

COMPARATIVE ANALYSIS OF NORTH ATLANTIC TREATY ORGANIZATION (NATO) AND SHANGHAI COOPERATION ORGANIZATION (SCO) IN TERMS OF THEIR COUNTER-TERRORISM DOCTRINES, ORGANIZATIONAL STRUCTURES AND PRACTICES

Giray SADIK

Assoc. Prof. Dr., Ankara Yıldırım Beyazıt University, Turkey

Aybike YALÇIN İSPİR

Ph. D.Candidate, Ankara Yıldırım Beyazıt University, Turkey

ABSTRACT

Since the September 11 attacks, counter-terrorism (CT) has gained prominence and become a central issue throughout the world. Given the growing transnational character of terrorism, counter-measures also entailed a collective nature. At this point, the role of global and regional organizations to bring the efforts of the individual countries into a meaningful action become much more important. In this regard, this article will comparatively analyze North Atlantic Treaty Organization (NATO) and Shanghai Cooperation Organization (SCO) in terms of their counter-terrorism doctrines, organizational structures and practices between 2001-2019.

These international organizations have been specifically chosen by taking their counter-terrorism histories and member compositions into consideration. While NATO is often called as a transatlantic military alliance and SCO as a Eurasian security, political and economic organization; there is an evident ef-

fort for combating terrorism in the framework of these institutions for several years.

In this context, this article aims at addressing the question that to what extent these organizations respond to global terrorism legally, structurally and functionally. Furthermore, it is also questioned that whether these two security clusters can cooperate in countering terrorism. In addition, as a general question, whether these organizations contribute to military competition by masking it in the form of counter-terrorism will be asked.

Preliminary findings suggest that Transatlantic and Eurasian security structures are very much interrelated and that is why NATO and SCO's cooperation in combating terrorism will bring fruitful results for the regional security and stability. Moreover, the early findings indicate that counter-terrorism policies of these organizations have been reflecting as much geopolitical rivalry as their genuine security concerns.

Key Words: Counter-terrorism (CT), North Atlantic Treaty Organization (NATO), Shanghai Cooperation Organization (SCO), Regional Anti-Terrorist Structure (RATS), regional security

1. INTRODUCTION

Terrorism is a complex threat for both national and international security. Although the history of terrorism goes back, developments in communication, transportation and weaponry have resulted in unprecedented scale of violence. However, terrorism has become a more central issue for international organizations especially after the 9/11 terrorist attacks in the United States (US).

While terrorism is evolving into a more trans-national nature, countries cooperate under global and regional international organizations because it is obvious that a more coordinated response is needed if a real solution is being sought. As a result, several international organizations have put counter-terrorism to their agenda as one of their security priorities. In this context, this article specifically deals with two large regional security organizations which are North Atlantic Treaty Organization (NATO) and Shanghai Cooperation Organization (SCO) in terms of their counter-terrorism doctrines, organizational structures and operations.

NATO and SCO have been selected as the cases for the article for purpo-

se. First of all, as it is indicated in Figure 1, Transatlantic and Eurasian security systems are very much interrelated when main organizations and networks dealing with security in these regions are taken into consideration. However, interestingly, they do not have official dialoguing combating terrorism in the region. Although NATO and SCO have cooperation clauses in their official documents, there is a tendency to communicate and act jointly with traditional partners such as United Nations (UN), Organization for Security and Cooperation in Europe (OSCE) and European Union (EU) for NATO and UN, OSCE, Collective Security Treaty Organization (CSTO) for SCO.

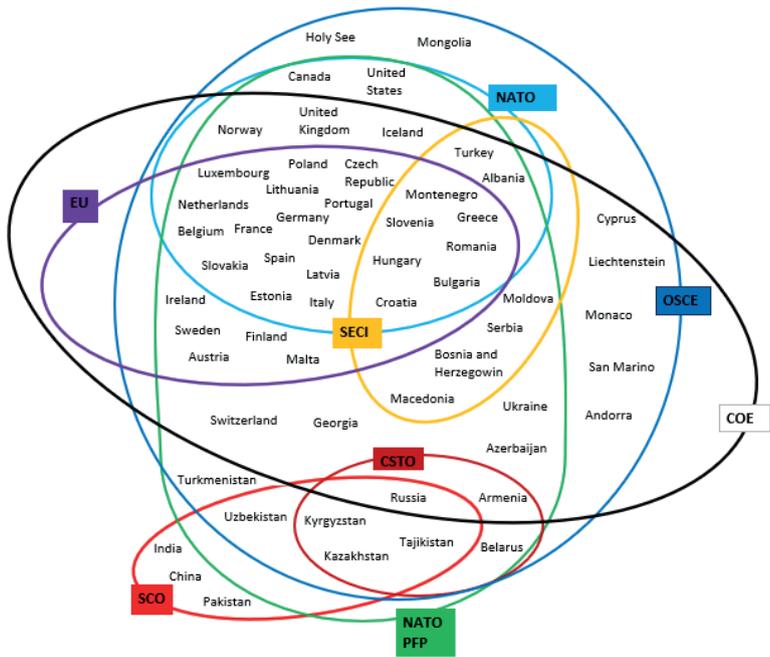


Figure 1: Transatlantic-Eurasian security structure

Secondly, member composition of NATO and SCO is important from many perspectives such as geographical coverage, population, GDP and military expenditure of its members as it is indicated in Table 1. Moreover, including all United Nations Security Council (UNSC) permanent members as well as almost all nuclear power states make this comparison much more significant for global fight against terrorism.

Table 1: Basic data for NATO and SCO members¹

International Organization	Area(sq. km)	Population	GDP (Million USD)	Militaryexpenditure (Million USD)
NATO	22.883.283	933.906.296	38.042.867,1	900.318,9
SCO	32.964.840	3.132.633.815	16.948.279,9	370.919,3 *exceptUzbekistan

On the other hand, this comparative study does not aim to focus on the merits of the Western regionalism and criticize non-Western regionalism but acknowledges the varieties among the regions. In other words, the article will not come up with a conclusion about which is better than the other. At this point, Katzenstein's statement have taken into consideration which is "It would, however, be a great mistake to compare European 'success' with Asian 'failure'. Such a Eurocentric view invites the unwarranted assumption that the European experience sets the standard by which Asian regionalism should be measured."²

Cooperation in the field of counter-terrorism is crucial. However, lack of an explicit and common definition of terrorism and counter-terrorism diminishes the expected result of efforts. For this reason, with the comparative perspective, this article will have a kind of conceptual contribution for counter-terrorism studies for a more realist and effective cooperation possibility in combating terrorism.

2. DOCTRINES

First comparison group of this article is legal doctrine. For regional security organizations, having a counter-terrorism treaty is important because of the trans-national character of terrorism. Member states of the organizations can agree on these documents such as what will be accepted as the terrorist act, what kind of counter-actions will be taken, which organs will be responsible from coordination of counter-terrorism related acts and how the cooperation

with other organizations and third countries will be conducted.

According to Rose and Nestorovska, "Harmonization of relevant national laws across those borders can facilitate enforcement cooperation and best national practice."³ By saying legal doctrine, it refers to rules and principles designed to govern a particular area of the law. It is also accepted that similar legal cultures and paradigmatic backgrounds will result difference in the produced legal documents by the international organizations but this study will take legal doctrines as "law as rules" and will not try to capture the "law as culture" parts.⁴ Jean Koh Peters defines legal doctrine as "both a legal and political creature"⁵ and specifically for international law he states that:

Doctrines of international law contain purely political components suggesting visions of the world which can be viewed on a spectrum between two poles: absolute state autonomy on the one hand and one world community on the other. The purely legal component similarly reflect visions of world ordering which can be viewed on a spectrum between two poles: absolute state autonomy on the one hand and one integrated world legal order on the other.⁶

In fight against terrorism, the first important element that gives power to the international organizations is doctrine. Legal principles provide organizations with the necessary legal base to act for combating terrorism. Discovering this is important because the framework of the principles on counter-terrorism affects the organizational structure as well as operations on the field.

In this context, the list of the main SCO signed documents related to terrorism is provided below:

- 1- The Shanghai Convention on Combating Terrorism, Separatism and Extremism, 2001
- 2- Agreement on Regional Anti-Terrorist Structure Between the Member States of the Shanghai Cooperation Organization, 2002

3 Gregory Rose and Diana Nestorovska, "Towards an ASEAN counter-terrorism treaty," *Singapore Year Book of International Law and Contributors* 9 (2005): p. 157.

4 Mark VanHoecke and Mark Warrington, "Legal cultures, legal paradigms and legal doctrine: Towards a new model for comparative law," *International and Comparative Law Quarterly* 47, 3 (1998): p. 1.

5 Jean Koh Peters, "Reservation to Multilateral Treaties: How International Legal Doctrine Reflects World Vision," *Harvard International Law Journal* 23 (1982): p. 72.

6 Peters, 73.

- 3- Agreement on the Database of the Regional Anti-Terrorist Structure of the SCO, 2004
- 4- Concept of Cooperation between SCO Member States in Combating Terrorism, Separatism and Extremism 2005
- 5- Agreement on the Procedure for Organizing and Conducting Joint Anti-Terrorist Exercises by the Member States of the SCO, 2008
- 6- The Convention of the Shanghai Cooperation Organization against Terrorism, 2009

The list of the NATO documents specific to terrorism is also stated as below:

- 1- Military Concept for Defense against Terrorism (MCDT), 2002
- 2- Partnership Action Plan against Terrorism (PAP-T), 2002
- 3- Prague Capabilities Commitment (PCC), 2002
- 4- Defense against Terrorism Programme of Work (DAT POW), 2004
- 5- NATO Policy Guidelines on Countering Terrorism, 2012
- 6- Military Concept for Counter Terrorism, 2016

In addition to these documents, it is also accepted that in doctrine development, the effect of the founding treaties of the organizations is crucial in drawing frame as well as the summit communiques in the evolution of concepts.

When the definitions of terrorism and counter-terrorism concepts are considered, it can be found that the SCO has recorded commonly agreed definition of terrorism so early, at the establishment year of the Organization in 2001 in The Shanghai Convention on Combating Terrorism, Separatism and Extremism. According to the Article 1(1) of the Convention, terrorism means:

a) any act recognized as an offence in one of the treaties listed in the Annex to this Convention (hereinafter referred to as “the Annex”) and as defined in this treaty;

b) any other act intended to cause death or serious bodily injury to a civilian, or any other person not taking an active part in the hostilities in a situation of armed conflict or to cause major damage to any material facility, as well as

to organize, plan, aid and abet such act, when the purpose of such act, by its nature or context, is to intimidate population, violate public security or compel public authorities or an international organization to do or to abstain from doing any act, and prosecuted in accordance with the national laws of the Parties.⁷

Neither in the above-mentioned The Shanghai Convention on Combating Terrorism, Separatism and Extremism nor in the Convention of the Shanghai Cooperation Organization against Terrorism⁸ signed in 2009, there is a specific definition of counter-terrorism. However, in the Article 2 of The Shanghai Convention on Combating Terrorism, Separatism and Extremism, members of the Organization agree to “cooperate in the area of prevention, identification and suppression of acts referred to in Article 1 (1) of this Convention”⁹ and these listed acts actually reveals the framework of the countering measures for terrorism.

In NATO, definitions of both concepts are articulated in the Military Committee Concept for Counter-Terrorism published in 2016.¹⁰ Although in the same document, it is underlined that “these definitions are not NATO agreed,” they are provided below to shed light on the NATO’s perspective on these concepts.¹¹

a. Terrorism. The unlawful use or threatened use of force or violence, instilling fear and terror, against individuals or property in an attempt to coerce or intimidate governments or societies, or to gain control over a population, to achieve political, religious or ideological objectives.

b. Counter-Terrorism. All preventive, defensive and offensive measures taken to reduce the vulnerability of forces, individuals and property against terrorist threats and/or acts, to respond to terrorist acts. In the frame of the NATO Comprehensive Approach, this can be combined with or followed by measures

7 “The Shanghai Convention on Combating Terrorism, Separatism and Extremism,” June 15, 2001, *SCO Documents*, <http://eng.sectsc.org/documents/>, p. 1-2.

8 “Convention of the Shanghai Cooperation Organization against Terrorism,” June 16, 2009, *SCO Documents*, <http://eng.sectsc.org/documents/>.

9 “The Shanghai Convention on Combating Terrorism, Separatism and Extremism,” p. 2.

10 “MC Concept for Counter-Terrorism (MC 0472/1),” January 6, 2016, *NATO Military Committee*, https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2016_01/20160817_160106-mc0472-1-final.pdf, para. 7.

11 “MC Concept for Counter-Terrorism (MC 0472/1),” para. 8.

enabling recovery after terrorist acts.

Lastly, it can be noticed that at the beginning Shanghai Cooperation Organization has dealt with terrorism together with separatism and extremism which is also called as three evils. In year 2001, the Shanghai Convention on Combating Terrorism, Separatism and Extremism presented definitions for all three concepts. However, in line with the emerging needs, SCO published more specific documents on these concepts. For terrorism, in 2009, the Convention of the Shanghai Cooperation Organization on Terrorism came into existence. Nevertheless, in the scenarios produced for military drills or the roles and responsibilities adhered to the organs of the Organizations, it can be understood that terrorism is mostly used as including separatism and extremism. On the other hand, for NATO, separatism and extremism are not the focus points as they are for the SCO. Throughout the official documents of NATO, terrorism is addressed alone.

3. ORGANIZATIONAL STRUCTURES

Second group of the comparison is organizational structure. In the literature of the regional organizations there are not so many comparative studies that deal specifically with the design of the institutions¹² and the lack in the literature is reflected by some authors.¹³ In order to underline the importance of organizational structure, Christopher Balding and Daniel Wehrenfennig support the idea that “Institutions are the game, organizations are the rules, and actors are the players”.¹⁴In their article, they argue that:

First, the organization of institutions matter; organizational architecture provides the mechanisms for institutions to pursue their objectives. Second, not only does organizational architecture matter in carrying out the institu-

12 Amitav Acharya and Alastair Iain Johnston, “Comparing regional institutions: an introduction,” in *Crafting Cooperation*, ed. Amitav Acharya and Alastair Iain Johnston (Cambridge: Cambridge University Press, 2007): p. 2. Barbara Koremenos, Charles Lipson and Duncan Snidal, “The rational design of international institutions,” *International Organization* 55, no. 4 (2001): p. 762. Alexander Wendt, “Driving with the rearview mirror: On the rational science of institutional design,” *International Organization* 55, no: 4 (2001): p.1019.

13 Acharya and Johnston, p. 2. Michael N. Barnett and Martha Finnemore, “The politics, power and pathologies of international organizations,” *International Organization* 53, no. 4 (1999): p. 726.

14 Christopher Balding and Daniel Wehrenfennig, “An organizational theory of international institutions,” *Journal of International Organizations Studies* 2, no.1 (2011): p. 10.

tional mandate, but it is a determining variable of whether institutions will successfully execute their mission. Third, the structure of an organization will determine what states seek from an institution¹⁵.

That is why, following the legal framework set by both organizations on counter-terrorism, organizational structure that has been established specifically to fight against terrorism is crucial in terms of supporting the military operations on the field.

Within this context, SCO bodies related to terrorism are SCO Secretariat and Regional Anti-Terrorist Structure (RATS) which are the only two permanent organs of the Organization. When these bodies are analyzed, it can be found that SCO has established a highly centralized unit for combating terrorism called RATS with comprehensive terrorism related responsibilities in 2002 with the Agreement on Regional Anti-Terrorist Structure.¹⁶ Tasks entitled to RATS are stated in Article 6 include creating proposals and making recommendations, supporting members, collecting and analyzing data, creating and managing RATS database, providing information upon request, supporting in military exercises, supporting in international search for individuals for prosecution, taking part in the creation of legal documents and training of specialists and instructors, having contacts with international organizations and conducting seminars and conferences all relevant with the fight against three evils, namely combating terrorism, separatism and extremism.¹⁷

On NATO side, it can be identified that there is not such a centralized body with full of responsibilities about terrorism. However, the roles are shared among more specialized bodies. Following the September 11, 2001 attacks, NATO transformed its military command in order to be able to meet the threats of the new era. As a result, Allied Command Operations (ACO) and Allied Command Transformation (ACT) came into existence. In addition to these organs, NATO Response Force and Very High Readiness Joint Task Force (VJTF) can be counted as other bodies established for combating terrorism. Moreover, for intelligence purpose Terrorist Threat Intelligence Unit and for

15 Balding and Wehrenfennig, p. 7.

16 "Agreement on Regional Anti-Terrorist Structure between the Member States of the Shanghai-Cooperation Organization," June 7, 2002, *SCO Documents*, <http://eng.sectsc.org/documents/>.

17 "Agreement on Regional Anti-Terrorist Structure between the Member States of the Shanghai-Cooperation Organization," p. 3-4.

research purpose Defense against Terrorism Centre of Excellence are some other examples for specialized bodies of NATO on counter-terrorism.

RATS, established by the SCO has another significant character which is having a legal person status. On the other hand, any of the NATO bodies for combating terrorism have such a status. The Agreement on RATS specifically states that RATS has the status of a legal person namely can “enter into contracts, acquire and dispose of real and movable property, open and maintain bank accounts in any currency, sue in courts and participate in court proceedings”¹⁸ and these rights can be used by the Director of the Executive Committee.

4. PRACTICES

Last comparison area in the article is counter-terrorism operations or drills on the field. Effect of legal doctrine on operations is undisputable because relevant legal documents draw the limits for an international organization to act. Similarly, organizational structure directly affects boundaries of the field operations such as in terms of budget, decision making procedures and command chain. Whether established doctrine and organizational structure work or not can be tested on the ground through military operations or drills. The actual encounter of the members with the terrorist threats on the field is the arena where the success of the studies on the paper can be observed.

Within this context, following September 11, 2001 attacks, NATO has become one of the most experienced organizations in combating terrorism. Operation Eagle Assist, Operation Active Endeavor, International Security Assistance Force (ISAF), Resolute Support Mission and Operation Sea Guardian are major actions of NATO for countering terrorism. NATO’s most crucial advantage on the field to fight against terrorism is having a military structure with permanent operational headquarters.

SCO has not a real experience on the field for combating terrorism, however conducted more than 25 military drills bilaterally or multilaterally. These exercises were based on different scenarios. When the personnel and equipment participated in these actions are considered, some of these events were almost real-like, especially Peace Missions. Unlike NATO, SCO does not have a permanent military structure but brings the necessary equipment of the

18 “Agreement on Regional Anti-Terrorist Structure between the Member States of the Shanghai-Cooperation Organization,” p. 2.

member states for drills together. Moreover, SCO has signed a Memorandum of Understanding (MOU) with the Collective Security Treaty Organization (CSTO) that has permanent military structure on 5 October 2007¹⁹ including cooperation clauses about counter-terrorism.

5. CONCLUSION AND POLICY IMPLICATIONS

Firstly, this article aims to answer the question which is to what extent these organizations do respond to global terrorism legally, structurally and functionally. Preliminary findings suggest that both organizations have established working legal bases and organizational structures for combating terrorism. Furthermore, NATO and SCO developed their capabilities and cooperation among their members on the field either through real actions or military drills. However, like other regional ones, both organizations have inclination to engage with traditional and like-minded partners which hampers the global success in combating terrorism. Therefore, preliminary findings suggest that organizations would achieve much fruitful results for global fight against terrorism if they ensure more coordination. As such, duplication of efforts would also be prevented.

Second result and policy implication is based on the question which is whether SCO and NATO can cooperate in combating terrorism. Preliminary findings suggest that a formal dialogue among NATO and SCO will contribute to regional peace and stability. Although these organizations have differences, concrete projects will be beneficial for the region. In fact, except China, NATO had engaged Central Asian countries on defense related matters. NATO included these countries in Euro-Atlantic Partnership Council (EAPC) and its related Partnership for Peace (PfP). However, cooperation with the SCO has not been realized officially.

Alexander Lukin also questions whether a dialogue among the SCO and the NATO is possible in his analysis published in 2011. He states that SCO has never positioned itself as the opposition of the West and the cooperation among these organizations especially on Afghanistan will be beneficial for the global security. On the other hand, the SCO would expect some returns from the contribution but according to the author there is nothing for the SCO to trade-off

19 "The memorandum of understanding between the Secretariat of the Collective Security Treaty Organization and the Secretariat of the Shanghai Cooperation Organization," October 5, 2007, *CIS Legislation*, <http://cis-legislation.com/document.fwx?rgn=46847>.

for now.²⁰ Like Lukin points out, in the Declaration on the Establishment of the Shanghai Cooperation Organization signed in 2001, it is openly stated that: “The Shanghai Cooperation Organization is not an alliance directed against other states and regions, and it adheres to the principle of openness.”²¹

Marcel de Haas’s article criticizes NATO for halting the relations with Russia due to the Ukraine crisis because according to him once the Western powers are retreated from Afghanistan, the region can again turn into a security threat to themselves and to the world.²² Author suggests that both organizations should work closely on especially Afghanistan.²³ Richard Weitz also supports that the Central Asia has importance to NATO and a cooperation among these organizations “would help avert a debilitating great power competition in Central Asia and reinforce both institutions’ capacity to manage Eurasia’s complex transnational challenges.”²⁴

Lastly, when NATO and SCO are examined comparatively, it is difficult to avoid from sources representing SCO as the NATO of the East²⁵. In this context, Bailes and Dunay assert that “the SCO cannot be exempt from questions about its legitimacy and whether it is ultimately a force for good or ill as seen from the viewpoint of both its own members’ populations and the outside world.”²⁶ SCO’s 2005 Astana Declaration, where SCO members declared that they expect from the anti-terrorist coalition members in Afghanistan to end their military existence on their territory²⁷, accepting Iran as an observer state in 2006, creation of Energy Club in 2013 and expansion with new powerful members India and Pakistan in 2017 may be some of the underlying reasons of the Western anxiety against the SCO.

Therefore, general question of the article was based on the question of whether these organizations contribute to military competition by masking it in the form of counter-terrorism. Preliminary findings suggest that although SCO is not a full military alliance like NATO, it seems possible for the SCO to step up their cooperation on military arena and try to balance NATO in case of a possible threat.

23 Haas, (2014).

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