

Mistrust and Hegemony: Regional institutional design, the CIS, and Russia

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Introduction

One of the striking developments in the international arena over the last 20 years has been the creation, extension, and deepening of regional institutions of governance such as Mercado Común del Sur (MERCOSUR), Association of South East Asian Nations (ASEAN), South African Development Community (SADC), and the European Union (EU). Virtually all countries (all but 18 according to Goertz and Power 2011) are now members of one or more such institutions, which have addressed a widening array of issue areas. What seems quite under-analyzed is the institutional design of these regional institutions (apart from the study of the EU, which is a now a major scholarly industry). As states create, change and modify these institutions they face institutional design decisions on many dimensions.

In this paper we focus on an important complicating situation among those who choose to design and engage in regional institutions. In many instances there is a significant power asymmetry among members, and more particularly there is a power context wherein one country stands as regional hegemon (Lemke 2002). This is the case, among others, for the North American Free Trade Agreement (NAFTA), South Asian Association for Regional Cooperation (SAARC), Gulf Cooperation Council (GCC), SADC, and Economic Community of West African States (ECOWAS), and is certainly the case for most Eurasian regional institutions of which Russia is a member. This has been notably true for the most important of the former Soviet Union (FSU) regional institutions, the Commonwealth of Independent States (CIS), upon which we focus in this analysis.

Where there is a regional hegemon, there is almost certainly some level of mistrust. The history of the US and Canada indicates that even within this long-standing, stable, and peaceful relationship, the weaker party had significant levels of wariness vis-à-vis the regional hegemon. In other situations the levels of mistrust can be quite high, which is decidedly the situation between Russia and many of the CIS member states.

We argue that mistrust is a major factor influencing institutional design decisions. For example, mistrust of Germany was a very influential factor in the early history and institutional structures of the EU. All members of regional institutions that include the hegemonic US must consider how institutional design channels American interests as other members safeguard their interests in the face of their own positions of relative power inferiority. Our question is what kinds of institutional design have been developed for regional organizations to address the reality of distrust with hegemony?

One potential response to hegemony and mistrust is for states to avoid regional institutions with the hegemon, or more generally avoid or severely minimize interactions with the mistrusted hegemon. The US and USSR, for example, adopted limited engagement during the Cold War because neither side had the confidence the other would fulfill agreements. Their weaker allies were, accordingly, highly limited in any willingness or ability

to engage the rival hegemon. However, in a highly globalized and interdependent world, avoidance is less and less possible and is hardly a credible alternative for a state advancing a complex and multifaceted issue agenda.

The “no interaction” option also has significant costs. There are potentially many gains from cooperation that are foregone by taking the avoidance route. Moreover, interconnections and interdependencies, especially involving fundamental security, infrastructural, and economic issues, may preclude complete detachment. Highly preferable is designing regional institutions that manage mistrust and allow parties to realize gains of cooperation.

In this paper we analyze the CIS as a flexible design response that allows FSU countries to manage their mistrust, while at the same time reaping profits of cooperation. We focus on the area of the former Soviet Union (FSU), considering how the regional hegemon, the Russian Federation, and smaller CIS states, rely on multilateral and bilateral means to advance their interests while managing common problems. We understand that at the most general level, *both* Russia and the other FSU states have issues of profound mistrust, but each has reason and need to cooperate where possible. Eventually, a successful regional institution might increase levels of willing engagement and lead to higher levels of inter-state cooperation.

We focus on security issues, examining both multilateral and bilateral means by which these states have expressed their interests. We are especially interested in how CIS states have used a variety of means to create a regional governance structure, each state using these means and engaging that structure in its own preferred way. We term this CIS approach as one of “flexible engagement,” as each state pursues its own goals and sets its own limits both in constructing bilateral relations with Russia and in being a party to multilateral arrangements. We contend the very logic of flexible engagement is grounded in a serious level of mistrust that necessitated arrangements where individual states determined their own levels of cooperation with other members and most particularly with hegemonic Russia.

We identify three CIS institutional design features that began to emerge in the early post-Soviet years, with these interconnected and reinforcing features forming a syndrome that made them more profound in their implications for regional governance.

- Legalization within the regional institution; the construction of numerous and often quite detailed treaties to deal with a given issue.
- À la carte policy structure; significant discretionary entry and exit flexibility for CIS states on an issue by issue and treaty by treaty basis.
- Nested bilateralism; many of the details of the regional, multilateral agreements are implemented via bilateral treaties.

Together these features constitute an overall strategy of flexible engagement whereby states can deal with their mistrust of Russian hegemony, even as they cooperate with Russia and other FSU states to address security, infrastructural, and economic matters.

“Legalization” or “legalism” is a complex and multidimensional concept (Abbot and Snidal 2000). We concentrate on a core feature: relationships are conducted via binding international treaties, agreements, and protocols¹ which often can be focused on quite specific policy issues. We describe below how legalization is one, very natural, response to distrust. If one looks at relationships between domestic actors, one often finds that where there are high levels of mistrust, agreements are more detailed than when higher levels of trust prevail. Our empirical analysis shows that the CIS is one of the most legalized of the regional institutions with over 1,000 binding treaties and agreements, and this arises out of the environment of profound mistrust within which FSU states operate.

An “à la carte” policy structure signifies an extensive degree of flexibility regarding level of CIS engagement by member states. While Russia is a hegemonic power with potentially extensive and real influence over member states, the CIS allows and exhibits very different degrees of member-state engagement. It is certainly possible, as we show below, for a state to be a member and sign only a small percentage of CIS treaties. There are constraints on Russia in forcing countries to sign arguments; This CIS context stands in marked contrast with that of the EU, with its requirement that new members accept the “*acquis communautaire*.” While not denying the clash of interests among EU members, levels of member-states’ mistrust of one another contrasts radically from those of the countries of the FSU space. We argue that the à la carte design feature permits countries with high levels of mistrust to minimally engage, while permitting those with higher levels of trust to profit from heightened levels of cooperation.

“Nested bilateralism” is another flexibility mechanism. By “nesting” we refer to the phenomenon of a treaty explicitly being grounded in and building upon the substantive content of an already-existent treaty. Many multilateral CIS treaties are quite detailed, while others are quite general. Nested bilateralism allows Russia and the other member states to work out the details of a CIS treaty within a bilateral setting. Thus, various bilateral treaties explicitly build upon multilateral CIS instruments, extend or expand upon them, and clearly function as part of a larger CIS framework.

Most observers have been quite skeptical of the CIS’s accomplishments, understanding it as both a vessel facilitating the smoother breakup of the USSR and as a mechanism for the restoration of Russian hegemony in the FSU space. Meanwhile, the August 2008 Russian-Georgian war entailed a profound breakdown in conflict management efforts that revealed the vulnerability of regional security efforts to individual regime’s idiosyncratic maneuverings. While not denying these judgments and events, we

¹We consider “treaty,” “agreement,” and “protocol” to be basically equivalent in the sense of legally binding agreements between states.

contend the CIS merits scholarly attention because it has been the primary multilateral forum where Russia and other CIS states set out their interconnected security, infrastructural, economic, and related policy concerns while, where possible, managing areas of disagreement. Further, as we noted, the CIS did develop institutional means and bargaining rules whereby individual members could set their own levels of engagement, providing an “exit flexibility” that actually kept most members engaged.

Finally, the determined efforts of the Russian Federation to reassert its regional hegemonic position should not obscure the considerable motivation and capabilities of smaller CIS states to assert their new-found sovereignty and to champion often-divergent policy perspectives. On the one hand, security, infrastructural, and economic needs of smaller CIS states could not be completely divorced from the resources and interests of Russia. Indeed, the post-Soviet period yielded both opportunities for and constraints on Russia in asserting its hegemonic desires. Yet early CIS bilateral and multilateral treaty activity reinforced smaller CIS states’ sovereignty in the face of Russian power advantages, with over-time regional institution construction providing an ability for those smaller states to manage their priority concerns.

Below we examine each of the three design features in some detail. We illuminate the logic by which this institutional design feature helps deal with mistrust under hegemony. We then empirically examine CIS treaty behavior. We have copies of all CIS treaties and all bilateral agreements of CIS countries with Russia. We have coded all security documents to determine the range of legalization within the CIS, which extends to virtually all relevant issue areas; our treaty data set permitting us to analyze the à la carte context of the CIS institutional design. Examining only security treaties, we show that there has been extensive nested bilateralism. Finally, we present two case studies, the conduct of the Russian-Armenian security relationship and the Russian-Ukrainian management of the Black Sea Fleet, to illustrate the causal mechanisms by which institutional design more concretely plays out. These contrasting cases entail differing security issues and juxtapose Russian partners with accommodating (Armenia) and mistrustful (Ukraine) perspectives on the regional hegemon. The Russian-Armenian and Black Sea Fleet cases yield complementary findings as we evaluate the security and conflict management payoffs of the CIS institutional design.

Ultimately, the crafting of an institutional design permitting regional governance, grounded in interconnected multilateral and bilateral means, is conducive to intergovernmental problem management, even if it is at times challenged in ensuring intergovernmental problem solving. The interests of smaller states must be accommodated to secure their serious engagement, with at least a multilateral framework of mechanisms reinforcing such engagement. A longer-term expansion of arrangements can only come if acute levels of inter-state mistrust are addressed. These realities are certainly true for Russia and the FSU countries, where an over-time

growth in a regional architecture could only emerge with the participation of both Russia and smaller CIS states. These states' deliberations, however, were difficult and complex, and only with the development of a particular set of institutional design features could they collectively advance toward some level of regional governance in an environment of hegemony and distrust.

Legalization

The concept of legalization has become very important as many scholars have noted that since the 1990s there has been an increase in the use of laws to govern the interaction between states (Goldstein et al. 2010). Although legalization closely mirrors institutionalization, legalization is a particular type of institutionalization (Abbott et al. 2000, 401). Specifically legalization requires three basic components: obligation, precision and delegation. Obligation is where states are bound by international rules and laws, precision is where the international rules unambiguously define expected conduct, and delegation is the ability of the states to grant third parties the ability to resolve disputes and make further rules (Abbott et al. 2000, 401).

The presence of the three components of legalization can be used by states to ensure that states will adhere to their agreements. Since much of international relations is characterized by mistrust, states often begin to cooperate on small issues and slowly build trust (Kydd 2000). As states fulfill and adhere to prior agreements, states can begin to cooperate on more complex issues. As states move to cooperate on more complex issues, they often choose to further legalize new agreements, tying them back to prior agreements through nesting, which further reinforces legalization and thus makes these instruments harder to violate.

CIS intergovernmental negotiations, from the outset, have been characterized by a high degree of legalization, with that legalistic context giving rise to considerable institutionalization of arrangements. This legalization with institutionalization stemmed in large part from the Soviet past, with its high propensity for formalized treaty building and construction of multilateral bloc organizations (Triska and Slusser, 1962). That legalization not only entailed Soviet bloc relations, but Soviet arrangements with non-bloc states (e.g., neighboring Finland and Afghanistan). Meanwhile, the acute level of mistrust among FSU states in the wake of the Soviet collapse also contributed to a legalization highly grounded in reliance on carefully crafted documents and more formalized arrangements. This resultant legalization with institutionalization is reflected not only in the high number of treaties generated, but in the creation of numerous organizations, constancy of regularized meetings, and reliance on formal consultation - and at many levels of authority.

Table 1: CIS Security Treaties, 1992-2005: Substantive Foci

Primary focus	N of Treaties
Administration & infrastructure	51
Border troops & issues	21
Strategic forces	12
Conventional forces	11
Collective security forces & issues	10
Peacekeeping forces & issues	9
Air defense forces & issues	7
Criminals, organized crime & drugs	6
Regional armed conflicts & refugees	6
Terrorism	4
Chemical & biological weapons	2
Military policy & internal affairs	2
Nuclear energy & weapons	2
Natural disasters	2

Table 1 points to the high level of legalization in CIS operations for its first decade and a half of functioning. It summarizes the primary focus of the nearly 200 CIS security documents that were produced in the period 1992-2005, and it reveals that most substantive areas were addressed by a goodly number of completed agreements during the CIS's first year. Not surprisingly, fundamental administrative, infrastructural, and border concerns yielded the most multilateral agreements. Meanwhile, it was only for the area of terrorism that CIS negotiators would need a more significant time period before crafting a comprehensive treaty in 1999.

It is worth noting that table 1 only covers security areas. There are many more treaties covering social, economic, standards, trade, transportation, etc. Thus in some core dimensions of legalization, such as number, breadth, and precision the CIS scores very high. This presents an interesting paradox for the classic legalization literature which typically assumes, or hypothesizes, that higher degrees of legalization leads to more effective international institutions. The CIS is seen by many as ineffective, yet it is highly legalized. This paper is an attempt to explore this paradox and see how legalization can be a strategy for relatively weak international institutions.

À la carte institutions

To foster CIS states' involvement while assuaging continuing mistrust, especially of the regional hegemon, Russia, an "à la carte policy context" has been central to intergovernmental dealings and arrangements from the

Table 2: CIS Member-States' Security Treaty Signing, 1992–2005

State	N of treaties signed
Russia	179
Kyrgyzstan	178
Kazakhstan	177
Tajikistan	176
Armenia	170
Belarus	160
Uzbekistan	142
Ukraine	94
Moldova	89
Turkmenistan	79
Georgia	77
Azerbaijan	77
Total CIS Security Treaties	182

outset of the post-Soviet period. In this context, CIS member-states are free to engage or exit any negotiations or agreements; there is no formal (or informal) understanding that members must be parties to any multilateral arrangements or treaty instruments. As a result, throughout the CIS's first twenty years, there has been considerable variation in the number of states signing individual CIS treaties. Indeed, member-states have been free to operate in an observer status or simply abstain from any participation. What we find is a variation in the “logic” of states’ responses to various issue areas, their level of engagement completely stemming from their own unilateral calculations. Thus, while more willing parties such as Armenia and Kazakhstan engage the full diversity of security areas tackled by CIS treaties, skeptical members such as Azerbaijan and Georgia engaged fewer issue areas through these multilateral means. What results, overall, is a complex set of multilateral arrangements and treaties that approximate an institutional patchwork, with only some member-states clearly committed.

All CIS members were engaged in multilateral security negotiations. Table 2 shows that even the most skeptical and wary members, Azerbaijan, Georgia, and Turkmenistan, signed more than 40 per cent of all completed treaties. As we will see, the *à la carte* policy context was critical in keeping these more reluctant members engaged, while the more enthusiastic member-states (i.e., Russia, Kyrgyzstan, Kazakhstan, Tajikistan, and Armenia) signed more than 90 per cent of all agreements.

This CIS à la carte policy context decidedly contrasts with the approach of other regional institutions such as the EU, where member state engagement is mandated. In the European case, early efforts to construct multilateral arrangements involved more limited numbers of member states with focused issue interests. The over-time development of the European regional institutional design entailed a widening array of issues, a growing number of members, and expanding, highly bureaucratized interstate arrangements. But European regional cooperation and interstate bureaucratization could be and were grounded in required agreement and relatively uniform member state engagement. If there was member state distrust, it was essentially masked through bureaucratic controls. There was no appetite - and no felt need - for an à la carte set of arrangements as found among distrustful FSU states. EU institutional design reflected a level of member state agreement, and an absence of fundamental distrust, that made cooperation possible and regional integration a viable goal toward which to strive. These conditions did not obtain in the CIS's first two decades, and there is no prospect they will emerge in the foreseeable future. As Table 2 further suggests, a group of roughly seven CIS member-states (Russia, Kyrgyzstan, Kazakhstan, Tajikistan, Armenia, Belarus, and Uzbekistan) emerged that more willingly accommodated to the wide array of potential security instruments under CIS consideration. We will focus on one of these smaller states, Armenia, in greater detail later in this paper, but suffice it to note here that Armenia found itself extending its security arrangements via CIS instruments, even as it developed its bilateral ties with regional hegemon, Russia. In contrast, Table 2 further reveals that Ukraine was among the group of five CIS members that more cautiously engaged CIS arrangements, but the à la carte policy context did permit it to use CIS instruments that would be further developed through bilateral agreements with regional hegemon Russia.

The basic logic of the veto player suggests that an à la carte system should provide for significantly greater gains from cooperation. If the treaty must be crafted to a rough lowest common denominator position then there are probably quite significant cooperation gains among some players that are lost. By allowing countries to opt out, deeper levels of cooperation can be achieved within a smaller subset of CIS countries, which is exactly what we see. If that cooperation is successful that will certainly incite other countries to get involved. This is certainly the history of the EU where many countries initially stayed out but eventually joined once it was clear that cooperation was paying significant dividends. While there might be advantages to an *à la carte* system, we think when preferences are much more diverse that an à la carte system makes more sense.

Nested bilateralism

A third institutional design feature of CIS regional governance is the intense interrelationship between multilateralism and bilateralism, and the more specific phenomenon of treaty nesting. Here we find a flexibility wherein countries work out the details of a multilateral CIS agreement through bilateral negotiations and a resultant bilateral agreement. We call this activity nested bilateralism, and it characterizes - to varying degrees - all relations between smaller CIS members and the regional hegemon, Russia.

We understand nesting at the most basic level as entailing the specific referencing of one treaty or document (“nested treaty”) in a preexisting treaty (“nesting treaty”), and it can assume many forms and have numerous implications. While substantively focused nested treaties may address discrete policy concerns, sets of nested treaties can form larger treaty networks which are at the heart of institutions; institutions which themselves can be nested. Treaty activism with nesting is important because it helps set legal agreement precedents, it widens and deepens intergovernmental understandings and agreements, it helps channel states’ expectations, and it helps lay out parameters for behavior and future agreement. It should be noted that although individual treaties can lay out parameters for behavior and future agreement, treaty activism using nesting creates a treaty network that strengthens individual connected treaties while reinforcing previous treaties. While treaty nesting could span both (1) mounting comprehensiveness in problem and policy management and (2) focused and more limited ad hoc agreement on narrow issue concerns, it entails overall cumulating and precedent-setting intergovernmental action. The causes and effects of nesting center around treaties and institutions that both arise from and confront intergovernmental mistrust, system disorder, and interstate conflict. Nesting, however comprehensive or focused in the precedents set or management of issues and policies, signifies a cumulation of intergovernmental arrangements that transcend generally idiosyncratic, ad hoc, stand-on-their-own agreements.

We argue that nested bilateralism makes a regional institution stronger, broader, and more effective. This strengthening stems from a set of functions that we contend involves five functions relating the nested treaty to the nesting institution and treaties: (1) implementation, (2) specification, (3) adjusting, (4) deepening, and (5) preparing. While sometimes inter-related and even overlapping, these five functions can be distinguished from one another, with each assuming potential significance as a treaty is crafted and applied.

First, by implementation we mean a treaty actualizes or operationalizes the organizational or policy measures set out in an existent agreement; e.g., a treaty, B, detailing the structure and rules of a secretariat that was created in an earlier agreement A. Second, by specification we

mean a treaty further develops or amplifies the intended goals and or arrangements of an existent agreement; e.g., a bilateral friendship and cooperation agreement further advancing the goals of collective security set out in a multilateral security treaty. Third, by adjusting we mean a treaty may correct for the unintended consequences of an existent treaty; e.g., a treaty, B, compensates a member state for the unequal distribution of trade gains created by another treaty, A. Fourth, by deepening we mean a treaty goes beyond the cooperation expressed in a multilateral agreement to articulate more explicit or higher levels of cooperation; e.g., a treaty, B, extends economic integration from a free trade area only in a treaty, A, to include the free movement of labor and capital as in a customs union. Finally, fifth, by preparing we mean a treaty prepares member states to enter another treaty; e.g., a treaty, A, includes provisions that facilitate democratization so that signatories may enter another treaty, B, which requires full democracy.

The significance and impact of multilateral security arrangements realized under the CIS umbrella are illustrative of the argument set out here. In the face of member states' ability to determine their level of organizational engagement, CIS arrangements could be incomplete, porous, and piecemeal in both structure and logic. For example, the CIS Agreement on a Joint Strategy in Regards to Nuclear Weapons (December, 1991) laid out an approach to the nonproliferation of nuclear weapons. Later, Russia signed bilateral treaties with Belarus, Ukraine and Kazakhstan to further build upon (and essentially bolster) this CIS treaty. While the CIS treaty provided the general framework for nuclear nonproliferation, the bilateral treaties further solidified the treaty and dealt with the specifics of nonproliferation. These outcomes will become clearer when we turn to our Russian-Armenian and Russian-Ukrainian (Black Sea Fleet) case studies, where we will see tangible evidence of nested bilateralism.

Causal mechanisms and CIS case studies

We have explored at a general and theoretical level three key institutional design features that we argue help states manage hegemony and mistrust. Our systematic data about the CIS strongly supports our contention that these design features are present in the CIS. In the spirit of multimethod work we think it is crucial to see if our proposed theory and causal mechanisms about institutional design play out as expected in specific cases. An essential complement to our large-N analysis in the first half of the paper is an in-depth examination of Russian relationships with two key CIS partners. We consider these case studies as causal mechanism tests of our general theory of institutional design.

The emergence of a relatively loose system of CIS multilateral treaties and institutions, augmented by, occasionally supplemented or reinforced

by, bilateral agreements, has combined to yield a more extensive set of regional arrangements than realized by multilateral CIS means alone. Moreover, there is a great diversity in FSU bilateral relationships with the regional hegemon, Russia. These relationships range from the more cooperative, expansive, and concrete (e.g., Armenia and Kazakhstan), to the more contentious, narrowly defined, and limited (e.g., Georgia and Moldova). The overall result is a broad patchwork of FSU security relationships, yielding a regional institutional-policy architecture that permits both focused and highly developed areas of agreement (e.g., stationing of peacekeeping forces), and areas that are narrowly defined, poorly detailed, or at best subject to vague thinking with little or no concrete action (e.g., procedures surrounding interstate war). While conflict management efforts in the former Soviet space have included both tedious and questionable mediation efforts (e.g., Moldova and the Transdnistria case) and outright breakdown and war (Russian-Georgia-South Ossetia), there are important cases where a flexible regional institutional design has born security payoffs. The Russian-Armenian bilateral relationship and the Russian-Ukrainian Black Sea Fleet management regime are two such examples.

Russian-Armenian Treaty Activism

Armenia has been among the most engaged CIS members, while concomitantly crafting a multifaceted security relationship with the Russian Federation. Armenia's post-Soviet posturing vis-à-vis Russia and the CIS is hardly surprising: Russia had long been a guarantor of Armenian sovereignty and security interests, good Russian-Armenian bilateral relations extending back well before Soviet power. Central to Armenian security interests in the aftermath of the Soviet collapse was an alliance with Russia, not only as a means of strengthening its national security in general, but enhancing its standing against Azerbaijan in the conflict over Nagorno-Karabakh. The Armenian-Azerbaijani conflict constituted both an interstate war and a war of secession, and it encouraged an Armenian strategy of developing entangling external commitments via both multilateral and bilateral means. Meanwhile, Russia has been highly motivated to reassert what it perceives as its natural leadership role in the Caucasus, and it has been equally motivated to continue its historical good security relationship with Armenia. As a consequence, the Russian-Armenian bilateral relationship exhibited all three of the central characteristics we associate with CIS institutional design: legalism, an à la carte choice of treaty instruments, and bilateralism nested within multilateralism. Both the regional hegemon, Russia, and a smaller state caught up in a long-term national-ethnic struggle, Armenia, simultaneously benefited from these bilateral-multilateral arrangements.

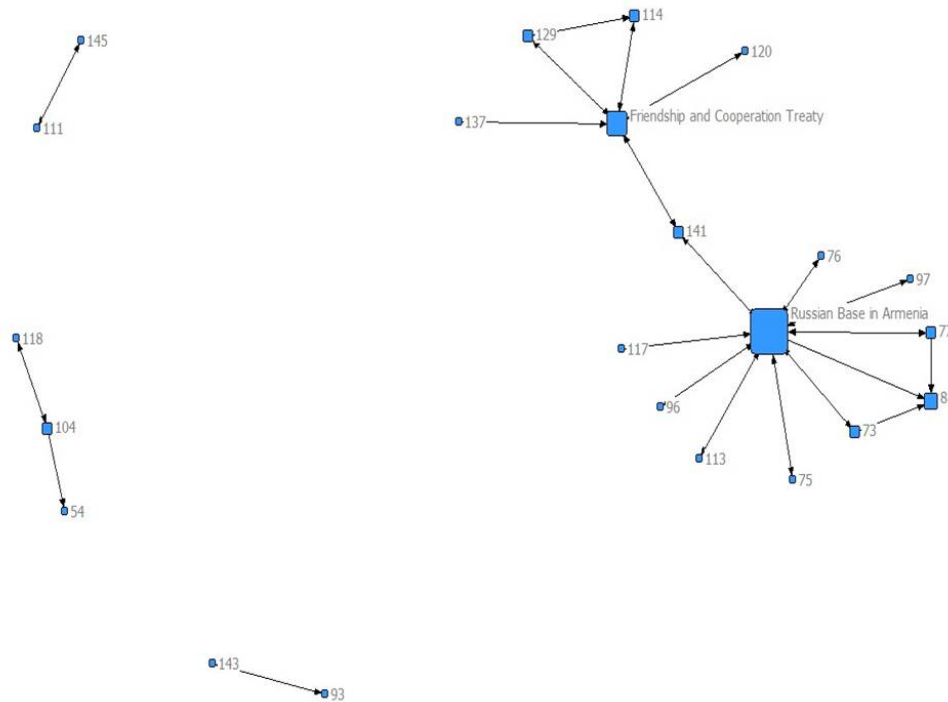
We argue that Armenian treaty activism was geared toward an institutionalization that would reinforce successful Armenian military efforts in the war with fellow CIS member Azerbaijan, reinforce or even bolster

Table 3: Russian-Armenian Bilateral Security Treaties, 1992-2005

Year	N of Treaties	Nested in Bilateral	Nested in CIS
1991	1	-	1
1992	6	1	5
1993	1	-	1
1994	7	-	4
1995	1	-	1
1996	7	6	2
1997	4	2	1
1998	-	-	-
1999	1	1	1
2000	8	4	5
2001	1	1	-
2002	2	2	1
2003	2	3	-
2004	1	1	-
2005	1	1	-

its CIS infrastructural and technical needs, and legitimate is wartime advances. Armenia had enjoyed near-total success in the conflicts with Azerbaijan, in the process securing both formal and informal support from Russia. Among the total 182 CIS security treaties of the period 1992-2005, Armenia signed 170, and combined these multilateral treaties both expanded Armenia's linkages with Russia and other FSU states, and strengthened its military position (Table 2 and Figure 1). Of particular note were groupings of treaties involving Russian military personnel and facilities on Armenian territory, and joint military planning and military-technical cooperative arrangements bridging Armenian, Russian, and CIS capabilities. In contrast, a wary Azerbaijan had only signed 77 of these CIS documents, with these treaties generally involving broader issues (e.g., CIS collective security) that did not translate into more concrete bases of assistance or support. Thus, considering the *à la carte* choice criterion, Armenia adopted an expansive perspective, welcomed an active engagement of the CIS, and directly tied its security arrangements with this multilateral institution, as well as with the regional hegemon, Russia. In contrast, Armenia's rival, Azerbaijan, adopted a cautious stance, selectively tied itself to a limited number of CIS agreements, and was able to remain engaged with a CIS of which it was skeptical via the *à la carte* norm. As for Russia, it signed most CIS agreements (179 of 182; more treaties signed than by any other CIS member), and it used both multilateral and bilateral means to try to influence Armenian-Azerbaijani mediation and peacekeeping efforts from the onset of hostilities. Comparing the two warring parties, we conclude

Figure 1: Russia-Armenia CIS-Bilateral Security Treaty Network



that it was the CIS-engaged Armenia that enjoyed the upper hand, even if Russia was formally neutral in the conflict.

From the earliest post-Soviet days, Armenia pursued intensive bilateral negotiations with Russia even when being engaged in multilateral settings. At the heart of these efforts was the ongoing Nagorno-Karabakh conflict, which had reemerged in the late Soviet period and which had drawn Russian mediation efforts from the early post-Soviet days. Armenia signed an all-important Treaty of Friendship and Cooperation with Russia (December 29, 1991), an omnibus document that included security arrangements reflective of bilateral goals set by the two sides. Meanwhile, Armenia signed the first bilateral friendship treaty on December 29, 1991, at the time it was joining the CIS. This treaty, not nested in any bilateral or multilateral document, spelled out the principles of bilateral cooperation between the two countries. By the time Armenia signed a second friendship treaty with Russia in 1997, it had signed a plethora of other security-related documents while simultaneously being actively involved in the construction of the CIS security complex. Moreover, this second friendship treaty was made all the more credible by being nested in other bilateral (Treaty on the Russian Military Base on Armenian Territory) and multilateral (CIS Treaty on Collective Security) agreements.

Treaty nesting was central to Armenian efforts, and it is highly significant that the Russian-Armenian friendship treaties contained arrangements very much grounded in CIS multilateral principles (which was not true of the corresponding Russian-Azerbaijan treaties). We contend that the nesting of bilateral treaties in multilateral arrangements adds complexity to the relationship between countries, and the degree of nesting provides additional information to other states about the level of cooperation between two countries. Moreover, if there is nesting, the bilateral obligations can be considered a higher level of commitment, since any breaking of related multilateral obligations affects the bilateral as well. Similarly, if bilateral documents nested within multilateral documents become obsolete, then the multilateral relations become weaker, too.

Turning to its bilateral treaty activism with regional hegemon Russia, Armenia was the most active Caucasus state and among the most active CIS members, signing 42 (Table 3). Initially, the focus of these treaties was military cooperation (e.g., transfer of CIS military equipment to Armenia, establishment of the legal status of Russian military forces on Armenian soil, and cooperation on the protection of CIS external borders). Within a few years, however, this had widened to many related issues (e.g., cooperation in internal affairs, the defense industry, measures for emergency situations, and conduct of industrial military transportation for the defense of CIS members' external borders). In 1996, a treaty on the establishment of a Russian military base on Armenian territory signifies much stronger bilateral ties, with subsequent nested agreements addressing various aspects of the base's operation. Especially suggestive of the burgeoning bilateral security relationship was the increased number of cooperative agreements on the joint training of Armenian and Russian troops, mutual planning of joint military operations, and mutual use of the countries' increasingly interconnected military infrastructure. These agreements, sometimes nested in other bilateral or CIS multilateral agreements, demonstrated increased cooperation not only in the sphere of military assistance, but also in the development of joint procedures for military operations of the two countries' armies. It should be noted here that, by contrast, no such issues were found in bilateral agreements between Russia and Azerbaijan.

The nesting of Russian-Armenian bilateral treaties in CIS instruments had important implications for these countries' security and conflict management efforts, with treaties addressing border issues and the status of Russian troops especially suggestive. Armenia clearly proved willing to countenance higher future levels of security dependence on both Russia and the CIS. Examination of the Russian-Armenian bilateral treaty on the status of Russian border forces in Armenia (September 1992), for instance, reveals that the terms of those forces' functioning is explicitly nested in the "agreements on border questions of the member-states of the CIS" (Article 3), and while there is no specific naming of CIS agreements in this bilateral document, its text explicitly refers to all previously concluded

agreements on border question within the CIS. As a consequence, important Russian-Armenian border forces policies and routines are legally grounded in all previously concluded CIS agreements on border forces and border cooperation. Moreover, this bilateral agreement refers in its preamble and Article 2 to the “provision of the collective security of the member-states of the CIS,” signifying that this document is also nested in the CIS agreements on collective security and defense (and with Article 2 specifying that the border troops will stay under Russian jurisdiction).

Overall, significant levels of treaty nesting signified a discernable network of bilateral treaties and broader supranetwork of bilateral agreements nested in multilateral CIS treaties (Figure 1). Half of the Russian-Armenian treaties (21 of the total 42) are nested in other bilateral treaties, while roughly the same number (22 of the total 42) are nested in CIS treaties. The 1992 Treaty on the Legal Status of Russian Forces in Armenia was a foundation for numerous Russian-Armenian bilateral agreements over the succeeding decade, with the 1997 Friendship, Cooperation, and Mutual Security Treaty a nesting foundation for subsequent focused treaties during the next half decade. Meanwhile, the 1992 CIS Treaty on Collective Security and 1992-3 CIS treaties on cooperation of interior ministries and support for security-related production enterprises played a similar role as more focused bilateral agreements were crafted. As Figure 1 reveals, these Russian base, friendship and cooperation, and collective security treaties served as core nodes that were, themselves, interconnected in forming a broader network of bilateral and multilateral documents. Moreover, following further the linkages among treaties captured in Figure 1, we see related smaller groups of treaties that extend out of a significant treaty node: e.g., the sets of air defense and legal-jurisdictional-citizen safeguards agreements that are related to the important Russian base provisions treaty. We find a common view by the two countries that the development of their interconnected national security arrangements was part of the construction of the CIS security complex. Thus, most of the issues in these bilateral agreements that were nested in CIS documents covered collective security and defense, military cooperation, border cooperation, and air defense. The CIS framework was a useful backdrop for Armenia as the regional hegemon, Russia, became the critical outside actor helping to shore up Armenian security concerns, especially vis-à-vis a hostile Azerbaijan.

In reflecting over Armenia’s treaty activism, we contend that its participation in the CIS should be understood as representing, above all, its effort to build and strengthen its own national security system on the principles of more in-depth bilateral military cooperation with Russia, and as a part of the broader CIS collective security system. The costs of building its national security system on such principles meant some tradeoffs in its sovereignty due to the resultant entangling commitments via nested bilateral and multilateral security arrangements. But the potential benefits were high, especially from the perspective of a newly independent state

that already had a high level of dependence on Russia. A combined look at Table 3 and Figure 1 reveals that Armenia engaged in a longer-term, year-by-year construction of agreements with Russia that bridged fundamental administrative-infrastructural and border-forces issues with more focused security concerns (e.g., air defense, governmental-ministerial crime policy coordination, and military goods production). At the same time, Armenia tried to strengthen its position as a new state in the international system, a task made easier when allied with Russia. Accordingly, the complex of nested security treaties and consequent legalism-institutionalization yielded expansive issue coverage, entangling arrangements, and high levels of bilateral commitment.

Meanwhile, Russia, which strove to reestablish its leadership position in the Caucasus, as well as throughout the CIS, benefited from an CIS institutional design that spanned multilateral and bilateral means. Russia chose a mix of bilateral and multilateral security arrangements within CIS member-states to serve its national security interests and strengthen its geopolitical position, and this certainly proved true when we focus on Armenia and the Caucasus region. This mix of bilateral and multilateral means helped Russia balance its contrasting interests with warring Armenia and Azerbaijan. We do not illuminate the complex maneuverings of Azerbaijan here, but in noting that Moscow was inclined toward Armenia, the CIS *à la carte* arrangements and carefully crafted Russian-Azerbaijan bilateral agreements did enable Russia to maintain a constructive working relationship with Armenia's rival. Overall, management of FSU regional conflicts, especially those in the Caucasus, has been one of Moscow's high-priority security interests, and the stabilization of the Armenian-Azerbaijani dispute by the late 1990s illustrated both the constancy of Russia's regional role and the increased security institutionalization coming with the CIS.

Arguably the Russian-Armenian case maximizes the conditions that would be conducive to the legalism and bilateral-multilateral nestedness that we see as at the heart of the CIS institutional design. A past history of generally good bilateral relations was joined with relatively congruous post-Soviet security (and other) interests. The Russian-Ukrainian relationship, in contrast, entails circumstances and a complex history that would challenge productive negotiations and successful treaty activism. Yet, as we will explain, the flexibility of the CIS institutional design, especially with the *à la carte* assumption, but including long-term legalization and a balancing of contrasting bilateral and multilateral means, yielded a cautiously crafted set of Russian-Ukrainian arrangements. We focus on the status of the Black Sea Fleet, amid the varied issues in this complex bilateral arrangement, as we consider the logic and implications of the CIS design. And as we will see, the two mistrustful states would prove surprisingly successful in resolving many aspects of this complex security issue.

Table 4: Russian-Ukrainian Bilateral Security Treaties, 1991-2005

Year	N of Treaties	Nested in Bilateral	Nested in CIS
1991	2	2	-
1992	11	7	1
1993	14	5	2
1994	5	5	-
1995	8	6	2
1996	2	1	2
1997	11	8	2
1998	3	2	-
1999	1	1	1
2000	8	4	1
2001	1	1	-
2002	1	1	-
2003	5	5	-
2004	1	1	-
2005	1	1	-

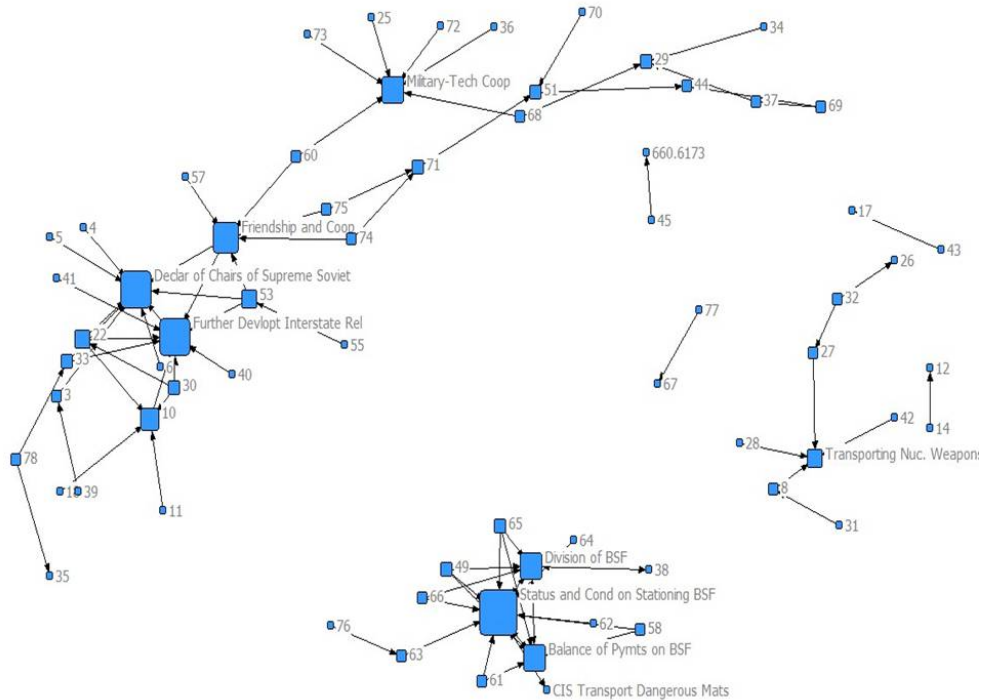
Russia and Ukraine Case

Unlike Russian-Armenian relations, relations between Russia and Ukraine have always been complex and problematic. While Russians have often looked to Ukraine (especially Kiev) as the cradle of the Slavic civilization, Ukraine has often looked upon Russia as a dominant and untrustworthy neighbor. Thus, while Russians have regarded Ukrainians as Slavic brothers and part of one ethnic group, Ukrainians have remained skeptical of Russian intentions.

Even during Soviet times, Russia and Ukraine were often antagonistic to each other, with many Russians assuming a condescending attitude towards Ukraine, while Ukrainians experienced considerable domestic political-cultural suppression throughout the Soviet era (even resulting in the ouster of a strong Ukrainian Communist Party leader, Pyotr Shelest', in May 1973). The fact that the ethnic Ukrainian Nikita Khrushchev was First Secretary of the Communist Party of the Soviet Union (1953-64) did nothing to moderate tense Russian-Ukrainian relations. Indeed, this problematic relationship even carried over to territory, where Khrushchev awarded Ukraine territory in the Black Sea region that was traditionally Russian.

At the time of the collapse of the Soviet Union, relations between Russia and Ukraine continued to be strained. Ukraine first turned to the West for support, attempting to move away from its highly dependent relationship with Russia. In fact, during the early years of Ukraine's independence, one of the biggest concerns of Western observers was that Ukraine might have

Figure 2: Russia-Ukraine CIS-Bilateral Security Treaty Network



difficulty maintaining its sovereignty, especially as Russian policy makers wanted to create a union between Russia and Ukraine (Balmaceda 1998; Bremmer 1994; Burant 1995; Mroz and Pavliuk 1996; Rumer 1994; Trenin 2007). Some scholars even questioned whether Russia wouldn't just force Ukraine to join Russia (Bremmer 1994; Rumer 1994). In short, the deep mistrust that characterized Russian-Ukrainian relations continued - and became even more public - following the collapse of the Soviet Union.

Despite the mistrust between Russia and Ukraine, several pressing security issues needed immediate attention and resolution: Russian military forces were stationed in Ukraine, Ukraine possessed nuclear missiles, and there was no resolution about control over the Black Sea Fleet. Resolving ownership of the Black Sea Fleet was extremely important as well as contentious. While Russia became the Soviet Union's successor state, all of the ports for the Black Sea Fleet were on the territory of Ukraine. Overall, important security issues needed to be resolved, with the two states required to move beyond the realities of long-term mistrust and a profound bilateral power asymmetry. In light of these conditions, the à la carte approach to the CIS treaties was extremely important for the two countries as they addressed these complicated issues. Contrary to Armenia's active engagement of the CIS and Russia in particular, Ukraine was much more

wary in engaging the CIS and Russia, and it relied on the à la carte approach to selectively move forward on issues without locking itself in to unwanted constraints or entangling multilateral arrangements. Thus, of the 182 CIS security treaties negotiated for the period 1992-2005, Ukraine only signed 94, placing itself among the more cautious and selective CIS member-states (Table 2).

An important way by which Ukraine and Russia began to solve the issue of mistrust was through legalization. Constant, intensive engagement and negotiation was the heart of this all-important FSU bilateral relationship. Specifically, Ukraine and Russia were able to approach legalization through treaty nesting (Table 4) and treaty networks (Figure 2). Legalization was accomplished much in the way Kydd (2000a, 2000b, 2001, 2005) prescribes by first developing small cooperation agreements and slowly and methodically building inter-state cooperation on the foundation of such modest agreements. Indeed, as Figure 2 illustrates, several treaty nodes served as important building blocks to building the bilateral relationship between Ukraine and Russia. A first, all-important step was the issuing of a Declaration of Chairs of the Supreme Soviet of the new then-Soviet republics in 1990; an action that was taken before the actual collapse of the Soviet Union, yet yielding a legitimating document that established the basis for Ukraine's sovereignty. Future bilateral treaties were nested within this Declaration of the Chairs of the Supreme Soviet until Ukraine and Russia signed an agreement on the Further Development of Interstate Relations in 1992 (Figure 2). A further analysis of Figure 2 shows that Ukraine and Russia created a network composed of important treaty nodes that built up their relationship such as the Declaration of Chairs of the Supreme Soviet, the Agreement on the Further Development of Interstate Relations, the Treaty on Friendship, Cooperation and Partnership, and the Agreement on Military and Technical Cooperation. Further, Figure 2 shows that two other issue-specific treaty networks were created that dealt with the Black Sea Fleet and treatment of nuclear weapons. Each of these networks had important treaty nodes and involved both bilateral and multilateral nesting within the network. For example, the Agreement on the Further Development of Interstate Relations was not only nested in the Declaration of Chairs of the Supreme Soviet, but was also nested in several multilateral treaties such as the Treaty on the Status of Forces in Europe (1991), the Lisbon Protocol on Strategic Nuclear Weapons (1992), the Treaty on Strategic Weapons (1991), and the CIS Agreement on Dispute Resolution (1992). This effort to nest such an important early bilateral treaty in a very important bilateral agreement coupled with many important multilateral agreements (both CIS and non-CIS) indicate the effort of both states to use legalization as a method of building their bilateral relationship. Further, the use of legalization by both states was a way of solving the problems of mistrust by creating a bilateral security network that is closely linked with multilateral treaties. By linking the bilateral security network with multilateral treaties, both states were increasing the cost of violating treaties

within the bilateral security network, and thus trying to resolve the issues of power asymmetry and mistrust.

The Agreement on the Further Development of Interstate Relations was not the only agreement that was nested in other bilateral, CIS and other multilateral agreements. For example, the Treaty on Friendship, Cooperation and Partnership (1997) was nested in the bilateral agreements, Declaration of Chairs of the Supreme Soviet (1990), the Agreement on the Further Development of Interstate Relations (1992). Further, the Treaty on Friendship, Cooperation and Partnership was nested in several multilateral agreements such as the UN Charter, Helsinki Act, and the CIS Charter. Again, as in the example of the Agreement on the Further Development of Interstate Relations, the strategy by both Ukraine and Russia to use nesting and legalization when creating treaty networks, which have two results. First, legalization and nesting increase the costs of violating any treaty within the treaty network. Such costs are due to the fact that the bilateral treaty network is so closely linked to other multilateral and bilateral treaties that violating an individual treaty is equivalent to violating all of the other treaties that it is linked to through nesting. Second, legalization and nesting allow states that have high levels of mistrust to cooperate since it serves to lessen the tension between the states.

While legalization and nesting were important strategies that were employed by Ukraine and Russia while building their bilateral treaty networks, they were certainly not the only strategies that were used in trying to manage mistrust and power asymmetry. The two states had to slowly start to build their bilateral relationship. It is no accident that the long-considered Treaty on Friendship, Cooperation and Partnership was not signed until 1997. The two states not only had to lessen mutual tensions, but they also had extremely important security issues that had to be favorably resolved prior to developing a cooperative relationship. For example, Russia and Ukraine needed to coordinate the destruction of nuclear weapons on Ukrainian territory. While Russia was the successor state to the Soviet Union, nevertheless, former Soviet republics that had nuclear weapons still had to abide by multilateral and bilateral agreements that the Soviet Union had signed, for instance the nuclear nonproliferation pact and the START treaty. This meant that Ukraine and Russia had to determine how they would abide by those agreements and whether or not Ukraine would continue to possess nuclear weapons. In this case, the design features of an à la carte approach together with legalization and nesting were important strategies that both states could follow to resolve their security issues.

Black Sea Fleet

Although the issue of nuclear weapons was very complex, the most complicated issue that had to be resolved between Russia and Ukraine was the division and management of the Black Sea Fleet. While Ukraine possessed

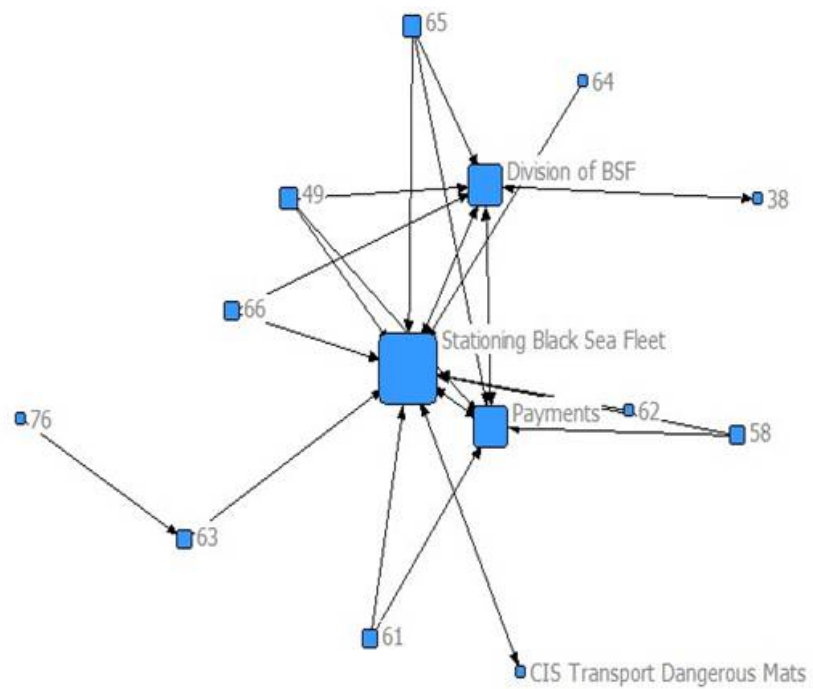
most of the naval ports on its territory, Russia, as the Soviet successor state, would have stood to inherit most of the naval vessels associated with the Black Sea Fleet. Thus, at the time of Ukraine's independence, Russia had control of the fleet, but nowhere to harbor it. To make matters more complicated, some sailors serving in the navy became Ukrainian citizens while others remained Russian citizens. Moreover, Ukraine wanted to have a navy for its own security, and did not want to merely cede control of the Black Sea Fleet to Russia. Clearly this issue was complex, and one that couldn't be resolved quickly.

One strategy that was used to avoid a crisis over the issue of the Black Sea Fleet was neutralization. Neutralization is an international agreement that in effect withdraws certain territories from competition, which results in crisis avoidance. This strategy had been used successfully by the United States and Soviet Union in the Austrian State Treaty (Larson 1987). In the case of the Black Sea Fleet, a joint declaration by the Presidents of Russia and Ukraine was issued in 1992 stating that the Black Sea Fleet questions was a point of contention between the two states, with the two states agreeing to resolve the issue at a later time. What this joint declaration achieved was a detente over this issue, allowing the two countries to build up sufficient trust to be able to resolve significant aspects of the Black Sea Fleet issue.

After the joint presidential declaration in 1992, it was not until 1995 that any new agreements were reached involving the Black Sea Fleet. It was the June 9, 1995 Russian-Ukrainian Agreement on the Black Sea Fleet that served to create a Ukrainian navy, and it further specified how much of the former Black Sea Fleet would be retained by Russia. Specifically, the former Black Sea Fleet was to be divided with 81.7 per cent of the ships going to Russia, and 18.3 per cent of the ships forming the foundation of Ukraine's navy. Moreover, each naval shipman was given the opportunity to decide in which navy s/he would like to serve. With this agreement, Russia was finally legally allowed to station the Black Sea Fleet in Sevastopol. While the 1995 Agreement addressed certain concerns that both states held, namely the creation and division of the Black Sea Fleet, the agreement did not address issues such as legal jurisdiction of Russian navy midshipmen in Ukraine, or the cost to Russia of renting other naval bases in Ukraine. Rather, both states agreed to further address these issues in later agreements (Figure 3).

It took an additional two years for the two states to resolve remaining Black Sea Fleet issues. On May 28, 1997, three important treaties were agreed upon: Agreement on the Balance of Payments and Status of the Black Sea Fleet, the Protocol on the Agreement on the Black Sea Fleet, and the Parameters on the Division of the Black Sea Fleet. As Figure 3 shows, these treaties are the central nodes in the Black Sea treaty network. The Balance of Payments on the Status of the Black Sea Fleet specified the agreed upon amount that Russia would pay Ukraine to continue to base its naval fleet at Sevastopol and other naval bases on Ukrainian territory.

Figure 3: Russia-Ukraine Black Sea Fleet Treaty Network: Nested Treaties



Meanwhile, the Parameters on the Division of the Black Sea Fleet further split the Black Sea Fleet beyond those arrangements already set out in the 1995 agreement. Combined, these three agreements became the lynch pin foundation for all other subsequent treaties. These three agreements resolved the Black Sea Fleet dispute, while future treaties expanded upon or further extended their conditions. It should be noted that the Balance of Payments on the Status of the Black Sea Fleet was nested within the CIS Agreement on the Transportation of Dangerous Materials, while the Parameters on the Division of the Black Sea Fleet was nested within the Multilateral Treaty on the Status of Forces in Europe signed in 1992. This approach of nesting lode stone Black Sea Fleet treaties within both CIS and other multilateral agreements reveals the value of the legalization approach taken by Russia and Ukraine: bilateral agreements were crafted that were grounded in and tied to other multilateral treaty networks, thus increasing the cost to the signatories of treaty violation.

Ultimately the issues of mistrust and power asymmetry have been hard to overcome for both Ukraine and Russia. However, the two states have developed a constructive, sophisticated approach to bilateral cooperation, with multilateral CIS agreements playing a role in their actions. Although neither state has necessarily developed a trust of one another, they have created treaty networks that are strong and difficult to violate. In this case both states have created treaty networks that they believe that neither state will destroy. While cooperation between the states is not necessarily easy to achieve, as was evident in 2010 when heated debate in Ukrainian parliament arose over the extension of the Balance of Payments on the Status of the Black Sea Fleet, nevertheless, the states have been able to build a cooperative relationship grounded in the rule of law and extensive treaty networks.

Conclusion

Institutionalization and legalism have overwhelmed interstate politics over the past half century, and an important dimension of this development has been the emergence of regional intergovernmental organizations. In the face of continuing interstate power inequalities and mistrust, these regional organizations help structure and channel states' behavior and provide means for resolving interstate disputes. Key to the successful functioning of these regional organizations is developing an institutional design that inherently safeguards the sovereign interests of member-states, weak and strong, while offering meaningful ways by which those members can further advance their interests while managing, if not resolving, disagreements and conflicts.

A review of contemporary regional intergovernmental organizations reveals varied experiences and institutional designs that reflect the contrasting "logic" and interests of different groups of states. The EU institutional

design, for instance, points to levels of relative interstate trust and interest consensus that permit more intrusive and binding institutional arrangements and common policies. Commonly hailed as the most developed of modern regional economic-political organizations, the EU institutional design entails a level of interstate policy coordination that is leading to member-state integration. In contrast, the ASEAN institutional design relies heavily on behind-the-scenes informal bargaining and consensus that must be in place before any, looser, policy agreements are publicly presented. With both of these regional institutional cases, as with others, institutional design requires a collectively agreed upon flexibility to balance sovereign member-states interests with desired regional group cohesion and shared goals.

We find the independent states of the former Soviet space as having constructed an CIS institutional design that, in its logic and flexibility, balances the juxtaposed power and policy interests of diverse smaller powers with a traditional regional hegemon. In its intent and potential, the CIS never had the integrative promise of the EU, with which it has been disparagingly compared. It emerged among a group of states with profound levels of mistrust and varied power capabilities. To survive out of the wreckage of the Soviet experience and collapse, the CIS necessarily required an institutional design that would constitute a patchwork system of cautious Eurasian security cooperation. But we contend, and our two case studies reveal, the CIS institutional design has yielded a set of interconnected, multilateral and bilateral, security arrangements that have met a good number of security needs of its generally-wary member-states.

Central to this institutional design have been the core features of legalization, à la carte a policy context, and bilateralism-multilateralism. The continuing legalism of CIS activities has drawn members into protracted discussions and piecemeal agreements. The à la carte policy context has safeguarded member-states' sovereignty by permitting each state to determine to what extent it will be associated with any policy or set of arrangements. Finally, the treaty activism of this legalistic, à la carte policy context has yielded a rich array of agreements, multilateral and bilateral, that strengthen areas where individual states selectively pursue their unilateral policy interests while simultaneously reinforcing their long-term security positions. Bilateralism-multilateralism and treaty nesting are at the heart of a broader bilateral, and even regional, security architecture that has, as we have seen, developed for certain relationships and issue areas.

The Armenian and Black Sea Fleet cases illustrate examples where smaller powers could successfully engage a regional hegemon to advance their power interests. These cases also reveal, however, that the hegemonic power also realized important security goals. Neither Russian-Armenian, nor Russian-Ukrainian, relations had to evolve as zero-sum games. Armenian security interests vis-à-vis Azerbaijan were enhanced, Armenia's

Nagorno-Karabakh wartime gains were safeguarded, while Russia concomitantly positioned itself as the regional power broker and cautiously balanced its ties with Armenia and Azerbaijan.

Meanwhile, Ukraine and Russia ultimately were able to divide up the Black Sea Fleet, manage related technical, logistical, and legal issues, and simultaneously provide safeguards for Ukrainian sovereignty while permitting Russia to maintain a viable Black Sea naval capability. In addition, Russia and Ukraine solved issues related to nuclear weapons, and ensured that Ukraine did not remain a nuclear power. Overall, while there is still mistrust between the two states, neither Ukraine nor Russia expects its bilateral partner to violate the agreements that they have worked so hard to achieve.

In this paper we have focused on three central design features of any regional international institution: (1) legalization, (2) à carte option, (3) nested bilateralism, and implicitly nested multilateralism. We have shown that the CIS clearly has these features and with our case studies we have illuminated the causal mechanisms underlying these institutional design choices. Problems of hegemony and mistrust are endemic to international politics. Of course, from our analysis of the CIS we cannot say the extent to which other regional institutions have adopted these kinds of design features. In some circumstances, e.g., APEC, countries have preferred to deal with these issues by avoiding legalization altogether. Liberal institutionalists have often downplayed the importance of hegemony and mistrust (the domain of realism after all). We think that the CIS can potentially inform how power politics and mistrust can go together with legalization, nested bilateralism, and à la carte institutional design features.

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