

**DEPARTMENT OF LEGAL AFFAIRS  
AND  
SHANGHAI COOPERATION ORGANIZATION (SCO)**

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**BACKGROUND**

The **Shanghai Cooperation Organization (SCO)** is an eight-member multilateral organization, established on 15 June 2001 in Shanghai, China by the leaders of China, Kazakhstan, Kyrgyzstan, Russia, Tajikistan and Uzbekistan. These countries, except for Uzbekistan, had been members of the **Shanghai Five** group, formed on 26 April 1996 with the signing of the *Treaty on Deepening Military Trust in Border Regions*. In 2001, during the annual summit in Shanghai, the five member nations first admitted Uzbekistan in the Shanghai Five mechanism (thus transforming it into the Shanghai Six). Thereafter, on 15 June 2001 the *Declaration of Shanghai Cooperation Organization*, was signed and in June 2002 the heads of the SCO Member States signed the SCO Charter which expounded on the organization's purposes, principles, structures and forms of operation, and established it in international law. At the July 2005 Astana Summit, India, Iran and Pakistan were granted Observer status. In July 2015 in Ufa, Russia, the SCO decided to admit India and Pakistan as full members. India and Pakistan signed the memorandum of obligations in June 2016 in Tashkent, Uzbekistan, thereby starting the formal process of joining the SCO as full members. On 9 June 2017, at the historic summit in Astana, India and Pakistan officially joined SCO as full- members.

2. The SCO has established relations with the United Nations in 2004 (where it is an observer in the General Assembly), Commonwealth of Independent States in 2005, Association of Southeast Asian Nations (ASEAN) in 2005, the Collective Security Treaty Organization in 2007, the Economic Cooperation Organization in 2007, the United Nations Office on Drugs and Crime in 2011, the Conference on Interaction and Confidence-Building Measures in Asia (CICA) in 2014, and the United Nations Economic and Social Commission for Asia and the Pacific in 2015 (ESCAP), United Nations Educational Scientific and Cultural Organisation (UNESCO) in 2018.

**Structure**

3. SCO has two Permanent Bodies - (i) SCO Secretariat in Beijing and (ii) Executive Committee of the Regional Anti-Terrorist Structure (RATS) in Tashkent. The Chairmanship of SCO is by rotation for a year by Member States. Presently Tajikistan is the Chair of SCO for 2020-21.

4. The Council of Heads of States is the apex decision-making body in the SCO. This Council meets at the SCO summits, which are held each year in one of the member states' capital cities. The Council of Heads of Governments is the second-highest council in the organization. This council also holds annual summits, wherein members discuss issues of multilateral cooperation. The council also approves the organization's budget. The Council of Foreign Ministers holds regular meetings, where current international situation and the SCO's interaction with other international organizations are discussed. The Council of National Coordinators coordinates the multilateral cooperation of member states within the framework of the SCO's charter.

5. The Secretariat of the SCO is the primary executive body of the organization. It serves to implement organizational decisions and decrees, documents (such as declarations and agendas), functions as a document depository for the organization, arranges specific activities within the SCO framework, and promotes and disseminates information about the SCO. It is located in Beijing. Each Member State has a Permanent Representative to the SCO. The Regional Anti-Terrorist Structure (RATS), headquartered in Tashkent, Uzbekistan, is a permanent organ of the SCO which serves to promote cooperation of member states against terrorism, separatism and extremism. Each member state also sends a permanent representative to RATS. The SCO Secretary General and the Executive Director SCO RATS are appointed for a term of 3 years. Mr. Rashid Alimov from Tajikistan and Mr. Yevgeny Sysoyev from Russia have respectively been the SCO Secretary General and Executive Director of RATS since 1 January 2016. The Qingdao Summit of SCO Heads of State held on 9-10 June, 2018 confirmed appointment of Mr. Vladimir Imamovich Norov from Uzbekistan as the next Secretary General of SCO from 1 January 2019 to 31 December 2021 and Mr. Zumakhon Faiyozovich Giyosov from Tajikistan as the Director of the Executive Committee of the SCO-RATS from 1 January 2019 to 31 December 2021.

6. In addition to these, there are mechanisms for regular meetings of Heads of Parliament, Ministers of Defence, Emergency Situations, Economy/Trade, Transport, Culture, Education, Health, Justice, Supreme Courts, Prosecutors General, Secretaries of National Security Councils, etc.

7. The official working languages of the Shanghai Cooperation organization are Chinese and Russian.

#### 8. **INDIA AND SCO**

India was granted Observer status at the July 2005 Astana Summit, and subsequently participated in all SCO forums open to Observers. India formally submitted an application for the full membership to the then SCO Chair, Tajikistan, prior to the SCO Summit in Dushanbe in September 2014. Thereafter, the next SCO Summit in July 2015 in Ufa (Russia), declared the initiation of the process of accession of India's (and Pakistan's) full membership in SCO.

9. Prime Minister Narendra Modi attended the SCO Summit in Tashkent, Uzbekistan on 23-24 June 2016, wherein India signed the Memorandum of Obligations (MOO) to obtain the status of Member of SCO. The MOO outlined various obligations to be fulfilled by India in a sequential step-by-step and time bound manner to obtain full membership. As per the obligations under MOO, India had acceded to 34 SCO Agreements including the SCO Charter and Shanghai Convention on Combating Terrorism, Separatism and Extremism and 3 additional SCO Agreements that entered into force after signing the MOO. The MOO came into force for India on 25 March 2017, i.e 30 days after the last written notification from SCO members. India completed all its obligations under the MOO and was granted the status of full member (along with Pakistan) on June 9, 2017 at the SCO Summit in Astana, Kazakhstan.

10. India's entry into SCO as a full member since 9 June 2017, has been further activated with the establishment of the SCO Division in MEA and appointment of National Coordinator and Permanent Representative to SCO. There has been regular participation in various SCO meetings. Shri Rajnath Singh, Minister of Home Affairs, attended the 9th meeting of SCO Heads of Emergency Prevention and Relief Agencies in Choplon-Ata, Kyrgyzstan, on 24-25 August 2017. The then EAM Ms. Sushma Swaraj attended the non-regular meeting of SCO Council of Foreign Ministers on 20 September 2017 on the side-lines of 72<sup>nd</sup> Session of UN General Assembly in New York.

## **11. DEPARTMENT OF LEGAL AFFAIRS & SCO**

### **A. Meeting of Ministers of Justice of the SCO Member States:**

The Department of Legal Affairs, at various levels has been participating in the Sessions of the Minister of Justice of the SCO. The Forum of Ministers of Justice is preceded by preparatory meeting of the officials of SCO Member States to take up various issues relating to legal assistance and legal relations/services in the civil and criminal/forensic activities.

- The 5<sup>th</sup> Session of the Ministers of Justice of SCO was attended by the Indian side through this Department. An Indian delegation led by the then MOS for Law and Justice, Shri P. P. Chaudhary had attended the 5<sup>th</sup> Session in Tashkent on 20<sup>th</sup>-21<sup>st</sup> October, 2017:-
  - (i) Dr. G. Narayana Raju, the then Secretary, Legislative Department
  - (ii) Dr. Anju Rathi Rana, the then Joint Secretary & Legal Adviser, Department of Legal Affairs
  - (iii) Shri G.R. Raghavendra, Joint Secretary, Department of Justice
  - (iv) Shri Priyankar Ghosh, the then Director, Central Forensic Science Laboratory, Ministry of Home Affairs
- The 6<sup>th</sup> Session of the Ministers of Justice of SCO was attended by the Indian side through this Department. An Indian delegation led by the then Secretary, Shri Suresh Chandra had attended the 6<sup>th</sup> Session in Cholpon-Ata, Kyrgyzstan on 24<sup>th</sup> August, 2018:-
  - (i) Shri M.C. Joshi, the then Deputy Director & Scientist 'D', Ministry of Home Affairs
- The first Expert Group Meeting on preparation of the 7<sup>th</sup> Session of the Ministers of Justice of the SCO Member States was held on 17<sup>th</sup>-18<sup>th</sup> September 2019, New Delhi followed by the 7<sup>th</sup> Session of Ministers of Justice of SCO Member States hosted by India in October, 2020. The details of the Indian delegation led by the then Hon'ble Minister of Law & Justice, Shri Ravi Shankar Prasad on 16<sup>th</sup> October, 2020:-
  - (i) Shri Anoop Kumar Mendiratta, the then Law Secretary
  - (ii) Shri R.S. Verma, Additional Secretary, Department of Legal Affairs
  - (iii) Dr. Rajiv Mani, the then Joint Secretary & Legal Adviser, Department of Legal Affairs
  - (iv) Dr. Anju Rathi Rana, the then Joint Secretary & Legal Adviser, Department of Legal Affairs
  - (v) Shri. M. Khandelwal, the then Additional Government Advocate, Department of Legal Affairs
  - (vi) Shri R.K. Srivastava, the then Additional Legal Adviser, Department of Legal Affairs
  - (vii) Dr. R.J.R. Kasibhatla, Deputy Legal Adviser, Department of Legal Affairs
- The 8<sup>th</sup> Session of the Ministers of Justice of SCO was held on 6<sup>th</sup> August, 2021 through video conferencing mode due to Corona Pandemic which was preceded by the first expert Meeting on 11<sup>th</sup> June, 2021 and Second Expert Meeting on 4<sup>th</sup>-5<sup>th</sup> August, 2021. This Department had represented the 8<sup>th</sup> SCO Justice Ministers meeting by Hon'ble Minister of Law & Justice, Shri Kiren Rijiju. The details of Indian delegation led by Hon'ble MLJ are as under:-
  - (i) Shri S.P. Singh Baghel, Hon'ble Minister of State of Law and Justice

- (ii) Shri Anoop Kumar Mendiratta, the then Law Secretary
- (iii) Shri R.S. Verma, Additional Secretary, Department of Legal Affairs
- (iv) Dr. Rajiv Mani, the then Joint Secretary & Legal Adviser, Department of Legal Affairs
- (v) Dr. Anju Rathi Rana, the then Joint Secretary & Legal Adviser, Department of Legal Affairs
- (vi) Shri. M. Khandelwal, Senior Government Advocate, Department of Legal Affairs
- (vii) Shri R.K. Srivastava, Joint Secretary & Legal Adviser, Department of Legal Affairs
- (viii) Dr. R.J.R. Kasibhatla, Deputy Legal Adviser, Department of Legal Affairs

**B. Prosecutors General meeting of SCO Member States:**

As part of various forum of discussion within the multilateral framework of the SCO, the meeting of the Prosecutors General of SCO Member States is held every year by rotation. The Forum is, inter-alia, utilised by the SCO Member States to discuss and exchange experiences in the Prosecutors Office of the SCO Member States, modern practice and effective mechanism for countering and combating corruption. In the past, after becoming full-fledged member, India has participated in the 15<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup> & 18<sup>th</sup> meeting of the Prosecutors General during 2017-2019.

- The 15<sup>th</sup> SCO Prosecutor Generals meeting held in St. Petersburg, Russia was represented by Ms. Pinki Anand, the then Ld. Additional Solicitor General, Ministry of Law and Justice. The details of the Indian delegation are as under:-
  - (i) Shri Atmaram Nadkarni, the then Ld. Additional Solicitor General
  - (ii) Dr. Anju Rathi Rana, the then Joint Secretary & Legal Adviser, Department of Legal Affairs
  - (iii) Shri Anoop Yadav, the then Deputy Legal Advisor, Ministry of Home Affairs
  - (iv) Shri Arun Sharma, the then Consulate General of India for St. Petersburg
- The 16<sup>th</sup> SCO Prosecutor Generals meeting held in Dushanbe, Tajikistan on 20<sup>th</sup> September, 2018 was also represented by an Indian delegation led by Ms. Pinki Anand, the then Additional Solicitor General, Ministry of Law and Justice. The details of the Indian delegation are as under:-
  - (i) Dr. Anju Rathi Rana, the then Joint Secretary & Legal Adviser, Department of Legal Affairs
- The 17<sup>th</sup> SCO Prosecutor Generals meeting held in Bishkek, Kyrgyzstan on 1<sup>st</sup> October, 2019 was also represented by Ms. Pinki Anand, the then Additional Solicitor General, Ministry of Law and Justice. The details of the Indian delegation are as under:-
  - (i) Sh. Ajay Goyal, the then Joint Secretary, Department of Legal Affairs
- The 18<sup>th</sup> SCO Prosecutor Generals meeting was held on 20<sup>th</sup> October, 2020 through videoconferencing mode which was represented by an Indian delegation led by Learned Solicitor General of India Shri Tushar Mehta. The details of the Indian delegation are as under:-
  - (i) Shri R.S. Verma, Additional Secretary, Department of Legal Affairs
  - (ii) Dr. Anju Rathi Rana, the then Joint Secretary & Legal Adviser, Department of Legal Affairs

- The 19<sup>th</sup> Session of the Prosecutors General of Shanghai Cooperation Organisation (SCO) Member States was hosted by India on 29<sup>th</sup> October, 2021 through video conferencing, preceded by the Experts Group Meeting on 27<sup>th</sup>-28<sup>th</sup> October, 2021. The details of the Indian delegation led by the Ld. Solicitor General for India, Shri Tushar Mehta on 29<sup>th</sup> October, 2021:-
  - (i) Shri Anoop Kumar Mendiratta, the then Law Secretary
  - (ii) Dr. Anju Rathi Rana, the then Joint Secretary & Legal Adviser, Department of Legal Affairs
  - (iii) Shri. M. Khandelwal, Senior Government Advocate, Department of Legal Affairs
  - (iv) Dr. R.J.R. Kasibhatla, Deputy Legal Adviser, Department of Legal Affairs

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