishment and emphasized the importance of GUAM-USA cooperation throughout the past years.

The Sides reiterated their common position that the maintenance of peace, security, stability and cooperation in the region is an important element of collective efforts to create a common space of indivisible security for all States in the broader regional context without exceptions and distinctions.

The Sides underscored the need for progress toward the peaceful resolution of conflicts in the GUAM region. They agreed to continue dialogue on these conflicts in the appropriate fora.

The threat or use of force currently affecting the Member States of GUAM remains a serious concern. The Sides reaffirmed their commitment to the sovereignty and territorial integrity of the GUAM Member States.

The Sides also recalled their obligations to respect the universally recognized norms and principles of international law, including those enshrined in the Charter of the United Nations, the Helsinki Final Act, and their commitments under the fundamental documents of the Organization for Security and Co-operation in Europe.

The Sides outlined the 15<sup>th</sup> anniversary of the Framework Program on Facilitation of Trade and Transportation, Securing Borders and Customs Control and Combating Terrorism, Organized Crime and Drug Trafficking and underscored its important role in reinforcing the cooperation in the GUAM-US format.

The Sides took a positive note of GUAM project proposals, namely:

- The optimization of data collection and processing of legal statistics in law enforcement and other competent bodies of the GUAM Member States;
- The use of criminal operative analysis in actions aimed to combat illegal migration and human trafficking;

- Evaluation of natural/manmade risks and ways of rehabilitation of territories affected by the military conflicts and emergency situations in the GUAM Member States.

Furthermore, the Sides agreed to continue discussion on cooperation in the field of Cyber Security.

The Sides reconfirmed their desire to continue high-level dialogue on a broad range of regional and global issues.

## GUAM – Japan

### Joint Press Release on the sidelines of the OSCE Council of Ministers

5 December 2019, Bratislava

On December 5, 2019, in Bratislava, the high-level meetings of the representatives of GUAM and Japan were held on the sidelines of the OSCE Council of Ministers.

The GUAM side was represented by: H.E. Mr. Prystaiko Vadym, Minister of Foreign Affairs of Ukraine, in capacity of GUAM Chairman-in-office and H.E. Mr. Efendiev Altai, GUAM Secretary General.

The Japanese side was represented by H.E. Mr. Nakatani Shinichi, Parliamentary Vice-Minister for Foreign Affairs of Japan.

The two sides reconfirmed their adherence to the universally recognized norms and principles of international law, including those enshrined in the Charter of the United Nations, and underlined the importance of international efforts aimed at earliest settlement of the conflicts in the GUAM area on a basis of respect to the sovereignty, territorial integrity and inviolability of internationally recognized borders of the States.

The two sides emphasized the importance of the GUAM-Japan cooperation, which aims at ensuring peace, security, prosperity and stability on both regional and interregional levels and recalled their commitment to respect the universal values such as the rule of law, democracy, and human rights.

The two sides expressed their strong intention for the implementation of the “GUAM-Japan Cooperation Program” that provides a solid ground for developing new projects in order to fostering cooperation between GUAM and Japan in areas of mutual interest, such as trade and investments, energy, emergency situations, tourism, transport, culture, agriculture, medical care and environment.

The sides took note of the outcome of the Workshop on Investment Promotion held in Japan on March 17-23, 2019, and the first phase of the press tour for the Japanese mass-media in the territories of Azerbaijan and Georgia on May-June, 2019. The two sides decided to organize the Workshop on customs next year in Japan. The GUAM member states expressed their appreciation to Japan’s support in preparing and conducting these events.

The sides reconfirmed the interest and readiness to maintain high-level dialogue, including both on GUAM-Japan cooperation and a wide range of regional and global issues.

The time and venue of the next GUAM-Japan meeting will be agreed through diplomatic channels.

## PRIORITIES OF AZERBAIJANI CHAIRMANSHIP IN 2020

Chairmanship in Office of the Republic of Azerbaijan in the Organization for Democracy and Economic Development – GUAM in the year of 2020 will focus on the matters of economic cooperation between the Member States. Chairmanship will also pay importance to political, humanitarian, scientific, inter-parliamentary and consular issues within the organization. Preference will be given to the goal-oriented projects and initiatives.

### Priorities of the Chairmanship

The Chairmanship has defined the sphere of Transport Connectivity as its priority. The priority also includes related sub-sectors being Trade and Customs.

### *Transport connectivity*

The Chairmanship considers essential to make GUAM an important and integral part of the forming transport scene in Eurasia. Considering the significance to harness the transport and transit potential of the GUAM region for strengthening and diversifying the economic cooperation between the GUAM Member States, it is crucial to consolidate the efforts to realize the GUAM Transport Corridor project. Closer collaboration with the counterpart countries, international organizations and other related parties for developing alternative routes connecting Europe and Asia is also matter of high importance. In this context the Chairmanship plans to take the concrete actions for the implementation of the GUAM Transport Corridor project.

As instructed by the GUAM Heads of Governments at their Summit in 2018, the Chairmanship plans to facilitate the completion and approval of the feasibility study of the GUAM Transport Corridor. In this regard, stronger efforts by the Member States at the discussions with the European Commission are necessary. The Chairmanship will coordinate these discussions in Brussels.

Completion and adoption of the feasibility study of the GUAM Transport Corridor will enable the Member States to identify concrete fields for developing regional projects and their joint implementation together with the international partners and private sector. Contacts with logistical companies will also be established if required.

In this regard, the Azerbaijani side during its Chairmanship will host the meetings of the GUAM Ministers of Transport and Working Group on Transport in Baku with particular attention to the promotion of the GUAM Transport Corridor and attraction of the new partners.

Considering the close link between the transport corridors with the cross-border trade and information flow, the use of digital technologies in transport and logistics will help to improve transport efficiency and accelerate the provision of public and other services in this field. In this regard digitalization of the GUAM Transport Corridor is important.

The Chairmanship will continue to facilitate the partner countries, as well as the European Union, China and other stakeholders to support the implementation of the GUAM Transport Corridor project. To this end, it intends to encourage joint participation in the important international transport and logistics forums.

### ***Trade stimulation***

The economic-trade potential existing in GUAM region is underused and this fact makes essential the transformation of GUAM into an economic-trade organization in Eurasia region. In this regard, as stated at the GUAM Summits, the implementation of the Agreement on Establishment of the Free Trade Area between GUAM Member States is very important. For this reason, the Chairmanship will encourage the efforts of the Member States to agree upon and sign the “Protocol on rules of definition of country of origin of commodities”, which shall constitute an inalienable part of this Agreement. The Chairmanship intends to raise the excellence of this document by improving its quality.

Chairmanship will also promote the efficient function of the GUAM Working Group on Economy and Trade and Working Body for the realization of the Agreement on Free Trade Area.

### ***Cooperation in Customs sphere***

Since the development of transport corridors can facilitate the trade, discussion of the trade promotion issues by customs services plays an important role. In this regard, the Chairmanship proposes to strengthen effective and result-oriented interaction between the customs services of GUAM Member States.

To achieve this goal, the Chairmanship also will be facilitating a meeting of customs officers and a regional forum with the World Customs Organization in order to obtain and apply advanced digital technologies and innovative methods for simplifying and improving the quality and safety of the customs procedures within GUAM.

### ***Other important fields of cooperation***

Meanwhile, areas listed below are also determined as important directions and the Chairmanship will work to develop the agenda to strengthen the cooperation on them:

- Energy;
- Small and medium enterprises;
- Tourism;
- Political contacts;
- Parliamentary dimension;
- Emergency situations;
- Youth and education.

### ***Energy***

As one of the leading energy countries in the region, Azerbaijan attaches great importance to the development of energy cooperation among the GUAM Member States. Joint initiatives and projects in this area can increase the importance of the region in the formation of Europe’s energy security, thus will increase the geostrategic importance of the region and GUAM.

The Chairmanship intends to support the development of cooperation, focusing on new energy initiatives among the GUAM Member States. This work will also be carried out in capacity of the country-coordinator of the GUAM Working Group on Energy. In this regard, depending on the outcomes of the meeting of the Working Group, the Chairmanship will encourage to hold the meeting of the GUAM Ministers of Energy within the 27<sup>th</sup> International Caspian Oil and Gas Exhibition and Conference to be held in Baku on June 2-4, 2020.

### ***Strengthening the cooperation in the field of small and medium enterprises***

The Chairmanship will continue to promote cooperation among business communities of GUAM Member States in connection with the implementation of measures to strengthen economic and trade cooperation. In this context, the active participation of the private sector and the establishment of public-private partnerships are important in the implementation key transport and trade initiatives of GUAM.

In this regard, the Chairmanship will support the efforts of the business communities and institutions representing their interests, as well as the GUAM Secretariat within the interests of the Member States.

For this purpose, it is important to revise the working mechanism of the Chamber of Commerce or Business Council. Inactive structures or subagencies should be abolished, and instead should be created a platform that will incorporate flexible and practical elements and promote daily collaboration. The relevant mechanism or structure should be able to bring together the representatives of the private sectors of all Member States and carry out an active work for their interests.

Supporting the initiative of GUAM Member States to hold regular meetings of Heads of States and Governments, the Chairmanship will explore the possibilities of holding such a meeting in Azerbaijan and a business forum dedicated to this.

### ***Tourism***

Tourism, as one of the dynamically developing sectors of the GUAM Member States’ economies, has great potential for regional and international cooperation with the aim of diversifying national economies, developing small and medium enterprises, and increasing the GUAM’s popularity as a tourist destination. Chairmanship will try to strengthen cooperation among the countries to stimulate tourism, simplify procedures and increase the touristic attractiveness of the region. Chairmanship will stimulate the development of the international cooperation in order to learn and apply advanced experience and modern technologies and to increase the quality and standards in tourism industry. To this end, the Chairmanship will facilitate the discussions on developing a joint travel product for GUAM Member States and initiate a consultation meeting with the participation of representatives of government agencies and organizations of the Member States. Discussion of the info-tours and press-tours according to the Azerbaijan-Georgia and Ukraine-Moldova scheme for representatives of Japan, China and other countries in order to expand visits to GUAM countries is also planned at the proposed meeting.

### ***Political Dimension***

The Chairmanship plans to take actions for strengthening the political dialogue by organizing high level meetings of Council of Ministers of Foreign Affairs, Council of National Coordinators, GUAM Parliamentary Assembly, as well as coordinate the cooperation through the relevant diplomatic missions.

The Chairmanship will coordinate the efforts aimed at drafting and submitting the UN General Assembly resolution entitled “Cooperation between the United Nations and the Organization for Democracy and Economic Cooperation – GUAM”. The Chairmanship will make efforts towards promoting the draft resolution on “Protracted conflicts in the GUAM area and their implications for international peace, security and development”.

The Chairmanship will also coordinate the efforts for increasing support of the Council of Europe, OSCE etc., to the issues of joint interest, particularly protection of the territorial integrity within the internationally recognized borders and sovereignty.

### *Parliamentary dimension*

The Chairmanship will also promote the development of inter-parliamentary cooperation of the GUAM Member States within the GUAM Parliamentary Assembly, and will take actions for improving the effectiveness of this cooperation, especially the coordination and interaction of sectoral cooperation bodies and relevant parliamentary committees. The Chairmanship will also promote interaction of parliamentary delegations of GUAM Member States within the international organizations. In accordance with the existing practice, the Chairmanship plans to host the session of the GUAM Parliamentary Assembly and a committee meeting in Baku.

### *Emergency situations*

The chairmanship will support the development and deepening of cooperation between the emergency agencies. Given the existing contacts of the GUAM Member States on the fight against natural and man-made cataclysms, and the growing interest in cooperation in this area, the Chairmanship may consider hosting events in Azerbaijan.

Given the dynamics of law-enforcement cooperation in the fight against organized crime and terrorism, the Chairmanship will encourage cooperation aimed in improving efficiency in this area.

### *Cooperation in the areas of Youth and Education*

Taking into account the results of the first meeting of the diplomatic academies and institutes under the Foreign Ministries of GUAM in Baku in July 2019, the Chairmanship will encourage further widening and deepening the cooperation in this field.

The Chairmanship will support the implementation of all agreed initiatives and activities in the field of youth and education.

### *Adoption of the Documents*

The Chairmanship will:

- Contribute to the development of the partnership strategy through agreement and adoption of the Chairmanship Vision Paper;
- In line with the recommendation of the Council of Ministers of Foreign Affairs on 08.10.2017, will speed up the joint development of the Strategic Communication;
- Take necessary actions for strengthening the dialogue in consular issues and finalizing the work on convention on mutual rendering of assistance in consular matters;
- In terms of the memorandums of understanding or other cooperation documents with international and regional organizations, support the development and expansion of international cooperation aimed at concrete results with both GUAM partners, international organizations and all stakeholders sharing the goals and principles of GUAM.

In addition to the key areas of cooperation mentioned above, the Chairmanship will encourage the implementation of existing initiatives in other areas of cooperation. In this context, the focus will be on the effectiveness of these initiatives and the achievement of specific outcomes.

## ARTICLES

### **GUAM in Evolving Geopolitical Context: Challenges and Opportunities for Regional Cooperation**

*Amb. Altai Efendiev\**

#### *Introduction*

The Organization for Democracy & Economic Development - GUAM, comprised of Azerbaijan, Georgia, Moldova and Ukraine (GUAM) recently has entered its third decade. Created in 1997 as a collective response to address regional security and development challenges, the initiative went through different phases in its evolution – from raising hopes and high expectations at the initial stage, to some disappointments and criticism for inability to deliver up to these expectations. Under the circumstances, the contribution of GUAM to the regional stability, cooperation and development appeared to be very little, if noticeable at all.

On one hand, following the dissolution of the USSR and subsequent collision of interests of local, regional and global players in the periphery of the former metropolis, GUAM geography appeared to be at the epicenter of most serious and growing geopolitical tensions. Growing number of conflicts and wars on the territories of GUAM member states (MS) resulted in flagrant violations of their sovereignty and territorial integrity, dozens of thousands of lost lives and millions of refugees and IDPs left behind. These conflicts as the most dangerous conflicts in the world are continuing to be major impediment to cooperation and development, source of threats to international peace, security and stability. This is also an indication of how hostile and volatile the external environment in which GUAM operates, and how fragile and vulnerable GUAM MS and the Organization as whole can be.

On the other hand, GUAM geography is also becoming an important integral part of the new emerging global connectivity architecture opening up enormous opportunities for regional cooperation.

To a large extent development of cooperation in the framework of GUAM, as well as its engagement with the third parties, was defined by the dynamics of the developments on the ground, and by the correlation between the Organization, its framework and structures and its external geopolitical environment in which it operated.

There are number of questions on to what extent the framework and its structures were adequate and pertinent to its environment; to what degree the collective policy responses were relevant and corresponding to the tasks in front of the Organization and the challenges facing the region; how both above-mentioned aspects affected the cooperation and the outcomes of the activities in the framework of GUAM; and, finally, what should be undertaken by the member states, their partners and international community to rectify the current status quo towards transforming GUAM into efficient and important regional player capable to contribute to the shaping of this geographic space as the zone of peace, security, stability and cooperation.

\* Ambassador Altai Efendiev, GUAM Secretary General

This article seeks to find response to some of the above-mentioned questions and to offer certain suggestions to that effect<sup>1</sup>. This article is also an attempt to find an answer to all tormenting questions: how to get out of the vicious circle of tensions and conflicts into the process of constructive dialogue, building of trust, stability, cooperation and eventually long-awaited peace in this geographic area of enormous economic potential and growing geostrategic significance.

### **20 Years of GUAM: Through Ups and Downs**

The creation of the new regional initiative in December of 1997 was a collective response of the founding members to the security challenges they confronted with since regaining their independence in 1991. With the security and political concerns dominating at the very beginning, this initiative eventually evolved into further incorporating new spheres of mutual interests with areas of cooperation embracing trade and economy, culture and tourism, youth and sports, strengthening of national institutions, combating natural and man-made disasters, enhancing regional security and stability, democratic reforms etc.

Dynamic developments since the inception, was a clear manifestation of the political will and commitments that instilled optimism and raised expectations behind the initiative. National leaders of GUAM MS hold their annual Summits to discuss visionary strategic ideas and concepts and to propose clear guidance for prospective cooperation, such as GUAM Transport Corridor, GUAM Free Trade Area, GUAM Cultural Corridor, as well as close cooperation in consular, education, healthcare, customs, combating crimes, youth and sports and many other spheres.

Rapid expansion of cooperation into new areas necessitated the institutional and organizational support for coordination of joint efforts. Thus, in May 2006 at the GUAM Summit in Kyiv, Ukraine, GUAM has been transformed from a regional initiative into a full-fledged international organization under the new title – “Organization for Democracy & Economic Development-GUAM” (ODED-GUAM) with the international secretariat and the Headquarters (HQ) based in Kyiv. Later on, with establishment of GUAM Business Council and GUAM Parliamentary Assembly, the cooperation has been extended into business and parliamentary dimensions respectively. Among other initiatives, the establishment of the Virtual Center for Cooperation of the Law Enforcement Agencies is also worth mentioning.

Since then ODED-GUAM held two remarkable Summits in 2007 (Baku, Azerbaijan) and in 2008 (Batumi, Georgia), with the attendance of the leaders and high-level guests from European states, the US, Japan, senior officials and politicians from across the world. Summits have triggered conceptual, project-based and result-oriented approach to cooperation that eventually transferred into important agreements, basic documents and strategic initiatives. Here we can refer to the main ones – “The Agreement on the Establishment of Free Trade Area among GUAM Member States” (GUAM FTA, entered into force in 2003), and “The Concept of the GUAM Transport Corridor” (GUAM TC) adopted in 2013.

Besides, all the necessary statutory documents to ensure organization’s efficient functioning have been also elaborated and adopted during this period.

The Organization declared its openness and willingness for cooperation with all who shared same values, principles and objectives. Since its inception the US, Japan, Visegrad-4 countries, Turkey, the Baltic

<sup>1</sup> This is an amended version of the article first published on the official website of the ODED-GUAM on August 3, 2020. Views, assessments and suggestions are of the author and do not necessarily reflect the official stance of the Organization, nor of GUAM member states.

and the Balkan countries and others showed interest in establishing formal relationship with GUAM. Eventually, a comprehensive “GUAM-US Framework Program of Trade and Transport Facilitation, Ensuring Border and Customs Control, Combating Terrorism, Organized Crime and Drug Trafficking” has been adopted. That followed by the signing of the GUAM-Japan Cooperation Program that was further expanded in 2015.

August 2008 war between the Russian Federation and Georgia interrupted positive dynamics of cooperation in GUAM. Moreover, the war has caused waves across the region that triggered changes of political elites in some countries, for whom engagement and high-profile cooperation in the framework of GUAM was not of a priority, or if can be said so, of political convenience and expediency. Thus, long-term strategic vision was substituted with short-sighted political maneuvering and the Organization became the hostage of political conjuncture.

In contrast to the first decade, during next nine years, the activities within the Organization were kept mainly at the expert level, the visibility and dynamics of activities within the Organization were gradually decreasing. This affected the overall discipline throughout GUAM’s institutional hierarchy. Though the main decision-making body – the Council of Ministers of Foreign Affairs was holding meetings regularly, its decisions were mainly of routine nature, aimed at ensuring the functioning of the Secretariat and the Organization as a whole. It seemed as if GUAM lost sense of purpose. Some key partners started losing interest towards the Organization, reduced or even withdrew their support and engagement. This period can be characterized as the time of lost opportunities.

New situation in the region emerged in 2014. Dramatic internal developments in Ukraine brought to power new pro-national political elites that also caused subsequent military confrontation in the Eastern and the Southern parts of Ukraine. These developments altered geopolitical context and created the situation in the region that have foregrounded the importance of GUAM as a regional framework.

In September 2016, GUAM MS at the meeting of the then Prime Minister of Ukraine V. Groysman and the Permanent Representatives to the Organization of GUAM MS accompanied by GUAM Secretary General, was decided to relaunch high-level meetings with the focus on economic issues. On March 27, 2017, after nearly a decade since the last GUAM Summit, the first meeting of the Heads of Governments of GUAM MS was held in Kyiv. The agenda of the meeting contained two main issues – the implementation of the Agreement on the Establishment of FTA and of the Concept of GUAM TC. To make the implementation of these initiatives open and inclusive, GUAM Business Forum has been launched, where Heads of government addressed business communities and invited them to close cooperation in the realization of these initiatives.

Since then, GUAM Summits are organized on annual basis, hosted by the Chairmanship-in-office and, as a rule, accompanied by the GUAM Business Forums. During the last meeting held in Kyiv on December 12, 2019, Ukraine’s current President V. Zelensky received the Heads of national delegations and proposed an exchange of views on the future of GUAM. All participants expressed their interest and commitment to the enhanced, purposeful and result-oriented interaction.

To sum up, Summarizing the above overview, we may say that since 2016, the Organization is in the process of accommodating adapting to the new realities through recalibrating its purpose sense of purpose functioning and redefining its mission. The cooperation in the framework of GUAM has been renewed

and gaining momentum with. An impetus has been provided to a number of important developments that could provide the Organization with clear development strategy and sharpened medium to long-term vision.

Without diminishing the significance of the ongoing activities in many other fields, the interaction on two main tracks should be singled out. On the first – 1) the Organization is focusing its activities on practical implementation of two mentioned flagship initiatives, expansion of the latter into an inclusive process with engagement of local and international partners, as well as development and further upgrading of legal and regulatory frameworks. 2) On the second, – The member states attempt to project their cooperation into the future, to make it more comprehensive, enhance the synergies of the ongoing activities at national and regional levels. This presumes the elaboration of the strategic perspectives of cooperation based on the provisions of the Chairman’s Vision Paper, adopted by the CMFA at the 20<sup>th</sup> Anniversary meeting of the CMFA held on October 8, 2017 in Tbilisi, Georgia.

GUAM MS have also embarked on the elaboration of proper “Concept of Communication Strategy”. This is becoming crucial as the Organization is aiming at reaching out a wider public both at the national and international level, as well as eliminating misinterpretation and confusion about the purpose and the activities of GUAM caused by the deliberate toxic media insinuations.

With above processes going in parallel, the ultimate objective is to rebrand GUAM, make it relevant and adequate to its tasks and objectives and to dynamic and evolving external environment with an aim to make its activities project-based, result-oriented and delivering, so that it can be an active participant of and contributor to the regional developments. Provided that GUAM maintains the focus on the set of objectives and implements its projects and initiatives, results of its activities can trigger positive trends across the region with potential benefits for the whole neighborhood.

### **Learning from Experience**

For this to happen, it is crucial that the momentum of regional cooperation is preserved and further developed, avoiding mistakes of the past. The history of GUAM can teach us presents few important lessons in that respect, which can be useful to steer the Organization further through the dire straits of geopolitics.

*Lesson 1 - The Organization functions efficiently only when there is unity, solidarity, political will and leadership behind it.*

As the experience of the first decade shows, the Organization can deliver only when there is commitment and engagement at the highest level. This is crucial because it affects many aspects of organizational behavior: coherence, consistency and continuity, discipline and mobilization through the institutional hierarchy. It provides necessary guidance, as well as project visibility and ensures international engagement and cooperation.

There is a need to restore institutional discipline, engage partnership and cooperation implementation of its objectives. Therefore, leadership, commitment, visibility and predictability are the key factors.

The Supreme body of GUAM is the Council of the Heads of State and Government, which according to the GUAM Charter, should meet once a year. This provision should be strictly observed and this highest GUAM body should lead the Organization by example.

*Lesson 2 - The mainstream cooperation in the framework of GUAM should not be affected by the situational internal politics.*

It should be unequivocally agreed and acknowledged that the strategic national interests constitutes the very core of GUAM functioning and this should be a guiding principle for political elites of GUAM MS irrespective of their ideological orientation and political affinities. GUAM should be above short-term opportunistic interests in national political conjuncture, and its activities should not be compromised for tactical political maneuvering and fall under internal or external influences.

Activities in the framework of GUAM should be viewed solely through the prism of national strategic interests of GUAM MS, as well as their impact on the regional development as a whole. GUAM should not be the object of far-fetched cheap propaganda and be used as an apple of political discord. These are crucial conditions to eliminate further ups and downs, dependence on internal political upheavals in GUAM and to ensure the consistency and continuity in its activities.

*Lesson 3 - The Organization is strongly dependent on the external environment in which it operates and is extremely vulnerable to that.*

When the environment is conducive and supportive, the Organization can operate effectively, but when the environment is hostile and unpredictable – activities stall.

This is probably the most important lesson that GUAM MS should be addressing on a more consistent manner. Because it affects many other aspects – unity and solidarity, consistency and predictability, international engagement and cooperation, progress in results of activities, etc. It depends to a large extent on the MS themselves, how they collectively contribute to the shaping a conducive environment.

Among major factors that adversely affect GUAM environment are the regional conflicts on the territories of GUAM MS. These conflicts while continue seriously to impede the sustainable development in the region, are also being utilized as main instruments for manipulation and influence over the GUAM MS. Therefore, these conflicts should be collectively and persistently addressed by GUAM MS aiming at the mobilization of the support and active and responsible engagement of international community in their resolution. Moreover, they are also posing serious threats to the European and wider international peace, security and stability.

The factor of the existing territorial conflicts was the premise of the creation of GUAM, which aimed at contribution to their resolution mainly through means of political interaction and economic cooperation as the Organization is not equipped with other means in that respect. Nevertheless, joint persistent and purposeful advancement of the common and solid stance, based on norms and principles of international law, is a powerful message to international community and should be further continued and strengthened to raise awareness and attract more support. Here GUAM MS should manifest their unequivocal unity and solidarity in their stance towards principle issues of all MS.

While assessing the situation around the conflict resolution, one should acknowledge a complete failure of the international community in their attempts to uphold the international law to contribute to the restoration of the sovereignty and the territorial integrity of GUAM MS. In the light of fruitless attempts of the international community to mediate the conflict resolution without any promising prospects, GUAM MS should take a more proactive and assertive approach in advancing the Organization as

useful regional platform, able and capable of bringing about positive developments and changes in the region.

*Lesson 4 - Active international cooperation is the prerequisite for successful implementation of regional projects and initiatives in the framework of GUAM.*

When GUAM functions properly, it attracts interest of external partners, but when it malfunctions the interest and support vanish away. Broad cooperation with partners is crucial for achieving GUAM's goals.

There is a need to develop and expand partnerships through consistent, continuous, coherent and purposeful engagements in order to bring up a new balance of interests in the region that will improve overall political climate. It is obvious that divergencies and asymmetries in terms of political and economic weight, military power and committed resources in the balance of interest in the region is one of the major challenges that should be in the focus and persistently addressed by GUAM MS. These asymmetries in the interplay of interests and factors are among most serious challenges that the member states should take into consideration.

There are many examples in the development of important regional projects proving that when there is broad coalition of committed, engaged and supportive partners, even unimaginable is becoming possible.

*Lesson 5 - The Organization cannot be effective and influential without adequate communication strategy.*

Since its inception GUAM became the target of deliberate and purposeful media attacks and manipulations, aimed at distorting its true aims and objectives, undermining its image and authority. STRATCOM is a missing part in our activities and have created an info vacuum for all sorts of manipulations of public opinion.

Certain politically motivated toxic media insinuations are the secondary instruments for influencing political elites and to manipulate internal political environment in GUAM MS. There are persistent, orchestrated attempts to depict GUAM as someone's tool in pursuance of its ominous goals directed against a specific third party. This is quite popular, deliberately propagated and replicated narrative used in fierce anti-GUAM propaganda. This is of course not only strongly biased and unfounded, but false, deceiving and irresponsible as there is no GUAM documents or actions proving that.

On the contrary, this kind of propaganda technique can be considered as an ideological justification for more aggressive and assertive attacks against GUAM. This narrative creates a lot of speculations, conspiracy assumptions, frivolous interpretations and unnecessary tensions inside member states and in the relationship with their potential partners.

Some comments even go as far as stating that GUAM is a tool to facilitate the EU's and NATO's encroachment into the region. Quite often this thesis is being used to unjustly scourge the Organization and, unfortunately, this hysteria reverberates in internal politics, affecting attitudes of political elites towards GUAM in some member states. Both the EU and the NATO are important players and stakeholders in the region promoting security, stability, cooperation and development. They are engaged in different activities with the countries in the region on bilateral basis, as well as in multilateral formats.

Some GUAM MS, have strategic interests, political aspirations and objectives of building closer relations with these organizations as a way to strengthen their independence and ensure integration into Euro-Atlantic structures.

At the same time, long-term strategic aims and aspirations of GUAM MS are not necessarily same, or similar. Where the common interests in the framework of GUAM converge are in the strengthening of the independence, restoring territorial integrity and sovereignty of GUAM MS, in regional cooperation and implementation of common regional projects and initiatives, and, eventually, in shaping this area as the zone of peace, security and stability. And our main tools are the means of economic, cultural and political cooperation.

Therefore, all above insinuations are baseless, biased and mendacious. In the context of above-stated, it is worthwhile to emphasize another important thesis – **GUAM is a self-sufficient organization with its own clearly defined mission, objectives and agenda.** This is how it should be acknowledged and promoted and not be allowed that external forces and their local proxies impose their own point of view with the purpose of political and public manipulation. In other words, GUAM should develop and pursue its own communication strategy to rectify this situation and prevent further political bullying of the Organization.

### *The Way Forward*

Now, building on those lessons, GUAM MS need to develop collective policy responses to address all the above-mentioned challenges and to make the Organization relevant and adequate to utilize the emerging opportunities.

The conflicts on the temporary occupied territories of GUAM MS are the major challenge for the Organization. Until they are resolved, the region will be a hostage, and this situation will create more regional disparities and disproportions that will further heighten the tensions and hostilities among the region's countries.

Stagnation in the process of conflict resolution in the region is somewhat a reflection of the balance of interests and engagement in the region of the main stakeholders referred to above. A breakthrough in the situation can be ensured only if all the interested and involved parties, by joint efforts can shift this balance in the desired direction towards creation of positive dynamics in the region that will be conducive enough for the conflict resolution. These dynamics that can be also generated through the means of economic cooperation which will have a spill over effect stretching well beyond the region and can be beneficial for a wider GUAM neighborhood as well.

**A game changer is needed** in the current regional setup, and GUAM as a regional organization, can play this role with the support and participation of GUAM partners and wider international community in the implementation of its projects and initiatives.

This is in particular timely and important in view of the opening opportunities in the region of the Black Sea and the Caspian Sea basin. Given the fact that the Black and the Caspian Seas region is emerging as a very important integral part of the new alternative energy and connectivity architecture, by linking new countries, regions and continents, its role and significance will increase exponentially by linking new countries, regions and continents. New geopolitical landscape is being shaped by new developments that eventually will define the role of the region and its specialization in regional and global economy.

GUAM MS through the large-scale national investment programs, as well as billions of FDIs, have implemented important national and regional projects in the development of energy and transport infrastructure that enable positioning of them as important regional hubs on the Black Sea and the Caspian Sea basins.

What GUAM MS should aim at is to catch up the bandwagon of important global developments, in particular, the development of comprehensive, alternative connectivity infrastructure linking two global powerhouses of Asia and Europe. GUAM MS should act in prompt and consolidated manner to utilize its geographic advantage and transform it into competitive one along other East-West transportation routes.

As was mentioned above, to expedite the process, GUAM MS have redefined the priorities and streamlined the activities with focus on the implementation of two flagship initiatives – GUAM TC and GUAM FTA. These two issues are in the Agenda of the GUAM Summits during last three years. GUAM MS need to further consolidate their efforts and engage international partners in fulfilling the tasks assigned by the Heads of government.

### **GUAM Priority “To-Do List”**

Here is what should be done consequentially in pursuance of the recent decisions of the GUAM.

1. The preparation of the Feasibility Study of GUAM TC based on the Terms of Reference adopted by the Prime ministers of GUAM MS at their meeting in 2018 in Chisinau should be started without further delays. The comprehensive Feasibility Study of GUAM TC might turn into a strategic roadmap of transforming GUAM geographic area into a zone of free, safe and competitive transportation/transit. The process of the mobilization of necessary resources at national levels, as well as talk to partners and all parties interested in this project should be expedited. One of the advantages of GUAM TC is that, due to its central geographic location, it can provide interconnections with many other regional transport corridors and routes (see map).
2. Full implementation of the “Agreement on the Establishment of the FTA among GUAM MS” should be expedited. This is crucial to stimulate transportation, trade and investment activities among our nations and make region attractive for FDIs.
3. Upon the instructions of the Prime ministers the attention should be paid to the development of business dimension within GUAM and active engagement of business communities of GUAM MS in the realization of main economic initiatives.
4. Parallel to practical implementation of the above initiatives, we should finalize and endorse the elaborated version of the Chairman’s Vision Paper that will equip GUAM with medium to long-term strategy of comprehensive and purposeful cooperation supplemented by medium- and long-term list of deliverables.
5. Finally, GUAM MS should elaborate and adopt GUAM Communication Strategy. The importance of it was sufficiently elaborated earlier.

At the foundation of all above-mentioned is the institutional discipline. Restored leadership, strategic guidance and proper coordination will enhance the capacity, efficiency and effectiveness of the Organization to that effect.

GUAM countries should assume the responsibility and become true owners of the organization and of the region. GUAM, as a regional framework, is able and capable to assist them in this mission. Unlike other regional organizations, GUAM possesses obvious and strong advantages that are underutilized. There are no antagonistic or conflicting interests among its founding members, but rather converging strategic objectives and aspirations. MS are the strategic partners. The Organization is charged with the vision and clear purpose and able to mobilize necessary resources. The organizational setup is well developed, balanced and can be very efficient. GUAM as the organization stands the chance of assuming its lawful ownership in the shaping of the region as the area of peace, stability, cooperation and development. This is more relevant now than it has ever been before.

### **Conclusion**

As was mentioned at the beginning, GUAM geography is at the epicenter of many important regional developments, as well as military conflicts and growing international confrontations and tensions. On the one side, it is emerging as an important pillar of the new international energy and transport security architecture, providing vital access to new alternative sources of energy and new markets. On the other - this area hosts most protracted and dangerous conflicts in Europe that pose serious threat to international peace, security and stability.

Furthermore, should we take a wider look at the surrounding of its geography territories we will see a broader panorama of the escalation of political and military tensions, wars and calamities all along its perimeter. Instability in the immediate neighborhood reverberates in GUAM MS. In addition to that, tectonic shifts in global politics, massive and unpunished flagrant violations of international law and order, impotency of international institutions and feebleness of international community etc., only add to more uncertainty and unpredictability about the future the region.

As can be seen from the developments in and around the region, the geopolitical context is very dynamic, complex and rapidly changing. Yet the main owners and stakeholders of the region are the MS and they, together with their partners, should assume and co-share the responsibility for the future of the region. Depending on the joint and coordinated cooperation efforts further evolution of the region can be predictable and generating growth and development. Or, on the contrary, it will continue to remain as a source of instability and uncertainty, kind of a “time bomb” or a “powder keg”, when the Bickford cord can easily be set on fire at any “desirable” moment. Daily military clashes in Eastern Ukraine, “borderization” tactics in the occupied Georgian territories, tensions in the occupied territories of Azerbaijan, or most recent grave incident on the Azerbaijan-Armenia international border should be a reminder!

The implementation of the above-mentioned two comprehensive GUAM initiatives will undoubtedly impact the evolution of the regional landscape in the wider Black Sea and Caspian Sea region towards more inclusiveness and sustainable development. Moreover, if GUAM MS, through broader cooperation, will succeed in the creation of operational GUAM TC and in the development of GUAM geography as the zone free for trade, investments and transit, it subsequently could serve as “vital artery” linking Asia and Europe providing new connections and access to the markets for many countries in the Central and the South-Eastern Asia, the Gulf countries etc. Then, supposedly, its stability and security will be interested not only for the parties involved, but the wider international community. This, eventually, might also help in the resolutions of the conflicts on the territories of GUAM MS in the final instance.

## GUAM – A Way To Europe

Kakha Gogolashvili\*

### Synopsis

The very first step in establishment of GUAM - a joint declaration (1997) of the Heads of States of Azerbaijan, Georgia, Moldova and Ukraine<sup>1</sup> shaped a new historical content at the post-soviet space. Other important milestones were the adoption of the GUAM Charter in Yalta Summit (2001) and creation of the “International Organization for Democracy and Economic Development” in 2006<sup>2</sup>. In 1997, all four countries were enjoying just five years of independence; three of them have been still fighting for their territorial integrity and all four of them were facing economic and security challenges. What were the factors stimulating their rapprochement? We can start learning this from the very beginning.

The statements from the *Strasbourg Communiqué* (1997) opening way for GUAM creation refer to three main aspects:

- Common values and similarities of aspirations among the four actors;
- Proposing general cooperation fields;
- Constructing a partnership for promoting concrete joint projects and actions.

On the *common values and aspirations*, the four have agreed that their cooperation for the safer Europe will be “guided by the principles of respect for sovereignty, territorial integrity, inviolability of state frontiers, mutual respect, cooperation, democracy, supremacy of law, and respect for human rights”; expressed the support for European and Euro-Atlantic integration in the region.

As a matter of cooperation, the four promised to put joint efforts in order to overcome the difficulties that Europe faces on the threshold of the 21<sup>st</sup> century, the need for combating aggressive nationalism, separatism, and international terrorism. Not directly mentioned, but understood development of trade relations to achieve “full utilization of existing economic opportunities.” Intension to establish a quadrilateral dialogue on the aforementioned issues;

Finally, the concrete common projects promoted by the initiated cooperation embraced the idea of establishing a Euro-Asian Transportation Corridor passing through South Caucasus (then Trans-Caucasus). Another constructive initiative was to hold a conference of the Heads of States of the Black and Baltic Sea regions.

When comparing above mentioned three blocks the creation of the transport corridor linking Black and Caspian seas and farther connecting it to the Baltic Sea region via Ukraine, Poland, Belarus or Lithuania seems to be the main reasons d’existence of GUAM.

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<sup>1</sup> Joint Communiqué of the Meeting of the President of Azerbaijan, Georgia, Moldova and Ukraine (Strasbourg, October 10, 1997) available at: <https://guam-organization.org/en/joint-communique-of-the-meeting-of-the-president-of-azerbaijan-georgia-moldova-and-ukraine-strasbourg-october-10-1997/>

<sup>2</sup> A summit in Yalta on 6 to 7 June 2001 officially established the organization with five members, including Uzbekistan, and named it GUUAM. Soon after, in 2002, Uzbekistan announced its plan to withdraw from the organization and since then did not take part in any of organization’s events until 2005, when it officially denounced the agreement. Due to this we refer to the organization only as “GUAM” despite of it being “GUUAM” from 1999 to 2005.

### Connecting Europe with Asia

Geo-economical advantage of the cooperation between the four states seemed very natural since the beginning. The catalyst of the process seemingly was EC TRACECA project, which since 1993 aimed at development of the transport corridor from Europe, crossing the Black Sea, South Caucasus, the Caspian Sea and reaching Central Asian countries. Georgia and Azerbaijan were “core states” of the mentioned project since the beginning. Moldova and Ukraine have joined the project later in 1996<sup>3</sup>. Therefore, the idea of the transport corridor linking Europe with Central Asia through South Caucasus already was there being strongly promoted and sustained by the EU. Also an important episode in the development of the Europe-Asia corridor was a joint initiative of then Presidents of Azerbaijan, Heydar Aliyev and Georgia, Eduard Shevardnadze to hold a presidential conference in Baku - “TRACECA – Restoration of the Historic Silk Route”. The conference on September 8, 1998 attended high representatives from 32 countries, including Presidents of GUAM (yet not officially existing) countries, 12 international organizations and the European Commission. Signature of the TRACECA multilateral treaty - “Basic Multilateral Agreement on International Transport for Development of the Corridor Europe - the Caucasus - Asia and its Technical Annexes on international railway and road transport, international maritime navigation, customs and documentation procedures”<sup>4</sup> was outstanding achievement of the conference.

Linkage of the pan-European transport corridors to the Black Sea was already completed at that time. At least four corridors (IV, VII, VIII and IX) have had access to the Black Sea, including to the Port of Odessa in Ukraine. Other corridors have been reaching the Black Sea at Constanza (Romania), Burgas and Varna (Bulgaria) and Istanbul (Turkey). The European Commission has had developed a notion of the Black Sea Pan European Transport Area (PETrA) and was actively working on the extension of linkages of the Trans-European Transport Network towards and beyond Black Sea PETrA. In November 22-23, 1998 a Memorandum of Understanding of the development of the Black Sea Transport Area was initiated by all littoral states in Tbilisi<sup>5</sup>. Later in 1999, Ministers of Transport endorsed the MoU. Simultaneously European Commission initiated a Technical assistance (TACIS) project to support the idea and initiated cooperation.

Therefore, Odessa and Ukraine as a whole got the chance to become a transport hub on the Black Sea linking Central and Eastern Europe with Black sea littoral states namely Georgia and further Azerbaijan and wider Caspian region. From the other side a potential and even existing infrastructure contained huge perspectives by linking Odessa (Black Sea) with the Klaipeda port at the Baltic Sea (corridor IX). Mentioned route seemed more competitive than linkage through Romania’s and Bulgaria’s Black Sea ports. Along the mentioned corridor nowadays very successfully operates a “Viking” container train. Therefore, interest of Ukraine to build close partnership with Georgia and Azerbaijan was very natural and pragmatic. The Joint Declaration establishing of the format of cooperation with Georgia and Azerbaijan in 1997, from the Ukraine’s interests would contribute to the success of the suggested Yalta conference (1999) on the Black and Baltic seas cooperation. Therefore, the TRACECA project has definitely played a role in fomenting basics for the GUAM. Indeed, there are no reasons to insist that the EU or its institutions, the European Commission namely, was somehow involved in suggesting the

<sup>3</sup> See: <http://www.traceca-org.org/en/traceca/history-of-traceca/>

<sup>4</sup> See at: <http://www.traceca-org.org/en/home/baku-initiative/>

<sup>5</sup> Status of the Pan-European Transport Corridors and Transport Areas. Transport Infrastructure Needs assessment. European Commission. Directorate General VIII. Tina Office, 1998. p.84 available at: <http://aci.pitt.edu/39350/1/A4030.pdf>

four countries to join forces. In reality, EC counted on and tried to involve BSEC in TRACECA related discussions fearing to isolate Russia from the regional multilateral process. However, for GUAM founder states it was evident that the competition for controlling cargo routes from Asia to Europe and vice-versa was unavoidable and that Russia would use any mean to remain exclusive intercontinental linkage in this part of the world. Moscow was probably expecting the former soviet states would not make any move to contradict Russia's interests and was ready to "convince" each of them do not attempt to distance from the Russia's orbit. In other occasion, maybe former soviet republics would follow the "big neighbor's" instructions, but seemingly strong and sovereign by spirit leaders of Azerbaijan and Georgia initially and later Ukraine and Moldova have made their independent risky decision to go together in this competition and give chance to their countries to acquire an international function. The GUAM governments agreed to develop necessary mechanisms, adopt common visions and prepare for joint actions, including joint projects, mutual support for investments, etc.

In 2013, the concept of "GUAM corridor"<sup>6</sup> linking Central Asia with Europe through GUAM countries has been adopted. The concept foresees to connect TRACECA corridor (Almaty-Poti-Illichivsk) with the Black-Baltic seas route run by "Zubr" a "Viking", respectively, container and combined rapid trains. This year, 2020, GUAM secretariat plans to complete a feasibility study, named by the Secretary-General as a first priority in the "to do list" for the organization and which should supposedly prove the high effectiveness of the mentioned route<sup>7</sup>. Some risks of failure are connected with the recent opening of Baku-Tbilisi-Kars railway, which resulted in the reduction of the volume of cargo transit through Georgian Black sea ports. Indeed, after reconstruction of Georgian Railways (to be completed in 2002) the transit capacity from Baku to port Poti may double and, with the raising demand (at least this was the pre-COVID expectations) on terrestrial transit ways, the GUAM corridor can become fully operational and efficient. After all, Chinese interest to promote a middle corridor under "One belt one road" initiative fully matches interests of GUAM countries and can directly fit in the GUAM corridor.

### Energy Corridor

The transport corridor was not the only issue of geo-economic importance and interest of GUAM founding states, but the energy corridor between Europe and Asia. Georgia and Azerbaijan started working on this in early 1990s. Big international energy companies – BP, Statoil, Enron, others have engaged in developing energy transit routes via South Caucasus to transport hydrocarbons from Azerbaijan and, possibly, Central Asia to Europe. In 1998, Jamestown Foundation's Monitor was commenting on Ukraine's intentions to serve as a transit country for the Caspian oil, reporting that "Ukraine wants this project subsumed to the European Union's plan for a transit corridor from Central Asia via the South Caucasus and Ukraine to Central and Western Europe."<sup>8</sup> In October 1998, the chief delegates of GUAM countries met in Washington and issued a joint statement announcing the four countries' determination to work together on four goals, including to jointly lobbying for accelerated development of Caspian oil deposits and the construction of multiple pipelines directly to international markets<sup>9</sup>. Again, position of the EU in 1990s and early 2000s, which supported and made the priority diversification of the oil and gas supply routes to

<sup>6</sup> From Poland to Baku, why not via Ukraine?, Conferences for Freight Professionals, available from: <https://events.railfreight.com/news/2020/06/05/from-poland-to-baku-why-not-via-ukraine/>

<sup>7</sup> Amb. Altai Efendiev, GUAM in evolving Geopolitical Context: Challenges and Opportunities for Regional Cooperation, GUAM, 2020, p.10, available from: <https://guam-organization.org/wp-content/uploads/2020/08/Altaj-Jefendiev-o-GUAM-v-menajush-hemsja-geopolitichesk-kontekste.pdf>

<sup>8</sup> Ukraine Plans to Provide Transit Route for Caspian Oil, Publication: The Jamestown Foundation, Monitor Volume: 4 Issue: 111, June 10, 1998, available from <https://jamestown.org/program/ukraine-plans-to-provide-transit-route-for-caspian-oil/>

<sup>9</sup> Mamuka Tsereteli, Azerbaijan and Georgia: Strategic Partnership for Stability in a Volatile Region, Silk Road Paper. Central Asia-Caucasus Institute, 2013. p.35, available from: <https://www.files.ethz.ch/isn/173440/2013-Tsereteli-Azerbaijan-and-Georgia1.pdf>

Europe, calling to "... promote agreement among the countries bordering the Caspian Sea..." (While still considering Russia as a main energy partner)<sup>10</sup> have also made possible for the South Caucasian partner states to count on wider international support and go forward with the idea.

The EU's even earlier interest to organize and develop trade in energy products along the Europe-Asia emerging corridor is well demonstrated by the initiation of the Energy Charter Treaty<sup>11</sup> and its Transit Protocol in 1994. Soon after, in 1995 EU started a multinational project aimed to promote oil and gas transportation to Europe from Caspian Sea region – INOGATE<sup>12</sup>. The project benefitted all three countries from South Caucasus, five countries of Central Asia, all three Western NIS (Ukraine, Moldova and Belarus) and Turkey. Almost all the mentioned countries have become signatory to the Energy Charter Treaty too. The charter also included EU's CEE member states and Russia. Not surprisingly, Russia signed but never ratified the mentioned treaty because of the obligation embedded in the treaty to allow free transit of energy products through its territory. Finally, Russia withdrew its signature from the treaty latter on, in 2009, during its energy transit related dispute with Ukraine. Again, the EU's intension was not to isolate Russia from this large process of creating free and safe environment for transit and trade of energy products in the large area between Europe and Asia. Russia gradually distanced from the process, considering it damaging for its exclusive monopoly position. In the same time exactly Russia's intension to hold the "exclusive supplier's" right for Europe, increased the motivation and chances for developing South Caucasian (including GUAM) energy corridor.

For Georgia and Azerbaijan, issue of the free energy transit has become a matter of survival. The two neighboring countries have also become more interdependent, subjected to existing geopolitical realities. The energy corridor overpassing the two countries had three possible alternatives to reach Europe – via Turkey (terrestrial), Ukraine/Moldova and Bulgaria/Romania (both maritime). Turkish itinerary had many advantages, which predetermined development of large pipeline projects through that country – BTC<sup>13</sup>, BTE<sup>14</sup>, later TANAP<sup>15</sup>. But before the emergence of TANAP, the Nabucco pipeline project, supposed to bring annually 31 billion cubic meters of natural gas to Europe from Caspian sea, overpassing south Caucasus, Turkey, Bulgaria, Romania, Hungary and Austria was initiated in 2002. The project was planned to be fulfilled in 2014. In 2009, it has attracted interest of Victor Yushenko a then President of Ukraine. "...As a state initiating the creation of Caspian-Black Sea-Baltic energy space, based on the principle of diversification of routes and sources of supply and support to the free transit of energy resources..." he called for Ukraine to be included in the development of the pipeline. His intension was to secure a branch of the Nabucco pipeline overpassing the territory of his country and directing further to Poland and Baltic states<sup>16</sup>. For many reasons the Nabucco project never been implemented and consequently, the ambition of Ukraine to become an energy hub for the Caspian Gas transit from the Black to Caspian Sea remained unfulfilled. Indeed Ukraine had also bearing long plans related to the transit of Caspian (mainly Kazakh) oil coming via Baku to Georgian Black sea port of Poti, to Odessa (by sea), to Poland through Odessa-Brody pipeline with the upgraded capacity of 70 million tons of oil per year.

<sup>10</sup> F.e. see: Final report on the Green Paper "Towards a European strategy for the security of energy supply", p.19, available from <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52002DC0321&from=EN>

<sup>11</sup> See: <https://www.energycharter.org/process/energy-charter-treaty-1994/energy-charter-treaty/>

<sup>12</sup> See: <http://www.inogate.org/>

<sup>13</sup> Baku-Tbilisi-Ceyhan Oil Pipeline. See at: [https://www.bp.com/en\\_ge/georgia/home/who-we-are/btc.html](https://www.bp.com/en_ge/georgia/home/who-we-are/btc.html)

<sup>14</sup> Baku-Tbilisi-Erzurum Gas Pipeline, also called South Caucasian Gas Pipeline. See at: <http://www.socar.az/socar/en/activities/transportation/baku-tbilisi-erzurum-gas-pipeline>

<sup>15</sup> Trans-Anatolian Natural Gas Pipeline Project. see at: <https://www.tanap.com/corporate/about-us/>

<sup>16</sup> Viktor Yushchenko to offer Ukraine as branch of Nabucco for supply of Turkmen gas, Trend-News agency, 14 September 2009 18:29 available from <https://en.trend.az/business/energy/1540363.html>

The interest of three among four GUAM countries in this project has been demonstrated by the fact that “on 11 May 2007 the presidents of Poland, Ukraine, Lithuania, Georgia and Azerbaijan, and the special envoy of the president of Kazakhstan agreed on the construction of a pipeline linking the existing pipeline with Gdańsk.”<sup>17</sup> Indeed this project has never been implemented supposedly because of the lack of supplies from the Caspian region, volatility of prices and emergence of alternative, cheaper routes. Indeed, at present Ukraine actively buys the oil for its own consumption from Azerbaijan<sup>18</sup>, getting it through Georgian ports that raises expectations about possibility of the revival of the GUAM energy corridor idea too. Notwithstanding the successful or not the common efforts for building new energy roots was definitely an additional factor determining close quadripartite cooperation between GUAM members.

### Trade

Closer cooperation is demanding the proper liberalization of trade between partners. GUAM founder states have had free trade arrangements since 1995-1996 based on the agreements signed in the framework of the CIS decisions. Therefore, initially there was no special effort produced in this direction. There were actually few barriers impeding free movement of goods and services between the partner states. Despite of this the ambition to create a collective free trade area led the GUAM member states to sign a regional FTA in 2002 (operational since 2003). The agreement did not denounce the bilateral (CIS) FTA agreements, but gave preferential right the new, regional one. The agreement states that the bilateral agreements “...shall be applied only to the extent to which their provisions are compatible with the provisions of this Agreement.”<sup>19</sup> What is different in this agreement? These are clearly defined exemptions; commitments on the opening of national procurement procedures for partner countries (art.19); cooperation and exchange of information in the fields of “standardization and metrology and certification with the purpose of removal of technical barriers and other special trade requirements (limitations)<sup>20</sup>”; gradual opening of trade in services<sup>21</sup>; protection of IPR; commitments to safeguarding a fair completion<sup>22</sup>. All these practically mark a simple FTA with the features of and perspectives to grow in a deep and comprehensive arrangement. However, in the same time no detailed description and no timetable for removing technical barriers leave the mentioned commitments without strict perspectives for proper implementation. In any case, the agreement fully complies with and even goes beyond the definition of (simple) FTA given in the article XXIV of the GATT/WTO agreement.

Has the agreement made any difference, pushed deeper integration between GUAM states?

Table 1. shows that trade between the GUAM states has dramatically increased from 2001 to 2005, after just few years of regional FTA being in force (since 2002). For example, Azerbaijan increased its imports from Ukraine 6 times, from Georgia 9 times and 8 times from Moldova. For any other partner the trend is repeating - there is a sharp increase in bilateral trade among members of GUAM. Taking into consideration that the overall trade figures of all partners were not growing with such impressive rate in the mentioned years, we could assume that the establishment of GUAM and signing of the regional FTA

<sup>17</sup> Odessa-Brody-Plock Oil Pipeline, Global Energy Monitor, 2019. Available from: [https://www.gem.wiki/Odessa-Brody-Plock\\_Oil\\_Pipeline#Background](https://www.gem.wiki/Odessa-Brody-Plock_Oil_Pipeline#Background)

<sup>18</sup> Azerbaijan Delivered \$ 171 Million Worth of Oil to Ukraine in H, Caspian Barrel, 15/07/2020, available from: <http://caspianbarrel.org/en/2020/07/azerbaijan-delivered-171-million-worth-of-oil-to-ukraine-in-h1/>

<sup>19</sup> See: Agreement on Establishment of Free Trade Area between the GUUAM Participating States. Art. 23 available at: <https://guam-organization.org/en/agreement-on-establishment-of-free-trade-area-between-the-guam-participating-states/>

<sup>20</sup> Ibid, art.4(3)

<sup>21</sup> Ibid, art. 17

<sup>22</sup> Ibid, art. 18

Table 1. Trade between GUAM partners. Thousand USD

Country	Importing From	2001	2005	2018
Azerbaijan	Ukr	39,330	226,251	469,786
	Mld	337	2,705	6,217
	Geo	4,935	45,499	92,874
Georgia	Az	103,236	208,436	498,251
	Ukr	50,506	200,501	449,279
	Mld	231	4,020	9,262
Moldova	Az	33	4,527	576
	Ukr	152,571	479,727	577,184
	Geo	109	275	2,718
Ukraine	Az	8,125	27,789	464,669
	Geo	11,193	41,000	133,633
	Mld	64,326	84,158	118,076

agreement has contributed to the growth of trade between partners. Further, the growth rates naturally diminished, but still the trend was highly positive and in 2018 practically all GUAM partners at least doubled (from 2005) quantity of imported goods from GUAM partner countries, and, in some cases figures went even beyond. Ukraine, for example has increased its imports from Azerbaijan 15<sup>th</sup> fold since 2005. In general, due to considerably bigger economy and relatively better-developed industry, Ukraine exports significantly higher quantities to GUAM states than imports from them. Azerbaijan, from its side, also highly benefits from energy supplies to GUAM countries. Georgia, using its unique geographical location profits from the re-export of motor vehicles. Free movement of goods and visa free travel between the countries facilitates business relations and creates a promising ground for further economic cooperation. In the same time, trade between GUAM countries is not high enough to consider it as a driver of further integration of four countries. We can still observe existence of two clusters within the regional block – Ukraine-Moldova and Georgia-Azerbaijan that interdepend and have more stimulus for developing trade links with each other. Supposedly the driver for further integration lays somewhere else than in the trade interest.

Naturally, development of GUAM transport corridor requires suppression of trade and non-trade barriers, harmonization of customs rules between member states. Moreover, we think that a wider perspective of deepening trade liberalization within GUAM states should be analyzed from the perspective of engaging with the EU’s internal market, not just each country individually, but as a GUAM common economic space. Three associated with EU countries (Ukraine, Moldova and Georgia) started an intensive process of approximation of their legal and regulatory environment with EU Acquis<sup>23</sup>. This may lead in few years their markets to become less open for those countries, whose industries does not comply with EU TBT or SPS<sup>24</sup> standards, general and horizontal regulatory requirements.

<sup>23</sup> EU Internal Market Legislation

<sup>24</sup> Technical Barriers to Trade and Sanitary and Phytosanitary Standards

Azerbaijan is currently negotiating a new agreement with the EU, which will complement the future course of trade relations between two parties. After the agreement is signed the trade relations of Azerbaijan with other GUAM member states which have already signed AA/DCFTA agreements will have more in common in this regard.

### ***Eastern Partnership and future of GUAM***

The EU policy towards the Eastern Europe, including the South Caucasus has been steadily evolving since 1992 and gradually absorbed by the European Neighborhood Policy (2004). Later EU proposed<sup>25</sup> a new initiative to six Eastern European countries - Eastern Partnership (EaP) – an initiative launched in 2009 with strong regional approach, but in the same time with effective tools for conducting differentiated policies with individual countries. An important goal of the initiative was “...to develop closer ties among the partner countries themselves.”<sup>26</sup> Increasing intraregional trade and economic cooperation between EaP partner countries as a goal was clearly defined by the programming document “20 deliverables for 2020”<sup>27</sup>.

Obviously, any format for closer cooperation of the group of countries participating in EaP, especially leading to mutual opening of their markets, with full compliance with international trade rules is welcome and supported by EU<sup>28</sup>. Established as a format for cooperation with the six Eastern European countries EaP had an explicit aim to “economically integrate the mentioned countries”, in the same time developing a “political association” with them<sup>29</sup>.

Three EaP partner states (members of GUAM) have made important step towards this objectives signing the Association agreement including Deep and Comprehensive FTAs with the EU. Two others – Belarus and Armenia have acquired serious limitations to such a perspective by joining Russian led Eurasian Economic Union, membership of which excludes possibility of a free trade arrangement with EU. Azerbaijan has not any fundamental limitations in this respect, but the membership in WTO, which EU considers a “must” condition for establishing a preferential trade arrangement with any third country, remains an obstacle. Actually, bearing in mind a growing role of geopolitics in international relations, namely in EU’s foreign policy still there is a practical chance for negotiating and signing at this stage only a bilateral trade agreement establishing a DCFTA between parties. Georgia, Moldova and Ukraine, three EU associated countries have recently started internal exchange of views and called EU to extend “...four freedoms between EU and three Associated Partners, which will also lay ground to the creation of a common economic space.”<sup>30</sup> Their “tripartite” European ambition will grow in coming years, as it is well understood that EU enlargement to the East can only be considered if there is an appropriate regional context – a space of several homogeneous, stable, “European minded” countries ready to carry on reform

<sup>25</sup> Brussels, SEC(2008) 2974/3, available from [http://ec.europa.eu/archives/docs/eastern/docs/sec08\\_2974\\_en.pdf](http://ec.europa.eu/archives/docs/eastern/docs/sec08_2974_en.pdf)

<sup>26</sup> Joint Declaration of the Prague Eastern Partnership Summit Prague, 7 May 2009, p.6, available from: [http://ec.europa.eu/archives/docs/eastern/docs/sec08\\_2974\\_en.pdf](http://ec.europa.eu/archives/docs/eastern/docs/sec08_2974_en.pdf)

<sup>27</sup> See: EaP, 20 Deliverables for 2020: Bringing tangible results for citizens, Deliverable 8, available from: <https://www.consilium.europa.eu/media/31690/eap-generic-factsheet-digital.pdf>

<sup>28</sup> Communique of the Ministers of Foreign Affairs of GUAM (Vilnius, November 29, 2013). Available from: <https://guam-organization.org/en/communique-of-the-ministers-of-foreign-affairs-of-guam-vilnius-november-29-2013/>

<sup>29</sup> Brussels, 3.12.2008 COM(2008) 823 final, p.3 <http://eapereg.org/attachments/article/198/EaP%20Brussels%202008.pdf>

<sup>30</sup> Foreign Ministers of Ukraine, Georgia and Moldova are for differentiation within the framework of the Eastern Partnership, MFA of Ukraine, 05 December 2019 12:10, p. available from: <https://mfa.gov.ua/en/news/76418-ministri-zakordon-nih-sprav-ukrajini-gruziji-ta-moldovi-vistupajuty-za-diferencijovanij-pidkhid-u-ramkah-iniciativi-jes-skhidne-partnerstvo>

and transformation and intra-regional integration. Otherwise a “...regional ‘opening’ of the membership perspective may represent problems for any country seeking to pursue EU integration on an individual basis.”<sup>31</sup>

The EU enlargement for last thirty years promotes in EU candidate, potential candidate and accession countries establishing of regional cooperation formats. This was the case with the enlargements in the CEE, where V4<sup>32</sup> or Baltic Council of Ministers and Baltic Assembly<sup>33</sup> were established following the EU’s advice. Same “advise” has driven the establishment of several formats of regional cooperation in Western Balkans (embracing wider Balkans too) like RCC<sup>34</sup> and CEFTA<sup>35</sup>. Saying, if GUAM countries were the potential candidates with open EU membership perspective, the later would have advised them to establish an organization similar to GUAM, aimed to deepen regional integration by establishing free trade zone, developing infrastructure connections, promoting cooperation in culture, education and science, security, fighting international crime, and other sectoral issues. Such cooperation deepens. From that, prospective GUAM is best-suited model of the regional cooperation, which would be effectively used by its member states to deepen their cooperation in European integration issues, deepen sectoral integration between GUAM member states and so forth with the EU. Again, sectoral integration between the associated states and the EU aims at convergence of policies in different spheres. Naturally, if not all members of GUAM strive for convergence of their sectoral policies, and consequently, with that of the EU the organization will become obsolete and inefficient because some of members will drift further towards European model of governance distancing from the others.

### ***Conclusion***

Informal establishment of GUAM in 1997 marked beginning of a new historical era in the post-soviet space. It was a manifestation of a free will among Former Soviet Union states to conduct independent foreign policy, create and join alliances and organizations suited their national interests, inspiring confidence in collective action and cooperation for achieving common goals. From the point of geopolitical implications, GUAM has shaped new realities by introducing spirit of competition proposing and supporting alternative transport and energy corridors connecting wider regions. In the same time, GUAM promoted principle of complementarity, contributing to the creation of a new environment with more secure and stable supply chains and routs for Europe-Asia connection. GUAM has acquired important confidence and interest from many international actors, including the US, EU, Japan, Turkey, established with them promising cooperation. GUAM contributes to the deepening of connections and cooperation between its member states, their institutions, peoples. Important common action is being taken towards the strengthening of international function of member states by promoting GUAM transport corridor providing linkage to the Pan-European transport network.

Regrettably the idea of the energy corridor involving all GUAM countries have not been realized, still trade in energy products among GUAM states marks significant volumes. In the same time transit

<sup>31</sup> Kakha Gogolashvili, In Search of the European Perspective: Georgia After the Association Agreement, Geopolitics and security, a new Strategy for the South Caucasus, Edited by Kornely Kakachia, Stefan Meister, Benjamin Fricke, KAS, GIP, DGAP, 2018, p.104, available from: [https://www.kas.de/c/document\\_library/get\\_file?uuid=2f9dd8c1-e978-38a0-2d50-7daedd-5b5e9a&groupId=252038](https://www.kas.de/c/document_library/get_file?uuid=2f9dd8c1-e978-38a0-2d50-7daedd-5b5e9a&groupId=252038)

<sup>32</sup> Vicegrad Group. See at: <http://www.visegradgroup.eu/>

<sup>33</sup> See at: <https://vm.ce/en/baltic-cooperation>

<sup>34</sup> Regional Cooperation Council. See at: <https://www.rcc.int/>

<sup>35</sup> Central European Free Trade Agreement. see at: <https://cefta.int/>

of Caspian oil to Central and Eastern Europe via Ukraine still has a future and the issue is not yet closed. Trade between GUAM partners is steadily increasing, but not has reached satisfactory level yet. Deepening of the trade openness between GUAM countries is very important issue. The cooperation **among GUAM countries** should envisage convergence in sectoral policies and the legal approximation in product safety (industrial regulations, sanitary/phytosanitary and food safety standards). The outcome of cooperation could be creation of a *GUAM common economic space*, which would mean real and complete homogenization of the trade related legal and regulatory environment in all member states.

## GUAM in Ukraine's Foreign Policy

*Dr. Hanna Shelest and Dr. Tetiana Zosymenko\**

GUAM still needs a proper definition within Ukraine's foreign policy. Political attention and interest to this initiative has never been stable, lacked strategic vision, and clarity of priorities. An absence of the strategic vision of the organization's development and own role in it, as well as unfavorable international conditions, led to the low efficiency of cooperation mechanisms and development perspective within GUAM. Such cooperation could always be analyzed both in the context of Ukraine's relations with the post-Soviet states and as a part of its Black Sea policy.

### *Political vision*

While often a creation of international organizations can be seen as a part of regional self-identity building, this has not become true for GUAM. Since the mid-1990s, this dialogue has been developed, prioritizing practicability over the regional approach. For Ukraine, evidence of such perception was a fact that until 2014, it had never set GUAM against its CIS membership.

The ambiguity of approaches led to the absence of strategic planning and cooperation priorities. For almost 20 years of GUAM existence, the four member-states had often had different foreign policy priorities that have been changing. This also led to different levels of engagement in organization's activities. Back in the mid-2000s, Ukraine saw GUAM as an analog of Visegrad Four, when the joint experience of reforms, transformations, and the EU accession could be driving forces for successful cooperation. However, it did not happen, both because of internal and external processes in member states (conflicts, foreign policy priorities, economic crises etc.). Competition between different regional projects also played a negative role. If in the beginning, for Ukraine, it was necessary to extract its GUAM activities from the BSEC and CIS cooperation. So the creation of the Community of Democratic Choice in 2005, the start of the Eastern Partnership Program in 2009, and establishing of the Ukraine-Georgia-Moldova Interparliamentary Assembly in 2018 – all this diffused attention and efforts applied for the cooperation within the GUAM framework. Considering that Ukraine has been an active participant in all these initiatives, sometimes in search of the role of the regional leader, so by 2019, GUAM became a passive asset of its foreign policy instruments.

2019 gave a reason to believe that Ukraine is getting back to more active participation in GUAM, paying bigger attention to its future development. If in the mid-2000s, Ukraine saw Visegrad Four as an example for GUAM development, so in 2020, the clear search for the individual face of the organization is visible. In these circumstances, Ukraine needs to estimate, what can be priorities that it will develop, and what added value GUAM can have.

After the 2017 Summit in Kyiv, a lot of experts saw a chance for the second breath for the Organization. At that summit, leaders of four states already announced creation of the free-trade zone by the end of 2017 (de jure signed in 2003), while Prime Minister of Ukraine V. Groysman said that "they start a new page in the history of the organization."<sup>1</sup> However, after two years, at the next summit in December 2019 in Kyiv, the same messages and promised were made.

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<sup>1</sup> Олена Ремовська О., «ГУАМ: союз із майбутнім чи Лебідь, Щука і Рак», [Olana Removska "GUAM: union with a future of pen, crayfish and luce"], Radio Liberty, 27.03.2017, <https://www.radiosvoboda.org/a/28394271.html>

In 2019, Ukraine, during its presidency, tried to give yet one push for GUAM cooperation. The following priorities were announced:

- creation of the free trade zone and transport corridor;
- elaboration of public-private partnership programs;
- enhancing cooperation with the USA, Japan and establishing a partnership with Canada;
- reform of the working mechanisms of GUAM and modernization of the international legal basis for cooperation;
- finalization of the Organization Development concept and realization of the communication strategy of GUAM.

Comparing to previous years, the interest has also been expressed at the level of the members of parliament, who have been trying to find a way for Interparliamentary cooperation within this initiative.

However, the evidence demonstrates that economic cooperation will still dominate over political dialogue. Ukrainian authorities see GUAM as a predominantly economic cooperation format. In his June 2020 interview, Deputy Head of the Presidential Office responsible for foreign policy, Mr. Zhovkva emphasized that “GUAM now is first of all about economics. It is logistics, and it is our alternative supply route from Asia to Europe...so to reanimate GUAM, we can do only by revitalizing its economic life... If we talk about transportations, so several issues should be resolved, for example, ‘through-fare,’ so it will be beneficial for business.”<sup>2</sup> The same logic of arguments sounded at the December 2019 summit in Kyiv, when then Prime Minister Honcharuk stressed that “Main joint aim for GUAM member-states is improving our economic cooperation.”<sup>3</sup>

De facto, just two GUAM priorities had real practical implementation within the last few years – fight with transnational organized crime and facilitating trade and transportation, among others, by developing multimodal transportation schemes. At the same time, such issues as fighting terrorism, illegal trafficking, cyber security, cooperation against transnational organized crime are those problems where Ukraine should have a significant interest, and all at once expertise useful for other three member-states.

### *Economic Vision*

Within the strategic dimension of Ukraine's foreign economic policy, the GUAM vector is mentioned superficially, leaving aside important trade and sectoral cooperation issues. In the National Security Strategy of Ukraine, GUAM is identified as one of the crucial subregional formats in terms of ensuring the protection of the territorial integrity and sovereignty of the state, implementation of economic and energy projects and initiatives. However, there is no appropriate reference to GUAM in the Strategic Roadmap on Trade Development and in sectoral strategies, where the previous thesis should have been

<sup>2</sup> Interfax, “Заступник керівника Офісу президента Жовква: Пріоритет зовнішньої політики президента Зеленського – це економіка” [“Deputy Head of the Presidential Office Zhovkva: Priority of the foreign policy of President Zelensky is economy”], 18.06.2020, <https://ua.interfax.com.ua/news/interview/669585.html>

<sup>3</sup> Cabinet of Ministers of Ukraine, “Створення зони вільної торгівлі ГУАМ є нашим безумовним пріоритетом, – Олексій Гончарук” [“Creation of the GUAM Free Trade zone is our priority – Oleksiy Honcharuk”], 12.12.2019, <https://www.kmu.gov.ua/news/stvorennya-zoni-vilnoyi-torgivli-guam-ye-nashim-bezumovnim-prioritetom-oleksij-goncharuk>

logically elaborated. Moreover, in Ukraine's Export Strategy, the GUAM Free Trade zone is stated as one that has already taken place (along with the EU, CIS, and EFTA free trade areas). However, since GUAM FTA ratification in 2003, there is still a large scope

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Numerous statements by Government representatives on the prospects of the GUAM transport corridor have also not been reflected either in the National Transport Strategy 2030 or in the cross-sectoral export strategy “Transportation and Trade Facilitation.” In the Maritime Doctrine of Ukraine 2035, collaboration with Azerbaijan and Georgia on projects related to the use of transport infrastructure in the Black Sea region is named, aimed at creating a well-functioning transit transport bridge between Europe and Asia. Still, it is framed into the Organization of the Black Sea Economic Cooperation.

The most recent achievements of macroeconomic diplomacy within GUAM are unrelated to Ukraine's priorities in terms of both beneficial trade dynamics and illegal exports and imports prevention. To address economic issues in GUAM, macroeconomic diplomacy measures are primarily deployed. Overall, despite the 2008-2014 period of inertia, meetings of the respective bodies for dealing with economic issues (GUAM Project on Trade and Transport Facilitation Steering Committee, working groups, the Working Body coordinating the actions of the GUAM Parties of the Agreement on Establishment of Free Trade Area) are held on a regular and consistent basis. One of the worthwhile outputs of such interaction in the last five years was the Agreement on the exchange of preliminary information on the movement of goods across the state borders of GUAM member states<sup>4</sup>, designed to eliminate the negative influence of human factors. The second important achievement is mutual recognition of certain results of customs procedures regarding goods and vehicles moved across the state borders of GUAM Member States<sup>5</sup>. This mechanism of communication between the member states' customs aims at preventing illegal exports and imports, e.g., goods of enterprises from the non-Government-controlled areas in eastern Ukraine.

Ukraine-GUAM trade dynamic is growing, however, still positive balance for Ukraine has been decreasing, while imports from the GUAM states to Ukraine has significantly increased. In 2019 compared to 2015, Ukrainian exports to GUAM countries increased by 25%, whereas imports skyrocketed five-fold. The main exports include such products and resource-based manufactures as tobacco, animal products,

<sup>4</sup> “On Approval of the Protocol between the Customs Administrations of the GUAM Member States”, Decree of State Fiscal Service of Ukraine 941 of 26 November 2015, <http://sfs.gov.ua/zakonodavstvo/mitne-zakonodavstvo/nakazi/65206.html>

<sup>5</sup> “Protocol between the customs administrations of GUAM Member States on mutual recognition of certain results of customs procedures regarding goods and vehicles moved across the state borders of GUAM Member States”, 27.03.2017 <https://guam-organization.org/en/protocol-between-the-customs-administrations-of-guam-member-states-on-mutual-recognition-of-certain-results-of-customs-procedures-regarding-goods-and-vehicles-moved-across-the-state-borders>

iron and steel, paper, and paperboard. The main imports from GUAM partners to Ukraine are petroleum from Azerbaijan; mineral waters, wine, and undenatured ethyl alcohol, nitrogenous fertilizers from Georgia; bars and rods of iron or non-alloy steel, quicklime, cement, wine and nuts from Moldova. Given the consistently low share of GUAM's turnover for Ukraine (about 2% in 2015-2019), it is apparent that national trade priorities do not tend to participating states.

Assumptions that listed decisions on creating favorable conditions for the trade would help to prevent and decrease smuggling from Ukraine to GUAM-countries have not been confirmed. Judging by the inconsistencies in the statistical data on exports from Ukraine and on imports of GUAM partners during 2015-2018, the estimated level of the violations steadily accounts for 10% of the annual Ukraine-GUAM's turnover. To define more accurate figures, further analysis should be provided, notably the crosscheck of custom documents with the related parties. It will also help to identify bottlenecks impeding the launched initiatives to have a real impact. Perhaps, the implementation of the GUAM Digital Trade Hub, as well as the application and mutual recognition of digital signatures in the work of the customs, will facilitate the confronting of difficulties at all stages of the trade chain.

Gaps in GUAM's communication with Ukrainian business impair the prompt resolution of interstate trade and logistics issues, hinder joint investment projects. Compared to GUAM's macroeconomic diplomacy, the dynamics of its microeconomic activities is far less intense. Since the launch of GUAM, only two business forums have taken place. Such an important area of economic cooperation as joint investment projects is also off the track. Although a special platform – Business Cooperation Association was created, there has been no burst of investment cooperation between the GUAM states and Ukraine yet.

While in 2019, compared to 2015, accumulated direct investment from Azerbaijan to Ukraine increased by 70% (to USD 194 million), it is only 0,4% of the total volume of investments for the Ukrainian economy. Levels of investments from Georgia and Moldova are minimal. Against this background, it is vital for Ukraine not to miss the opportunities of the recently announced plans of the Republic of Azerbaijan to increase investment in Ukraine to USD 2 billion<sup>6</sup>. The biggest share of Azerbaijani investment is concentrated in the trade sectors, yet Ukrainian officials put a particular emphasis on infrastructure development as the priority area for joint GUAM projects<sup>7</sup>.

It is estimated that USD 10 billion is lost every year owing to unexploited opportunities of the GUAM free trade zone. The expectations that GUAM free trade zone would increase turnover between member-states to USD 12 billion by 2016, in practice, turned to the weak dynamics of export-import operations at around USD 2 billion annually in 2017-2019. To achieve the desired scale of trade, the agreements of the member states to deepen economic cooperation are important but insufficient. It is high time to develop and launch effective and realistic tools for the functioning of the GUAM free trade zone. However, in modern realities, this seems to be a difficult task, as there are not many preconditions for a trade boom between countries, given the low shares of the mutual trade. Considering the low level of mutual investment, it is difficult to expect that only trade liberalization will forge a closer relationship between GUAM states. Although Ukraine has left the CIS, its free trade agreement is still in force and

<sup>6</sup> Ukrinform, "The Republic of Azerbaijan plans to increase investment in Ukraine up to \$1.5-2 billion this year" 25.02.2020, <https://www.ukrinform.ua/rubric-economy/2883887-azerbajdzan-planue-pidnati-planku-investicij-v-ukrainu-do-2-milardiv-posol.html>

<sup>7</sup> Ministry of Foreign Affairs of Ukraine, "Dmytro Kuleba and Elmar Mamedyarov discussed economic agenda and cooperation within GUAM" 23.04.2020, <https://www.kmu.gov.ua/en/news/dmitro-kuleba-ta-elmar-mamedyarov-obgovorili-poryadok-dennij-ekonomichnogo-spivrobitnictva-ta-vzayemodiyi-u-ramkah-guam>

is successfully used for trading with Azerbaijan and Moldova. Ukraine trades with Georgia based on bilateral agreements.

It is about the time to renew the practice of GUAM representatives' involvement in the meetings of the Exporters and Investors Council under the MFA of Ukraine. The lack of Ukrainian business "voice" in the GUAM working bodies' meetings also needs to be addressed.

Given the strong positions of primary and resource-based groups in technological cross-section of imports from GUAM partners, there is no essential capacity for the inclusion of Ukrainian producers in the subregional value chains. Prospects for innovative cooperation through vertical production cooperation could be opened by the application of the provisions of Regional Convention on Pan-Euro-Mediterranean preferential rules of origin – Pan-Euro-Med. Ukraine, Georgia, and Moldova have already joined the Convention, which allows them to purchase raw materials, semi-finished products, and components in one of the 25 parties to the Convention (including the EU) and to export finished products to another Party without paying duty or on feed-in tariffs. However, without Azerbaijan's participation, the capacity of this instrument to increase exports of higher-tech products for GUAM is lost. One possible alternative in this context is signing a protocol on rules of determination of the country of origin of goods of GUAM participating states that have been discussed since 2002 but still remains in question.

The GUAM transport corridor is considered to be one of the components of the Central Corridor (passing through the territory of Kazakhstan) and, at the same time, a continuation of the Baku-Tbilisi-Kars railway connection. However, its western part can have two alternative routes – through Ukraine and through Romania and Bulgaria that are ready to be serious rivals of Ukraine as a potential transit country from China to Europe and vice versa. These countries can provide their port terminals for the transshipment of transit cargo to EU markets. To be competitive Ukrainian part of GUAM TC needs both digitalization and renovation of infrastructure facilities with broader technical and financial support. Recognizing that only the rapid and safe movement of goods using multimodal transport and digital transport corridors can ensure the attractiveness and competitiveness of the GUAM TC, Ukraine has already signed protocols confirming the common intentions on the mutual recognition of authorized economic operators, and the use of blockchain technologies with verification of certificates of origin of goods crossing the state borders of GUAM member countries. However, such intentions are not enough without proper infrastructure renovation. While the feasibility study of the GUAM TC is being prepared, it is difficult to estimate the number of required investments for the Ukrainian part. Still, it is already clear that it will call for external support. One of the options is to include it in the Asia-Europe transport route development program envisaged by the Eastern Partnership Program. A favorable factor in this context is the interest in the project of neighboring Poland, which considers the GUAM TC as an opportunity to diversify its transport and transit routes<sup>8</sup>.

Within the GUAM energy platform, Ukraine is a promising hydrocarbons transportation link capable of enhancing subregional energy security. The agenda of the working group meetings and the current GUAM programs show that energy cooperation is currently not among the priorities of the member states. However, this spring route of transporting Azerbaijani oil through the Black Sea ports (Georgian Supsa and Pivdennyi Sea Port of Ukraine) and then the Odesa-Brody-Mozyr oil pipeline network to the Belarusian refineries was successfully tested. Besides, Azerbaijan's SOCAR has shown interest in Ukrainian oil storage capacities. Such services can make about USD 1-3 million in profit a month<sup>9</sup>.

<sup>8</sup> Majorie van Leijen, "From Poland to Baku, why not via Ukraine?" Railfreight, 5.06.2020, <https://www.railfreight.com/rail-freight/2020/06/05/from-poland-to-baku-why-not-via-ukraine/?gdpr=accept>

<sup>9</sup> Igor Stukalenko "Oil Crisis: a Window of Opportunity for the Eastern Partnership" [Electronic resource]. EaP Think Bridge, No. 17, April 2020, pp.4-7, at p.5. <http://prismua.org/wp-content/uploads/2020/05/EaP-Think-Bridge-%E2%84%9617-2020.pdf>

Promising areas for cooperation are the involvement of Azerbaijani businesses hydrocarbons exploration and extraction in Ukraine, as well as their engagement in the privatization of Ukrainian energy facilities. Since more strong coordination in the energy policy of GUAM is desirable, it would be advisable to hold the meetings of the respective ministers and at the level of experts to discover ways, in which better coordination and resource sharing could be provided, as well as to lead on cooperation with non-GUAM states.

### **Conclusion**

One of the reasons why GUAM was disappearing from the political agenda of Ukraine was concentration on cooperation within Ukraine-Moldova-Georgia format. Three states signed Association Agreements and DCFTA with the European Union, so this format was seen as such that could provide more opportunities and common ground for cooperation both at the political level and in terms of legislation and norms adaptation, sharing experience, etc. As a result, Ukrainian diplomatic efforts for a long time have been limited to the institutional participation necessary for GUAM functioning, but not development. Objectively speaking, Kyiv lacked both political influence and economic resources to lead the process or to become a leader of GUAM. This situation has slightly started to change.

Ukraine is currently facing two goals: to enhance the GUAM role in the system of international relations and to improve its own role within the organization. By doing so, the critical question is securing a balance between a desire to pose a leading position in the GUAM framework and a principle of equality between member-states, which has been extremely important for all four countries in contrast to the CIS, where Russia dominated.

The renewed political attention with a significant accent on economic cooperation has its limitations. Participating states still are not ready to have active political and security dialogue within GUAM, so the economic and transport cooperation as for now remains the most efficient and perspective.

On the other hand, great emphasis on economic cooperation can affect other crucial functional cooperation spheres, which can have a direct and indirect impact on security, trade, and investments. There are cyber security, combat illegal trafficking, smuggling, and organized crime, exchange of information, cooperation between law enforcement agencies, border security agencies, etc.

The sustainable economic development of GUAM states can also be seen in a wider perspective of the Black Sea security and development, while BSEC is losing its active role.

Among the priority initiatives that can be elaborated in the near future are the following:

1. To create a GUAM Development Fund, that will have grants for cooperation development between business and civil society of member-states.
2. To develop an Energy Charter of GUAM member-states, which can both be based on the UN General Assembly Resolution (17 May 2013) on stable transit of energy resources and principles of the European Energy Charter, to facilitate stable transportation and trusting relations between exporters, importers and transit states.
3. To develop the Interparliamentary dialogue. Joint initiatives within parliamentary assemblies of other international organizations on protecting the territorial integrity of the states, working with hybrid threats, and resilience can be an added value to the political dialogue between member-states.

4. To improve a communication strategy of GUAM. Most of the conversations and statements considering this problem are left without practical implementation. This leads to a decrease in political and public interest in GUAM, as well as does not facilitate the creation of the positive image of GUAM for international partners. Here Ukraine, as a host country, should pay greater attention to this problem.

5. To establish a GUAM expert forum that can be a benefit for the organization development, and will allow solving several tasks – raising awareness about GUAM, using external expertise and ideas for future development or sensitive issues discussions, improving cooperation between states and civil societies.

## Сотрудничество Молдовы со странами ГУАМ

Руслан Шевченко\*

В 1990-е гг. постсоветские государства определяли свой собственный дальнейший внешнеполитический курс. Их было два. Первый – последовательная ориентация на страны Западной Европы, с последующим вступлением в европейские структуры, особенности в Евросоюз и НАТО. Наиболее целеустремленно эту политику вели страны Балтии – Латвия, Литва и Эстония. Второй – путь на интеграцию в рамках созданного на руинах СССР в декабре 1991 г. Содружества Независимых Государств, как временный союз постсоветских стран, направленный на их адаптацию в условиях независимого существования. Этот курс предполагал также развитие регионального сотрудничества в военно-политической и экономической сфере.

Ввиду неготовности экономики и страны к однозначно проевропейскому курсу Молдова выбрала второй путь. Подписав Алма-Атинские соглашения об образовании СНГ, наша страна взяла одновременно курс на интеграцию в региональные политические и экономические структуры Восточной Европы и Черноморского бассейна, как альтернативу СНГ. ГУАМ стал одной из таких структур.

ГУАМ был образован на саммите Совета Европы в Страсбурге 10 октября 1997 г., чтобы привлечь внимание европейских стран к новому региональному образованию. В него вошли Грузия, Украина, Азербайджан и Молдова (в 1999-2005 гг. в организации состоял также Узбекистан). Главными целями ГУАМ были провозглашены признание демократических ценностей, обеспечение верховенства закона и прав человека, обеспечение продолжительного развития; укрепление международной и региональной безопасности и стабильности, углубление европейской интеграции для создания общей безопасной среды, расширение экономического и гуманитарного сотрудничества; развитие социально-экономического, транспортного, энергетического, научного, технического и гуманитарного потенциала. Особое значение для членов организации представляла проблема защиты их территориальной целостности, так как Молдова, Грузия и Азербайджан, а с 2014 г. и Украина столкнулись с проблемой сепаратизма на своих территориях. Это положение было зафиксировано в Уставе ГУУАМ, принятом на Ялтинском саммите ГУУАМ (7 июня 2001 г.). На том же мероприятии была одобрена Хартия ГУУАМ, в которой определялись цели взаимодействия государств – участников организации в различных сферах экономики, включая энергетику, технологии, транспортную инфраструктуру, телекоммуникации, реализацию совместных инвестиционных и финансовых проектов, сотрудничество в гуманитарной сфере, в том числе в области культуры, образования и науки, совместные усилия по защите окружающей среды, взаимодействие средств массовой информации. В ней также указывалось, что организация не нацелена против какой-либо страны или группы стран<sup>4</sup>.

Новые, коммунистические власти Молдовы, пришедшие к власти в 2001 г., обозначили принципиально иные приоритеты в отношении ГУУАМ. Они подчеркивали, что намерены участвовать только в экономических проектах, «не допуская превращения ГУУАМ в инструмент для политических спекуляций», причем без ослабления роли СНГ<sup>5</sup>.

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<sup>1</sup> <http://www.vestnik.vsu.ru/pdf/history/2013/01/2013-01-25.pdf>

<sup>2</sup> <https://economy.gov.az/ru/article/guam/21542>

<sup>3</sup> <http://www.vestnik.vsu.ru/pdf/history/2013/01/2013-01-25.pdf>

<sup>4</sup> Ibidem; Revenco M. Republica Moldova și Organizația pentru Democrație și Dezvoltare Economică – GUAM// Studia Universitatis Moldaviae. Seria Științe Umanistice, pp.201-212, (4)(134), 2020, p.205.

<sup>5</sup> Săgeată R. G.U.A.M. – Organizație pentru Democrație și Cooperare Economică. Considerații de geopolitică aplicată// file:///E:/%D0%90%D0%97%D0%95%D0%A0%D0%91%D0%90%D0%99%D0%94%D0%96%D0%90%D0%9D/Organizati-aGUAM.pdf

Однако после провала «меморандума Козака (ноябрь 2003 г.) и резкого обострения молдо-российских отношений произошел крутой разворот именно к «политической» составляющей этого союза. В 2003 г. ГУУАМ получил статус наблюдателя при Генеральной Ассамблее ООН, сделав шаг к превращению уже в полноценную международную организацию. А на Кишиневском саммите 2005 г. была принята резолюция о выводе российских войск из Грузии и Молдовы, с призывом к поддержке странам ОБСЕ<sup>6</sup>. 23 мая 2006 г. на саммите в Киеве была подписана и Декларация о Партнерстве, предполагавшая установление связей ГУАМ с другими странами и международными организациями<sup>7</sup>.

В политическом плане в период 1997-2008 гг. ГУАМ помогал координировать внешнеполитические действия стран этого политического объединения.

Однако в последние годы президентства В. Воронина (2007-2009 гг.) Молдова все же вернулась к политике постепенного отдаления от ГУАМ. Это было вызвано попыткой В. Воронина удержаться у власти, путем различных уступок и компромиссов в отношении России. Поэтому молдавское руководство отсутствовало на Бакинском (2007 г.) Батумском (2008 г.) саммитах ГУАМ, и фактически отказалось от активного участия в проектах ГУАМ на том промежутке времени.

В дальнейшем, стало проявляться некоторое ослабление деятельности ГУАМ, и начиная с 2014 года по сегодняшний день деятельность ГУАМ сосредотачивается в основном на различных совместных торгово-экономических, транзитных и таможенных проектах<sup>8</sup>.

Помимо политической составляющей, другую, не менее важную часть деятельности ГУАМ составляют совместные проекты в экономической, энергетической, транспортной и других областях.

Еще в процессе формирования структур ГУАМ в конце 1990-начале 2000-ных гг., страны-члены организации создали 8 рабочих групп в следующих областях: 1) энергетика; 2) транспорт; 3) экономика и торговля; 4) информатика и связь; 5) культура и образование; 6) туризм; 7) борьба с терроризмом; 8) борьба с организованной преступностью<sup>9</sup>.

28 июля 2003 г. было подписано Соглашение о взаимопомощи в области торговли и транспорта<sup>10</sup>. Во время Батумской встречи 14 июня 2004 г. Молдова подписала Протокол об утверждении Региональной стратегии, и План действий по реализации Проекта по упрощению торгового и транспортного сообщения в рамках программы ГУУАМ-США. 28 июня 2004 г. в целях укрепления сотрудничества и развития торговли между странами ГУУАМ, усиления борьбы с контрабандой, коррупцией, нарушениями таможенного законодательства, в Стамбуле было подписано решение об утверждении Региональной Стратегии и Плана действий

<sup>6</sup> <http://www.vestnik.vsu.ru/pdf/history/2013/01/2013-01-25.pdf>

<sup>7</sup> Revenco M. Republica Moldova și Organizația pentru Democrație și Dezvoltare Economică – GUAM// Studia Universitatis Moldaviae. Seria Științe Umanistice, pp.201-212, (4)(134), 2020, p.208.

<sup>8</sup> Revenco M. Republica Moldova și Organizația pentru Democrație și Dezvoltare Economică – GUAM//<https://zenodo.org/record/3985049#.X3nFNGgza00>; <https://mfa.gov.md/ro/content/guam>

<sup>9</sup> <https://mei.gov.md/ro/content/guam>

<sup>10</sup> Revenco M. Republica Moldova și Organizația pentru Democrație și Dezvoltare Economică – GUAM// Studia Universitatis Moldaviae. Seria Științe Umanistice, pp.201-212, (4)(134), 2020, p.206.

ГУУАМ по внедрению Проекта об упрощении порядка торговли и транспортного сообщения стран ГУУАМ<sup>11</sup>.

Хартия, принятая на Кишиневской встрече 22 апреля 2005 г. обязывала страны ГУАМ предпринять все возможные меры для запуска режима свободной торговли между этими государствами. В тот же день было подписано и соглашение между Торгово-Промышленными Палатами стран ГУАМ в области организации торговых выставок, вступившее в силу в день подписания<sup>12</sup>. Во время встречи в Киеве (22 мая 2006 г.) между странами ГУАМ было также подписано соглашение о Временных правилах определения страны происхождения товара в целях выполнения Соглашения о свободной торговле<sup>13</sup>. Премьер В.Тарлев, участвовавший в Бакинском саммите 2007 г., заявил, что Молдова готова открыть свои Торговые дома в Баку, Тбилиси и Киеве и способствовать открытию аналогичных структур Азербайджана, Грузии и Украины в Кишиневе<sup>14</sup>.

В эти годы отмечаются попытки ГУАМ поднять свою экономическую и торговую значимость в глазах стран ЕС за счет своего выгодного географического положения и транзитных возможностей. Эта идея была обозначена на Киевском саммите 22-23 мая 2006 г., где ГУАМ была переименована в «Организацию за Демократию и Экономическое Развитие – ГУАМ» (ОДЭР-ГУАМ). В ст.1. Устава ГУАМ целями Организации назывались укрепление демократических ценностей, институтов правового государства, соблюдение прав человека, обеспечение долговременного развития, укрепление безопасности, международной и региональной стабильности, углубление евроинтеграции, путем создания единого пространства безопасности, расширение экономического и гуманитарного сотрудничества, развитие потенциала в социально-экономической, научно-технической областях, транспорте, энергетике, взаимовыгодное сотрудничество в областях, представляющих общий интерес<sup>15</sup>.

«Транспортная» тематика затем была широко представлена на саммите ГУАМ в Баку 19 июня 2007 г. Тогда же было подписано и соглашение о развитии международного торгового транспорта стран ГУАМ (в Молдове оно вступило в силу только в апреле 2010 г.). ЕС поддержал инициативу укрепления транспортной инфраструктуры и выделил 1,2 млрд. долларов странам ГУАМ на эти цели. Основные средства были направлены в проекты, связанные с развитием энергетики и транспортной сети, в частности, Центральная Азия-Южный Кавказ-Украина-Молдова-Европа (транспортные коридоры TRACECA и INOGATE, соответствующий договор был подписан 8 сентября 1998 г. в Баку)<sup>16</sup>.

1 июля 2008 г. в Батуми был подписан Меморандум о сотрудничестве между ГУАМ и Международным Союзом Дорожного Транспорта. Он предполагает укрепление торгово-экономического сотрудничества, основанного на Соглашении о свободной торговле между странами ГУАМ.

Если в 2006 г. коллективный товарооборот стран ГУАМ составлял 1,5 млрд. долларов, то к 2012 г. он вырос до 4, 5 млрд.долларов<sup>17</sup>. Существенно вырос и объем торговли

<sup>11</sup> Ibidem., p.207.

<sup>12</sup> Ibidem., p.207.

<sup>13</sup> Ibidem., p.208.

<sup>14</sup> Ibidem.

<sup>15</sup> Ibidem.

<sup>16</sup> Ibidem.

<sup>17</sup> Бахтуридзе З.З., Лагутина М.Л. Организация за Демократию и Экономическое Развитие – ГУАМ как модель политической интеграции на постсоветском пространстве// <https://cyberleninka.ru/article/n/organizatsiya-za-demokratiyu-i-ekonomicheskoe-razvitie-guam-kak-model-politicheskoy-integratsii-na-postsovetskom-prostranstve/viewer>; <https://mfa.gov.md/ro/content/guam>

Молдовы со странами ГУАМ. Только в 2016-2017 гг. экспорт Молдовы в Украину вырос на 73%, в Азербайджан на 41%, в Грузию на 6%<sup>18</sup>.

Развивались контакты стран ГУАМ и в других направлениях. 13 февраля 2013 г. страны ГУАМ утвердили Концепцию о развитии транспортного коридора ГУАМ, среди которых было и направление Алматы-Баку-Тбилиси-Поти-Одесса-Кишинев. В Концепции подчеркивалось, что трассы Одесса-Кишинев и Одесса-Киев являются важными компонентами этого коридора, который должен был способствовать развитию внешней торговли стран ГУАМ и привлечению третьих стран с целью повышения объема транзита товаров. 8 июля 2015 г. было подписано соглашение между таможенными администрациями стран ГУАМ об обмене предварительной информацией о товарах и транспорте, пересекающих границы стран ГУАМ. В Молдове оно вступило в силу 10 июня 2016 г.

27 марта 2017 г. в Киеве было подписано Соглашение о создании рабочей группы, которая должна координировать действия сторон в процессе внедрения Зоны свободной торговли. Главы Правительств стран ГУАМ тогда же подписали Декларацию, в которой выражали уверенность в необходимости продолжения сотрудничества во всех областях для обеспечения долговременного социально-экономического развития и роста благосостояния жителей стран Организации<sup>19</sup>. Тогда же, 29-30 марта 2017 г. Молдова приступила к председательствованию в рабочей группе ГУАМ по вопросам туризма, в котором обсуждаются вопросы, связанные с продвижением туристических проектов, создания единого туристического сайта ГУАМ, определения возможностей организации пресс-туров по странам ГУАМ, издание рекламных туристических буклетов и т.д.<sup>20</sup>.

Еще более активным для деятельности Молдовы в рамках ГУАМ оказался 2018-й год, период ее председательствования в организации. Были выработаны нижеследующие приоритеты молдовского председательствования:

- укрепление и расширение торгово-экономического сотрудничества в рамках Зоны Свободной Торговли стран-членов ГУАМ;
- интенсификация отраслевого сотрудничества; энергетическая безопасность и диверсификация энергетических источников;
- развитие транспортного коридора стран ГУАМ; совершенствование транспорта и его инфраструктуры;
- разрешение замороженных конфликтов на территории стран ГУАМ;
- борьба с терроризмом, организованной преступностью, провозом наркотиков и другими опасными преступлениями; продвижение единого туристического продукта стран ГУАМ;
- интенсификация сотрудничества в формате ГУАМ – Партнеры, прежде всего с ООН, ЕС, ОБСЕ, Вышеградской четверкой, США, Японией, другими странами и организациями<sup>21</sup>.

<sup>18</sup> Revenco M. Republica Moldova și Organizația pentru Democrație și Dezvoltare Economică – GUAM// Studia Universitatii Moldaviae. Seria Științe Umanistice, pp.201-212, (4(134), 2020, p.205.

<sup>19</sup> Ibidem.

<sup>20</sup> <http://turism.gov.md/index.php?pag=comunicate&opa=view&id=953&start=40&l>

<sup>21</sup> <https://mfa.gov.md/ro/content/guam>

В 2019 г. продолжалось активное сотрудничество Молдовы с ГУАМ по линии таможенных служб государств-участников, также молдавская делегация приняла участие в Заседании Совета Глав правительств-стран ГУАМ<sup>22</sup>.

В контексте сотрудничества Молдовы в рамках ГУАМ хотелось бы кратко остановиться на торгово-экономических связях Молдовы с отдельными странами Организации.

Дипломатические отношения Молдовы и Украины были установлены 10 марта 1992 г. В том же 1992 г. заключен договор о добрососедстве, дружбе и сотрудничестве между нашими странами, вступивший в силу в начале 1997 г. В 2015 г. Молдова экспортировала в Украину товаров на 45,8 млн. долларов, и импортировала из нее – на 371,1 млн.долларов. Молдова поставляла Украине прежде всего продукцию растениеводства, вино, этиловый спирт, а также зерновые, семена подсолнечника. Украина продает Молдове электроэнергию и энергоносители, продукцию агропромышленного комплекса, сигареты, метизы, металлолом, продукцию строительной и химической отраслей. Молдова инвестировала в экономику Украины к 1 октября 2015 г. 22,5 млн.долл. В Молдове действовало в тот момент 970 предприятий с украинским капиталом, инвестировавших в нее 220 млн.лей. К началу 2020 г. торговое сальдо в пользу Украины еще более увеличилось: она экспортировала в Молдову товаров на 726,8 млн.долларов, импортировав из нашей страны на 91, 2 млн.долларов. Основными украинскими товарами, которые поставлялись в Молдову, были изделия из металла, электрические машины, горюче-смазочные материалы, электроэнергия, продовольственная и фармацевтическая продукция, продукция деревообрабатывающей и строительной отраслей. Основными товарными группами импорта Украины из Молдовы оставались продукция растениеводства, вино и этиловый спирт<sup>23</sup>.

Отношения Молдовы с Грузией регулируются Договором 1997 г. о дружбе и сотрудничестве. В 2015 г. Молдова продала в Грузию товаров на 17, 9 млн.долл., и импортировала из нее товаров на 1,9 млн.долларов. В марте 2016 г. в Тбилиси и местечке Гурджаани были открыты два Почетных консульства Молдовы в Грузии, целью которых является продвижение торгово-экономических интересов нашей страны в этом государстве. Другой целью молдо-грузинского сотрудничества на этом этапе является обмен опытом в области евроинтеграции, в частности, в вопросах либерализации визового режима (этот этап уже пройден Молдовой), внутренних дел, юстиции. Положительное торговое сальдо осталось у Молдовы с Грузией и в 2019 г. За первый квартал 2019 г. Молдова продала в Грузию товаров на 5,6 млн.долларов, а импортировала из нее на 1,02 млн. долларов<sup>24</sup>.

Дипломатические отношения между Молдовой и Азербайджаном были установлены 28 мая 1992 г. В 2015 г. Молдова продала в Азербайджан товаров на 3, 5 млн.долларов (вино, муст, медикаменты, сельхозпродукты, банки, бутылки, пробки, крышки, в частности, для консервной промышленности), и приобрела там разной продукции на 254 100 долларов (почтовые и фискальные марки, стальные и металлические трубы и т.д.). С тех пор, однако, объем молдавского

<sup>22</sup> <http://customs.gov.md:888/ro/content/intensificarea-cooperarii-vamale-discutata-la-reuniunea-stator-membre-guam>; <https://moldova.europalibera.org/a/ion-chicu-la-kiev-pentru-summit-ul-guam/30321737.html>

<sup>23</sup> Шевченко Р. Внешняя политика Молдовы. Часть I. Отношения с зарубежными странами // <http://iep.md/analytic/0267-Vneshnyaya-politika-Moldovy-CHas.phtml>; <https://moldova.mfa.gov.ua/ru/partnership/137-ukrainsko-moldovskoje-torgovo-ekonomicheskoe-sotrudnichestvo>

<sup>24</sup> Шевченко Р. Внешняя политика Молдовы. Часть I. Отношения с зарубежными странами // <http://iep.md/analytic/0267-Vneshnyaya-politika-Moldovy-CHas.phtml>; <https://mfa.gov.md/ro/content/georgia>

экспорта в Азербайджан радикально сократился. По итогам 2019 г. он составил всего 3100 долларов, тогда как объем импорта из Азербайджана превысил 4,8 млн.долларов<sup>25</sup>.

Подводя итоги вышеотмеченного можно указать, что первый этап существования ГУАМ (1997-2001 гг.) может быть назван «консультативным» для всех стран, которые в него вошли Молдова, Украина, Грузия и Азербайджан. В этот период были обозначены основные цели и задачи, которым должна будет следовать ГУАМ. Было определено, что страны будущего ГУАМ разделяют проевропейский курс, намерены ему следовать и рассчитывают на помощь Евросоюза и США в его практической реализации.

Второй период (2001-2008/2009 гг.) расцветом влияния и возможностей ГУАМ, когда был принят Устав Организации и заключена значительная часть договоров в политической, торгово-экономической, культурной, транспортной и других сферах, и, при существенной поддержке США и Евросоюза, начался переход от теоретических намерений к их осуществлению. Это был период, когда ГУАМ превратился из региональной организации в международную, с собственным весом и влиянием в мире, были разработаны и начали осуществляться множество инфраструктурных, социально-экономических и других проектов. В этот период Молдова принимала достаточно активное участие в работе ГУАМ, в том числе по политической тематике, стремясь добиться принятия реальных мер в борьбе с сепаратизмом и ускорить процесс европеизации страны. Однако с 2007 г. под влиянием РФ наступает период постепенного охлаждения связей Молдовы с ГУАМ.

Третий этап (2008/2009-2014 гг.) пересмотр отношений происходит как внутри ГУАМ, так и со стороны ЕС. ГУАМ начинает восприниматься, как объединение государств, с развитой внешнеполитической повесткой с разным уровнем социально-экономического и общественно-политического развития. ЕС начинает уделять все большее внимание своему собственному проекту – Восточному Партнерству.

Четвертый этап: с 2014 г. по настоящее время, может быть охарактеризован как период частичного возрождения ГУАМ, но на иной, нежели прежде, основе. Теперь он имеет больше торгово-экономическую направленность, нежели политическую. В этот период Молдова участвовала в разработке и принятии ряда документов по развитию транспортной инфраструктуры, укрепления таможенных, культурных и прочих связей стран-членов ГУАМ между собой. Существенно вырос за эти годы и объем торгово-экономических связей Молдовы с другими странами ГУАМ, хотя сальдо внешнеторговых связей складывается в основном не в пользу нашей страны.

<sup>25</sup> Шевченко Р. Внешняя политика Молдовы. Часть I. Отношения с зарубежными странами // <http://iep.md/analytic/0267-Vneshnyaya-politika-Moldovy-CHas.phtml>; <https://chisinau.mfa.gov.az/content/167>

