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ИСТОРИЯ МЕЖДУНАРОДНЫХ ОТНОШЕНИЙ И ВНЕШНЯЯ ПОЛИТИКА

HISTORY OF INTERNATIONAL RELATIONS AND FOREIGN POLICY

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BELARUSIAN WRITERS AT THE SESSIONS OF THE UNITED NATIONS GENERAL ASSEMBLY (1945–1990)

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The article is devoted to the tradition of participation of Belarusian writers in the official BSSR delegations at the UN General Assembly sessions in 1945–1990. The author made an attempt to define the reasons of such a practice and to reveal the role of Belarusian writers in the BSSR official diplomacy. It is noted that the tradition of invitation of literary workers followed from the high status of writers in the social and political life of the republic. It is stated that the topics of the speeches and statements of Belarusian writers touched foremost special political questions that were determined by the bipolar struggle in the Cold War. It is showed that the documents of personal origin of writers (memoirs, epistolary heritage, and diaries) are valuable sources that help to uncover informal aspects of the everyday life of the BSSR delegation, along with the official side of its activities.

Key words: writer; poet; literature; diplomacy; Byelorussian SSR; Organization of the United Nations; General Assembly; Cold War.

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БЕЛОРУССКИЕ ПИСАТЕЛИ НА СЕССИЯХ ГЕНЕРАЛЬНОЙ АССАМБЛЕИ ООН (1945–1990)

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Рассматривается традиция участия белорусских писателей в работе делегации БССР на сессиях Генеральной Ассамблеи ООН в 1945–1990 гг. Автором предпринята попытка выявить причины установления такой практики и раскрыть роль белорусских писателей в официальной дипломатии БССР. Отмечено, что традиция приглашения литераторов в состав официальных делегаций стала следствием их высокого статуса в общественно-политической жизни республики. Установлено, что тематика выступлений белорусских писателей касалась главным образом специальных политических вопросов и напрямую вытекала из логики биполярного противостояния. Показано, что воспоминания, письма, дневниковые записи писателей являются ценным источником, позволяющим раскрыть наряду с официальной стороной неформальные аспекты повседневной деятельности делегации БССР.

Ключевые слова: писатель; поэт; литература; дипломатия; Белорусская ССР; Организация Объединенных Наций; Генеральная Ассамблея; холодная война.

Introduction

Despite the establishment of the People's Commissariat of Foreign Affairs of the Byelorussian SSR¹ in 1944, the freedom of its diplomatic activity was restricted and primarily determined by the Soviet Union's center (Moscow). During the Cold War external political activities of the soviet republics were implemented mainly in the framework of "popular", i. e. non-official, diplomacy that was implemented in various forms, such as cultural exchanges, visits of sports delegations, etc. However, the opposite phenomenon – participa-

tion of non-officials in the official delegations of the BSSR – also took place. Inclusion of Belarusian writers² in the delegations of the BSSR at the UN General Assembly sessions is worth to be mentioned as one of the most interesting pages in the history of Belarusian diplomacy. This phenomenon is followed by a number of research questions: why have writers been included in almost each official delegation of the BSSR at the UN General Assembly sessions? Which role did the writers play in the delegations?

Review of the historiography of the problem

The participation of Belarusian writers in the UN General Assembly sessions has not previously been the subject of special historical research. Certain references are available only in the works of some historians who studied the activities of the Byelorussian SSR in the United Nations (V. E. Snapkovski, S. F. Svilas) [1–4], or in the studies of several philologists who examined the life way and career of prominent authors (M. A. Lazaruk,

V. P. Ragoyssha, F. I. Kuleshov, V. V. Zuyonok, M. P. Kenka) [5–9]. The role of the writers in external cultural relations of the BSSR was featured in the monograph book of V. G. Shadurski "Cultural relations of Belarus with the countries of Central and Western Europe (1945–1990s)" but the subject of this research does not touch the participation of Belarusian literary workers in the UN General Assembly sessions [10].

The sources of the study

However, this form of activities of the writers can be reconstructed on the basis of a wide range of sources. First of all, texts of the official speeches and statements made by delegates of the Byelorussian SSR are worth to be mentioned: they are conserved in the National Archive of the Republic of Belarus (Collection No. 907) and in the Belarusian State Archive-Museum of Literature and Arts [11; 12], as well as reproduced

in special collection of works or summary reports of the General Assembly sessions [13–18]. The second group of sources consists of personal documents – notes from diaries, memoirs and epistolary heritage [19–22]. The third group of documents is made up from the literary heritage of writers and poets – their verses, essays, articles that has been written during or immediately after a trip to the United States [23–30].

¹⁾The official name of the soviet republic (the Byelorussian SSR), as well as the personal names of members of delegations, are reproduced in the article according to their spelling in the official documents of that time (actually in Russian transliteration); while adjective "Belarusian" is used in the article according to the modern way of spelling.

²⁾The notion "writer" is used in the article in a broad meaning, as equivalent to "literary worker", relating both to prose writers and to poets.

Writer in the social and political system of the BSSR

The participation of writers in the official BSSR delegations to the UN General Assembly followed from the high status of literary worker in the Soviet Belarus. First of all, writers performed an important ideological function for the state. Their task was to justify the building of the new socialist society and to reflect establishment of the “new soviet man”. That’s why in the 1930s the state established control over the literary process in order to control the spiritual life of the society. In 1934 the Union of Writers of the USSR was created (and the Union of Writers of the BSSR as its autonomous part). Other literary associations that emerged in the 1920s, in the wake of Belarusization, have been eliminated; a lot of their members, accused of “national-democratism”, became the victims of the Great Purge in 1937. Despite the heavy damage that Belarusian literature suffered in 1930s, its value has increased significantly in the first half of 1940s, during the Great Patriotic War against Nazi Germany. Many outlined poets – A. A. Kuleshov, P. E. Panchenko, E. I. Skurko (Maxim Tank) – have made successful steps and have built their reputation at that time. Due to their significance in the social life of the Republic, Belarusian writers began to play a role in the external political activity of the Byelorussian SSR, which began in the mid-1940s.

Belarusian writers, as well as other representatives of intellectual elite, were honoured to hold some high positions in the governing bodies of the Republic at the Soviet time. For example, writers were regularly elected as deputies of the Supreme Council of the BSSR, and some of them (E. I. Skurko, I. P. Shamyakin, I. Y. Naumenko) occupied the position of its chairman. An example of tense relations between literary intellectuals and state officials is the fact that at the time of 17th General Assembly session the 50th anniversary of E. I. Skurko was visited personally by A. A. Gromyko who was the Minister of foreign affairs of the USSR at that time [30, p. 65]. But in the political system of the BSSR real power was vested to the system of party bodies that duplicated the functions of the governing bodies, while the role of the latter was primarily decorative and symbolic. As I. P. Shamyakin (who occupied the position of Chairman of the Commission of the Supreme Council on Foreign Relations at the time of his invitation to the 18th Session of the UN General Assembly) once recalled figuratively in his memoirs, “I have been a “big cheese” that in reality was equal to zero, but there, in the United Nations, it sounded loudly...” [21, p. 310]³.

Belarusian writers as correspondents

The activity of the Belarusian writers in the diplomatic sphere started with M. T. Lynkov. As a member of the Supreme Soviet of the BSSR he participated at its sixth session in March 1944 in Gomel and expressed his support for establishment of the People’s Commissariat of Foreign Affairs of the Byelorussian SSR. He expressed a view that the development of relations of Belarusian nation as a member of the United Nations coalition would give the country possibility of legal influence on the world processes [32, p. 228]. Later, in May – June of 1945, M. T. Lynkov was included in the Belarusian delegation to the UN founding conference in San Francisco but not as a full member but as a correspondent. The same status of correspondent in the Belarusian delegation was given to K. K. Atrakhovich (Kandrat Krapiva) at the first UN General Assembly session in London [33, aids 61, fol. 201, p. 35]. During the conference M. T. Lynkov has prepared several articles for the

newspaper “Zviazda”, devoted to the press-conference of K. V. Kiselev (minister of foreign affairs of the Byelorussian SSR), to the visit to the American Russian Institute, to the ceremony of signing of the Charter of the United Nations, while K. K. Atrakhovich has prepared an article “London: the first impressions” during the first session of the UN General Assembly that was held at the capital of the United Kingdom [34–37].

The practice of invitation of Belarusian writers to the official delegations of the BSSR to the UN General Assembly resumed since 1952. Since then Belarusian writers were invited not as correspondents but as full members of the delegation. As officials, writers worked in the main committees of the General Assembly, participated in discussions and voted on behalf of the BSSR on certain matters; they were present at the plenary sessions and several times made statements from the high tribune in the Assembly hall.

Activities of the writers in the General Assembly Committees

The range of issues consigned to the writers during various sessions was very broad, ranging from the problem of apartheid in the South Africa to the matter of the draft Convention on the Rights of the Child. But the activities of the Belarusian writers as full members of the BSSR delegation started with M. T. Lynkov

in the *Fifth Committee of the General Assembly* that deals with administrative and budgetary matters. In his statements, the Belarusian writer supported the Soviet Union’s proposal to reduce the budget of the United Nations for 1953, and strongly opposed a new scale of assessments. He required reducing the

³ Hereinafter translated by I. A.

rate of contributions from the Byelorussian SSR to the 1950 level, by pointing out the devastation of the economy of the republic, caused by the heavy losses during World War II [11, aids 1, fol. 99, p. 260–262; 11, aids 1, fol. 99, p. 268–274]. On behalf of the BSSR delegation, M. T. Lynkov has supported the adoption by the Economic and Social Council and its functional commissions of Spanish as a working language but

also he pointed out that the adoption of Russian as a working language by the Council and its functional commissions was important to Russian speaking countries [11, aids 1, fol. 99, p. 265–267]. M. T. Lynkov activities at the 7th session remained the only case when the representation of the BSSR position in the Fifth Committee of the UN General Assembly was entrusted to the Belarusian writer (see table).

Number of speeches and statements made by Belarusian writers and poets at the sessions of the UN General Assembly (1952–1990), distributed by committee

Committee or Plenary meeting	Number of speeches and statements	Number of participations in various committees
Plenary Meetings	12	9
First Committee (disarmament and international security questions)	10	6
Special Political Committee	23	13
Second Committee (economic and financial questions)	–	–
Third Committee (social, humanitarian & cultural questions)	16	4
Fourth Committee (decolonization questions)	20	8
Fifth Committee (administrative and budgetary questions)	4	1
Sixth Committee (legal questions)	–	–
Total	85	41 ⁴

Note. The calculations are done by the author.

Sources: Index to Proceedings to the General Assembly, 7th session – 45th session. New York: United Nations, 1953–1991.

The largest number of statements were made by Belarusian writers on *political matters*, mostly in the First Committee, the Fourth Committee, and the Special Political Committee of the UN General Assembly. In 1950s their statements were primarily related to the decolonization process that was put in the core of the geopolitical struggle in the time of the Cold War. They were discussed in the *Fourth Committee*. By illustrating this trend, the Belarusian writer M. T. Lynkov once noted that “the question of Non-Self-Governing Territories is not an internal affair of metropolitan countries, it is a question of an international character...” [11, aids 1, fol. 126, p. 141]. Political and social development of Non-Self-Governing Territories, reflected in the reports of the Trusteeship Council, was consistently a subject of critics from BSSR delegation in 1950s, particularly in the statements of M. T. Lynkov who continued to be a full member of the BSSR delegation at 3 subsequent sessions, in 1953–1955. His speech was focused on such problems as illiteracy of population of the Non-Self-Governing Territories, its poverty and absence of political rights. Particularly, he criticized the decision of the Kingdom of the Netherlands to cease the transmission of information about the situation in the Netherlands Antilles and Surinam [11, aids 1, fol. 126, p. 174]. Special attention was paid to the situation in South West Africa and Puerto-Rico.

In November 1953, some leaders and members of the Party of Independence of Puerto-Rico have sent several personal letters to M. T. Lynkov, expressing gratitude to the BSSR delegation for its support of the independence movement of Puerto-Rico [11, aids 1, fol. 129, p. 92–113]. In 1953, M. T. Lynkov published the short story “The lights of Tanganyika” based on the real case suited by Wa-Meru tribe (from modern Tanzania) and devoted to the struggle of native African inhabitants for their lands against Western colonialists [24; 38].

Starting from decolonization matters, Belarusian writers were devoted to uncover other special political questions, highlighted mostly at the meetings of the *Special Political Committee* in 1950s – 1970s. One of the most acute problems, which was constantly raised by the Byelorussian SSR delegation, became the situation in the South Africa and the policy of apartheid, performed by the South African regime. This problem has been a convenient subject of critics of the Western countries, accusing them of political and economic support of the South African regime. For instance, in 1970 I. Y. Naumenko compared the situation in South Africa with the days of the Nazi occupation of Belarus. He noticed specially that “in defiance of the decisions of the United Nations, the Western Powers – including members of the Security Council – were providing South Africa with large quantities of arms and military

⁴The number of participations exceeds the number of sessions when Belarusian writers were invited in the BSSR delegation because in some years they made statements in several committees simultaneously: for instance, E. I. Skurko in 1960.

equipment. ... Thanks to those supplies, South Africa had been turned into a vast military and police camp, and its army had been provided with modern equipment" [14, p. 75–76]. This item was also raised in speeches and statements of M. T. Lynkov, A. N. Kulakovski, I. G. Chigrinov and others.

Another issue, that was regularly raised in the statements of Belarusian writers in the Special Political Committee of the UN General Assembly, was the Palestinian problem, exacerbated after the Six Day War of 1967, when Israel took control of the West Bank, the Gaza Strip and the Sinai Peninsula. Like the situation in the South Africa, Israel's foreign and domestic policies constantly were the target of criticism from the delegations of the Soviet republics (particularly, from the Byelorussian SSR), especially in the wake of deterioration and breaking off the Soviet-Israeli diplomatic relations in 1967. Special statements on behalf of the Byelorussian SSR on this issue were made by I. Y. Naumenko, N. E. Pashkevich, G. P. Buraukin and others. Commenting the Camp David Accords of 1978, B. I. Sachenko noticed that "tension in the Middle East continued to increase, because of Israeli aggression supported by States protecting their so-called "vital interests". It was clear to everyone that the Camp David Accords would not lead to a genuine settlement of the conflict; their aims were rather to consolidate the results of the aggression of 1967..." [15, p. 7].

Among other items that were touched by Belarusian writers in the Special Political Committee of the General Assembly was a matter of admission to the United Nations of new states but it also was put in the core of the geopolitical struggle. Granting full membership in the UN for several new states from Eastern bloc (i. e. Hungary, Romania, Bulgaria) in 1955 was a result of bargain between the Soviet Union and the United States. At the 10th session on behalf of the BSSR delegation M. T. Lynkov expressed his support for such a resolution [11, aids 1, fol. 184, p. 7–17]. Later, at the meetings of the Special Political Committee in the 1950s and 1960s, Belarusian writers repeatedly articulated the requirement to admit the People's Republic of China and the Democratic People's Republic of Korea in the United Nations.

Certain political questions were transferred to the *First Committee* of the General Assembly that deals with disarmament, global challenges and threats to peace that affect the international community. Korean question (the problem of Korean unification, as well as requirement to invite the delegation of the DPRK to the sessions of the General Assembly) was touched by P. F. Glebka, P. U. Brovka, E. I. Skurko and A. A. Kuleshov. Besides, P. F. Glebka and E. I. Skurko focused their statements on Algerian question, and A. A. Kuleshov – on the issue of the peaceful uses of outer space [11, aids 1, fol. 504, p. 1–8]. But actually Belarusian writers touched a question of disarmament

and its link to international security only two times. The first one was in 1979 by E. M. Skobelev, but it is worth to remember that he was invited not only as a writer but as a career diplomat – the inspector of the Department of Foreign Relations of the Central Committee of the Communist Party of Belarus. The second one occurred in 1989, when the Belarusian poet G. N. Buravkin raised the issue of reducing weapons of mass destruction. His speech reflected the policy of "new political thinking" in the Soviet Union and was a reaction on successful Soviet-American negotiations on reduction of the nuclear weapons (the INF Treaty, already signed in 1987, as well as talks on the START-1) [18].

Belarusian writers returned again to the *Fourth Committee* in the 1980s to uncover mostly the problems of Non-Self-Governing Territories. They highlighted such issues, as the situation in South West Africa (Namibia), and criticized the activities of foreign economic and other interests which are impeding the implementation of the declaration on the granting of independence to colonial countries. These problems were touched in the speeches of A. M. Adamovich, G. I. Borodulin, V. V. Zuyonok, V. A. Kozko, A. I. Maldis. For instance, commenting the situation in Namibia, A. M. Adamovich stated that "data provided by the United Nations and the world press showed that collaboration between South Africa and the Western Powers was steadily on the rise. <...> Their economic and strategic interests demanded the maintenance of racism and colonialism and therefore they could be observed doing everything possible to delay the independence of Namibia" [17, p. 14].

Except political matters, Belarusian writers highlighted social, humanitarian and cultural issues, discussed in the *Third Committee* of the General Assembly. Despite the humanitarian character of the literary activity, the Belarusian writers participated in the meetings of this Committee during only four sessions (13th, 15th, 17th and 36th). Nevertheless, the number of items, covered by their statements (16), was comparable with the number of issues touched in other committees (see table). Among the Belarusian writers who participated in the discussions in the framework of this committee can be named P. E. Panchenko, E. I. Skurko and E. I. Yanishchits.

In their statements in the *Third Committee* Belarusian writers often expressed their support of the initiatives from the Soviet Union initiatives or from other countries of the Socialist bloc. For instance, P. E. Panchenko in 1958 expressed support for the proposal of the member of the delegation of the Ukrainian SSR V. D. Bratus to declare the International Health and Medical Research Year in 1959 [11, aids 1, fol. 315, p. 78]. Two years later, E. I. Skurko spoke in favour of the Romanian's delegation initiative on "measures designed to promote among youth the ideas

of peace, mutual respect and understanding between peoples". Much of his speech was devoted to the problem of spirituality of the young generation and the role of literature in this process: "Literature and the arts are undeniably of great educational value and it was largely on them that man's choice between weapons and the plough would depend" [13, p. 324–325]. At the 17th session E. I. Skurko on behalf of the BSSR delegation, expressed his full support on the draft "Declaration concerning the conversion to peaceful needs of the resources released by disarmament" submitted to the General Assembly by the USSR [11, aids 1, fol. 583, p. 126]. Two decades later, while participating in the discussion of the draft Convention on the Rights of the Child, E. I. Yanishchits spoke in favour of the draft Convention, submitted by the Polish People's Republic, and expressed regret that convention had not been adopted in the International Year of the Child (1979), "owing to the unconstructive attitude of a number of countries". She also focused on the fact that "the plight of South African youths detained in prisons, children dying in bombing raids in Lebanon, and barefoot children in Angola fleeing the vultures of death from neighbouring South Africa" [16, p. 8].

On the contrary, a number of draft resolutions in the Third Committee has become the subject of controversy between the western and eastern blocks. One of such issues covered the matter of refugees and repatriation. Reflecting the official position of the delegation of the BSSR, the Belarusian writers insisted on amendment of the resolution with a clause promoting repatriation (but haven't met a broad support for such a position). In anticipation of 1959/1960 World Refugee Year, P. E. Panchenko criticized the activities of the UNREF Executive Committee because it "mistakenly continued to devote its main efforts to resettlement and integration" [11, aids 1, fol. 315, p. 74]. E. I. Skurko similarly criticized the report of the UN High Commissioner for Refugees, mainly due to the fact that it addresses the problem of Chinese refugees in Hong Kong [11, aids 1, fol. 583, p. 142–146].

Other statements of the Belarusian writers contained criticism of the initiatives from the Western states. For instance, E. I. Skurko negatively spoke about the US and the UK proposals on the Draft Convention

and Draft Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages that allowed not to apply it to the countries that were not members of the United Nations. Belarusian poet accused these two countries for they "deliberately sought to exclude not only countries such as China and Vietnam, which represented approximately 1,000 million persons, but also the countries which had not yet attained independence" [11, aids 1, fol. 583, p. 112].

As the full members of the BSSR delegation, Belarusian writers have never been involved in the work of the *Second Committee* of the UN General Assembly, which considers economic and financial issues, as well as in the work of the *Sixth Committee*, that examines legal matters (see table). The main reason is that preparation of speeches in these two committees required special knowledge.

However, some speeches and statements were made by Belarusian writers and at the plenary meetings of the General Assembly. Such a practice started in December 1954 at the 9th session with M. T. Lynkov who was entrusted to explain the vote of the BSSR delegation in favour of two draft resolutions proposed by the delegation of the Soviet Union: the first one, on measures to reduce unemployment and increase employment, and the second one, concerned the removal of measures of discrimination applying to trade with individual states or groups of states [11, aids 1, fol. 151, p. 1–4]. Such statements by the Belarusian writers at plenary sessions turned to be regular since the late 1970s. Among the writers, who were honoured to make a statement in the Assembly hall, A. I. Vertinsky, I. G. Chigrinov, A. M. Adamovich, V. V. Adamczyk, G. I. Borodulin, V. V. Zuyonok, and V. A. Kozko can be mentioned. As usual, in the framework of plenary statements they repeated the same issues that they were consigned to speak on at their committees: either special political questions (Israeli settlements on Palestinian lands; apartheid in South Africa), or decolonization matters (the question of Namibia; foreign interests impeding the implementation of the declaration on the granting of independence to colonial countries). However, G. I. Borodulin recalled in his diary that the Assembly hall at the time of his speech was for the most part empty [22, p. 190].

Other activities of Belarusian writers in the UN

However, the activities of Belarusian writers in the United Nations and its specialized agencies were not limited only to the official participation at the UN General Assembly sessions. For instance, M. T. Lynkov was a full member of the BSSR delegation at the IX General Conference of UNESCO in November – December of 1956 in India. Particularly, he noticed that "colonial dependence of countries in Asia and Africa hampered their economic and cultural development, prevented the

creation of their own educated and technically literate staff. Now the people of these countries have embarked on a broad road of independent development and the revival of their national culture" [12, aids 1, fol. 589, p. 1]. P. F. Glebka, while participating at the meeting of the Board Ministry of Foreign Affairs of the BSSR in March 1957, noted the lack of a basis for the work of the Belarusian delegation at the 11th session of the UN General Assembly and proposed to open the Permanent

Mission of the Byelorussian Soviet Socialist Republic to the UN in 1958 [4, p. 70]. Several times M. T. Lynkov addressed the staff of the Permanent Mission of the USSR

to the United Nations with reports on development of the Soviet literature and read some excerpts from his novel "The memorable days" [9, p. 121, 123].

Personal impressions of writers

However, the sources of personal origin from Belarusian writers (memoirs, diaries, letters) make it possible to uncover the everyday life and informal rules in the work processes of the Byelorussian delegation at the United Nations, along with the formal side of its activities. A son of poet Maxim Tank referred that the texts of speeches of all delegates had to gain preliminary approval at the meeting of the delegation. A special position on this matter was taken by A. A. Kuleshov and A. E. Makaenok who refused to subordinate to this rule [39]. As a result, while A. A. Kuleshov has made two statements in the First Committee in 1961, Makaenok is not mentioned among the members of the BSSR delegation who spoke at the 20th session in 1965 [40, p. 108]. I. P. Shamyakin recalled in his memoirs that once he was asked to correct the text of speech for A. A. Gromyko, but later surprisingly noticed that his remarks were not taken into account absolutely [21, p. 314].

Some notes from diaries of the Belarusian writers contain critical view on the whole General Assembly sessions, as well as on the order within the BSSR delegation and its relations with other Soviet delegations (from USSR and UkrSSR). I. P. Shamyakin in his memoirs bluntly recalled the discussion at the General Assembly as "talking shop" [21, p. 311]. His memoirs contain also

critical appreciation of artificial unanimity of Soviet delegations [21, p. 313–314]. Having witnessed a sharp debate between the Ambassador of the United States to the United Nations A. Stevenson and the Permanent Representative of the Soviet Union V. Zorin during the Cuban Missile Crisis in October 1962, E. I. Skurko reflected quite critical view in his diary on the official position taken by the Soviet side in the controversy: "We say that there are no Soviet missiles in Cuba. But Stevenson in the UN showed their [American] pictures which were more convincing arguments as facts from Zorin who objected to this. Frankly, it was unpleasantly for us to listen to this duel and, according to the received instruction, to convince others that actually there are no other missiles in Cuba" [20, p. 80]. Another excerpt from diary indicates poet's non-acceptance of artificial unanimity of Soviet delegations: "At the last meeting I spoke critically about the speech of Ostrovski, the deputy of T. Nikolaeva (both were representatives of the USSR delegation – I. A.). And today she became worried and let me understand that it's unacceptable because he is a member of a union delegation, etc. Apparently, we can not make any comments" [20, p. 81]. A lot of writers mentioned fatigue from a three-month participation in the session in their diaries or letters [19, p. 216, 217, 282; 21, p. 314–315].

Reflection of the trips to the UN in the works of the writers

Literary works of Belarusian writers and poets were a special form of report from sessions of the UN General Assembly. This tradition was laid by M. T. Lynkov, who published an article "From a trip to America" in 1945, after having returned from the conference in San Francisco, which he attended as a correspondent from the BSSR delegation [23]. This essay, written in the wake of common victory of the Allies over the Nazi Germany, still contained the author's positive opinion on the prospects of cooperation between the USSR and the United States. But after the Cold War had started, the content of such essays changed significantly. Next articles, published in 1950s, contained sharp criticism of American social and political system. The essays

and short stories of M. T. Lynkov on American issues were collected in the book "Beyond the sea", published in 1962 [25]. Some authors, such as E. I. Skurko and I. P. Shamyakin published their essays in the journal "Polymia" ("Non-diplomatic notes" and "Two months in New York") [27–29]. P. E. Panchenko started a tradition of poetry, devoted to the foreign trip. His first book, published in 1960, was called "The pictures of New York" [26]. These essays and verses contained critical view on American social order and reflected the atmosphere of the Cold War. But this critical view of writers followed not only from the ideological setup, but also was a reflection of personal convictions and impressions.

Conclusion

Thus, a conclusion can be made that practice of regular invitation of the writers for participation in the delegations of the BSSR at the UN General Assembly took a form of sustainable tradition. The same interpretation gives A. I. Vertinski in his memoirs, recalling his 1977 meeting with A. E. Gurinovich, then-Minister

of foreign affairs of the republic [30, p. 3]. Since 1945 to 1990 30 Belarusian writers (29 – as full members of the delegation) attended sessions of the UN General Assembly. Initially, in 1945–1946 two Belarusian writers (M. T. Lynkov and K. K. Atrakhovich) visited San-Francisco Conference and 1st session of the United Nations

as correspondents. In 1952–1990 Belarusian writers were included in the BSSR delegations as full members almost every year, with short breaks in 1973–1974, and 1987–1988. M. T. Lynkov visited the United States 5 times (considering also San-Francisco Conference), P. F. Glebka – 4 times, E. I. Skurko – 3 times, G. N. Buravkin – twice. In 1990 Belarusian poet G. N. Buravkin, who previously participated in the 31st and 44th sessions of the UN General Assembly, was accredited as Permanent Representative of the BSSR (one year later – of the Republic of Belarus) to the United Nations.

Belarusian writers acted at the sessions of the UN General Assembly foremost as officials and were invited to the BSSR official delegation to raise primarily political questions, as evidenced by their participation in the work of the General Assembly committees (see table). The topics of their official speeches and statements were determined by the bipolar struggle in the

Cold War. Participation of writers was considered as means to raise the prestige of the BSSR in the international arena, as well as to focus attention of the international community on certain sharp matters due to their rhetoric qualities. Sometimes such genuine performances attracted attention of the press. For instance, the newspaper “New York Times” on 23 September 1962 published an article “Proverbial Battle” in which the author has mentioned how Belarusian poet Maxim Tank, commenting on the promise of Charles de Gaulle about peace on Algerian land, recalled an old Belarusian proverb: “When a fox speaks, chicken must think twice” [20, p. 74; 40]. At the same time Belarusian writers left a lot of sources of personal origin that contain critical view on American reality, as well as on artificial unanimity of soviet delegations. Trips to America enriched personal experience of Belarusian literary workers and their creative heritage.

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BELT AND ROAD INITIATIVE IN WORLD POLITICS

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The article provides an overview of the Chinese Belt and Road Initiative (BRI), analyzing the reasons of its introduction, the problems of its implementation and its role in world politics. The following topics are addressed: the evolution of world politics in the XXI century that created the necessary preconditions for the BRI; the reasons and problems of the BRI-Eurasian Economic Union conjugation; the ambivalent attitude of the European Union towards the BRI; India's and Japan's problems with the BRI; the US policies towards the PRC; the prospects for the further development of the BRI.

Key words: Belt and Road Initiative; world politics; Eurasian Economic Union; Russia; China; Japan; India; European Union; USA; Transpacific Partnership; Transatlantic Trade and Investment Partnership; Free Trade Area; conjugation.

ИНИЦИАТИВА ПОЯСА И ПУТИ В МИРОВОЙ ПОЛИТИКЕ

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Рассматривается китайская инициатива пояса и пути (ИПП), анализируются причины и обстоятельства ее провозглашения, проблемы ее имплементации и роль в мировой политике. В центре внимания автора следующие вопросы: эволюция мировой политики в XXI в., создавшая необходимые предпосылки для ИПП; причины и проблемы сопряжения ИПП и Евразийского экономического союза; неоднозначное отношение Европейского союза к ИПП; проблемы для Индии и Японии в связи с осуществлением ИПП; американская политика в отношении КНР; перспективы дальнейшего развития ИПП.

Ключевые слова: инициатива пояса и пути; мировая политика; Евразийский экономический союз; Россия; Китай; Япония; Индия; Европейский союз; США; Транстихоокеанское партнерство; Трансатлантическое торговое и инвестиционное партнерство; пространство свободной торговли; сопряжение.

Introduction

Brisk economic development of China at the beginning of the XXI century changed the configuration of world politics. After the collapse of the Soviet Union, the rise of China became the most important event in the international relations at the turn of the centuries.

In the bipolar world, the international politics was dominated by the fierce competition of socialist and capitalist blocks. This competition took place in every sphere of life. In the economic field, the USSR used all

the levers of the centralized economic system to overtake the USA in terms of the GDP. In the military field, the extensive arms race ate a lot of national resources and undermined the quality of life in the capitalist and socialist countries. However, this competition was especially detrimental to the less developed socialist economy that did not have free market forces to compensate for the mistakes of the state economic sector. The fierce ideological battles were waged in the cultural

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sphere. American jeans, Coca-Cola and McDonald's became important status idols for the young people of the Eastern block. In the political sphere, there was a constant battle for the control of a larger portion of the system of international relations. Weaker political regimes in the opponent's block were undermined, and aligned political regimes were beefed up no matter how authoritarian or dictatorial they were. Vicious political propaganda was conducted with the aim to weaken the popular support of the socialist or Western governments.

This bipolar competition was replaced in 1991 by a temporally chaotic system of world politics, in which the United States were called upon to take the lead in the international relations. With a different rate of success, the USA performed the role of the world leader until 2010.

The rise of China in world politics and the introduction of the BRI

China's role in world politics changed dramatically. Less than twenty years ago China joined the WTO under the West insistence, and by 2006 implemented all the WTO requirements. To put it short, the PRC played by the liberal economic rules established by the West and factually bit the Western partners playing by their rules and on their markets.

The economic, political and military rise of China became a source of concern for the Western Governments and the transnational corporations (TNCs). They had to find a way to contain the Chinese expansion, to preserve their political influence and markets. One of the answers was found in the creation of the economic mega partnerships that excluded China. In January 2013, the start of negotiations on the creation of the Trans-Atlantic Trade and Investment Partnership (TTIP) was announced. In March 2013 the negotiations on the creation of the EU – Japan Free Trade Area (FTA) were started. At the beginning of the same year, Washington accelerated the negotiations on the creation of the Trans-Pacific Trade Partnership (TTP). If all those negotiations had been successfully concluded, more than 60 % of the world trade would have been excluded from the rules of the WTO.

Beijing saw what was coming and was trying to figure out a proportionate response. The response was formed as the Belt and Road Initiative (BRI). China's President Xi Jinping formulated the BRI in his speech at the Nazarbaev University in Astana in September 2013. He suggested developing an Economic belt of the Silk Road in Eurasia. In his speech at the Nazarbaev University in Astana on 7 September 2013, President of the PRC announced his intention to renew the ancient Silk Road by combining the economic potentials of the Shanghai Cooperation Organization (SCO) and the Eurasian Economic Union (EAEU). "Member-States and observer-States of the Eurasian Economic Union

The first sign of crumbling of this leadership appeared during the world economic crisis of 2008–2009. Almost all countries experienced economic decline, or at best economic stagnation. The People's Republic of China that demonstrated over 10 % economic growth during the first decade of the XXI century retained its growth potential. Its GDP grew over 7 % during the crisis. Chinese companies and banks started to actively court the markets of the developing countries and the Western markets, as well. The Chinese People's Liberation Army (PLA) became more assertive in the matters of international security. The Chinese ships started patrolling the international waters at the Horn of Africa to provide a safe passage of trade vessels and confront international pirates. China confronted Japan more aggressively over the Senkaku (Daoyoudao) Islands and enforced its control over the entire South China Sea.

and the Shanghai Cooperation Organization are situated in Eurasia, Southern and Western Asia, – he said, – By strengthening cooperation between SCO and Eurasian Economic Union, we will be able to obtain even larger space for development" [1, p. 390–391]. By introducing this initiative, Xi Jinping wanted to show to the West that there is a possibility of creating a mighty economic alliance in Eurasia, which will be able to successfully develop itself without the Western assistance to become in perspective a fully-fledged competitor to the models of economic integration sponsored by Washington and Brussels.

Officially, the Silk Road Economic Belt focused on bringing together China, Russia, Central Asia and Europe. Announced by Beijing in 2014 the 21st Century Maritime Silk Road was designed to go from China's coast to Europe through the South China Sea and the Indian Ocean in one route (belt), and from China's coast through the South China Sea to the South Pacific in the other.

In order to dispel any doubts about the true intentions of Xi Jinping's initiative, three PRC's Ministries (the National Development and Reform Commission, Ministry of Foreign Affairs and Ministry of Commerce) issued in March 2015 a Joint Declaration where they for the first time formulated the BRI principles. Inter alia, they declared that the BRI is "in line with the purposes and principles of the UN Charter"; that it is "open for cooperation... to all countries and international and regional organizations"; that it is "harmonious and inclusive... supports dialogues among different civilizations... respects the paths and modes of development chosen by different countries"; that it "follows market operation..." and "will abide by market rules and international norms", and "seeks mutual benefit", and "accommodates the interests and concerns of all parties involved, and seeks a conjugation of interests" [2, p. 6].

Since its inception, the BRI was rebranded at least three times. First rebranding occurred when a Maritime Belt was added to the Silk Road. With this addition to the Economic Belt of the Silk Road, the whole Initiative was named “One Belt, One Road” (OBOR). It encompassed six land belts and two sea belts.

Some foreign experts criticized OBOR brand as being too strict and too prescriptive to integrate different interests of different nations. Therefore, in Joint Declaration of the three Chinese Ministries the Silk Road Economic Belt and the 21st Century Maritime Silk Road were referred to as the Belt and Road Initiative – BRI [2, p. 3].

The Chinese authorities were so fond of their new initiative that they decided to hold the BRI World Summit in Beijing to promote it even further. Political leaders, scientists and prominent businesspersons of many countries were invited by Beijing to participate in the Summit that took place on 14 May 2017. I was one of the participants and can testify firsthand about the real disappointment of the Chinese officials due to the fact that only a handful of the foreign State leaders chose to participate.

The Chinese Government celebrated the fifth anniversary of the proclamation of the BRI in 2018. On 28 August 2018, Xi Jinping held a special conference in Beijing devoted to the anniversary. At that conference he dwelled upon the numerous BRI achievements, like investing 60 billion dollars in the BRI countries, creating 200 thousand jobs there, increasing trade up to 734.3 billion dollars. In effect, the BRI has become an umbrella that covers any economic activities of China beyond its borders. As Russian expert Aleksandr Gabuev puts it, “there are no criteria of any country

belonging to the Silk Road... for example the absolute leaders in acquiring the Chinese investments – USA and Australia – are not on this list” [3]. Yuri Tavrovsky, professor of the Russian Peoples’ Friendship University, travelled in 2016 along the Chinese part of the Silk Road Economic Belt and next year published a book, where described his impressions and conclusions. In his opinion, there were very few changes happening in the BRI context in the PRC’s neighboring countries, especially in the EAEU countries [4]. The Western worries about the BRI that have recently been called by PRC’s media “the path of Xi Jinping” and a “road of peace” were expressed in the article “Planet China” published in July 2018 issue of British journal “Economist”. French President Emmanuel Macron warned in January 2018 that the BRI “cannot be the roads of a new hegemony that will make the countries they traverse into vassal states... The ancient silk roads were never purely Chinese... These roads are to be shared and they cannot be one-way” [5]. The “Economist” article pertains that by implementing the all-embracing BRI the world might be moving towards Pax Sinica and Donald Trump disengagement from Asia seems to be playing in the Chinese hands. On the contrary, “the balance of risks and benefits of the BRI is related to America’s commitment to Asia. If the United States is engaged, the world can mitigate the dangers of BRI and reap its rewards. If not, the risks will outweigh the benefits” [5].

In this article we attempt to develop a hypothesis that the BRI managed to attract a lot of supporting States and to some extent neutralized the Global North’s policy of containment. At the same time, it could not eliminate the politicians and businessmen’s concerns caused by the international economic and political expansion of China.

The BRI versus Russia and the Eurasian Economic Union

At the very beginning, Moscow considered the BRI as Beijing’s attempt to protect and promote Chinese interests in the Customs Union space, especially in Central Asia. Moreover, this assessment was not far from reality. It was mentioned in the Introduction to this article that one of the reasons to introduce the BRI was to counter the containment policy of the West directed against the PRC. In this regard, Beijing put the Customs Union of Belarus, Kazakhstan and Russia and the Eurasian Economic Union (EAEU) on the same footing as TPP, TTIP and EU – Japan FTA.

By creating the EAEU, Moscow was trying to boost the significance of Russia vis-à-vis its Western partners. Being an EAEU leading nation, the Russian Federation would be treated with respect at the negotiating table by the EU, the USA and Japan. Therefore, Moscow was not that enthusiastic about the BRI after its official proclamation in 2013. As a Belarusian researcher Maria Danilovich puts it, “the Economic Belt of the Silk Road to some extent was the PRC’s reaction

to the Russian side attempts to strengthen its influence in the post-Soviet space at the beginning of the 2010s. By the launch of the EAEU in 2015, the Economic Belt of the Silk Road turned into an instrument of the Chinese national interests’ adaptation towards the appearance of a new economic block near its borders” [6, p. 238].

Then the year 2014 came. Moscow declared Crimea a part of the Russian Federation and supported the Donbass separatists. The West responded with freezing economic projects in Russia which had been previously agreed upon, cutting down credits, closing down some of its investments in Russia, prohibiting exports of military equipment and modern technologies. The Kremlin found itself in almost total international isolation. Its post-Soviet neighbors could not help much, all of them were used to receiving economic and other forms of assistance from Russia.

Before the celebration of the 70th anniversary of the victory in the Great Patriotic War (May 2015) Moscow

invited all its anti-Hitler allies and leaders of some other states to come to Russia to participate in the festivities. Almost none of the invited leaders came. However, the Chinese leader came and was awarded a preferential treatment (in two years, President Putin returned the favor and was one of the very few State leaders who came to the BRI Summit in Beijing in May 2017. But in his speech at the Summit Vladimir Putin chose to promote the Russian concept of “Greater Eurasia” that on many counts directly competes with the BRI) [7]. It was somewhat indicative that the Beijing BRI gathering was not called at the Kremlin site a “Summit” but an “International Forum”.

On 8 May 2015, Russian President Vladimir Putin and Chinese President Xi Jinping signed a document on conjugation of the BRI and the EAEU (without proper consultations with other EAEU member-states). Relevant working groups on different aspects of the conjugation were established. Moreover, it took those three years to prepare an only agreement in the framework of conjugation – Agreement on trade cooperation between the EAEU and China. Beijing was not very happy about this agreement. It wanted to get an FTA agreement with the EAEU as Vietnam got a year before. However, Moscow was afraid of the invasion of the EAEU markets by the Chinese goods and went along with signing a classical trade cooperation agreement. There

were about 40 transportation projects prepared by the Russian side in the spirit of conjugation. The Chinese side approved none for financing from the BRI fund. As professor of the Russian University of People's Friendship Yury Tavrovsky quite rightly mentioned, “only the implementation of the concrete projects will allow to recognize the conjugation as a political and economic reality” [8].

Thus, by the middle of 2018, there were a number of bilateral RF – PRC economic projects, which were included under the BRI umbrella but there were no projects in the conjugation mode. The only achievement that could be attributed to the conjugation strategy is the signing of the China – EAEU trade agreement in May 2018.

The main benefits that Russia got from the BRI – EAEU conjugation were political ones. The conjugation helped Moscow to avoid being a total international outcast, helped to hold its head up while confronting Brussels and Washington. The economic benefits for the Russian Federation from the conjugation were almost non-existent. The Chinese side managed to artfully promote its economic interests using the Russia's difficult international situation. Beijing demanded and got low prices for Russian gas and oil; it demanded and got supplies of the most modern Russian technologies and military equipment.

The BRI and the European Union

Official EU – PRC relations were established in 1975. Since then the political and economic ties between them had their ups and lows. After the Tiananmen uprising in 1989 the EU introduced embargo on arms and technology export to China. In the XXI century, the development of the economic relations steadily grew. In March 2014 the first ever official visit of Chinese leader to the EU Headquarters took place. Xi Jinping came to Brussels at a time when the EU was struggling to stay together fighting huge problems of accumulated state debts of Ireland, Portugal, Italy, Cyprus and Greece, with Ukrainian crisis looming on the horizon. Under the circumstances, the EU side had to agree to include in the Joint EU – China Declaration of 31 March 2014 a clause on conducting a visibility study on creating an EU – China FTA. At the last moment, Brussels managed to condition the conducting of this study upon the conclusion of the China – EU investment agreement. In his speech at the College of Europe Xi Jinping brought up the BRI subject. “We should, – he said, – unite the efforts to deepen sino-european cooperation with the efforts to create the Silk Road Economic Belt and, aiming at creating a large Eurasian market, activate the business activity of the populations and enterprises, mobilize financial resources and introduce modern technologies in order to turn China and the EU into a “double engine” of the world economic growth” [1, p. 383].

In September 2015, in the course of the high level economic dialogue between the EU and China, a decision was taken to converge the BRI and the European investment plan. A Memorandum of Understanding (MOU) was signed on the creation of the EU – China transportation connectivity platform. A joined working group was formed, in which the experts of the Chinese Fund of the Silk Road, of the European Commission (EC) and the European Investment Bank were included. When on 29 June 2015, the Asia Bank of Infrastructure Investments was established in Beijing, 14 EU member-states became its founding members.

The BRI significance for Europe was additionally underlined in the EC document “The Principles of a New EU Strategy towards China” adopted in June 2016. This document calls for close EU – China cooperation in the implementation of infrastructure projects. In the same month the European Bank for Reconstruction and Development (EBRD) and the Silk Road Fund signed an MOU promoting joined financing of the projects.

Brussels looks with suspicion on the gatherings of the “16+1” Format that encompass China and 16 EU and Balkan countries (the Republic of Belarus has the status of a special Chinese invitee at this Format). The creation of the “16+1” Format was a medium variation of the traditional Chinese policy of conducting the bilateral negotiations with countries and not

becoming involved in negotiations with blocks of states (in this case – with the EU).

By the end of the second decade of the XXI century, there were five main problems in the EU – China relations. The first one is the continuation of the arms and technology embargo that Beijing tries to overcome. The second problem is connected with the inability of both sides to conclude a new comprehensive Partnership Agreement. Lack of investment agreement be-

tween the PRC and the EU represents the third problem. The fourth problem is the EU non-recognition of the market status of the Chinese economy. European banks and companies still have a lot of complaints about the rules and regulations that discriminate against the European business in China. Finally yet importantly is the problem of democracy and human rights that in the European eyes are not sufficiently developed in the PRC.

The BRI, the USA, Japan and India

Although the USA as a country is not part of the BRI, the US economic interests in the Asia Pacific Region (APR) are generally affected by the growing Chinese economic presence in the region. Some small South-East Asian nations see the USA as the only guarantor of their national security and economic rights. And not just the small ones but technologically advanced Japan, Australia, South Korea as well. In 2012, the US Barak Obama Administration started its “Pivot to Asia” allocating more attention and resources to the situation in Asia. This new Washington Asia strategy aimed at protecting and promoting US political and economic interests. Moreover, part of this strategy was dealing with security and economic concerns of the US allies and other countries in the APR. One of the tools that Washington used to contain China with, was an attempt to fence off Chinese companies in the world trade. This was done by the creation of economic mega partnerships such as the TPP, the TTIP and the EU – Japan FTA. Beijing counterattacked by proposing the BRI. In this context, the US Donald Trump Administration played in the hands of China when it decided to postpone the TTIP negotiations and withdraw from the TPP.

On the other hand, the Trump Administration tried to limit the Chinese export to the USA on bilateral basis. This proved to be a double-edged sword: limiting Chinese export provoked reciprocal measures from Beijing, and hurt the interests of the US firms operating in China.

The Japan – China relations were poisoned by the conflict over the Senkaku (Daoyoudao) Islands that resumed with new vigor just months before the BRI official announcement in 2013. Therefore, Tokyo looked with suspicion upon any China’s global and regional initiatives. This suspicion was strengthened by the creation in Beijing of the Asian Bank of Infrastructure Investments (ABII), which was considered by the Japan

Government as a direct competitor of the Asian Development Bank based in Tokyo.

The temperature in Japan – China relations also depends on the atmosphere in the USA – China ties. Tokyo remains a very staunch supporter of Washington in Eastern Asia despite some trade disagreements.

When the BRI was officially proclaimed in September 2013, New Delhi took a neutral stance toward it. In fact, Chinese Prime-Minister Li Kejiang was the first to announce the BRI idea in May 2013 during his visit to India. A special corridor (belt) from China through Myanmar to India was envisaged within the initiative. New Delhi was looking forward to obtaining the Chinese investments to develop transportation connectivity in South Asia. But later this somewhat neutral attitude changed and New Delhi started to see negative trends within the BRI.

Firstly, India negatively assessed using the BRI funds to support the Chinese construction companies in their competitive bids with the Indian companies in the third countries. The Chinese companies received contracts for building sea ports and airports in Sri Lanka which India always considered its zone of influence.

Secondly, India’s concerns were aroused by the actual construction of some BRI corridors. For example, the road from Chinese province Xin Jang to Pakistani sea port Gwadar was built through the disputed territory of Jammu & Kashmir as part of the China – Pakistan corridor in the BRI context.

Thirdly, New Delhi could not see much added value in the BRI because almost all economic activities of the Chinese companies in the region of South Asia were automatically included under the BRI umbrella.

These negative trends in Indian – Chinese relations over the BRI were further exacerbated by a demonstrative refusal of the Indian Prime Minister to accept Beijing invitation to participate in the BRI World Summit in 2017.

Conclusion

It is really quite difficult to enumerate possible perspectives for the different dimensions of the BRI. Therefore, we would restrict this topic to the scenarios of the BRI and the EAEU conjugation.

In the optimistic scenario, Moscow and Beijing will agree on dividing their interests and responsibilities in the EAEU and the BRI. In this case, there will be a strong possibility of integration of the potentials

of these two and, by doing this, to increase the chances of breaking the containment of China and Russia. If we narrow this scenario just to the framework of the Central Asian region, we could come to a conclusion that it would be quite visible to divide the interests and responsibilities of China and Russia there, because the two main resources of the region – hydro carbonates and labor force – could go to different destinations: hydro carbonates – to China, and labor force – to Russia.

The realization of the optimistic scenario will largely depend on the internal politics of Russia. As Aleksandr Gabuev puts it, “in order to really increase the benefits from the cooperation with China at minimum risks, one should neither be afraid of the Silk Road, nor believe in its magic capabilities; what is needed is to reform your own economy and improve the investment climate. And if there are no improvements, the hideous Chinese are not a guilty party” [3].

In the pessimistic scenario, China and Russia will not agree on dividing and respecting the interests and responsibilities of each other. The old prejudices and modern inclinations of both sides to become a global power prevail. In this case, Moscow would impede the BRI ties with the EAEU Member States.

In my opinion, one could still keep a question mark over the economic sustainability of the BRI. First, there are not that many goods in the Western and even Central

provinces of China waiting to be moved to Europe via the Silk Road land belts. Even less things are waiting to be railroaded from Europe to China. Most Chinese products that are exported to Europe are made in Eastern and Southern provinces of China with easy access to the shipping sea lines. Second, the price of shipping goods to Europe by sea is much less than by land. Building of new container carriers that could take aboard 18 thousand standard 20-foot containers (TEU) at once, which is now under way in the Republic of Korea and the PRC, will decrease the price for sea shipping even further. The only economic advantage of moving goods via the BRI land belts is somewhat shorter timespan needed for the transportation. And even this remaining advantage is now threatened by the melting ice of the Arctic Ocean.

The BRI was introduced at a time when the relations between Russia and the EU were quite friendly and the European leaders and Vladimir Putin were talking about creating a free economic area from Lisbon to Vladivostok. There was a free flow of goods, services and capitals between the G8 Member States. Without such a free flow le *raison d'être* behind the BRI is disappearing (at least behind its northern land belts going through Russia and Belarus). The BRI as a whole nevertheless could survive the current state of international affairs including cutting ties between Russia and the West, if it keeps the sea belts and the land belts going through Central Asia and Turkey.

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THE SYSTEM OF COLLECTIVE DEFENCE TOWARDS HYBRID THREATS IN EUROPE IN THE POST-BIPOLAR WORLD

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With the disappearance of the bipolarity of the world after the Cold War, the danger characteristic of that period became a thing of the past. The hope of building a world devoid of military rivalry and, as a result, of conflicts were growing. The experience of the Balkans, the tensions in the post-Soviet area and the continuing instability in the Middle East and North Africa region proved those expectations to be futile. The countries that are still on the road of confrontation at all costs want to avoid a direct collision. They look for and implement ways to achieve their goals on the verge of armed conflict. For this purpose, they use various possibilities, including technological ones. New hybrid threats are emerging. This article analyses the activities of the North Atlantic Alliance and the European Union aimed at neutralizing the above-mentioned threats.

Key words: collective defence; hybrid threats; the North Atlantic Alliance; the European Union; the post-Cold War world.

СИСТЕМА КОЛЛЕКТИВНОЙ ОБОРОНЫ В ОТНОШЕНИИ ГИБРИДНОЙ УГРОЗЫ В ЕВРОПЕ В ПОСТБИПОЛЯРНОМ МИРЕ

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С исчезновением биполярности мира после холодной войны опасности, характерные для того периода, остались в прошлом. Росли надежды на создание мира, в котором не будет военного соперничества и, как следствие, конфликтов. Однако ситуация в балканских странах, напряженность на постсоветском пространстве и сохраняющаяся нестабильность в регионе Ближнего Востока и Северной Африки привели к тому, что эти ожидания оказались напрасными. Государства, которые все еще находятся на пути конфронтации, во что бы то ни стало хотят избежать прямого столкновения. Они ищут пути достижения своих целей в условиях вооруженного конфликта. При этом используются различные возможности, в том числе технологические. Появляются новые гибридные угрозы. В данной статье анализируется деятельность Североатлантического альянса и Европейского союза, направленная на нейтрализацию указанных угроз.

Ключевые слова: коллективная оборона; гибридные угрозы; Североатлантический альянс; Европейский союз; мир после холодной войны.

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As Margaret Thatcher, the British Prime Minister in 1979–1990, said, “A sure defense is the foundation for everything”. The North Atlantic Treaty, signed in 1949, was created with the idea of collective defence of its members. Collective defence was implemented at the very beginning of the organisation’s existence as its statutory mission, resulting from Article 5 of the Washington Treaty. It plays three fundamental roles. It is an essential instrument of NATO’s security policy, both as a conscious deterrent and as a real preparedness for active defence. It is the only undisputable plane of inter-conciliatory communication concerning the objectives of joint action and the members’ own defence policies. And it is with it and its related military capabilities that the consideration begins other allied missions concerning collective or cooperative security – to be completed under the Pact. In all its tasks, with the exception of collective defence, NATO is being replaced by other international organisations operating in the global or regional space or loose coalitions of states [1].

The basis of NATO’s collective defence is the assumption of active assistance which member states will provide for themselves in the event of an emergency. Article 5 of the North Atlantic Treaty specifies that an attack against one or more members of the Alliance shall be deemed by the others to be aggression against everyone. This will result in the activation of allied assistance to the attacked state, to the extent deemed appropriate by each NATO member – without excluding the use of armed force – in accordance with the principles of Article 51 of the United Nations Charter [2]. The questions about the kind of threat, who determines its level, how quickly to act and by what means remain open.

However, the provisions of the Treaty provide criteria for joint action, which should be taken into account in the decision-making processes of its signatories. The first was the assumption that the measures taken must be sufficient to restore and maintain the security of the North Atlantic area. Admittedly, the Treaty did not define a measure of the “sufficiency” of these measures. It was then usually referred to in the defence planning process. There is no doubt, however, that they were intended to guarantee the credibility of the policy and the strength and effectiveness of action. Another factor in understanding the nature of joint action in the face of the threat was the expectation that the measures taken would be proportionate to the scale of the threat posed by armed aggression and to the defence capabilities of the individual states. Article 5 provides a solid point of reference for the preparation of collective defence, encouraging the pooling of forces and the solidarity of allies in this regard, as well as a deterrent policy [3].

It should be noted that the prospect of a broader understanding of the context of collective defence already emerged in the Cold War period. A clear example of this is the dualism of NATO’s mission stated in the report by the North Atlantic Council, written under the direction of Pierre Harmel, the Belgian Foreign Minister, in 1967, because on the grounds of collective defence he set the allied ability to fulfil non-military

tasks of the organisation as a tool for the political stabilisation of its strategic environment [4].

However, this aspect of security was constrained over decades by the persistently high level of Soviet aggression threat and the clear freezing of international cooperation in the field of security. The breakthrough for this type of activity came in 1989 with the fundamental changes that took place in the balance of power in the global dimension. In the changed situation, NATO countries faced the dilemma of dealing with a wider range of external threats. There was a growing awareness that sooner or later they could worsen the security situation of their allies. Modes of action towards them in relation to the mechanisms and resources of collective defence caused the necessity to re-evaluate the allied priorities. It should be made clear that, after 1989, the context of collective defence changed fundamentally, freed from an unequivocally perceived threat and full of multidimensional challenges and risks. Without it, however, NATO would not have existed then and would not exist today. It was within the framework of collective defence, characterised as a “broader approach to security”, that the Alliance referred to Article 5 of the Washington Treaty for the first time in its history, following the terrorist attacks on facilities in New York and Washington in 2001 [5].

Contrary to the expectations, the new century has brought enormous changes in the security environment. The challenges currently facing the Alliance are serious and complex. Europe’s security is threatened both by Russia’s destabilising actions and by instability of different kinds involving different countries in the Middle East and North Africa Arc. Russia is threatening European security, undermining the integrity of sovereign states and trying to expand its influence in the “near abroad”. It is pursuing a policy that undermines the credibility of NATO and the EU. Furthermore, Europe is vulnerable to terrorist attacks and must bear in mind the serious prospects of terrorist acts committed by organisations, individuals or ISIS fighters in the near future. Europe must face immediate security threats from North Africa, including terrorism and religious extremism, drug trafficking and trafficking in human beings, and the proliferation of arms [6].

It is increasingly worrying that, in the face of the threats outlined above, NATO’s internal unity is under a big question mark. The unpredictable nature of the US foreign policy under President Donald Trump creates uncertainty about the US involvement in NATO and the values of Article 5 of the North Atlantic Treaty. Since January 2017, NATO’s largest member state, which since its creation in 1949, has become the Alliance’s most important political and military pillar, has unexpectedly abandoned leadership. Relations with a strategically placed NATO member, Turkey, are becoming increasingly difficult as President Recep Tayyip Erdoğan pays less and less attention to his NATO allies. The imminent departure of the UK from the EU as a result of the Brexit referendum has seriously damaged the EU’s global position [7].

Against the backdrop of a new security environment, NATO has once again been forced to rethink collective

defence as the Alliance's main task. The current lack of the US leadership combined with internal differences of opinion makes it difficult to agree on a new strategic concept. The Alliance redefined its priorities in a new Strategic Concept of the Alliance, entitled "Active Involvement, Modern Defence", which defined the Alliance's core tasks as collective defence, crisis management and collective security, and was presented at the 2010 Lisbon Summit of Member States' leaders [8].

Worries are compounded by the fact that the European allies do not agree on NATO's priorities. The Baltic States and Poland are afraid of Russia's expansion. On the other hand, some members of the governing coalitions in such countries as Hungary, Bulgaria and Turkey sympathise with Russia. Southern European countries are particularly concerned about security threats from the Middle East and North Africa [9]. Internal disagreement is not a rarity in NATO, but the current divisions are seriously testing the unity of the Alliance. In a new security environment, NATO is once again forced to rethink collective defence as the Alliance's main task. The current lack of US leadership combined with internal differences of opinion makes it difficult to agree on a new Strategic Concept.

The decisions made during the summits in Newport in 2014 and in Warsaw in 2016 were determined by the growing conflict in Ukraine and the increasing political and military aggressiveness of Russia [10]. In political terms, they were of great importance for the restoration of the Alliance's military credibility. They strengthened collective defence and, above all, ended two decades of NATO's self-execution from the eastern flank. It was important to halt the decline in organisational capabilities in terms of military availability. The optimistic forecast of the evolution of threats, shaped in the earlier period, was abandoned [11].

In this context, cooperation between the EU and NATO in the security sphere has begun to gain a particular dimension. The collapse of the bipolar agreement had serious consequences for the transatlantic security architecture. Experience in the Balkans and Afghanistan has shown that the use of military means alone can be unsustainable. As a result, the NATO summit in Riga in 2006 adopted the concept of a comprehensive approach, under which the Alliance's actions were to use a combination of political, civilian and military instruments. At the same time, at the turn of the century, the process of political integration of Europe was intensified [12]. One of its elements was the growing conviction of Alliance members from Western Europe that the security interests of the European Union were separate from, but not necessarily contradictory to the transatlantic identity. In deciding to form the foundations of its own security and defence policy, it naturally fell within the remit of the North Atlantic Alliance, although not without resistance, as differences in terms of interests and strategic objectives emerged among the EU member states [13]. This state, taking into account the limitations of funds allocated for defence, posed a real threat to the Alliance and the EU's rivalry rather than cooperation.

This problem was solved at the North Atlantic Council summit in Berlin in 1996. At that time, the Alliance

supported the development of a European identity in the field of security and defence within NATO, known as European Security and Defence Identity. The next step was the announcement in 2002 of the NATO – EU Joint Declaration on European Security and Defence Policy. It laid down the basic principles of cooperation within the framework of the EU – NATO strategic partnership [14]. It included respect for the decision-making autonomy and interests of both organisations, but also the mutual reinforcement of the development of military capabilities common to both organisations. Further rapprochement was ensured by the Berlin Plus agreement signed in 2003 under which the European Union took over responsibility after the allied mission *Allied Harmony* in the Former Yugoslav Republic of Macedonia under the *Concordia Mission* [15]. This allowed the creation of the NATO Permanent Liaison Team at the European Union Military Staff in 2005. A year later, an EU post at Supreme Headquarters Allied Powers Europe started operating. Cyprus' accession to the European Union in 2004 resulted in Turkey blocking the signing of an agreement on the exchange of classified information with NATO. In response, Cyprus blocked Turkey's accession to the European Defence Agency [16]. This created a serious impasse in the cooperation between the two organisations.

The joint declaration of the Presidents of the European Council, the European Commission and the Secretary General of NATO, adopted in July 2006 in Warsaw, gave new impetus to cooperation. Due to that declaration, cooperation in selected areas was ensured. Its manifestation is the Alliance's support for the Union's actions to reduce human smuggling in the Aegean Sea [17]. Soon a decision was taken to support NATO's activities in the Mediterranean Sea as part of the *Sea Guardian* allied operation [18]. However, the mistrust between Turkey and Greece in the context of Cyprus and the supposed Brexit discrepancies regarding the degree of autonomy of the EU's actions in the sphere of defence, should also be noted. Thus, the cooperation between the two structures will consist in careful selection of the areas of interest. One such forward-looking area is the so-called hybrid threats.

The term "hybrid threats" became widespread in the public debate on international security after the annexation of Crimea by Russia. The concept of "hybrid wars" appeared in American military and analytical circles and was a part of the broader context of reflections on the nature of future armed conflicts [19–20]. The authors of this doctrine indicate the occurrence of irregular activities, acts of terror, criminal activities, elements of propaganda and disinformation activities in conflicts of a conventional nature [19, p. 13]. The National Security Bureau, an advisory centre to the President of the Republic of Poland, defines "hybrid war" as "combining at the same time various possible means and methods of violence, including in particular armed activities, regular and irregular operations, cyberspace operations and economic, psychological activities, information campaigns (propaganda), etc." [21].

Hybrid actions by their nature combine different, seemingly incompatible methods and means of combat. These activities are usually kept below the threshold

of war and direct military confrontation, constituting a key obstacle to the mobilisation of the means of military response, within the limits allowed by international law. An additional element that poses a serious challenge in the case of such threats is the problem of attribution of activities to specific actors. Typically, using hybrid methods, they take concealed, secret actions that affect state structures through third parties. At the same time, they carry out disinformation activities on a large scale. Countries with internal difficulties, weak state structures, internal divisions and thus sensitive to attempts at external destabilisation are particularly vulnerable to such impacts. The example of Russian activities in Ukraine and the ISIS strategy in Syria and Iraq underlines the importance of building state resilience as a key element in preparing for hybrid threats. This means that it is up to each country to address such challenges. However, the complexity of the civil-military nature, the dynamic nature and practically unlimited possibilities of extending the crisis beyond the territory of one country, make hybrid threats a challenge for the European Union and NATO.

In 2008, the North Atlantic Alliance drafted the first policy document in this area, following a series of cyber attacks on public and private institutions in Estonia. Since then, specialised structures dealing with cyber security have been set up, such as the NATO Communications and Information Agency and the NATO Computer Incident Response Capability and most recently the European Center of Excellence for Countering Hybrid Threats in Helsinki. During the summit in Newport in 2014, a decision was made to adapt these threats to the sphere of collective defence under the Readiness Action Plan [22]. During the Warsaw Summit, the Alliance recognised cyberspace as a domain of operational activities. Within the framework of the allied actions in 2015, Poland adopted its own Cyber Security Doctrine of the Republic of Poland, the aim of which is to ensure the safe functioning of the state in cyberspace, including an adequate level of security of national information and communication systems, especially information and communication critical infrastructure [23].

However, the activities of the Alliance are not limited only to threats in cyberspace. Following the Newport agreement in December 2015, the NATO strategy against hybrid threats was adopted, which set out the Alliance's key capabilities and adaptation directions in terms of preparedness, deterrence and defence. These included strengthening collective defence, crisis management, resilience building and civilian preparedness of Member States [24]. It was stressed that such threats are also the reason for triggering the Alliance's response on the basis of Article 5 of the Washington Treaty [25]. These issues were addressed by the Alliance leaders at the Warsaw Summit. The Communiqué of this meeting drew attention to the Member States' responsibility for building resilience, pointing out the Alliance's supportive role at every stage of hybrid action against them [26]. The possibility of activating the collective defence clause in Article 5 in the event of such threats was confirmed. At the same time, the need for closer cooperation and coordination with other partners was

highlighted, with particular reference to the European Union [26].

Similarly, at the beginning of 2016, the European Communities outlined a common framework to counter hybrid threats and strengthen the resilience of the European Union, its Member States and partner countries and to strengthen cooperation with NATO to counter these threats. These decisions became necessary after the EU and its Member States were increasingly confronted with hybrid threats in previous years, including hostile action to destabilise the region. The adopted framework defines the concept of hybrid threats and points to the need for a flexible approach that takes into account the changing nature of such threats. A combination of repressive and subversive actions, conventional and unconventional methods (diplomatic, military, economic and technological), which can be used in a coordinated manner by state and non-state actors to achieve specific objectives, have been identified as hybrid threats. Typically, the vulnerability of a target to threats and the creation of ambiguities are used to hamper decision-making processes [27].

According to Federica Mogherini, High Representative of the Union for Foreign Affairs and Security Policy, there have been radical changes in the security environment in recent years due to the increase in hybrid threats at the borders of the European Union. It is necessary to further strengthen the links between internal and external security [28]. Elżbieta Bieńkowska, Commissioner for the Internal Market, Industry and Entrepreneurship, took a similar position, pointing out that the European Union must become a guarantor of security, able to adapt to common hybrid threats. Built on strategies such as the European Agenda on Security, the European Cyber Security Strategy, the Energy Security Strategy and the European Union Strategy for Maritime Security, the adopted framework includes twenty-two operational actions aimed at: raising awareness of hybrid threats, strengthening resilience, preventing crises with a response and overcoming them, and enhancing cooperation between the EU and NATO and other partner organisations [28].

Coordinating the activities of the European Union and NATO in the field of counteracting hybrid threats should be considered a natural process. In December 2015, during the North Atlantic Council meeting, Jens Stoltenberg and Federica Mogherini agreed on areas of potential cooperation between the two structures. Among the many areas of closer cooperation, cooperation against hybrid threats was identified [29]. Concretisation of the framework for cooperation between the two organisations was undertaken during the NATO summit in Warsaw in July 2016. The Joint Declaration indicating the key areas of cooperation was signed. The ability to combat hybrid threats was indicated as one of the seven priority areas of cooperation between the Union and the Alliance. Another area of cooperation was the preparation of cooperation procedures. In subsequent years, the results of mutual cooperation were presented at various levels. Particularly with regard to the possibility of hybrid threats, joint action taken should be considered satisfactory.

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THE STRUGGLE FOR SYRIA IN CONTEXT OF THE GAS WAR

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The aim of this article is to expose the role of discovered gas and planned gas-pipelines-routes along the eastern Mediterranean in the Syrian war, which began in 2011 and has been ongoing until today. This article examines the importance of gas in the XXI century and the clash of interests between superpowers and regional countries, manifested in gas pipeline projects passing through the territory of the Syrian Arab Republic (SAR). The volume of natural resources found in Syria and the role of the gas factor in this crisis are also analyzed. It is emphasized that Damascus's position on Western projects like gas pipelines or the Greater Middle East contributed to the intensifying of the conflict. The discovery of new gas and oil fields in the SAR and the Syrian government's policy became one of the reasons for the intervention of several Western and regional countries to overthrow President Bashar al-Assad and thus control Syria and its wealth.

Key words: Gas War; gas pipelines; Nabucco project; Islamic gas pipeline; South Stream; Nord Stream; Turkish Stream; Russia; United States of America; Europe; Syria; Iran; Qatar; Turkey; Saudi Arabia.

БОРЬБА ЗА СИРИЮ В КОНТЕКСТЕ ГАЗОВОЙ ВОЙНЫ

САЛЛУМ ФЕРАС САДЫК¹⁾

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Раскрывается роль обнаруженного газа и запланированных газопроводов-маршрутов вдоль восточного Средиземноморья в сирийской войне, которая началась в 2011 г. и продолжается до настоящего времени. Рассмотрены значение газа в XXI в. и столкновение интересов между сверхдержавами и региональными странами (Турция, Израиль), результатом которого стали проекты газопроводов, проходящих через территорию Сирийской Арабской Республики (САР). Также проанализированы объем обнаруженных природных ресурсов в Сирии и роль газового фактора в сложившейся ситуации. Подчеркивается, что интенсификации конфликта способствовала позиция Дамаска по западным проектам относительно газопроводов или Большого Ближнего Востока. Открытие новых месторождений газа и нефти и политика сирийского правительства стали одной из причин вторжения ряда западных и региональных стран в САР для свержения президента Башара Асада и получения контроля над страной и ее ресурсами.

Ключевые слова: газовая война; газопроводы; проект Набукко; Исламский газопровод; южный поток; северный поток; турецкий поток; Россия; Соединенные Штаты Америки; Европа; Сирия; Иран; Катар; Турция; Саудовская Аравия.

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It is true the revolutions that have engulfed some Arab countries for over seven years were designed for bringing about political, economic and social changes in the region. However, geopolitics and control over enormous energy resources are the most important engines of this region's conflict. Economic experts assert that discovery of gas and oil in the eastern Mediterranean began in 1966, when British research vessels found gas fields in a mountain extending under the Mediterranean from the Lattakia cliff in Syria to northern Damietta in Egypt. In August 2010, just a few months before the Arab uprisings, one of the US ships – with the help of Turkey – conducted a geological survey and uncovered one of the largest gas reserves in the world along the eastern Mediterranean. It is a field of giant gas Vitan, equivalent to 23 trillion cubic feet. Since then, giant European and American companies have been racing to win contracts to extract gas and oil from the region. Economists suggest Syria has the potential to become one of the region's strongest economies as soon as conditions stabilize and work begins on the extraction of Syrian gas [1].

The aim of this article is to expose the role of discovered gas and planned gas-pipelines-routes along the eastern Mediterranean have played in the Syrian war, which began in 2011 and has been ongoing until today.

The gas-factor was the trigger of the Syrian crisis. This conflict, which began with demands of reform and ended with a civil war that displaced millions from their homes along with hundreds of thousands killed, was not reflected enough in studies and considered only internal factors as the main cause of the outbreak. This article sheds light on books and articles written by Arab and Western authors attempting to define the background of this problem.

In Arab historiography, the writer and presenter on the channel *Al-Mayadeen*, Sami Kulib in his book "Al-Assad between departure or systematic destruction" reveals Syria's new underground wealth and its strategic position. The book also suggests that such a position can translate into taking over the dominant seat of a now weakened Iraq. It also discusses the planned transport of Qatari gas through Syria to Europe, and Damascus' choice of the Islamic gas pipeline connecting Syria, Iraq and Iran as the main reason why Qatar chose to support the Syrian opposition [2, p. 336; 3]. The Arab writer Ali Fawaz, in his article under the name "Hidden facts (the secret buried in Syria 1–2)", indicates that the conflict over Syria is a struggle for energy resources in the eastern Mediterranean and gas pipelines routes [4; 5]. Special attention is paid to Professor Imad Fawzi's interviews on the *Al-Mayadeen* television channel, confirming that gas and oil discovered by foreign companies in Syria as one of the main causes in the struggle for Syria [6].

In Western historiography, the Canadian writer Kamal Deeb in his book "The history of modern Syria" refers to America's role in the coup d'état that took place

in Syria in 1949 when the Arab-American oil company *Aramco* presented its plans to build a pipeline connecting Saudi Arabia with the Mediterranean through Syria. He added, thanks to Washington's help, the company obtained licenses from Lebanon, Jordan and Saudi Arabia. However, the Syrian parliament rejected this. As a result, America encouraged the coup of the Syrian right carried out by Husni al-Zaeem, who signed the Tabline agreement. Deeb emphasizes the American Intervention in the internal affairs of countries and their work to destabilize them and control their sources of energy [7, p. 118]. Also, Dr. Deeb in his another book "Cain's curse: Gas wars from Russia and Qatar to Syria and Lebanon" indicates that the discovered wealth in Syria, the strategic location of Syria and the prevention of Damascus to be an oil and gas corridor to Europe are among the main reasons of the war against Syria [8, p. 249]. French journalist Terri Maysan in his article "Regional war over gas" confirms the aim of this war against Syria is to cut the Tehran – Damascus line in exchange for the opening of traffic corridors that would allow the delivery of Qatari gas (*Exxon Mobile*) and the Saudi gas (*Aramco*) to the Syrian coast [9].

Despite the importance of nuclear and non-nuclear military arsenal, strength factors are still concentrated in "energy resources" as they are the world's main life artery. The major economic powers have been seeking to acquire these resources throughout the ages from all parts of the earth, and have succeeded in obtaining them in various ways, sometimes through trade, other times by wars or various other plots. Since the Arab nations contain the largest reserves of oil and gas in the world, it is natural that the Western and Eastern industrial camps have sought to acquire these resources by controlling either their people or governments. As a result, the Arab nations ended up falling victim to either the East's or the West's ideologies. Plenty of Arabs got deceived by the American claims of democracy and freedom in a Greater Middle East, which found to attract some by exploiting the innocence of many, greed for money, promised power positions, and the social status that comes with power. Thus, energy resources have become a tool for domination and the major cause of ongoing conflicts in the Middle East in general and Syria in particular.

In 1992, at the Earth Summit in Rio de Janeiro, gas importance increased after the decisions and recommendations had been taken with regard to global warming and factory-generated toxins, which called for alternative energy [2, p. 106]. In Kyoto, Japan, on 11 December 1997, the major industrialized countries agreed to the Convention on the reduction of total emissions of greenhouse gases in the atmosphere at a level preventing damage to the global climate system. The industrial countries have tended to rely tremendously on energy generated from gas instead of oil as it is considered an alternative, renewable energy and friendly to the environment [10]. Of course, in that period Russia, Iran and

Qatar had considerable gas production. From here, we can appreciate the gas commodity, where it transformed Qatar's wealth and gave it an important regional role.

It is worth mentioning that the value of gas also arose after the Fukushima reactor disaster in 2011, which contributed to the disruption of plans in relying on nuclear energy, and reduced to a minimum [10].

As a result, the general trend among the superpowers is to rely on cleaner and less polluting to the environment gas, and reduce their dependence on oil and coal. In addition, gas prices are cheap if economic transport routes can be secured in one of two ways:

1) transporting the gas through pipelines (which is the cheapest option long term). This variant requires the provision of stability and safety for those pipelines;

2) liquefying, then filling the gas in huge containers transported by giant tankers at sea, which increases the economic cost.

Clearly, the extension of pipelines is the "best option" for the largest gas producing countries namely Russia, Qatar, Iran and recently Syria.

This torrent of gas created a major crisis called "corridors of energy". In order for gas or oil, to move from east to west or vice versa, there will be a need for a pipeline corridor. In order to pass the pipeline through a state's land means that all the partners and recipient countries will support the constancy of a state regime to ensure the stability of energy corridors.

However, the Syrian government's position on the Arab-Israeli conflict and its relations with Iran and Islamic organizations in Lebanon and Palestine made its continuity a threat to a Greater Middle East. Not to mention the fact that the discovered wealth in Syria will turn it into a country that will be more opposed to Western projects and support Arab causes, and more importantly the Palestinian issue. This explains the West's attempts to exploit the Syrian revolution to topple Syrian President Bashar al-Assad and turn Syria into a pro-Western state.

Since the beginning of this century, a number of plans were put forth to extend gas pipelines, including those that had already been implemented, and those that are still being planned. Russia has implemented some of those lines to strengthen its political position long term in the European energy market. At the same time, Europeans and Americans supported other pipelines as a strategic option to reduce the dominance of Russia on the European and global energy market.

In regards to the Russian gas pipelines: Russia began construction on a number of pipelines to transport gas to Northern and Southern Europe, as well as to the Balkans and Turkey. The most prominent of these lines are Nord Stream, South Stream, and the Blue Stream heading to Europe via the Baltic Sea and the Black Sea.

The Nord Stream, which opened in 2011, runs across the Baltic Sea directly to Germany, with the length of 1224 km. It consists of two tubes, each with a capacity of 27.5 billion cubic meters per year. Thanks to

that, Russia will be able to transfer gas to Denmark, the Netherlands, Belgium, Britain, France, Poland, the Czech Republic and other countries from Germany, subsequently gas will be distributed to some 26 million homes in Europe [10].

The South Stream was launched in June 2007 as a joint venture between Italy's *Enay* and *Gazprom* to transport Russian gas to Southern and Central Europe via the Black Sea and Bulgaria. The length of this pipeline is 900 km with a capacity of 63 billion cubic meters per year. It was due to be completed before the end of 2013 [11].

However, Sofia's refusal to allow it to pass through its territory, forced Russia to switch to the Turkish stream project (where the Russian gas is supposed to be transported via the Black Sea to the Turkish city of Samsun, from there to Ankara and then to Greece where a gas supply complex will be established for Southern Europe). Following the shooting down of a Russian fighter jet by Turkey in November 2015, the project was temporarily halted. Yet, Russia – Turkey relations were restored in the summer of 2016 and the intergovernmental agreement for the Turkish Stream was signed in October 2016 and the construction started in May 2017 [10].

Russia is currently the largest exporter of oil and gas resources to the EU countries. Russia is the source of 30–40 % of gas imports to the EU, which accounts for about 60 % of Russian gas exports. More than half of this export is transported through Ukraine and Belarus [12].

Based on this, we can imagine the extent of Russia's influence in the areas of passage for these pipelines and the pressure that could be imposed on the decision-makers in Europe due to the heavy reliance on Russian gas imports. Although the energy relations between Russia and the European Union since the Cold War enjoyed a kind of Security, the two parties have been at odds on most of the political issues. However, this did not prevent the European Commission in 2000 from issuing a green paper aimed at drawing attention to the high levels of European dependence on gas imports [12]. In 2004 the European Council adopted a directive which objectives were to ensure an adequate level of gas supply, especially in case of a major supply disruption, and contribute to improving the functionality of the domestic gas market. As a matter of fact, the 2006–2009 Russian-Ukrainian crises led to the first interruptions in the supply of Russian gas to Europe what launched again the debate on the issue of securing energy supplies to the EU [8, p. 244].

In 2014 the Ukrainian crisis was an important warning to decision-makers in Europe, where 49 % of Russian gas exports pass through Ukraine. In the wake of the conflict on the Ukrainian Crimea, Russia not only raised the price of gas exports to Ukraine, but also threatened a complete halt to the delivery of gas if Kiev did not pay its debts what could threaten to cut supplies to Europe. An undeclared war between the two

sides pushed them to find alternative supply pipelines preserving their interests and influences [12].

Therefore, in 2002, Europe and America generated the idea of the Nabucco project, signed in Ankara in 2009. The project was designed to link gas reserves in Central Asia via the Caspian Sea to Europe through a pipeline crossing the Caspian Sea into Azerbaijan, to Erzurum in Turkey towards Bulgaria, Romania and Hungary and it finishes at a massive assembly station in Austria bypassing Russia. The Nabucco gas pipeline relies mainly on the export of natural gas from the supplier Turkmenistan, which has the fourth largest gas reserves in the world [3]. The construction of this line was based primarily on NATO's strategy with a view to liberating the former Soviet republics from Russian hegemony, to putting an end to Russia's monopoly on means of supply what will reduce the EU's dependence on the Russian gas supplies. The first gas due to be delivered to Europe via Nabucco was due in 2014 [3]. According to some strategists and study centers, the unavailability of Asian gas for the Nabucco pipeline will be offset by Mediterranean gas [12]. The information available so far shows that the Mediterranean basin is the richest in the world with gas, and Syria will be one of the richest country with its resources after Russia and Iran, and the node of the gas pipelines coming from the east [6]. That also applies to the Iranian or Qatari pipeline (or both) passing via Syria. However, the Syrian rejection to comply with the will of some Arab countries, the European Union, the United States and Turkey with the completion of this project in accordance with the western gas pipelines schemes, defense of its interests, and that of its Russian ally were the main cause of this conflict in Syria.

Russia confronted the Nabucco project with thoughtful strategic moves that led to the drying up of the gas supply line, provoking a real and irreconcilable legal dispute between the Caspian States over the legal character of the Caspian Sea under international law. Russia adopted the definition of the Caspian Basin as a lake renewable by the waters of the Volga River. Based on that, the international law gives Russia the right to share its water and wealth equally among the countries sharing it. The axis of the Russian strategy made it impossible to not only build the gas pipeline through the Caspian basin, but also even halt development of Turkmenistan and Azerbaijan to any gas fields on the coast of the Caspian Basin under this definition until it is recognized as a sea. On the other hand, Russia signed long-term purchase contracts with Uzbekistan and Turkmenistan, the largest gas producers in Central Asia, where Russia purchased their entire gas production on a long-term contract ending in 2018. In light of this, they withdrew from any commitment to supply Nabucco. For its part, Turkmenistan announced, that even after the development of its gas fields and the excess gas from meeting its commitments to Russia and China, it will not sell gas to the Nabucco pipeline [12].

It is noteworthy that America and the West are trying to make Iranian gas the alternative to filling Nabucco pipelines after Russia dried up its suppliers in Central Asia, as we mentioned above, especially after the nuclear agreement with Iran and the lifting of sanctions. This option seems not to be preferred by Iran. As it will make Turkey the regional rival of Iran, the most important node in the supply of energy to the EU, which will expand its regional influence, contribute to the growth of its economy, strengthen its role globally, and raise its chances of joining the European Union, but, in accordance this option is not excluded by the Iranians [10].

The second step in the Russian strategy was to build the South Stream line mentioned above.

Apart from Moscow, there are other regional producers and exporters of competitive gas looking towards Europe. Turkey also has its aspirations and plans, which will get an annual return of 630 million dollars from Nabucco and benefit from its transformation to the gas pipeline node in the ongoing negotiations with Europe to join the European Union [12]. From this point, we can comprehend the Turkish position about the current events in the region and its support to the opposition from Tunisia to Libya, Egypt and then Syria.

Qatar is one of the world's largest liquefied natural gas exporters with the third largest gas reserves in the world. In addition to that, Qatar puts itself up as an alternative source for Russia to European continent. The US and the West support this Qatari approach, but Qatar has to liquefy gas before shipping it by sea to Europe, which drives up the gas per-cubic-meter cost in comparison with its Russian counterpart. At the same time, the gas-laden ships are forced to pass through three water straits, namely Hormuz, Bab al-Mandeb and the Suez Canal. Each one of them is located in troubled and politically unstable areas, which accounts for a weak point for the European decision-maker. This point pushed Qatar to consider the establishment of a gas supply pipeline extending from Qatar to Syria and from there to Turkey to meet the pipeline of Nabucco to Europe. This plan was opposed by Moscow. Taking into account its Russian ally's interests, Damascus opposed it as well. The Syrian position was one of Qatar's support factors for the Syrian armed opposition.

Iran, on the other hand, is one of the candidate countries to play a strong role in drawing up the energy map in the world, especially after the signing of the nuclear agreement with the major 5 + 1 countries in Vienna in July 2015. This agreement will allow Iran to pump large quantities of raw gas to the outside world as soon as its infrastructure is restored. The Iranian reserves of natural gas is about 940 trillion cubic feet, equivalent to 15 % of the global reserve, the second in the world after Russia [13]. The majority of Iran's gas reserves is in the field of "Pars" which Iran shares with Qatar and located in Persian Gulf.

For Iran, the situation seems to be different from what it is for Qatar. Iran seeks to extend its influence

in the region. Iran is present in Syria after “the Arab spring” and Iraq following the overthrow of Saddam Hussein in 2003. Teheran also longs to be a regional power in the face of the Gulf States. It is in this outcome, in 2009 Damascus and Bagdad agreed on the construction of the Islamic gas pipeline with Iran on 8 August 2011 in the Iranian city of Bushehr. This gas pipeline will pass through Iran 225 km, Iraqi territory about 500 km and enter through Syrian territory 500 to 700 km. This is done for two reasons: the first is that a part of this line will go through the sea and the second part will return from Syria to Jordan to feed the Arab gas pipeline as well. According to the agreement, in 2014 and 2016, the Islamic gas pipeline needed to start out with 110 million cubic meters of natural gas per day, or 40 billion cubic meters of gas annually. Both Iraq and Syria will receive under the agreement gas for their needs of approximately 30.25 million cubic meters for Iraq and 20 to 25 million cubic meters for Syria. Lebanon would also get its needs for gas, amounting to 7.5 million cubic meters per day. Jordan will be supplied with Iranian gas via the Arab gas pipeline and Europe will receive 50 million cubic meters per day [8, p. 248]. Consequently, the survival of the Syrian regime is not only an important option for the Islamic Republic, but imperative to secure its strategic interests. Moreover, the continuity of this project and Iran’s interests in Syria will also ensure Hezbollah’s long-term political and security role in Lebanon along with the future vision to extend this gas pipeline to Europe. Therefore, Iran’s increasingly threatened economic security makes Syria’s energy security among Iranian policymakers a matter of national security.

It is here that a conflict of interests arises between Qatar and Iran, which explains their positions on the Syrian revolution. For Doha, the Syrian revolution is an appropriate opportunity to fail its Iranian rival project in Syria by supporting efforts to topple the Syrian regime. This will allow Doha to play a quasi-monopolistic role in exporting gas to Europe and a more pivotal role in the global energy market.

In this respect, there is a dispute over the road to the joint Pars field between Iran and Qatar. The road to Qatar’s Pars field has only two routes, directly via either Saudi Arabia, Jordan, Syria, and the sea, it is the shorter route, or Qatar agrees with Iran to have it pass through Iranian territories, Iraq, then to Syria. According to al-Shouaibi, in the first case, he assumes that Saudi Arabia would be ready to starve in order not to allow the Qatari gas pipeline to pass through its territories. That view has two reasons: First, it will increase Qatar’s influence in the regional arena; second, because Saudi Arabia has a large reserve of gas in the Rub’ al-Khali and al-Khwar region, so it wants to pass its gas pipeline directly through Jordan towards Syria [6]. This is one of the secrets of the current conflict over Syria. Some may question why Qatar does not send its gas pipeline

directly across the sea and from there to Iraq and Syria. This option is not possible because the gas pipeline that passes through the sea must be at a high altitude close to the surface and this could lead to collisions with ships [6]. Imad Fawzi al-Shuaibi counts that for Qatar, gas transport through pipelines is cheaper because it will not exceed the 2000 km limit. Over 2000 km, the transport of liquefying gas is cheaper, but here the distance to the Mediterranean is problematic [6].

Focusing on Syria and the discovered wealth there. It is important to note that in 2007, a Norwegian company named *INSIEN* surveyed the area from the highest peak of the Syrian coast to the Lebanese waters and found 14 of the richest oil fields. *INSIEN* also appealed to the Norwegian *SAGEC* company to also scan the region. They found three geographical blocks from the Syrian-Lebanese border to Lattakia containing 11 billion barrels of oil [6]. It is also mixed with gas because this is known to be a common area. In other words, there are 11 billion barrels in place and this allows Syria to export from this location approximately the production output of Kuwait. It means Syria can extract anywhere from 1.5 million to 2 million and 250 thousand barrels from this region [6].

A French-American Company with offices in London called *VERITAS CGG* later purchased the two Nigerian companies [6]. This can also explain the background of the American and French role in this conflict.

This discovered wealth (gas and oil) in Syria is located in the Syrian mainland and coast [5]. The land energy wealth is 62 % in all of Syria. It is distributed as follows: 47 % in Central Syria, 12 % in the East and that explains to us the American presence in the East Euphrates, 2 % in Aleppo, 2 % in the Syrian part of the Golan. The oil in the occupied Syrian Golan is equivalent to Saudi Arabia’s oil production [6]. There are studies that Israel is digging now in the occupied Syrian Golan [6]. The gas and oil wealth in the coast account for 38 % or about 10.83 trillion cubic meters.

According to Dr. Shouaibi, the volume of wealth discovered in Syria is estimated to be about 28–33 trillion cubic meters, which puts it third place in the world after Russia, with 50 trillion cubic meters, Iran 38 trillion cubic meters and exceeding that of Qatar, which has 25.4 trillion cubic meters [6].

Therefore, every country gets involved only for geopolitics or energy interests, and both are plentiful in the region. There is a reason for the Americans to be involved. First, concerning geopolitics, the US began to feel that the Yalta agreement ended with the Russian presence and therefore wanted to make clear that this matter will not be swept under the rug. In light of this, the Syrian army sought, despite American opposition, to reach the area of Albuqmal to open the strategic road between Iraq and Syria. However, the presence of the Americans in al-Tanf (the US base in Southeastern Syria) and in the North is an attempt to besiege this

strategic line. Secondly, the United States is longing to acquire a share of the wealth in this region and also looking for markets for its shale oil and liquefying gas.

Hence, discovering the energy resources in Syria, the Western countries have been trying to exploit the Syrian revolution to topple Syrian President Bashar al-Assad and elect a new pro-West president. An example of this was in August 2011, when an announcement by the Syrian government of the discovery of a huge gas field in the Syrian Desert the US position changed towards escalation against Syrian President by calling on him on to step down [11]. The West also wants to achieve the interests of some countries to ensure the passage of its gas pipelines through Syrian territory and then to Europe, to prevent Iran from exporting gas and to reduce the dependence of Europe on Russian gas. The position of Iran and Russia was clear, namely to support the Syrian regime politically, militarily and economically as the fall of Bashar al-Assad will reduce the influence of Iran in the region and Russia in the Middle East and Europe.

This article allows us to draw the following conclusions:

1. The Arab region has been and continues to be the scene of global geopolitical conflicts because of the natural resources it contains especially oil and gas.

2. It has become clear that control of natural gas resources and corridors has become an integral part of the geopolitical power standards of today's world.

3. The current war in Syria is viewed as one of the most bloody and complex conflicts in modern Arab history due to the internal and external factors, such as the gas war and the Greater Middle East.

4. Syria's important geo-strategic location on the Mediterranean Sea and its promising wealth made super and regional powers involved into the Syrian conflict. Moreover, the Syrian government's position on the Arab-Israeli conflict and the Greater Middle East explains the West's and some regional countries' attempts to exploit the Syrian revolution to topple Syrian President Bashar al-Assad and turn Syria into a pro-Western state.

5. The twenty-first century is the era of "clean energy" and the alternative to the decline of oil reserves. Which means that control of the regions' "gas reserve" is a strategic goal in such international conflicts, which are emerging manifestations today regionally and as the optimal path to form a new world order. However, without an agreement between America and Russia to share the major gas markets the proxy war in the Middle East will go on.

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THE BALTIC STATES' FOREIGN POLICY GOALS AND STRATEGIES REGARDING RUSSIA IN 1990s

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Unlike many other publications on the topic of the relations between the Baltic states and Russia, where authors focus mostly on Russian interests and goals in the region, this article presents the analysis from the perspective of Lithuanian, Latvian and Estonian interests and goals. The author reveals the main aims that defined policies of the Baltic states towards Russia in 1990s, demonstrates the dynamics of the issues, which constituted the agenda of Baltic-Russian relations in the appropriate period, analyses the strategies used by the Baltic states to implement their goals and interests regarding Russia and assesses their efficiency.

Key words: foreign policy; Baltic states; Latvia; Lithuania; Estonia; Russia.

ЦЕЛИ И СТРАТЕГИИ ВНЕШНЕЙ ПОЛИТИКИ ГОСУДАРСТВ БАЛТИИ В ОТНОШЕНИИ РОССИИ В 1990-е гг.

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В отличие от многочисленных публикаций по теме отношений между государствами Балтии и Россией, авторы которых уделяют основное внимание российским интересам и целям в регионе, в настоящей статье в первую очередь рассматриваются интересы и цели Литвы, Латвии и Эстонии. Автор раскрывает основные принципы и цели внешней политики государств Балтии, которые определяли их политику в отношении России в 1990-е гг., показывает динамику вопросов, составлявших основу балтийско-российских отношений в указанный период, анализирует стратегии государств Балтии по реализации интересов и целей в отношении России и оценивает их эффективность.

Ключевые слова: внешняя политика; государства Балтии; Латвия; Литва; Эстония; Россия.

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Introduction

The theme of relations between the Baltic states and Russia and their implications for European and regional security has been very popular over the last two decades among international relations and foreign policy experts. But a vast majority of publications on this theme focus mostly on Russian, not Baltic, interests and strategies. They often create a simplified and misleading perception, that it was Russia only, who imposed the agenda of Baltic-Russian relations, while the Baltic states simply reacted to it and their policies in this direction were purely defensive. Such an approach consciously or unconsciously presents the Baltic states not as sovereign actors, but as passive objects of international politics. And this is definitely far from reality, as there have been numerous examples, when it was they, who initiated the raising of certain issues with Russia. The Baltic states have their clear goals regarding Russia, stemming from the overall goals and principles of their foreign policy, and have elaborated their strategies and tactics in achieving these goals.

Therefore in this article aims to consider the issue from completely different perspective: to reveal how Lithuania, Latvia and Estonia themselves perceived and shaped their relations with Russia and how their politics towards Russia were transformed over the first decade of their restored sovereignty? This is the main aim of this article. To achieve it the following three issues will be analyzed:

- the problems dominated in the agenda of Lithuanian, Latvian and Estonian relations with Russia in the 1990s;
- the goals the Baltic political elites pursued towards Russia and how these goals were changing during that period of time;
- the means and strategies the Baltic states applied to achieve these goals and how successful they were.

So the object of this research is the foreign policy of three Baltic states – Lithuania, Latvia and Estonia. The subject is the role of Russia in the foreign policy of these countries and their development in the first decade of their restored independence.

As for the chronology of the article, it can be defined simply as “Yeltsin’s Era” in Russia, starting from the elections to the Supreme Councils of then still Soviet republics in March 1990, that paved the way for both the Baltic states declarations of independence restoration and for a quick rise of Boris Yeltsin to the political leadership in Russia, and ending with his resignation from the office of the President of the Russian Federation in late 1999. These events were chosen instead of linking the chronology to any political changes in the Baltic states because the first change of leadership in post-Soviet Russia had by far much greater impact on the development of Baltic-Russian (as well as Western-Russian) relations. To prove this let’s just mention, that the principal decisions on admitting the

Baltic states into the EU and NATO were made not before the new Russian President Vladimir Putin took the office and defined the foreign policy priorities of his first presidency.

The literature on the relations between the Baltic states and Russia is very vast and numerous. Yet not so many publications on the topic give clear visions of the Baltic states foreign policy towards Russia in the 1990s. This is particularly true for the Western authors, who are concentrated on explaining the reasons for Baltic “fears” of Russia and Russian “misperceptions” of the NATO enlargement process, but pay little attention (if any) to the formation and development of the Baltic states foreign policies regarding Russia. It could be said, they pay attention to the foreign policies that affect the Baltic states, but not to the foreign policies of the Baltic states themselves. A good example of such research is the paper of the former US ambassador to Estonia and Lithuania K. C. Smith [1].

Much more informative are the studies of Baltic (mostly Lithuanian) researchers of this issue, such as R. Lopata [2], D. Mereckis and R. Morkvėnas [3], G. Vitkus [4], L. Zile [5]. They give a more detailed picture of the Baltic foreign policy formation process. Especially interesting in this respect is the article of G. Vitkus, published in “Lithuanian Foreign Policy Review”, where he reveals and explains the evolution of Lithuanian foreign policy and its strategies towards Russia during the first 15 years of Lithuanian-Russian relations.

As for Russian publications to the research question, most of them can be characterized by a high level of emotional sentiments and endeavor to present the whole situation solely through the prism of Russian great-power interests, thus presenting Estonian, Latvian and Lithuanian foreign policies as completely and unreasonably “anti-Russian” and “provocative” [6–11]. Among a few more moderate authors, who try to explain motivations and driving forces that stood behind the foreign policy decisions of both, the Baltic states and Russia, should be mentioned prominent Russian academic researcher of post-Soviet developments in three Baltic states R. Simonyan [12–16], and director of the Carnegie Moscow Center D. Trenin [17]. Yet disregarding of whether one considers assessments and arguments of Russian authors unbiased and reliable enough, Russian bibliographical sources has one particular advantage that makes them very useful for historical research – due to the overall predominance of old-school positivist approach in the analysis of Russian foreign policy, the authors ground their conclusions not on thorough methodology or abstract theories, but on the careful selection of facts. Therefore they often provide valuable details that make it much easier to construct the chronology of events and to reveal its trends.

Developments of Baltic-Russian Agenda and Baltic Foreign Policy Strategies towards Russia

It is interesting to point out that in 1990–1991 Lithuanian, Latvian and Estonian movements for the national independence received an enormous support from democratic forces in Russia and personally from Boris Yeltsin, who maintained close cooperation with the newly elected Supreme Councils of the Baltic republics, dominated by the independence supporters, to strengthen the front of internal opposition against the central authorities of the Soviet Union chaired by Mikhail Gorbachev. When in the response to the declaration of independence in spring 1990 Mikhail Gorbachev imposed economic embargo on energy supplies to the Baltic republics and refused any possibility of negotiations with their Supreme Councils until these declarations would be denounced, Boris Yeltsin, who at the time mentioned chaired the Supreme Council of the Russian Federation, supported independence of the Baltic republics and concluded on 5 August 1990 agreements with their governmental delegations to make this embargo void [5, p. 491]. He also criticised violent actions of Soviet forces in Riga and Vilnius in January 1991 and urged Russian soldiers not to shoot at civilians.

Even more important was the signing of treaties on the basis of interstate relations of the Russian Federation with Estonia (12 January 1991), Latvia (13 January 1991) and Lithuania (29 July 1991). These treaties outlined the recognition of Estonian, Latvian and Lithuanian independence by the Russian Federation as well as their rights to voluntarily join any international organizations and alliances. Although Baltic researchers praise these treaties as truly democratic and equal [15; 19, p. 499], Russian researchers are more skeptical about them. For example, A. Vushkarnik blames Boris Yeltsin for political short-sightedness and points out that these treaties were the lack of substance for Russia, as many important problems, that later formed the core of Baltic-Russian contradictions, were left without attention “for future negotiations and agreements” [8, p. 13]. So the only aim of the treaties for Boris Yeltsin, according to him, was to undermine the power of Mikhail Gorbachev and nothing more.

Finally, the decrees of Boris Yeltsin from 24 August 1991 on the recognition of state independence of Estonia and Latvia and the establishment of diplomatic relations between Russia and these states marked the beginning of international recognition of the Baltic independence. If before the act their independence was officially recognized only by Iceland on 22 August 1991, than after 24 August a real march of international recognition started. On 27 August the European Communities declared their readiness to establish diplomatic relations with the Baltic states, the United States of America declared it on 2 September, – and, finally, the State Council of the USSR recognized it on 6 September [8, p. 15].

Such good relations between Boris Yeltsin and the Baltic national leaders seemed to form a solid base for friendly and trustful relations between the Baltic states and Russia in future. But the events of the following two years made it clear that this alliance was merely “tactical”. As soon as the Soviet Union split up and the Russian Federation was recognized as the USSR successor state, it also inherited all the claims and attitudes that Lithuania, Latvia and Estonia previously addressed to the Soviet government. As L. Karabeshkin points out, former friendship gave place to the climate of mutual mistrust and suspicions [9, p. 85].

Since then issues that constituted the agenda of Baltic-Russian relations can be divided into two major categories: those imposed by the Baltic states and imposed by Russia. Both these categories include issues that attributed to all of the Baltic states, as well as particular questions, that were acute only for one or two of them. The first issues raised by all three Baltic states regarding their relations with Russia were the withdrawal of Russian (former Soviet) troops from their territories and signing of border treaties with Russia. They were perceived in Tallinn, Riga and Vilnius as the most acute and necessary steps for full sovereignty and independence from Russia and as important prerequisites for the integration into the Western community.

Besides all three states tried to push Russia to the recognition of the Soviet occupation of the Baltic states in 1940 and to charge it as the USSR successor state with the responsibilities to compensate for the consequences of this occupation. As G. Vitkus argued on this issue, if the Russian Federation were ready to assume the rights of the former Soviet Union (such as the seat of the permanent member of the UN Security Council) it should be ready to take responsibilities for its policies as well [18]. And the first claims in this respect were urges for Russia to return the buildings of the former embassies of the Baltic states in Rome and Paris that were taken by Soviet Union after their incorporation.

As for particular issues, there should be mentioned territorial claims of Estonia and Latvia to Russia stemming from the fact that their borders as soviet republics on the edge of 1980s – 1990s not completely coincided with those of prewar period, as some years after the incorporation into the USSR Moscow returned territories, it ceded to Estonia (2300 square km) and Latvia (1600 square km) according to the 1920 peace treaties and included these areas to Leningrad and Pskov regions of the Russian SSR [8, p. 31–32]. Referring to the concept of “restored statehood” Tallinn and Riga attempted for a while to “restore” in addition to prewar statehood prewar borders as well. Lithuania, whose territory was enlarged after the incorporation of 1940, obviously didn’t support such vision.

As for issues raised by Russia, it should be underlined that Russian foreign policy towards the Baltic states in 1990s could be characterized as reactive more often than vice versa. The most acute issue for Moscow regarding all the three states was the concern about their possible membership in NATO, so it tried to prevent by all possible means admitting of its former possessions into the military alliance led by the US – its former main enemy of the Cold War era. Besides Russia had some particular issues with each of the Baltic states. In Russian-Lithuanian relations it was the question of Russian transit, especially military one, between mainland Russia and its Kaliningrad exclave through the Lithuanian territory. In relations with Latvia and Estonia probably the greatest concern for Russia became the advocating of civil and political rights of Russian-speaking minorities in these countries in order to use them as a means of its political leverage over Riga and Tallinn.

Now let's trace the dynamics of the issues mentioned above in the agenda of Baltic-Russian relations. First the Baltic republics raised the question of the Soviet troops status on their territory soon after declaring the restoration of their independence in 1990. In December of the same year they offered the USSR government to negotiate interstate agreements on this issue. But these proposals got no response until the split-up of the USSR. Second, as the Baltic states refused to use former Soviet military personnel and facilities, stationed on their territory, in building their national armed forces, these troops were taken under the command of the Russian Federation. At the end of January – beginning of February 1992 Russian delegation chaired by Deputy Prime Minister S. Shachray visited the Baltic capitals for the negotiations about the terms of these troops withdrawal. In May 1992 Russia proposed its timetable plan that envisaged the beginning of withdrawing of the main military units in 1995 (after troops withdrawal from Germany is finished and the appropriate infrastructure for the stationing of these troops in Russia will be built) and its finish by 1999. Besides Kremlin expressed a wish to retain some military facilities in Latvia.

The Baltic states were greatly displeased with such Russian plans as they implied prolongation of Russian military leverage over them for another decade. But Moscow was reluctant to any compromise, arguing that the building of technical infrastructure and accommodation for personnel allowing the relocation of these troops to Russia will require lots of time. As G. Vitkus describes it, understanding that their political weight is too small to change Russian position on bilateral negotiations, the Baltic states decided to "internationalize" the issue and first of all to seek Western support [4]. So they started "speaking with Russia through the West". And this strategy proved to be quite efficient. After some efforts on the side of the Baltic diplo-

macy to persuade the West that Russia deliberately delays troops withdrawal to preserve a certain degree of military control over them, the Western states finally supported Lithuania, Latvia and Estonia on this issue and used "a carrot and a stick" tactics to persuade Russia to hurry up with troops withdrawal. The issue was discussed in several UN and CSCE documents, as well as during bilateral contacts of Western states and Russia. On the one hand, in 1993 on G7 summit in Munich Western leaders expressed a commitment to allocate 160 million dollars to fund building accommodation for Russian military personnel being relocated to Russia from the Baltic states. Nordic states were ready to allocate about 50 million dollars for the same purpose. On the other hand, in 1992–1994 the US Congress made several decisions to condition American technical assistance to Russia by its progress with troops withdrawal from the Baltic states [8, p. 41].

On the contrary, Russia preferred to conduct bilateral negotiations with each of the Baltic states separately, trying to impose package decisions linking Russian concessions on troops withdrawal to this state concessions on other issues of Russian interest. And as Russian-Lithuanian relation in the first half of the 1990s seemed to Moscow less problematic, than those with two other Baltic states (unlike Latvia and Estonia, Lithuania didn't advance any territorial claims to Russia and granted full citizenship rights to its Russian-speaking minority), Kremlin decided to "reward" Lithuania with quicker troops withdrawal. Its schedule was agreed upon during Vytautas Landsbergis visit to Moscow in September 1992. But signing of the final agreement on Russian troops withdrawal and their status on Lithuanian territory until the end of this process was postponed for an uncertain future because Vytautas Landsbergis strongly conditioned this step with the requirements to compensate for damages caused by Russian troops since 1940 [7, p. 28–29]. So the troops withdrawal from Lithuania was finished in August 1993 and, as D. Mereckis and R. Morkvėnas point out, thus Lithuania became the only Baltic state, that managed to avoid defining status of Russian troops on its territory [3].

The second in this row was Latvia. Russian-Latvian agreement on troops withdrawal was signed on 30 April 1994 during the visit of Latvian President Guntis Ulmanis to Moscow. Due to the Western mediation Latvian government agreed to some concessions to Russia. Although Russia leaved its naval bases in Ventspils and Liepāja it was allowed to rent the radar station in Skrunda until 31 August 1998. Soviet military pensioners living in Latvia were granted a permanent resident status while the rest Russian military personnel had to be withdrawn by 31 August 1994.

The same date was defined for the ending of troops withdrawal from Estonia. Although due to numerous disagreements on the legal status of Russian-spea-

king population of Estonia, especially Soviet military pensioners, the treaty on terms of troops withdrawal was signed during the meeting of Estonian President Lennart Meri with Boris Yeltsin in Moscow just a day before this process was finished.

At the same time Latvia and Estonia faced constant criticism from Russia for the situation with political rights deprivation of their Russian-speaking minorities and for the introduction of mass “non-citizenship” for them. But these two states preferred to ignore it until Russia used the same strategy of “internationalizing” the issue. On submitting its application to the Council of Europe in May 1992, Russian foreign minister A. Kozyrev also presented Memorandum on human rights violations in the Baltic States [8, p. 22–23]. As a result Latvian application for membership in this organization was suspended for more than 3 years until the February 1995. Also Russia used CSCE mechanisms for protection of the national minorities rights. It initiated opening of CSCE missions for monitoring the situation with rights of the Russian-speaking minorities in Estonia and Latvia in 1993. These missions made several recommendations on liberalizing Latvian and Estonian citizenship legislation. And after this the recommendations were largely implemented by these two states in the end of 1990s, the missions were closed on their demands in 2001.

Yet Russia didn't succeed in persuading the West to condemn in principal Latvian and Estonian policies of not granting automatically citizenship to the Russian-speaking immigrants of Soviet era. Thus, although Estonia and Latvia had to make some concessions on this issue, they underlined, these concessions were made because of their wish to correspond to the Western standards and not because of Russian pressure. So Moscow felt highly offended with such developments and hasn't missed any occasion to blame the Baltic states for supposed violations of the Russian-speaking minorities rights till nowadays.

The question of signing treaties on the state border between Russia and the Baltic states also became very acute. When in 1991 Boris Yeltsin signed treaties on the basis of interstate relations with the three republics, only Russian-Lithuanian treaty provided that both sides agreed to consider the existing border between Lithuanian SSR and Russian SSR as their state border [3]. The treaties with Latvia and Estonia left this issue for further negotiations [3, p. 30]. The last two states in the beginning of 1990s, as it has been already mentioned, hoped to restore their borders of the pre-war period and therefore laid claims on small bordering territories of the Russian Federation.

The hardest border disputes occurred between Estonia and Russia. On 12 September 1991 the Supreme Council of Estonia applying to the concept of “restored statehood” declared unlawful decisions of the USSR Supreme Council on separation from Estonian SSR of

Ivangorod and Pechora. Then, according to A. Vushkarnik, Estonian government even started issuing Estonian passports to the dwellers of these territories, arguing that they or their parents were citizens of the prewar Estonia [8, p. 31–32]. Also Estonia tried to engage Finland and CSCE as mediators in its border disputes with Russia. Russian response was rigid as well: in June 1994 Boris Yeltsin decided to start unilateral demarcation of state border with Estonia and in November of the same year personally visited the border and declared that Russia will not cede any part of its territory to anyone.

After government change in Estonia in late 1994, it became more tended to give up its initial territorial claims in order to speed up signing of border treaty with Russia. Such developments were also encouraged by international situation – in 1994 on the NATO summit in Brussels the process of the Alliance's eastward expansion was initiated. And Estonian government, that declared its membership in NATO as the state's priority, was well aware of the Alliance's principle not to admit countries which have unsettled territorial disputes with their neighbours. So in May 1995 President of Estonia Lennart Meri announced his readiness to settle border disputes with Russia. In October of the same year both sides declared that they have no territorial claims to each other. And on November's negotiations in Tallinn they agreed to take the existing border line between them as a basis for their state border. In February 1996 the work on the border description and demarcation was started.

Yet the border treaty between Estonia and Russia was not signed until the end of the 20th century. According to A. Vushkarnik, it was caused by Estonian demands to include into the text of the treaty references to the Tartu peace treaty of the 1920 to make Russia recognize the “restored nature” of Estonian statehood and occupation of 1940 [8, p. 31–32]. But such argumentation seems rather problematic since it was Estonia, who was most interested in signing the treaty as soon as possible and therefore was more tended to compromise. More reliable here seems argumentation of K. C. Smith, who points out that it was Russia, who refused to sign the treaty even after Estonia withdrawn all its claims and was ready to sign it on the Russian conditions. Thus Moscow wanted to use the unsettled border issue to hinder Estonia's admission to NATO [1, p. 9].

Negotiations on settling the border issue between Latvia and Russia largely followed the same scenario. On 22 January 1992 Latvia also declared decisions of the USSR Supreme Council on separation from Latvian SSR and inclusion into the Pskov region of the RSFSR of Pytalovo/Abrene district to be unlawful. But Latvian-Russian disputes on this issue had never reached such a high tension as Estonian-Russian. Negotiations on delimitation and demarcation of the state border

between Latvia and Russia started in April 1996. And meeting Russian demands Latvia agreed to negotiate just the establishment of the state border – not its restoration, as Riga planned initially [8, p. 32]. Yet the same, as in the case of Estonia, Russia refused to finalize legal procedures for signing the treaty – especially since Russian-Latvian relations worsened significantly after a demonstration of Russian-speaking pensioners had been broken up in Riga in 1998. Moscow replied to this incident with economic sanctions against Latvia such as restriction of Latvian exports and stopping bank transfers [1, p. 9].

Lithuania seemed to be most likely candidate to become the first of the Baltic states to successfully finalize border negotiations with Russia. But even this country didn't succeed in it until 1997. Although there were no territorial disputes between the two states and Moscow had less objections to Lithuanian cooperation with NATO, as this state had no common border with the mainland Russia (only with its Kaliningrad exclave) it still took a long while to agree the terms of Russian military transit to and from Kaliningrad region through Lithuanian territory. While Lithuania wanted to regulate it by internal norms on military and dangerous cargo transit, equally applied to the all foreign military transit, Russia insisted on signing a bilateral agreement establishing special conditions for Russian transit.

As G. Vitkus argues, in contrast to the negotiations on Russian troops withdrawal, when Russia experienced constant pressure from the West and international institutions like the UN and CSCE, negotiations over Kaliningrad transit in 1994 “came to a dead end as soon as Lithuania and Russia found themselves tête-à-tête” [4]. D. Mereckis and R. Morkvėnas add that “in the course of negotiations Russia did not hesitate to use economic pressure by delaying ratification of the 1993 Lithuanian-Russian agreement on economic cooperation, threatening to cut gas and oil supplies, and doubling the duties on Lithuanian goods imported to Russia” [3].

Finally the solution was found and the rules agreed by Lithuania and Russia in November 1993 for Russian

troops withdrawal from Germany had to be re-applied to military transit from Kaliningrad. This paved the way to signing of the treaties “On the State Border between Lithuania and Russia” and “On the Delimitation of the Exclusive Economic Zone and Continental Shelf in the Baltic Sea” in Moscow in October 1997. Yet, according to K. C. Smith, even border treaty with Lithuania had been never submitted to the Russian parliament for ratification until the end of the Boris Yeltsin's presidency as a result of great Russian discontent over the country's determination to join NATO [1, p. 10].

Preventing by any means Baltic accession to NATO seemed to be the main goal of Russian foreign policy regarding the Baltic states. And to achieve this Russia used both economic and political pressure on the one hand and several proposals for security guarantees to the region and confidence-building measures on the other. In the beginning of 1990s Moscow tried to enforce Baltic neutrality, offering Russian security guarantees in exchange. But such proposals were unambiguously rejected in Vilnius, Riga and Tallinn. Then in the middle of 1990s Boris Yeltsin promoted the idea of building in the Baltic Sea Region a regional collective defense system including Baltic and Nordic states that will function independently both from NATO and Russia. This idea was even supported by the US President Bill Clinton. But the Baltic states, as well as Nordic, rejected this plan. Finally in October 1997 Boris Yeltsin proposed a plan of creating a system of multilateral security guarantees in the region instead of NATO membership. As D. Mereckis and R. Morkvėnas point out, the Baltic states “well received... the positive tone of the proposals” yet it was underlined, that they were “not ready to trade in the prospect of transatlantic links in return for Russian guarantees” [3].

So by the end of 1990s Baltic-Russian relations were charged with many unsolved problems, mutual claims and conflicting goals and interests. K. C. Smith and some other international relations experts, both Western and Russian, even called their relations since the second half of the 1990s “a small Cold War” [1; 9].

Conclusions

Despite the fact that in the last two years of the USSR existence the Baltic national leaders received a strong support from Boris Yeltsin and Russian democrats in their common struggle against the Soviet central authorities led by Mikhail Gorbachev, Baltic relations with Moscow worsened as soon as both Baltic states and Russia reached full sovereignty. Since then Baltic-Russian relations were marked by mutual distrust, suspicions, claims and offences.

As for the agenda of Baltic-Russian relations, it wouldn't be exaggeration to point out, that for both sides here security interests prevailed to anything else, including trade and economy. It may be characterized as rather stable and static, as, due to the “high stakes” of

their conflicting goals, Russia and the Baltic states either were reluctant to make any substantial concessions and compromises to each other, and therefore most problems remained unsolved throughout the whole decade. They included such questions as Russian troops withdrawal from the Baltic states (probably the only issue, that was resolved relatively quick and didn't cause much confrontation), signing of the state border treaties, Baltic claims for Russian compensation for damages of Soviet occupation, persistent Russian complaints of discriminating Russian-speaking minorities in Latvia and Estonia, regulating Russian transit to and from Kaliningrad via Lithuanian territory, and last but not least Russian efforts to prevent by any means the Baltic membership in NATO.

Complaining to Russian unwillingness to treat them as equal partners and clearly understanding their inability to influence Russian position by their own limited resources, Baltic states in the very beginning of the 1990s chose a strategy of bringing the major issues of dispute with Russia to the arbitration of international organizations and thus “speaking with Russia through the West”. Paradoxically, but as soon as Moscow realized all the futility of its attempts to influence positions of the Baltic states by economic pressure, it also turned to the same strategy. So the West, first of all the USA, found themselves in a very advantageous position of arbitrators to the Baltic-Russian relations. Although this position was not always comfortable, as Western leaders had to balance between their wish to support the Baltic states, as most loyal new allies of the West, and not

to alienate Russia that at the times mentioned was also considered as prospective democratic state and one of important Western partners. So on some issues Western states and institutions took the Russian side – for example, they pressed Estonia and Latvia to liberalize their citizenship laws and didn’t include any of the Baltic states into the first round of NATO enlargement to the East. Yet on more principal issues, such as Russian troops withdrawal, the right of the Baltic states not to grant automatically their citizenship to the immigrants of the Soviet era and their right to choose any option for granting their security, including possible membership in NATO, the West clearly supported Lithuania, Latvia and Estonia. So such a strategy proved to be quite effective for the Baltic states – moreover in their circumstances it was probably the best way to achieve goals they set.

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THE INSTITUTION OF "POKUTNE" IN POLISH UNFAIR COMPETITION LAW

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The article examines the so called "pokutne" institution provided in the Law of the Republic of Poland of 16 April 1993 "On Combating Unfair Competition". To that end, not only legal rules, but also Polish jurisprudence and the legal doctrine are analyzed. The criteria which are or may be taken in account by Polish courts for determining the sum of the mentioned monetary claim are detected. It is concluded that, due to some objective factors, the mentioned institution cannot be borrowed by the Belarusian civil law.

Key words: unfair competition; civil law claims; losses; monetary compensation; "pokutne"; legal certainty.

"POKUTNE" КАК ИНСТИТУТ ПОЛЬСКОГО ПРАВА О НЕДОБРОСОВЕСТНОЙ КОНКУРЕНЦИИ

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Рассматривается закрепленный в Законе Республики Польша от 16 апреля 1993 г. "О борьбе с недобросовестной конкуренцией" правовой институт, именуемый "pokutne". Проанализированы не только правовые нормы, но также польская судебная практика и доктрина. Выявлены критерии, которые принимаются или могут быть приняты во внимание польскими судами при определении суммы упомянутого денежного требования. Сделан вывод о том, что вследствие определенных объективных факторов указанный институт не может быть заимствован гражданским правом Республики Беларусь.

Ключевые слова: недобросовестная конкуренция; гражданско-правовые требования; убытки; денежная компенсация; "pokutne"; правовая определенность.

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Modern economic conditions are characterized by fierce competition of market participants, pushing them to find the ways to increase their sales, inter alia, by means of export. In this regard, entrepreneurs' full awareness of foreign rules of competitive struggle and the consequences of their violation, through unfair competition among others, has particular importance. Profound knowledge of successful foreign legal experience in combating unfair competition is also useful for the formation of the in-depth, clear and effective domestic legal regulation in this field by the Belarusian law-making bodies.

The purpose of this article is to identify the nature, specifics and particularities of the application of the so called "pokutne" institution provided in the Law of the Republic of Poland of 16 April 1993 "On Combating Unfair Competition" (hereinafter – UCL) [1], as well as the possibilities of its planting in the Belarusian legal soil.

The questions relating to the "pokutne" are considered mainly in the works of Polish scholars (for example, K. Jasińska and J. Szwaja [2], P. Podrecki [3], J. Rasiewicz [4], K. Szczepanowska-Kozłowska [5], A. Tischer [6], E. Wojcieszko-Głuszko [7]) and exclusively in the context of the national legal system.

The provision on the "pokutne" was included in the UCL by the Law of the Republic of Poland of 16 March 2000 "On Amending the Law "On Combating Unfair Competition" and Amending the Law "On Radio and Television"" (Para 2)¹ [8]. According to Art. 18 (1) (6) of the UCL, in case of committing of a guilty act of unfair competition, the entrepreneur whose interest is threatened or violated may demand the award of an appropriate amount of money for a definite social goal related to the support of Polish culture or the protection of the public heritage.

It bears noting that Art. 18 of the UCL is placed in section 3 "Civil Liability". In Polish legal doctrine the "pokutne" is unanimously recognized as a kind of civil law sanction.

According to the rationale for the Draft Law of the Republic of Poland "On Amending the Law "On Combating Unfair Competition" and Amending the Law "On Radio and Television"" the introduction of this sanction was necessitated by the general need to intensify repression for the actions contrary to the principles of fairness in turnover as well as by the following facts:

1) the criminal sanctions provided for in the UCL, can apply only in the case of "essential" or "serious" loss and thus have limited application;

2) compensation in cases of unfair competition is sought in exceptional cases due to the complexity of determining the amount of the loss caused to an aggrieved person.

Moreover, the authors of the rationale believed that the introduction of such a sanction would be important

in terms of providing the UCL with a more pro-consumer nature, since the right to claim a certain amount of money had to be enjoyed not only by the aggrieved parties and entrepreneurial organizations, but also by the organizations whose statutory purpose was the protection of consumers, and by the Chairman of the Office of Competition and Consumer Protection [9].

The "pokutne" "allows the achievement of certain goals of the Law "On Combating Unfair Competition", the realization of which is difficult and often impossible through other claims provided for in the Law" (The Decision of the Court of Appeal in Cracow, III Labor and Social Welfare Department, 21 June 2017 (Sygn. Akt III APa 8/17) [10]. "The other two monetary claims set forth in the Law (on recovery of losses and unjustified enrichment) do not give the victims complete satisfaction, especially because proving the amount of loss or enrichment in practice is excessively complicated. These issues *de facto* result in the enrichment of the person who has committed the act of unfair competition, and make such offences profitable. The "pokutne" can be applied to eliminate this profitability, which allows better realization of the function of preventing unfair competition in business" [4, p. 1031].

Analyzing the provisions of the UCL on the "pokutne", we can distinguish its inherent features:

1) the purposes of awarding the "pokutne" shall relate to the support of Polish culture or the protection of the public heritage. It means that its beneficiaries are only the institutions and entities with such statutory objectives [5, p. 572]. The plaintiff may be a beneficiary if he or she meets this criterion. The persons carrying out the activities beyond the mentioned goals, in particular commercial activities, are not excluded from the range of beneficiaries. But in this case, they have to use the awarded sum exclusively for the social purposes [4, p. 1032]. As a famous Polish scholar E. Wojcieszko-Głuszko points out, the objective for which the payment is made, as well as its beneficiary, are indicated by the plaintiff [7, p. 133];

2) the "pokutne" can be awarded only at the request of the actual or potential victim;

3) the claim to pay the "pokutne" is not connected with other civil law claims under the UCL;

4) the prerequisite for pursuing this claim is the fault of the person who committed an act of unfair competition. "Any form of fault is sufficient, therefore, whether it is carelessness or negligence" [2, p. 813]. "The fault, in accordance with the general rule of proof, must be demonstrated by the subject who wants to be protected on the basis of Art. 18 (1) (6) of the Law" [5, p. 571];

5) the "pokutne" is awarded solely in the monetary form;

6) "The power for deciding on such payment and the amount thereof lies with the court" [11, p. 237].

¹ Hereinafter translated by N. M.

The Polish jurisprudence has developed certain criteria, which are taken into account for this purpose. The most common ones are:

- the degree of the defendant's fault;
- the scale of violation;
- the amount of money that the defendant would have to pay in order for the use of the plaintiff's benefit or right to be legal;
- the defendant's financial situation.

It is worth mentioning that, as a rule, courts use several criteria **cumulatively**. There are some examples.

The degree of the defendant's fault and the scale of violation. Thus, in 2010, the District Court in Warsaw (XX Economic Department) heard (repeatedly) the case between J. G. and I. W. (the plaintiffs) and W. T. (the defendant). In that case, the defendant was accused of having designed his advertisement in the Internet search engine in such a way that, when someone inserted the combination of the words being the part of the plaintiffs' company name in the search engine, an advertising link to the defendant's Internet page appeared.

One of the claims, insisted on by the plaintiffs, was the awarding of the "pokutne" in the amount of 10 000 Polish zloty. The Court in its decision of 3 May 2010 (Sygn. Act XX GC 777/09) ruled that "...the accused person deliberately committed an act of unfair competition, violating the plaintiffs' right to use their company name in their advertisements. He carried out a deliberate unlawful action, contradicting the obligation to refrain from it, foreseeing the consequences in the form of the competitor's loss. Despite the calls to stop the violation of the plaintiffs' right to the company name in advertising its services, the defendant had violated it for about a year and a half. The level of the perpetrator's fault is high. At the same time, the violated benefit enjoys the highest protection. These two conditions are sufficient to conclude that the amount of 10 000 Polish zloty intended for a social purpose cannot be regarded as excessive, on the contrary, it is relatively low. In addition, it was noted that "the social dimension of the violation is also important. Internet advertising has a huge range of impact, its effectiveness (expected and achieved) is high compared to other ways of reaching the client and attracting him to purchase a product or service. In particular, due to a very wide range of recipients in times of universal access to the Internet" [12].

The degree of the defendant's fault, the scale of the violation and the amount of money that the defendant would have to pay in order for the use of the plaintiff's benefit or right to be legal. This approach may be illustrated by the case between two limited liability companies, heard in 2012–2013 by the District Court in Szczecin (VIII Economic Department). In this case, the plaintiff and the defendant produced environmental protective equipment. The plaintiff concluded a performance contract with P. G., according to which P. G. made 3D graphics (rendering) of the separators produced by the plaintiff and transferred

the copyrights to it to him. The defendant posted the rendering of, allegedly, his separators, almost completely copying the specified plaintiff's 3D graphics on his website. One of the plaintiff's claims was to oblige the defendant to pay the "pokutne" in the amount of 500 Polish zloty in favor of the Fund <...>. In its Judgment of 14 October 2013 (Sygn. Akt VIII GC 83/12), the Court held that the defendant's actions constituted a violation of the plaintiff's copyright and an act of unfair competition.

According to the Court, "the parties... remain in close competitive relations, offering similar products on the same (geographical) market... the placement (guilty, at least unintentional) of the defendant's computer graphics modeled on the plaintiff's goods on the website may mislead the customers searching for the devices produced by both competitors with respect to the design and functional characteristics of the defendant's goods, since it implies their structural confusion with the goods offered by the plaintiff". The court upheld the plaintiff's claim, noting that the amount demanded by him was not excessive in view of the scale of the violation and the defendant's fault and was consistent with the single payment that the defendant (in accordance with the expert's opinion) would have to pay to obtain the right to use the renderings [13].

The scale of the violation and the defendant's financial situation. In 2016 the Court of Appeal in Białystok (I Civil Division) heard an appeal against the decision of the District Court in Białystok of 11 March 2016 (Sygn. Akt VII GC 3/14). The decision was awarded on the case, where both the plaintiff and the defendant were limited liability companies, carrying out, among others, entrepreneurial activities related to the production, wholesale and retail sale of alcohol. The District Court in Białystok acknowledged that the defendant's placement of the word "vodka" on the bottles of his alcoholic products with the percentage of the ethyl alcohol lower than 37.55 during 2012–2014 was misleading consumers, representing, in particular, unfair competition. In accordance with the Decision of this Court the defendant had to pay in favor of the Fund the "pokutne" in the amount of 50 000 Polish zloty. In the Court's view, "...imposing a property sanction on the defendant in a larger amount would represent an excessive financial burden, given that the provincial Commercial Quality Inspector L. had already fined him 103 035. 38 PLN". The plaintiff disagreed with that and demanded in his appeal an increase in the "pokutne" to 100 Polish zloty. In its decision of 25 October 2016 (Sygn. Act I ACa 406/16), the Białystok Court of Appeal stated that: "...the scale of the violations is illustrated, on the one hand, by the duration of the perpetrator's activity, by participation of... in the market and by the mass character of his sales, on the other – by the amount of the savings made by the defendant due to a decrease in the alcohol content below the minimum threshold required for vodka. Taking into account

these factors, as well as the defendant's very good financial situation, it is necessary to hold the objection of the plaintiff raised in his appeal, according to which, limiting the sum of the "pokutne" 50 000 PLN, the Court of the First Instance violated Art. 18 (1) (6) of the UCL. In the analyzed situation the correct application of this requirement demands the complete satisfaction of the claim for the award of the relevant amount of money. In the view of the Court of Appeal, the amount of 100 000 PLN, the so-called "pokutne" awarded in the interests of the Fund... in the circumstances of the case is not excessive, even taking into account the punishment imposed on the defendant... (103 035. 38 PLN). These amounts together represent only less than 0.55 % of the defendant's savings made by the reducing of the content of alcohol" [14].

A number of court decisions mention other criteria for calculation of the "pokutne". For example, the Decision of the Court of Appeal in Cracow (III Department of Labor and Social Security) (Sygn. Akt III APa 8/17) states that: "Among the criteria to be applied to the assessment of the appropriateness of the amount claimed, shall be mentioned: the scale and **frequency of violations, the range of the addressees of the act, the manner in which the perpetrator acted, the nature of the interests concerned by the violation** (see the Decision of the Court of Appeal in Warsaw of 11 December 2008, I ACa 565/08; the Decision of the Court of Appeal of Szczecin of 4 July 2007, I ACa 400/07). Other criteria affecting the amount of the "pokutne" (monetary compensation) are: **the conduct of the perpetrator after the initiation of the proceedings against him, in particular, respect or neglect of a possible earlier ruling on granting interim measures of protection; the severity of the consequences of the act for the aggrieved entrepreneur**. Given a certain similarity [of the "pokutne"] with the institution of satisfaction settled in Art. 448 of the CC [Polish Civil Code], in assessing whether the claimed amount of the "pokutne" (monetary compensation) is appropriate, it is also possible to alternatively use the prescriptions developed by the jurisprudence with respect to the mentioned rule. In particular, the amount of the awarded sum shall depend on the degree of fault, **the size and intensity of loss, the type and extent of the negative consequences of the act**" [10].

Unlike the UCL, the Law of the Republic of Belarus of 12 December 2013 "On Counteraction to Monopolistic Activities and Promotion of Competition" [16] does not contain the norms on civil protection against unfair competition. Art. 1030 of the Civil Code of the Republic of Belarus of 7 December 1998 (hereinafter – CC) [17] allows the person who suffered from unfair competition to demand that the person carrying out unfair competition:

- terminate the illegal actions;
- publish the disclaimer of the disseminated information and actions, which constitute the contents of unfair competition;

- compensate for the losses incurred.

In addition, the mentioned person may resort to certain, consistent with the civil offense at issue, general civil remedies, listed in Art. 11 of the CC, in particular, to demand the restoration of the situation which existed before the violation of the right, compensation for moral damage (provided that the aggrieved person is an individual), etc. If unfair competition is accompanied by or manifests in the violation of exclusive rights to the object of copyright or neighboring rights, in our mind, it is also possible to resort to such a specific civil remedy as compensation (Art. 56 (2) of the Law of the Republic of Belarus of 17 May 2011 "On Copyright and Neighboring Rights" [18]).

As we can see, in the Belarusian civil law there is neither analogous, nor similar to the Polish "pokutne" civil remedy available in cases of unfair competition. The same applies to other civil offenses.

In our opinion, the implementation of the institution of the "pokutne" into national civil legislation is inappropriate for the following major reasons.

Under the CC civil law protection is aimed at suppression of civil rights violation, eliminating obstacles to their enjoyment, restoration of the violated rights and compensation of the losses incurred by the aggrieved person. In its turn, civil liability has compensatory character, aimed at restoration of the property sphere of that person at the expense of the perpetrator's property. At the same time, the "pokutne" is purposed for and awarded for the achievement of completely different goals, which are mainly focused on the satisfaction of public rather than private interests. In the light of the Belarusian civil law, as in the light of the Polish law, the "pokutne" would represent "an incomprehensible mutation of various civil and criminal remedies" [15].

Setting forth a norm similar to the one provided in Art. 18 (1) (6) of the UCL in the domestic legislation in the absence of any benchmarks for the determining the amount of the "pokutne", as well as the limits that it cannot exceed, in our view, would contradict the principle of legal certainty, which according to the Constitutional Court of the Republic of Belarus presupposes "...**clarity, accuracy**, non-contradiction, logical consistency of legal norms" [19]. As a well-known Belarusian scholar A. G. Tikovenko correctly admits, the uncertainty of legal norms opens the possibility of arbitrariness, infringement of the equality of all before the law and the court, and violation of person's, citizen's and legal entities' rights and legitimate interests [20, p. 27].

The Belarusian unfair competition law is intended for the protection of both individuals and public as a whole. We believe that the potential legal norm, according to which the "pokutne" could be awarded for the purposes related to the support of the Belarusian national culture, would have unjust and even to some extent discriminatory character, since the Belarusian society consists of people of different nationalities,

maintaining, in varying degrees, their traditions, language and culture.

As the Belarusian law-enforcement practice shows, the persons aggrieved by unfair competition acts are

mainly entrepreneurs and commercial organizations not pursuing public goals. In this regard, their interest in making a claim for payment of the money to be awarded not in their favor seems very unlikely.

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