



БЕЛОРУССКИЙ  
ГОСУДАРСТВЕННЫЙ  
УНИВЕРСИТЕТ

ЖУРНАЛ  
БЕЛОРУССКОГО ГОСУДАРСТВЕННОГО УНИВЕРСИТЕТА

# МЕЖДУНАРОДНЫЕ ОТНОШЕНИЯ

---

JOURNAL  
OF THE BELARUSIAN STATE UNIVERSITY

# INTERNATIONAL RELATIONS

Издается с 2017 г.  
Выходит один раз в полугодие

---

2

2019

---

МИНСК  
БГУ

## РЕДАКЦИОННАЯ КОЛЛЕГИЯ

- Главный редактор**      **ШАДУРСКИЙ В. Г.** – доктор исторических наук, профессор; декан факультета международных отношений Белорусского государственного университета, Минск, Беларусь.  
E-mail: shadursky@bsu.by
- Заместитель  
главного редактора,  
ответственный  
секретарь**      **СЕЛИВАНОВ А. В.** – кандидат исторических наук, доцент; заместитель декана по учебной работе и информационным технологиям факультета международных отношений Белорусского государственного университета, Минск, Беларусь.  
E-mail: selivanych@bsu.by
- Балашенко С. А.**      Белорусский государственный университет, Минск, Беларусь.  
**Великий А. Ф.**      Белорусский государственный педагогический университет им. Максима Танка, Минск, Беларусь.  
**Довгань Е. Ф.**      Белорусский государственный университет, Минск, Беларусь.  
**Зам А.**      Международный образовательный центр, Берлин, Германия.  
**Коростелева Е.**      Кентский университет, Кентербери, Великобритания.  
**Космач В. А.**      Витебский государственный университет им. П. М. Машерова, Витебск, Беларусь.  
**Лопата Р.**      Институт международных отношений и политических наук Вильнюсского университета, Вильнюс, Литва.  
**Малай В. В.**      Белгородский государственный национальный исследовательский университет, Белгород, Россия.  
**Малевич Ю. И.**      Белорусский государственный университет, Минск, Беларусь.  
**Мальгин А. В.**      Московский государственный институт международных отношений, Москва, Россия.  
**Решетников С. В.**      Белорусский государственный университет, Минск, Беларусь.  
**Тертри Д.**      Центр исследований Европы и Евразии при Национальном институте восточных языков и цивилизаций, Париж, Франция.  
**Циватый В. Г.**      Дипломатическая академия Украины при МИД Украины, Киев, Украина.  
**Чахор Р.**      Польковский университет им. Яна Выжиковского, Польковице, Польша.  
**Чесновский М. Э.**      Белорусский государственный университет, Минск, Беларусь.

## EDITORIAL BOARD

- Editor-in-chief**      **SHADURSKI V. G.**, doctor of science (history), full professor; dean of the faculty of international relations of the Belarusian State University (Minsk, Belarus).  
E-mail: shadursky@bsu.by
- Deputy  
editor-in-chief,  
executive secretary**      **SELIVANOV A. V.**, PhD (history), docent; deputy dean for educational work and information technologies of the faculty of international relations of the Belarusian State University (Minsk, Belarus).  
E-mail: selivanych@bsu.by
- Balashenka S. A.**      Belarusian State University, Minsk, Belarus.  
**Vyaliki A. F.**      Belarusian State Pedagogical University named after Maxim Tank, Minsk, Belarus.  
**Douhan A. F.**      Belarusian State University, Minsk, Belarus.  
**Sahm A.**      International Education Center, Berlin, Germany.  
**Korosteleva E.**      University of Kent, Canterbury, United Kingdom.  
**Kosmach V. A.**      Vitebsk State University named after P. M. Masharov, Vitebsk, Belarus.  
**Lopata R.**      Institute of International Relations and Political Science of the Vilnius University, Vilnius, Lithuania.  
**Malay V. V.**      Belgorod State National Research University, Belgorod, Russia.  
**Malevich Y. I.**      Belarusian State University, Minsk, Belarus.  
**Malgin A. V.**      Moscow State Institute of International Relations, Moscow, Russia.  
**Reshetnikov S. V.**      Belarusian State University, Minsk, Belarus.  
**Teurtrie D.**      Center for European and Eurasian Studies of the National Institute of Oriental Languages and Civilizations, Paris, France.  
**Tsivaty V. G.**      Diplomatic Academy of Ukraine, Ministry of Foreign Affairs of Ukraine, Kyiv, Ukraine.  
**Czachor R.**      Jan Wyzykowski University, Polkowice, Poland.  
**Chasnouski M. E.**      Belarusian State University, Minsk, Belarus.

---

# ИСТОРИЯ МЕЖДУНАРОДНЫХ ОТНОШЕНИЙ И ВНЕШНЯЯ ПОЛИТИКА

---

## HISTORY OF INTERNATIONAL RELATIONS AND FOREIGN POLICY

---

УДК 327.7

### ATTEMPTS AT RESHAPING THE EURASIAN SPACE

A. M. BAICHOROV<sup>a</sup>

<sup>a</sup>*Belarusian State University, 4 Niezaliežnasci Avenue, Minsk 220030, Belarus*

The article contains an overview of the concepts and political and economic initiatives by Washington, Beijing, Moscow and Tokyo for reshaping of the Eurasian space. Some of them, such as American “New Silk Road” strategy, Chinese “Belt and Road” initiative and Russian “Great Eurasian partnership”, are examined in more detail. The article shows under what particular circumstances these initiatives were brought to life and how they evolved during the first two decades of the 21<sup>st</sup> century.

**Keywords:** Eurasian space; integration; strategy “New Silk Road”; initiative “Belt and Road”; concept “Great Eurasian partnership”; political-military alliance; conjugation; convergence; conflict; power; national interest; transportation; Eurasian Economic Union.

### ПОПЫТКИ ПЕРЕФОРМАТИРОВАНИЯ ЕВРАЗИЙСКОГО ПРОСТРАНСТВА

A. M. БАЙЧОРОВ<sup>1)</sup>

<sup>1)</sup>*Белорусский государственный университет, пр. Независимости, 4, 220030, г. Минск, Беларусь*

Рассмотрены концепции, политические и экономические инициативы Вашингтона, Пекина, Москвы и Токио по реформатированию евразийского пространства. Более подробно рассмотрены американская стратегия «Новый

---

#### Образец цитирования:

Байчоров АМ. Попытки переформатирования евразийского пространства. *Журнал Белорусского государственного университета. Международные отношения.* 2019; 2:3–10 (на англ.).

#### For citation:

Baichorov AM. Attempts at reshaping the Eurasian space. *Journal of the Belarusian State University. International Relations.* 2019;2:3–10.

---

#### Автор:

**Александр Мухтарович Байчоров** – доктор философских наук, профессор; профессор кафедры международных отношений факультета международных отношений.

#### Author:

**Aleksandr M. Baichorov**, doctor of science (philosophy), full professor; professor at the department of international relations, faculty of international relations.  
*albaichorov@mail.ru*

шелковый путь», китайская инициатива «Пояс и путь» и российская концепция «Большое евразийское партнерство». Показано, при каких обстоятельствах эти инициативы выдвигались и какую эволюцию претерпели в первые два десятилетия XXI в.

**Ключевые слова:** евразийское пространство; интеграция; стратегия «Новый шелковый путь»; инициатива «Пояс и путь»; концепция «Большое евразийское партнерство»; политико-военный альянс; сопряжение; конвергенция; конфликт; власть; национальный интерес; транспортировка; Евразийский экономический союз.

## Introduction

The history of Eurasia's reshaping is thousands years old. Different historical actors left their imprint on the Eurasian map. At different historic times the Eurasian destiny was determined by the Persians, the Greeks, the Chinese, the Mongols, the Arabs, the Turks, the Russians. In the 20<sup>th</sup> century two empires – the Soviet Union and Japan – tried to reshape it in accordance with their national interests (as they were perceived at the time). Not much is left from those attempts, and the Soviet and Japanese empires are no longer with us. However, different regional and world powers still continue to promote their visions of the future configuration of Eurasia.

In this article we will examine the latest attempts of such reconfiguration and introduce *the hypothesis* that the Eurasian realities proved to be very resilient and resist these attempts, actually the Eurasian space remains in essence the same as it was after the World War II.

There are a number of Belarusian researchers who examine different aspects of current developments in Eurasian space and specific initiatives aimed at its reshaping. This topic was studied by the scientists from the Belarusian State University [1–4]. In [1] the author looks into historic aspects of Eurasian integration, considers its consequences for the international security. He comes to a conclusion that “unlike European integration the Eurasian integration develops itself not just as multi-national but also as multi-civilizational one. It involves multi-confessional Christian countries

(Belarus), classic Eurasian countries like Kazakhstan (where young moslem leaders entered governmental program “Boshalak”, under which 80 % of them attended universities in the USA and EU states), classic moslem countries with Asian culture like Kyrgyzstan, countries with Causasian culture with a special sort of Christianity (Armenia), and finally Russia with its endless constellation of different cultures and religions” [1, p. 18]. M. V. Danilovich writes about the implementation of the Chinese reshaping initiative (the economic belt of the Silk Road) in the post-Soviet space, paying special attention to conjugation of this initiative with the Eurasian Economic Union. O. P. Rubo tries to figure out what role this Chinese initiative plays in the development of China – European Union relations.

A lot of Russian experts study different developments in the Eurasian space: a possibility of close partnership between the European and Eurasian integrations, the Chinese foreign and security policy in the Eurasian space, and the Shanghai Cooperation Organization role in the process of Eurasian integration [5–7]. Experts from other Eurasian Economic Union states also research different aspects of the Eurasian security and integration [8; 9].

Different political and economic processes in the Eurasian space take place right before our eyes. Major regional and world powers are trying to influence these processes and promote them in a way that better suits their national and geopolitical interests.

## Modern initiatives aimed at reshaping of Eurasia

Most attempts at reshaping the Eurasian space at the beginning of the 21<sup>st</sup> century were associated with the initiatives to resurrect the ancient Silk Road. These initiatives were introduced by the influential Eurasian states (China, Russia, Turkey) as well as the USA and Japan. Each of the initiators tried to use the ancient Silk Road philosophy of connectivity to accommodate its immediate needs.

In his Istanbul speech on 13 June 2006, the assistant Secretary of State for South and Central Asia R. A. Baucher declared the following: “General idea – to resurrect the fundamental essentials of the Silk Road. From East to West and from South to North the great world civilizations found ways to move goods in both directions between India and Asia and Middle East and Europe. That was the channel to exchange

ideas and knowledge. We hope that this region will be able again to merge together goods, peoples and ideas of the whole world” [10, p. 406]. Having used the Baucher's vision, the Turkish government introduced its own “Silk Road project” in 2008.

The US democratic administration under B. Obama developed the strategy of a “New Silk Road” that was publicly presented by Secretary of state H. Clinton in her speech in Chennai (India) on 20 July 2011. Director of the Institute of Central Asia and the Caucasus at Hopkins University F. Starr described this strategy to the Uzbek media representatives: “New US strategy... envisions formation of a new system of transportation ways and energy routes along the line of the ancient “Silk Road”” [11]. The Ministers of the countries situated along the Silk Road discussed US “New Silk Road”

strategy at their meeting in New York on 22 September 2011. They planned to use the Asian Development Bank resources to implement that strategy. Director-General of the Asian Development Bank department of Central and Western Asia J. Miranda supported that strategy and indicated that it had to have three main components: trade in energy resources, construction of infrastructure and exchange of ideas [12].

B. Obama administration considered the People's Republic of China (PRC) as an indispensable part of the New Silk Road. The US strategy envisaged an active China's engagement in reshaping the Eurasian space. This US position was based on the assumption expressed by Secretary of State H. Clinton in her famous article "America's Pacific Century" published in November 2011 in "Foreign Policy" journal. She wrote: "The fact is that a thriving America is good for China and a thriving China is good for America. We both have much more to gain from cooperation than from conflict" [13].

The international situation somewhat changed after 2011. In 2012 the PRC tried to aggressively reclaim the Senkaku Islands from Japan. It built its first air force carrier and started building the second. The People's Liberation Army (PLA) of the PRC got modern submarines and new navy cruise missiles as well as modernized inter-continental DF-41 and intermediate DF-17 missiles. Beijing resumed vigorously pursuing the policy of turning the South China Sea into the China domestic water basin. Using cheap state credits, the Chinese corporations intensified their quest for controlling international markets. They were very successful in Africa, partially successful in Latin America, and even made some strides into the European and US markets.

All of the above caused grave concern in the West and determined rethinking of its strategy towards the PRC. Instead of engagement there was more and more talk about China's containment. At the beginning of 2013 the talks turned into deeds. Negotiations between the USA and the EU started on creating of the most powerful economic mega partnership – Trans-Atlantic Trade and Investment Partnership. Then the EU and Japan began joint work on forming a Free Trade Area. In Spring 2013 Washington intensified the negotiations on Trans-Pacific Partnership, which as the previously mentioned two economic mega partnerships excluded the PRC.

Under these circumstances Beijing was forced to invent something on its own, to find its counter play. The Chinese political leadership understood quite well that the PRC even with all its newly acquired economic might is not the match against the combined economic and political forces of the West. Beijing would not be able to block the mega partnerships' initiatives of the Western countries if they proceeded in forming them. Furthermore, it was in the very interests of the growing Chinese economy that was dependent on export

markets to preserve the free world trade. Therefore, in contradiction to the protectionist in essence Western integration initiatives Chinese President Xi Jinping announced in his speech at the Nazarbaev University in Astana on 7 September 2013 the concept of Economic Belt of the Silk Road, aiming at facilitating the international trade. 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). He said that "member-states and observer-states of the Eurasian Economic Union and the Shanghai Cooperation Organization are situated in Eurasia, Southern and Western Asia by strengthening cooperation between SCO and Eurasian Economic Union, we will be able to obtain even larger space for development" [14, 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.

Since its inception, the Beijing Silk Road initiative was rebranded at least three times. At first, it was called "The Economic Belt of the Silk Road". The second rebranding occurred when the 21<sup>st</sup>-century Maritime Belt was added to the Economic Belt of the Silk Road (2014). With this addition, 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 (2015) the Silk Road Economic Belt and the 21<sup>st</sup>-century Maritime Silk Road were referred to as the Belt and Road initiative – BRI [15, p. 3]. The third brand name – BRI – is mostly used for foreign audiences today. The Development Research Center of the PRC State Council performing the functions of the Secretariat of the Silk Road Think Tank Network promotes the BRI brand at the annual BRI Forums that take place in different countries and include international political, business and academic prominent figures. At the same time the OBOR brand is still used inside China. For example, Xi Jinping referred to *yi dai yi lu* (one belt, one road) in his plenary report to the 19<sup>th</sup> National Congress of the Communist Party of China (2017).

The Russian Federation was also trying to contribute to the reconfiguration of the Eurasian space. It created the Customs Union of Belarus, Kazakhstan and Russia (2009). As soon as the Customs Union began functioning in 2010, V. Putin started to promote the idea of a common economic area from Lisbon and Vladivostok. In his article "New Integration Project for Eurasia" V. Putin wrote: "Economically logical and

balanced system of partnership of Eurasian Union and EU can create real conditions for the changes in geopolitical and geoeconomic configuration of the entire continent and would have undoubtedly positive global effect" [16]. There were even a few supporters of this ambitious idea of "integration of integrations" in the EU leadership. President of the European Commission J. M. Barroso, speaking in Saint Petersburg on 4 June 2012 at V. Putin presence, declared: "Last year, you, President Putin, set out your vision for a free trade zone from Lisbon to Vladivostok. We share that ambition. The first step to achieve it will be precisely your WTO accession, which as you know we actively supported, followed by the conclusion of an ambitious and comprehensive new agreement between the European Union and Russia" [17, p. 16]. Unfortunately, this ambitious concept of integration of integrations did not materialize due to the Russian interference in the Ukrainian affairs in 2013–2014 and the subsequent EU sanctions against Moscow.

In May 2014 under the Russian insistence the Treaty on the creation of the Eurasian Economic Union (EAEU) was signed by Russia, Belarus and Kazakhstan. In Beijing this treaty was assessed as yet another attempt by the Russian Federation to protect its zone of influence and yet another step on the protectionist road in world trade.

Beijing took advantage of the difficult international situation of Russia that was isolated from Western investments, credits and technologies to effectively open up the EAEU for the PRC economic participation by means of "conjugation" of the EAEU and the BRI (the relevant Joint Statement was signed by V. Putin and Xi Jinping on 8 May 2015 [18]). Russian expert S. Karaganov thinks that by going along with the "conjugation" the Kremlin was trying to apply the BRI economic potential to the EAEU needs, as well as to more closely control the Chinese activities in the post-Soviet space [19].

In the course of time it became more and more evident that the PRC has plentiful resources to be used for the BRI promotion and Russia has rather limited resources to support the EAEU. There was a danger that the "conjugation" might become one sided and the Russian Federation might be left out of the process of the Eurasian reconfiguration. In order not to be left out, Moscow introduced yet another initiative of Greater Eurasia Partnership.

Russian President V. Putin described this initiative in his annual address to the Russian Parliament on 3 December 2015: "I propose, together with the colleagues from the Eurasian Economic Union, to start consultations with the members of the Shanghai Cooperation Organization (SCO), ASEAN, as well as with the states that are joining the SCO on formation of a possible economic partnership... This partnership could, at first, deal with the issues of investments' protection, improving procedures of trans border goods'

transit, joint elaboration of the technical standards for the products of the next technological generation, on reciprocal openness of the market access for services and capitals" [20]. The Chinese participants of the first BRI Summit in Beijing in May 2017 could not believe their ears when they were listening to Putin's speech at the Summit plenary. After a few casual approving phrases about the BRI he devoted his entire speech to explaining the Russian initiative of Greater Eurasian Partnership.

In April 2019 the second BRI Summit took place in Beijing. 37 heads of states and governments and leaders of international organizations took part in it (that was 8 persons more than in the first summit). During the second summit the Chinese side announced that the PRC had already spent more than one trillion of dollars on the BRI projects (independent experts think that in reality Beijing spent a few hundred million [21]). At the summit there was mostly praise towards the BRI and virtually no discussions of its problems.

Nevertheless, by the end of the second decade of the 21<sup>st</sup> century three major problems that hinder the BRI implementation emerged.

Firstly, there is a debt problem. One would say that China catches its BRI partners in a "debt trap" and then takes their assets in reparation of the debt (this happened, for example, with the sea port in Sri Lanka that ended up in the Chinese hands).

Secondly, there is a transparency problem. The list of the BRI projects is not published yet. The conditions for obtaining Chinese credits are unknown. The negotiations on the projects are conducted, as a rule, behind closed doors, and only under the pressure of the public opinion explosion after the information leaks the agreed terms of projects' realization were renegotiated (as it happened in Malaysia, Myanmar and Pakistan).

The third problem is a low level of the organization of the BRI implementation. The BRI has not become an international institution with open standards and rules of work with partners. J. Crabtree, a fellow of Asia Pacific Research Program (based in Singapore), wrote in the British paper that in order to secure the BRI successful implementation, it would be necessary to apply Chinese-style central planning methods along with greater transparency, "without it, the oddly chaotic and decentralized model pioneered in the BRI's first five years is unlikely to help the project thrive over the next five" [21]. J. Crabtree is certain that the Chinese Government will not do that, because "ending BRI's reliance on loose bilateral deals would limit Beijing's room for geopolitical manoeuvre" [21].

Big propaganda noise about the possibility for the BRI to become an alternative to the sea transportation routes between the East and the West of Eurasia is abating. The PRC experiences more and more difficulties in countering the Western strategy of containment. In addition, new circumstances emerged that made the BRI implementation even more question-

able. Firstly, after several trains railroded from China to the European Union under the BRI flag, it was discovered that there are not many goods waiting in Europe to be moved to China. And the trains on their way back to China were virtually empty. Secondly, new sea container carriers that can ship at once 18 thousand standard 40-foot containers were built. This made sea transportation, which was two times less expensive than railroad transportation through Eurasia, even cheaper. Thirdly, some advantage in time span that railroad transportation had over sea routes going over Africa could be soon eliminated with the beginning of the regular use of the Arctic Sea Route. Due to global warming it is almost clean from ice during summer months and does not require now the obligatory ice breakers for accompanying the trade vessels. Beijing was following the last circumstance with great attention and made sure to receive an observer status at the Nordic Council.

Tokyo very jealously looks upon Beijing's efforts to reshape Eurasian space according to its needs. One

could dispute whether Japan is a Eurasian country; most probably it is a classical sea brim nation. Nevertheless, country of the rising sun interest in reconfiguration of Eurasia was sharpened at the end of the 2010s. Japan introduced its own "Vision of the Indo-Pacific region" ("Vision"). The Asian Development Bank with its Tokyo headquarters had to provide the financial toolkit for the "Vision" infrastructure projects in the region. Beijing immediately recognized the "Vision" as a Japanese plot to create in Asia a new military alliance under the US umbrella.

It seems that by introducing its "Vision" Japanese strategists did not play in the hands of Washington; they were trying to propose a new order in the region based on internationally recognized rules. These rules could contain extremist one-sided actions either by the PRC or by the USA. Herewith, the "Vision" envisaged that the new order should be based on respect for the democratic rules and procedures, and the latter did not go well with the Beijing autocracy.

### **Status of the reconfiguration initiatives at the end of the 2010s**

What is the state of the main initiatives to reshape Eurasia at the end of the second decade of the 21<sup>st</sup> century?

Washington does not come back to the concept of "New Silk Road". According to the new National Security Strategy adopted under D. Trump, the main threats to world peace and security emanate not from Afghanistan and international terrorism, but from Russia, North Korea and China (from the Chinese export policies and the Beijing's policy of South China Sea incorporation, in particular). The republican administration of D. Trump, unlike democratic administration of B. Obama, thinks that not cooperation but conflict could bring America more dividends in dealing with the PRC. Opening the trade war with China, Washington planned to achieve quick success. The US administration very cleverly struck its blows. The main blow was directed against the growth points of the Chinese economy (ZTE and Huawei corporations, for example). America managed to persuade Beijing to adopt a law that prohibits the administrative pressure on the foreign companies in China forcing them to transfer their technologies to their Chinese counterparts. Washington even extracted a promise from Beijing to strictly obey the rules on preserving the rights of intellectual property.

At the same time, the US pressure failed to change the Chinese industrial and export policies. Beijing continues to provide various kinds of state credits and other governmental assistance to the Chinese corporations abroad. Washington failed to stop the global Chinese economic offensive by the market methods (by open competition). Today it looks like the USA is ready to get involved in a protracted economic confrontation with the PRC, and it would like to get the other power centers of the West on its side. Under these circum-

stances, Washington might not be ready to play an active role in the disputes on the Eurasian space reconfiguration.

Beijing, having spent serious money on the BRI promotion and propaganda, begins to cool out towards this initiative. The BRI main tangible result is the creation of the Asian Infrastructure Investments Bank, which at the beginning of the third decade of the 21<sup>st</sup> century is becoming an important instrument of the Chinese influence in Asia. Having been involved in the trade war with the USA, Beijing pays less attention to the current Eurasian problems. It views Russian Greater Eurasian Partnership initiative skeptically. At the same time being under the US pressure, the PRC accepts with much greater desire the cooperation with the Russian Federation on economic, technological and military issues. Some Russian experts (A. Migryan) even started schooling the West by implicating that the short sighted D. Trump's policy towards China and Russia could lead to the latter's consolidation and forming their political-military alliance. In fact, several objective circumstances (complementarity of their national economies, being both targets of the Western containment policies, etc.) do favor closer convergence of the two countries. Nevertheless, it is today too early to speak about the creation of a political even less so military block, because Moscow and Beijing both consider themselves as the main center of such hypothetical creation.

The prominent Russian political scientist V. Nikonov considers that Russian Federation is a Euro-Pacific country, the country is the center of Eurasia and the center of the Euro-Pacific region. And director of the International Relations and World Economy Institute of the Russian Academy of Sciences F. Voitlovsky

underlines that Block China–Russia is a myth. The countries are partners, not a military-political alliance.

Moscow was not able to persuade the national leaders of Belarus and Kazakhstan to turn the EAEU into a political alliance. Four years of playing with the idea of the EAEU–BRI conjugation have not brought any tangible results. The Greater Eurasian Partnership remains an empty phrase, because neither the ASEAN countries nor the SCO countries showed any desire to become a party to this Russian design. At present, Moscow is trying to use the Russian Federation convergence with China, firstly, to resolve the Russian economic problems, including specific problems of the Russian Far East; secondly, to scare the West with the Moscow–Beijing axis unless the Western states come to their senses

and cancel the anti-Russian sanctions. To demonstrate this threat, in 2019, Moscow started unprecedented joint air force patrolling over the waters of the Japan Sea and East China Sea and over the Western part of the Indian Ocean. Russian and Chinese navies began joint maneuvers in the Far East as well as in the Baltic and Mediterranean Seas. The PLA elite battle groups became constant participants in almost all Russian military exercises and military contests. At the same time, there is a constant concern in the Kremlin corridors that a too greater convergence might lead to Russia's losing its economic and, as a consequence, political agency. Therefore, in the 2010s, Moscow lobbied India's joining the SCO and tried to use different means to reanimate the China–Russia–India consultative triangle.

### Conclusion

The initiatives, projects and efforts of different actors of world politics to reshape Eurasia introduced at the beginning of the 21<sup>st</sup> century have led to virtually nothing. The Eurasian space remains a part of the Globe, which is home to in many ways incompatible China and the European Union, a place where the interests of great powers meet but not necessarily connect.

China stands out as the most powerful Eurasian nation that abandoned its timid behavior and started to more actively use its economic, political and military strength for protecting and promoting the national interests. President Xi Jinping openly proclaimed the goal of the rejuvenation of the Chinese nation and is not going to be intimidated by trade wars or military maneuvers at the Chinese borders. One shall expect more robust and innovative initiatives aimed at Eurasia reshaping on the Beijing's part.

Being part of Eurasia, so far the European Union has played a rather passive role in its reconfiguration. Brussels was mostly preoccupied with dealing with the consequences of the current crises, be it in Yugoslavia, Iran, Syria, Georgia, Ukraine or Britain. Now, having the external service at its disposal, the EU will be able to formulate a more cohesive position vis-à-vis the Chinese and Russian initiatives and develop a proactive elaborate strategy for countering the threats and challenges emanated from the Eurasian space. Establishment of the EU–Japan FTA that entered into force in 2019 gives Brussels additional levers to influence the Eurasian situation.

The Russian Federation remains one of the most important and active players in Eurasian affairs. Unlike China and EU that can rely on their economic might while dealing with the Eurasian problems, Moscow invokes its impressive military capabilities and its influence over the post-Soviet space (which has recently become eroded because of the Ukrainian tilt to the West). It looks like Russia could not generate great following for its own reconfiguration initiatives while it still can strongly influence the state of affairs in Eurasia by joining sides either with China or the European Union. Which side it will take depends on the policies of Brussels and Beijing towards Russia.

There will be no return to the New Silk Road strategy of B. Obama administration that envisaged China involvement. The policy of the PRC containment enjoys bipartisan support in the US Congress. Therefore, even under democratic administration there will be a continuation of trade wars with China as well as other forms of Sino-American confrontation. A democratic President might conduct this policy with more consultations and reliance on the US allies and with fewer expectations of immediate positive results for the US national economy. It will be more long-term oriented. A democratic president might even revive negotiations on the Trans-Atlantic Trade and Investment Partnership and renovate the US participation in the Trans-Pacific Partnership – two economic mega partnerships that could reshape the opposite sides of the Eurasian space.

### Библиографические ссылки

1. Baichorov AM. Eurasian integration at the crossroads. *Journal of the Belarusian State University. International relations*. 2017;2:13–18.
2. Байчоров АМ. Евразийская интеграция и международная безопасность. В: Байчоров АМ, редактор. *Актуальные проблемы международных отношений: сборник научных статей. Выпуск 6*. Минск: БГУ; 2018. с. 7–20.
3. Данилович МВ. Экономический пояс Шелкового пути: особенности реализации проекта на пространстве ЕАЭС. В: Байчоров АМ, редактор. *Актуальные проблемы международных отношений: сборник научных статей. Выпуск 4*. Минск: БГУ; 2016. с. 235–239.



4. Рубо ОП. Роль инициативы «Один пояс – один путь» в отношениях Европейского союза с Китаем. В: Байчоров АМ, редактор. *Актуальные проблемы международных отношений: сборник научных статей. Выпуск 4*. Минск: БГУ; 2016. с. 247–248.
5. Межевич НМ. *Интеграция интеграций: стоит ли искать черную кошку в темной комнате?* СПб: [б. и.]; 2015. 48 с.
6. Понька ТИ, Бельченко АС, Трусова АА. Двухвекторный подход КНР к разрешению споров в Южно-Китайском море. *Вестник Российского университета дружбы народов. Серия: Международные отношения*. 2017;17(3):518–529.
7. Юртаев ВИ, Рогов АС. ШОС и БРИКС: особенности участия в процессе евразийской интеграции. *Вестник Российского университета дружбы народов. Серия: Международные отношения*. 2017;17(3):469–482.
8. Арутюнян Б. ЕАЭС: интеграционный союз или геополитический центр. *Новая Евразия*. 2015;1:12–15.
9. Laumulin MT. The Eurasian security system and Belarus: problems of geopolitical interdependence. *Journal of the Belarusian State University. International relations*. 2017;2:31–40.
10. Кузиев НА. Концепция Нового шелкового пути: суть, специфика, перспективы. *Молодой ученый*. 2015;2(82):406–408.
11. Американский эксперт раскрыл суть стратегии «Нового Шелкового пути» [Интернет; процитировано 26 февраля 2018 г.]. Доступно по: <http://regnum.ru/news/1469591.html>.
12. Марат Э. Афганистан в центре американской стратегии «Нового шелкового пути». 29 сентября 2011 г. [Интернет; процитировано 27 февраля 2018 г.]. Доступно по: <http://golos-ameriki.ru/a/afganistan-silk-parth-2011-09-29-130815828/246008.html>
13. Clinton H. America's Pacific century [Internet; cited 2018 February 27]. *Foreign Policy*. Available from: [http://www.foreignpolicy.com/articles/2011/10/11/americas\\_pacific\\_century?page=0,6](http://www.foreignpolicy.com/articles/2011/10/11/americas_pacific_century?page=0,6).
14. Си Цзиньпин. *О государственном управлении*. Пекин: Издательство литературы на иностранных языках; 2014. 540 с.
15. Vision and actions on jointly building Silk Road Economic Belt and 21st-century Maritime Silk Road. 2015 March 28. Issued by the National Development and Reform Commission, Ministry of Foreign Affairs and Ministry of Commerce of the People's Republic of China, with State Council authorization, March 2015. 24 p.
16. Путин ВВ. Новый интеграционный проект для Евразии – будущее, которое рождается сегодня [Интернет; процитировано 2 марта 2016 г.]. Доступно по: <https://iz.ru/news/502761>.
17. For good days and for bad... Words of union. Lisbon/Vladivostok. *The Magazine for a Common Economic Space*. 2019; 2:12–19.
18. Совместное заявление Российской Федерации и Китайской Народной Республики о сотрудничестве по сопряжению строительства Евразийского экономического союза и экономического пояса Шелкового пути. 8 мая 2015 г. [Интернет; процитировано 1 ноября 2011 г.]. Доступно по: [kremlin.ru/supplement/4971](http://kremlin.ru/supplement/4971).
19. Караганов С. Обещание Евразии. Поворот Китая на Запад крайне выгоден России. 26 октября 2015 г. [Интернет; процитировано 29 сентября 2019 г.]. Доступно по: <http://karaganov.ru/publications/378>.
20. Послание Президента Федеральному Собранию. 3 декабря 2015 г. [Интернет; процитировано 29 сентября 2019 г.]. Доступно по: <http://kremlin.ru/events/president/news/50864>.
21. Crabtree J. China needs to make the Belt and Road initiative more transparent and predictable 2019 April 29. [Internet; cited 2019 June 16]. Available from: <https://www.chathamhouse.org/expert/comment/china-needs-make-belt-and-road-initiative-more-transparent-and-predictable>.

## References

1. Baichorov AM. Eurasian integration at the crossroads. *Journal of the Belarusian State University. International relations*. 2017;2:13–18.
2. Baichorov AM. [Eurasian integration and European security]. In: Baichorov AM, editor. *Aktual'nye problemy mezhdunarodnykh otnoshenii: sbornik nauchnykh statei. Vypusk 6* [Actual problems of international relations and global development: collection of scientific articles. Issue 6]. Minsk: Belarusian State University; 2018. p. 7–20. Russian.
3. Danilovich MV. [Economic belt of the Silk Road: characteristics of its implementation in the EAEU space]. In: Baichorov AM, editor. *Aktual'nye problemy mezhdunarodnykh otnoshenii: sbornik nauchnykh statei. Vypusk 4* [Actual problems of international relations and global development: collection of scientific articles. Issue 4]. Minsk: Belarusian State University; 2016. p. 235–239. Russian.
4. Rubo OP. [Role of “One Belt – One Road” initiative in the relations of the European Union with China]. In: Baichorov AM, editor. *Aktual'nye problemy mezhdunarodnykh otnoshenii: sbornik nauchnykh statei. Vypusk 4* [Actual problems of international relations and global development: collection of scientific articles. Issue 4]. Minsk: Belarusian State University; 2016. p. 247–248. Russian.
5. Mezhevich NM. *Integration of integrations: should one look for a black cat in the dark room?* Saint Petersburg: [s. n.]; 2015. 48 p. Russian.
6. Pon'ka TI, Bel'chenko AS, Trusova AA. [Double vector approach of the PRC to the resolution of the disputes in the South China Sea]. *Vestnik RUDN. International Relations*. 2017;17(3):518–529. Russian.
7. Yurtaev VI, Rogov AS. [SCO and BRICS: characteristics of the participation in the process of Eurasian integration]. *Vestnik RUDN. International Relations*. 2017;17(3):469–482. Russian.
8. Arutunyan B. [EAEU: integrational union or geopolitical center]. *Novaya Evraziya*. 2015;1:12–15. Russian.
9. Laumulin MT. The Eurasian security system and Belarus: problems of geopolitical interdependence. *Journal of the Belarusian State University. International relations*. 2017;2:31–40.
10. Kuziev NA. Concept of the New Silk Road: essence, specificity, prospects. *Molodoi uchenyi*. 2015;2(82):406–408. Russian.
11. American expert described the essence of “New Silk Road” strategy [Internet; cited 2018 February 26]. Available from: <http://regnum.ru/news/1469591.html>. Russian.
12. Marat E. Afghanistan in the center of the US “The New Silk Road” strategy. 2011 September 29. [Internet; cited 2018 February 27]. Available from: [http://where.goglos\\_ameriki.ru/a/afganistan-silk-parth-2011-09-29-130815828/246008.html](http://where.goglos_ameriki.ru/a/afganistan-silk-parth-2011-09-29-130815828/246008.html). Russian.

13. Clinton H. America's Pacific century [Internet; cited 2018 February 27]. *Foreign Policy*. Available from: [http://www.foreignpolicy.com/articles/2011/10/11/americas\\_pacific\\_century?page=0,6](http://www.foreignpolicy.com/articles/2011/10/11/americas_pacific_century?page=0,6).
14. Xi Jinping. *O gosudarstvennom upravlenii* [On state management]. Beijing: Izdatel'stvo literatury na inostrannykh yazykakh; 2014. 540 p. Russian.
15. Vision and actions on jointly building Silk Road Economic Belt and 21<sup>st</sup>-century Maritime Silk Road. 2015 March 28. Issued by the National Development and Reform Commission, Ministry of Foreign Affairs and Ministry of Commerce of the People's Republic of China, with State Council authorization, March 2015. 24 p.
16. Putin VV. New integration project for Eurasia – the future that is born today [Internet; cited 2016 March 2]. Available from: <https://iz.ru/news/502761>. Russian.
17. For good days and for bad... Words of union. Lisbon/Vladivostok. *The Magazine for a Common Economic Space*. 2019. 2:12–19.
18. Joint statement of the Russian Federation and the People's Republic of China on cooperation in conjugation of the building of the Eurasian Economic Union and the Economic belt of the Silk Road. 2015 May 8. [Internet; cited 2019 November 1]. Available from: [kremlin.ru/supplement/4971](http://kremlin.ru/supplement/4971). Russian.
19. Karaganov S. [Promise of Eurasia. Pivot of China to the West is extremely beneficial for Russia]. 2015 October 26. [Internet; cited 2019 September 29]. Available from: <http://karaganov.ru/publications/378>. Russian.
20. President's address to the Russian Federation Parliament. 2015 December 3. [Internet; cited 2019 September 29]. Available from: <http://kremlin.ru/events/president/news/50864>. Russian.
21. Crabtree J. China needs to make the Belt and Road initiative more transparent and predictable. 2019 April 29. [Internet; cited 2019 June 16]. Available from: <https://www.chathamhouse.org/expert/comment/china-needs-make-belt-and-road-initiative-more-transparent-and-predictable>.

*Received by editorial board 01.11.2019.*

УДК 327.7

## EURASIAN INTEGRATION: FROM POST-SOVIET TO NEW REGIONAL PROJECTS

R. M. TURARBEEKAVA<sup>a</sup>

<sup>a</sup>Belarusian State University, 4 Niezaliežnasci Avenue, Minsk 220030, Belarus

The article considers the problem of Eurasian integration as a contradictory process that has gone from disintegration of a single political and economic union to the beginning of the formation of a new regional organization of the Eurasian Economic Union (EEU). The peculiarity of considering the problem is the combination of two research approaches: historical institutionalism and context analysis. As a result, the author concludes that the EEU member states are not very flexible in creating strong supranational bodies due to the specific character of their own political systems. On the other hand, the real economic interests of all EEU countries and Russia's geopolitical motives are centripetal factors.

**Keywords:** Belarus; Russia; Kazakhstan; foreign policy; Eurasian integration; institutional design; regional projects; CIS; EEU; Belt and Road initiative.

## ЕВРАЗИЙСКАЯ ИНТЕГРАЦИЯ: ОТ ПОСТСОВЕТСКИХ К НОВЫМ РЕГИОНАЛЬНЫМ ПРОЕКТАМ

P. M. ТУРАРБЕКОВА<sup>1)</sup>

<sup>1)</sup>Белорусский государственный университет, пр. Независимости, 4, 220030, г. Минск, Беларусь

Рассмотрена проблема евразийской интеграции как противоречивого процесса, который прошел путь от дезинтеграции единого политического и экономического союза к началу формирования новой региональной организации Евразийского экономического союза. Специфика изучения проблемы заключается в сочетании двух исследовательских подходов: исторического институционализма и контекстуального анализа. Автор приходит к выводу, что члены ЕАЭС не очень гибки при создании сильных наднациональных органов в силу особенностей собственных политических систем. В то же время реальные экономические интересы всех стран ЕАЭС и геополитические мотивы России являются центростремительными факторами.

**Ключевые слова:** Беларусь; Россия; Казахстан; внешняя политика; евразийская интеграция; институциональный замысел; региональные проекты; СНГ; ЕАЭС; инициатива «Пояс и путь».

### Introduction

What is the Eurasian Economic Union (EEU)? Is it a new regional integration project based on the economic principles of member countries or the reintegration of the post-Soviet space in a short form?

From the very beginning of the creation of the EEU, a question arose about the imitation of the experience of European integration. This manifested itself in different ways, but the difference between the EU and the

---

#### Образец цитирования:

Турарбекова РМ. Евразийская интеграция: от постсоветских к новым региональным проектам. *Журнал Белорусского государственного университета. Международные отношения*. 2019;2:11–18 (на англ.).

#### For citation:

Turarbekava RM. Eurasian integration: from post-Soviet to new regional projects. *Journal of the Belarusian State University. International Relations*. 2019;2:11–18.

---

#### Автор:

**Роза Маратовна Турарбекова** – кандидат исторических наук, доцент; доцент кафедры международных отношений факультета международных отношений.

#### Author:

**Roza M. Turarbekova**, PhD (history), docent; docent at the department of international relations, faculty of international relations.  
turarbekova@tut.by

EEU remains to be the main problem. In order to answer this question, it is necessary not only to compare existing institutions, but also to look at the history or even the background of their creation.

Part of this problem is posed in my previous article, which is devoted to Eurasian integration projects in the context of the EU policy. It addressed the issues of disintegration and integration in the post-Soviet space from 1991 to 2004 [1].

Both cases (the EU and the CIS) are fundamentally different political processes: the first one is an example of integration, the second is an example of disintegration. Returning to the well-known facts, we will invent the Eurasian space from the point of view of regional building, which is expressed, among other things, in the institutionalization of the EEU project.

It is necessary to explain what methodological tools and what concepts can most fully explain the regional building of the Eurasian Economic Union. Understanding that the conflict perception of Russia in the eyes of the West continues to be the most serious problem, on the contrary, we tried to address the analysis of the context of the emergence and development of the project of Eurasian integration.

Contextual analysis, as well as historical institutionalism, are promising scientific concepts and tools for understanding the processes of regional building. Actually, only taking into account history it is possible to talk about such social phenomena as traditions, norms and values. The Eurasian megaregion includes many regions, subregions, with a different set of civilizations features, including social structures and institutions, norms, cultural traditions, both tangible and intangible. That is why Eurasia is difficult to identify as a single region with one culture, civilization, social practice.

Since the early 1990s, the European community was declared as a new “global actor” and was renamed the European Union in accordance with the Maastricht Treaty of 1993. At the same time, according to European experts, the institutionalization of the EU’s foreign policy is starting [2, p. 26–27]. The emergence of such a significant global actor on the Eurasian conti-

nent, following the disappearance of another global actor which is the USSR, meant the start of a new regionalism. It is also necessary to note the strong normative-value component of European integration.

On the other hand, there was an attempt to identify regional identity within the CIS, which originated earlier in 1991–1992, with the beginning of the signing of the Agreement on the establishment of the CIS and the Alma-Ata Declaration.

Despite the different approaches to assessing what the Commonwealth of Independent States is in the text of the agreement, all the signs of regional identity are present. As evidenced by the introduction of the Treaty, which says about the “historical community... peoples...” and art. 6, 7 the normative component was not original and was close to European, which is one of the arguments in favor of the fact that the former Soviet republics tried to imitate the EU [3].

It should also be noted that the document was signed only by three actors: Russia, Belarus and Ukraine. This case requires separate consideration. It should be added that, given the absence of the Central Asian and South Caucasus republics, it was difficult to actually call that document an agreement, despite the fact that the parties referred to the Treaty of 1922, which the three countries were signatories to.

However, the dissolution of the USSR demanded the equal participation of all the Union republics. Therefore, on 21 December 1991, a summit was held in Alma-Ata, where the dissolution of the Soviet Union and the creation of the CIS was finally fixed. An interesting fact is that in one of the last parts of the document it is indicated that the participants are striving to create a “common economic space” understanding it as a space of “pan-European and Eurasian markets” [4].

Based on the foregoing, we can conclude that the post-Soviet space was not homogeneous even in the self-perception of the Soviet party elite. The space was perceived as internally divided into the European part (the republics that signed the Bialowieza Agreement) and the Eurasian (those who joined the Alma-Ata Declaration).

### **The collapse of the post-Soviet space: the CIS**

The disintegration of the post-Soviet space developed throughout the 1990s. The key factor was the new state building in Russia. Since it was connected with the “dismantling” of the Soviet state, its goal was to decentralize the political institutions of the Soviet past. In this regard, Russia’s foreign policy in the CIS was not active, but reactive. The key issue of all the CIS heads of state meetings held in 1992 was the problem of the division of the Soviet Union property.

Institutionalization of the CIS was rapid, but not very effective. Representation of interests, as well as the overall political systems of all the former republics were only being formed. Therefore, it was virtually

impossible to conduct a parallel transfer of a part of sovereign rights.

Therefore, later in the first half of the 1990s, it became obvious that integration within the CIS had the format of a soft or civilized divorce. Nevertheless, Russia’s military-strategic interests demanded to support the idea of Eurasian integration in order to maintain influence on the “southern flank”. The CIS was not a priority in Russia’s foreign policy in the early 1990s. Heading towards reforms in Russia reduced its activity in the CIS. In particular, the economy of state funds in the military sphere influenced its position in preserving a single defense space.

That was the beginning of a new era of relations between Russia and the West. In return for reducing nuclear arsenals, issue number two was the provision of loans for reforms in Russia. The allocation of small loans, the growing tensions in President B. Yeltsin's relations with the Supreme Council (Soviet Parliament), the negative consequences of the reforms and the collapse of the Soviet economy, and the disintegration of the post-Soviet space contrasted with the "romantic" relations between the Russian President and the West.

The focus of the Russian foreign policy began to change since 1993. The most important event was the adoption of the CIS Charter (22 January 1993). The adoption of the CIS Charter meant that Russia's foreign policy towards the post-Soviet republics was becoming active. The "return" of Russia to the post-Soviet space in 1993 was not complete and had a spontaneous character. There were also restrictions on Russia's activity.

### **State building, domestic political conflicts and the emergence of new regional projects**

On 3–4 October 1993, the conflict between the President and the Russian Parliament reached its climax. As a result of the use of force, parliament was dissolved. The reformist liberal government of E. Gaidar excluded the republics of Central Asia from the ruble zone, since it regarded them as ballast (as it was said in the program "News" on 3–4 November, 1993). In general, it is obvious that the domestic conflict in Russia became a factor of a contradictory position. It should also be noted that in September 1993, Deputy Foreign Minister of the Russian Federation A. Adamishin stated that Russia views Central Asia as a zone of vital interests ("Red Square", 18 September 1993). However, in October 1993, the policy of reform became more relevant and geostrategic interests were moved to the periphery.

The creation of a new political system in Russia was a dramatic process, which was accompanied by a conflict of values. Different political groups, conflicting with each other, advocated for different priorities in domestic and foreign policy. Representative institutions such as the Supreme Soviet and then the State Duma insisted on protecting the Russian population in the former Soviet republics and, therefore, on a more active policy in the CIS.

The results of the State Duma elections (December 1993) showed that the position of Russians in the former Soviet republics still remained the most sensitive issue. The policy of the E. Gaidar Government was not supported by the State Duma, where such parties as the Liberal Democratic Party of Russia and the Communist Party of the Russian Federation had the majority. On the contrary, their victory showed which agenda for foreign policy was more relevant.

The disintegration of the post-Soviet space actually ended with the destruction of a single currency zone

The contradiction between the declared desire for reintegration and practical steps clearly showed the solution of the problem of reducing the zone of the Russian ruble to the borders of Russia itself, with the exception of Tajikistan.

In the second half of 1993 Russia became an active participant in the resolution of regional conflicts in the post-Soviet space. B. Yeltsin, as President of Russia, took an active part in resolving conflicts in Azerbaijan and Georgia. The termination of armed conflicts in Nagorno-Karabakh and Abkhazia was the entry of Azerbaijan and Georgia into the CIS. This process is discussed in more detail in my previous article [1, p. 46].

The CIS project was a reintegration project in the institutional design in which the tools not typical for ordinary diplomacy were used. Undoubtedly, this was a consequence of the fact that *de facto* a single space was still partly functional, but disintegration continued.

and defense space. The newly independent states actively created their political and economic systems. However, the reintegration or new integration projects of the former Soviet republics had a high social and economic order in Russia, Kazakhstan and Belarus. This order was formulated through the creation of specific political systems with a very strong power of one institution – the Presidency. The constitutional framework of Russia, Belarus and Kazakhstan took shape between 1993 and 1995. The domestic institutional environment of these states created the conditions for long-term trends in domestic and foreign policy. Decisions in super-presidential republics became personalistic. Political capital, reputation and, accordingly, the need to fulfill promises put integration on the agenda of all three presidents of Russia, Belarus and Kazakhstan.

Without giving political assessments of such a situation, it, however, makes sense to ask the question: if these states with a super-presidential form of government create an integration association, is that part of the power that should be given to supranational bodies the presidential power?

What should be the institutional framework for a regional Eurasian organization in the event that the participating countries have such special political systems that are pyramidal, and therefore not flexible?

The almost unlimited power of the President of Russia, partly had restrictions due to the activities of parliament. In 1994–1996, the State Duma was in fact in opposition to President B. Yeltsin. For the Duma in foreign policy, the most important topics were the position of Russians in the countries of the Commonwealth and the reintegration of the USSR. If the CIS as a failed project in connection with the fragmentation of the defense and currency areas was increasingly criticized, then there was an increasing demand for other integration

projects. Such projects were the idea of the Eurasian Union of states, put forward by President of Kazakhstan in 1994 and President A. Lukashenko in 1996 on the establishment of the Union State on a part of Belarus. The distinctive feature of these regional projects is that in the first case it meant the maximum rapprochement of states and, ultimately, the creation of the Union State itself. Apart from the Belarusian President, the State Duma became the engine of integration. The Belarusian President hoped to restore ties in the sphere of industry, transport infrastructure, as well as the military-strategic sphere in a short time. The project was almost implemented, but in 2000, political changes in Russia (V. Putin became the President of Russia) influenced the pace of the Belarusian-Russian integration.

The Union State was supposed to create a parliamentary dimension, which began to function in 1996. But, already in 1999, in accordance with the Charter of the Union State, the Supreme Council and the Executive Committee received significantly more power [5].

The idea of creating the Eurasian Union of States was first expressed by the President of Kazakhstan N. Nazarbayev in 1994 during his lecture at Moscow State University [6]. His lecture is rightly considered

the beginning of the introduction to the political discourse of the Eurasian project. But, before starting its implementation, the Kazakh President should have obtained Moscow's consent, since without Russia this project did not have a chance for implementation.

The idea of creating not the Union, but the Community was only implemented by the year 2000. In Kazakhstan, the Treaty on the Creation of the Eurasian Economic Community was signed (10 October 2000). This is an example of a more open and flexible intergovernmental organization based on an inclusive principle. The founding states of the EurAsEC are Kazakhstan, Belarus, Russia, Kyrgyzstan and Tajikistan. Since May 2002, Ukraine and Moldova received the status of observer countries, and since January 2003 Armenia as well [7].

The Union State and the Eurasian Economic Community were the prototypes of the Eurasian Economic Union. The main difference was that the Union State and the EurAsEC were not Moscow's initiative. This is one of the key questions: why didn't Russia come up with its own regional integration initiative until 2011?

To answer this question, it is necessary to look at the political processes of the post-Soviet space in the first decade of the 2000s through "the eyes of the Kremlin".

### **Transition from the post-Soviet to the new regionalism: "color revolutions", new regional initiatives, the Russian project of Eurasian integration**

The "color revolutions" in Georgia (2003), Ukraine (2004), Kyrgyzstan (2005) were regarded quite unambiguously by the Russian leadership as interference in the internal affairs of these countries by the US.

The problem of the perception of "color revolutions" and the role of the United States in Eurasia in Russian political discourse must be considered in another study. But, in the opinion of Russian scholars I. Zvyagelskaya and D. Makarov, already in the late 1990s, relations between Russia and the United States "increasingly acquired the features of geopolitical rivalry" in Eurasia [8, p. 110].

For President V. Putin, it was also a challenge in the context of the US's literal military presence in Central Asia and military operations near the borders of the CIS in Afghanistan (2001–2014) and Iraq (2003–2011). All these events and processes in the aggregate provided an opportunity for the Communists, the main opposition force in Russia, to capitalize on discontent in electoral processes.

On the other hand, favorable market conditions for the prices of mineral raw materials provided vast resources for modernization of the economy, as well as for a more offensive foreign policy of the country. And here, according to the authors of report by E. Dovgan, E. Semak, R. Turarbekova, the Eurasian Economic Union begins. In particular, the report says: "If we talk

about the evolution of the idea and even the first attempts to found a single economic space, we can refer to the events of 2003. In particular, on 19 September 2003 in Yalta, the presidents of Belarus, Ukraine, Kazakhstan and Russia signed an Agreement on the Formation of the Common Economic Space (EEC)"<sup>1</sup> [9]. At that time the project, apparently, was premature. And only three years later, in August 2006, during the informal summit in Sochi, a decision was made to activate the formation of the Customs Union, but in the format of the troika: Belarus, Kazakhstan, Russia [10]. According to the authors, until 2010 the pace of the Customs Union was low and the real activation of integration began in January 2010. In particular, the agreement on the single customs tariff was signed. As noted in the report, the unprecedented intensification of the process led to the formal establishment of the single economic space and in November 2011 the Declaration on Eurasian Economic Integration was signed. It was decided to establish the Eurasian Economic Commission, which institutionalized the foundation of the organization. In December 2011 the heads of state of Belarus, Kazakhstan and Russia adopted a decision "On the entry into force of international treaties forming the UES" from 1 January 2012. This was the beginning of the preparation of the Treaty on the EEU, which was signed on 29 May 2014 and entered into force on 1 January 2015.

<sup>1</sup>Hereinafter translated by R. T.

The institutional design of the Eurasian Economic Union from the very beginning relied on previous integration projects and organizations such as the CIS, the Union State, EurAsEC. Nevertheless, it is considered fundamentally different, since it was formally initiated by the presidents of the three countries of Russia, Belarus and Kazakhstan. At the same time, the heads of state of these countries initiated a rather unusual discussion on the pages of the newspaper "Izvestiya".

On 3 October 2011, V. Putin published an article "A new integration project for Eurasia – the future that is born today" [11]. Its publication is a strategy and contains a number of important proposals that are now literally embodied or that are already being offered as agenda for today. In fact, this is an integration plan. And, if we compare his article for 2011 and the current state of the Eurasian Economic Union, we can conclude that it was the Russian view that became the basis for the idea of integration. The Russian President proposed to create a single economic space on the basis of the Customs Union, which is being created today, but all the institutional spheres that he identified are already involved in the process of Eurasian integration (macroeconomics, ensuring competition rules in the field of technical regulations and agricultural subsidies, transport, tariffs natural monopolies).

The next step was to prescribe a unified visa regime and migration policy. *According to the article of the Russian president, it is clear that from the outset it was not*

*just economic integration. Moreover, the Eurasian Union was to become a pole, not a part of something.*

These two points became the most controversial in the discussions of the presidents.

On 17 October 2011, the President of Belarus also published a response in the "Izvestiya" newspaper in which *he stressed the need to view the Eurasian Economic Union as part of a Greater Europe, avoiding such definitions as a pole*. [12].

Finally, on 24 October 2011, the President of Kazakhstan, N. Nazarbayev, *emphasized the economic dimension of the Union, the fact that it should be voluntary, the equality of participants, the evolutionary nature of integration* [13].

Despite the last thesis, the project was implemented at a forced pace from a formal point of view. The reason for such deliberate acceleration of events was the growing competition from the People's Republic of China and the European Union. They assign a special role to the Eastern Partnership in the framework of which an institutional dialogue was proposed, which as a result could end with the signing of the Association Agreement with the EU. An important part of this agreement was to create a free trade zone between the Partnership and Europe.

It was this point that was perceived by the Russian government as a contradiction of Eurasian integration. *Capitalization of the choice of the government of Ukraine headed by V. Yanukovich had a bad result. The political conflict was transformed into a crisis and an armed conflict.*

### **Establishment of the Eurasian Economic Union: stress factors, imitation and its limitations**

In January 2015 the Treaty on the Establishment of the Eurasian Economic Union came into force.

Imitation is presented in a truncated version. Under the EEU Agreement of 29 May 2014, such bodies as the Supreme Eurasian Economic Council (Supreme Council), the Eurasian Intergovernmental Council (Intergovernmental Council), the Eurasian Economic Commission and the Eurasian Court, were founded [14].

Another problem of imitation is the borrowing of the EU's institutional management system in order to look like the EU. Indeed, only some fragments of the management were copied, but the principles were changed or missed. Imitation was seen even in the title. By imitating the European Union as the most successful integration project the authors of the Eurasian project counted on the positive experience of European integration. The obvious *institutional imitation of the EU by the Eurasian Economic Union has a number of basic limitations*.

Firstly, the vertical management system is conditioned by two factors: the tradition of the governance structure, since the formation of the CIS and the actual form of government of the participating countries, the presidential republics, with the exception of Armenia.

Secondly, the disintegration of the USSR and the conflict between executive and representative institutions led initially to the creation of super-presidency, and when it comes to transferring a part of sovereignty to supranational institutions, this is perceived as a threat to the national sovereignty of all states, with the exception of Russia. Thirdly, the asymmetry of the socio-economic and military-political capital of the member countries naturally gives rise to fears from the small and medium-sized states of integration associations and the growth of distrust in the light of the crisis and conflict in Georgia (2008) and Ukraine (2014). Fourthly, excessive haste in the design of the Union created many obstacles related to the incompleteness of such stages of integration as the creation of the single economic space.

The EEU future has a more negative image now because of serious criticism both inside and outside. This is the result of unresolved issues of internal barriers and forced expansion of the EEU. The situation with the protection of national interests on the institutional level is also unclear. Since the beginning of the creation of the Customs Union, there have been more than 600 barriers, exceptions and restrictions. The President of Belarus criticized this situation until

recently [15]. The problems identified by the Belarusian government in 2015–2017 meant a new stage of conflict interaction within the framework of integration. A. Lukashenko had been refusing to sign the new Customs Code for a long time, which meant even greater integration of the economies of the Union's member countries [16].

Unresolved issues with the barriers were combined with the expansion of the union, as well as an unclear picture of the representation of national interests in the institutions of the EEU. I mean formal institutions: the Eurasian Economic Commission, the Eurasian Economic Court. But the real shock for the union

was the sanctions of the West against Russia, the fall of the oil prices and the devaluation of the ruble, the fall in the revenue side of the budgets, the drop in household incomes and, as a result, recession and a drop in trade. All this demonstrated the weaknesses of the economies of the EEU member countries. Basically, their raw material orientation, dependence on world economic trends and a weak ability to influence on them.

Thus, the union raised under the stressful conditions. Protectionism became not only an instrument of the policy of the EEU, but also an instrument of the member countries within the Union.

### **Interregional competition of projects and Eurasian integration**

The most serious challenge for the EEU is its intermediate position in between the EU and China. Both powerful actors propose their regional initiative ("Eastern Partnership") and the global Belt and Road initiative (BRI), which could seriously influence the EEU future. It means that the external design of Eurasia is still under way. The fall in mutual trade within the framework of the Eurasian Economic Union in 2015–2016, as well as the decline in the economies of the Union countries became a negative background for the creation of the organization. In 2017 figures for the first half of the year began to show positive dynamics [17].

The presidential elections in Kyrgyzstan in 2017 unexpectedly led to the Kazakh-Kyrgyz customs conflict [18]. But in general it is considered that the Belarusian-Russian disputes is the main economic conflict within the EEU. In the Asian part of the Union there were no such disputes. But, in fact, in the near future we can see the difficulties between the EEU and China in implementing the Belt and Road initiative. The sharp statements of Kyrgyz President A. Atambayev regarding Kazakhstan's interference in the electoral process suddenly turned into a large-scale trade war [19]. At the Council of Heads of Government of the CIS countries in Tashkent (3 November 2017), the conflict was brought to the public space by the public speeches of the Premiers of Kyrgyzstan and Kazakhstan. S. Isakov, the head

of the Kyrgyz government, was trying to resolve the conflict with claims of violations by Kazakhstan of the agreements of the CIS, WTO and, in part, the EEU [20]. B. Sagintayev, head of the Kazakh government, argued relying solely on the EEU's law [21]. In their logic there are no mistakes. But, there are significant problems concerning the harmonization of the CIS, WTO and EEU agreements.

Hence, the main question arises: how will the EEU and the BRI be connected?

On 17 May 2018, the EEU and China signed the Treaty on Economic and Commercial Cooperation. This agreement is just a framework and it does not provide preferences [22]. China wants to create a free trade zone with the EEU countries, but so far this issue has not been resolved.

We assume that the EEU is integration, which will continue to develop, but in a conflict form. We have so far seen that the European Union is the main counter partner. Recent events indicate that China is also a serious counterparty, but it acts softly. Therefore, the Belt and Road is an initiative, not a program.

For the member-countries of the EEU integration is largely imaginary and regional construction of Eurasia has to be continued. Such active regional policy of Russia, the European Union and China can cause conflicts not only between small countries, but also within them.

### **Conclusion**

Exploring Eurasian integration, and in particular the Eurasian Economic Union, at the beginning of the study, we formulate the main questions and hope to find an answer to them. The answers so far suggested are clear, unambiguous answers. Eurasian integration is the reintegration of the post-Soviet space or the geopolitical project of Russia. The second answer is the real integration of the new independent states, which are based only on economic interests.

In general, both answers are not correct. Indeed, the institutional tradition from the time of the CIS

points to the idea of reintegration of the former Soviet space. In addition, V. Putin's plan outlined in his article in 2011 involves the creation of not only an economic union and a lot says in favor of the first answer.

Nevertheless, the ideas of regional integration related to the experience and example of the EU have become popular. Moreover, the European Union supports regionalization. There is so much in common on the wreckage of the Soviet Union and there is a great temptation to turn this into a profit for the elites of the newly independent states. Therefore, there were so



many projects not from Russia, which means that the idea of regional integration has capital.

By 2011 much had changed in the context of international relations, and in particular in Eurasia. Therefore, the capitalization of the idea of integration ultimately led to such a project. Each of the countries – Russia, Kazakhstan and Belarus had positive motives for its creation, but did not take into account many independent and dependent variables. But it is necessary

to emphasize the peculiarity of the institutional tradition – vertical ties prevail over horizontal ones. The social dimension is poorly represented. The project continues to be elite, bureaucratic.

It is a hybrid project, something between a geopolitical project and a real emerging economic association with a large number of conflicts of interest, the presence of informal institutions and opaque negotiation processes, and a difficult subject to analyze.

### Библиографические ссылки

1. Турарбекова Р. Евразийские интеграционные проекты в контексте региональной политики Европейского союза: от распада СССР к региональному конструированию (1991–2004 гг.). *Журнал международного права и международных отношений*. 2018;3–4:42–49.
2. Delcours L. *Shaping the post-Soviet space? EU politics and approaches to region building*. Oxford: Routledge; 2011. 194 p.
3. Соглашение о создании Содружества независимых государств от 8 декабря 1991 г. [Интернет; процитировано 16 ноября 2019 г.]. Доступно по: <http://cis.minsk.by/page.php?id=176>.
4. Алма-Атинская декларация от 21 декабря 1991 г. [Интернет; процитировано 16 ноября 2019 г.]. Доступно по: <http://cis.minsk.by/page.php?id=178>.
5. Договор о создании Союзного государства от 8 декабря 1999 г. [Интернет; процитировано 18 ноября 2019 г.]. Доступно по: <http://www.soyuz.by/about/docs/dogovor5/>.
6. Оригинальный текст речи Н. А. Назарбаева 29 марта 1994 г. в Московском государственном университете [Интернет; процитировано 18 ноября 2019 г.]. Доступно по: <https://e-history.kz/ru/publications/view/567>.
7. Евразийское экономическое сообщество. История [Интернет; процитировано 19 ноября 2019 г.]. Доступно по: <http://www.evrases.com/about/history>.
8. Звягельская И, Макаров Д. *Восприятие России западной политики в Центральной Азии. Южный фланг СНГ. Центральная Азия – Каспий – Кавказ: возможности и вызовы для России*. Москва: Логос; 2003. р. 103–127.
9. Единое экономическое пространство (ЕЭП). Справка [Интернет; процитировано 29 ноября 2019 г.]. Доступно по: <https://ria.ru/20120101/529308191.html>.
10. Турарбекова Р, Семак Е, Довгань Е. Евразийский экономический союз: интеграция между идеальным и реальным [Интернет; процитировано 19 ноября 2019 г.]. Доступно по: <http://minskdialogue.by/research/reports/evraziiskii-ekonomicheskii-soiuz-integratsiia-mezhdu-idealnym-i-realnym>.
11. Путин В. Новый интеграционный проект для Евразии – будущее, которое рождается сегодня. 4 октября 2011 г. [Интернет; процитировано 10 сентября 2019 г.]. Доступно по: <https://iz.ru/news/502761>.
12. Лукашенко А. О судьбах нашей интеграции. 17 октября 2011 г. [Интернет; процитировано 25 октября 2019 г.]. Доступно по: [http://president.gov.by/ru/news\\_ru/view/o-sudbax-nashej-integratsii-statija-v-gazete-izvestija-5810/](http://president.gov.by/ru/news_ru/view/o-sudbax-nashej-integratsii-statija-v-gazete-izvestija-5810/).
13. Назарбаев Н. Евразийский союз: от идеи к истории будущего. 25 октября 2011 г. [Интернет; процитировано 25 октября 2019 г.]. Доступно по: <https://iz.ru/news/504908>.
14. Договор о Евразийском экономическом союзе от 29 мая 2014 г. [Интернет; процитировано 20 ноября 2019 г.]. Доступно по: [https://docs.eaeunion.org/docs/ru-ru/0023611/itia\\_05062014\\_doc.pdf](https://docs.eaeunion.org/docs/ru-ru/0023611/itia_05062014_doc.pdf).
15. Встреча с представителями общественности и экспертного сообщества, белорусских и зарубежных СМИ «Большой разговор с Президентом». 1 марта 2019 г. [Интернет; процитировано 20 ноября 2019 г.]. Доступно по: [http://president.gov.by/ru/news\\_ru/view/vstrecha-s-predstaviteljami-obschestvennosti-i-ekspertnogo-soobschestva-belorusskix-i-zarubezhnyx-smi-20590/](http://president.gov.by/ru/news_ru/view/vstrecha-s-predstaviteljami-obschestvennosti-i-ekspertnogo-soobschestva-belorusskix-i-zarubezhnyx-smi-20590/).
16. Лукашенко объяснил, почему не подписал Таможенный кодекс ЕАЭС. 3 февраля 2017 г. [Интернет; процитировано 19 ноября 2019 г.]. Доступно по: <https://www.belta.by/president/view/lukashenko-objasnail-pochemu-ne-podpisal-tamozhennyj-kodeks-eaes-231443-2017/>.
17. Внешняя торговля Республики Беларусь. Статистический сборник [Интернет; процитировано 20 ноября 2019 г.]. Доступно по: <http://www.belstat.gov.by/upload/iblock/55b/55bc63bcb7c590ea3f01ff3ab0fc9714.pdf/>.
18. Ситуацию на казахстанско-кыргызстанской границе объяснили в погранслужбе КР. 10 октября 2017 г. [Интернет; процитировано 20 ноября 2019 г.]. Доступно по: [https://tengrinews.kz/kazakhstan\\_news/situatsiyu-kazahstansko-kyrgyzzstanskoj-granitse-obyasnil-328391/](https://tengrinews.kz/kazakhstan_news/situatsiyu-kazahstansko-kyrgyzzstanskoj-granitse-obyasnil-328391/).
19. Атамбаев обвинил Казахстан во вмешательстве во внутренние дела Киргизии. 7 октября 2017 г. [Интернет; процитировано 20 ноября 2019 г.]. Доступно по: <https://ria.ru/20171007/1506389484.html>.
20. Выступление Сапара Исакова на заседании СПГ СНГ в Ташкенте. 3 ноября 2017 г. [Интернет; процитировано 20 ноября 2019 г.]. Доступно по: <https://kabarlar.org/news/94833-vystuplenie-sapara-isakova-na-zasedanii-sgp-sng-v-tashkente-foto.html>.
21. На саммите в Ташкенте Казахстан и Кыргызстан упрекнули друг друга в нарушении норм ЕАЭС. 3 ноября 2017 г. [Интернет; процитировано 20 ноября 2019 г.]. Доступно по: <https://www.fergananews.com/news/27184>.
22. Соглашение по торговле и экономическому сотрудничеству между Евразийским Экономическим союзом и его странами-членами, с одной стороны, и Китайской Народной Республикой, с другой. 17 мая 2018 г. [Интернет; процитировано 18 ноября 2019 г.]. Available from: [https://docs.eaeunion.org/docs/ru-ru/01417817/iatc\\_21052018](https://docs.eaeunion.org/docs/ru-ru/01417817/iatc_21052018).

## References

1. Turarbekova R. Eurasian integration projects in the field of European Union regional policy: from the collapse of the USSR to regional design (1991–2004). *Journal of International Law and International Relations*. 2018;3–4:42–49. Russian.
2. Delcours L. *Shaping the post-Soviet space? EU politics and approaches to region building*. Oxford: Routledge; 2011. 194 p. Russian.
3. Agreement on the establishment of the Commonwealth of Independent States of 8 December 1991 [Internet; cited 2019 November 16]. Available from: <http://cis.minsk.by/page.php?id=176>. Russian.
4. Alma-Ata Declaration of 21 December 1991 [Internet; cited 2019 November 16]. Available from: <http://cis.minsk.by/page.php?id=178>. Russian.
5. Treaty establishing the Union State of 8 December 1999 [Internet; cited 2019 November 18]. Available from: <http://www.soyuz.by/about/docs/dogovor5/>. Russian.
6. The original text of the speech N. A. Nazarbayev 29 March 1994 at Moscow State University [Internet; cited 2019 November 18]. Available from: <https://e-history.kz/ru/publications/view/567>. Russian.
7. Eurasian Economic Community. History [Internet; cited 2019 November 19]. Available from: <http://www.evrases.com/about/history>. Russian.
8. Zvyagelskaya I, Makarov D. *Vospriyatie Rossii zapadnoi politiki v Tsentral'noi Azii. Yuzhnyi flang SNG. Tsentral'naya Aziya – Kaspii – Kavkaz: vozmozhnosti i vyzovy dlya Rossii* [Russia's perception of Western policy in Central Asia. The CIS southern flank. Central Asia – Caspian – Caucasus: opportunities and challenges for Russia]. Moscow: Logos; 2003. p. 103–127. Russian.
9. Common Economic Space (CES). Reference [Internet; cited 2019 November 29]. Available from: <https://ria.ru/20120101/529308191.html>? Russian.
10. Turarbekova R, Semak E, Dovgan E. Eurasian Economic Union: the integration between the ideal and the real [Internet; cited 2019 November 19]. Available from: [http://minskdialogue.by/research/reports/evraziiskii-ekonomicheskii-soiuz-integratsiia-mezhdu-idealnym-i-realnym\\_](http://minskdialogue.by/research/reports/evraziiskii-ekonomicheskii-soiuz-integratsiia-mezhdu-idealnym-i-realnym_). Russian.
11. Putin V. A new intergration project for Eurasia – the future. 2011 October 4. [Internet; cited 2019 September 10]. Available from: <https://iz.ru/news/502761>. Russian.
12. Lukashenko A. On the fate of our integration. 2011 October 17 [Internet; cited 2019 October 25]. Available from: [http://president.gov.by/ru/news\\_ru/view/o-sudbax-nashej-integratsii-statija-v-gazete-izvestija-5810/](http://president.gov.by/ru/news_ru/view/o-sudbax-nashej-integratsii-statija-v-gazete-izvestija-5810/). Russian.
13. Nazarbayev N. Eurasian Union: from an idea to the history of the future. 2011 October 25. [Internet; cited 2019 October 25]. Available from: <https://iz.ru/news/504908>. Russian.
14. Treaty on the Eurasian Economic Union of 29 May 2014. [Internet 2019 cited November 20]. Available from: [https://docs.eaeunion.org/docs/ru-ru/0023611/itia\\_05062014\\_doc.pdf](https://docs.eaeunion.org/docs/ru-ru/0023611/itia_05062014_doc.pdf). Russian.
15. Meeting with representatives of the public and the expert community, Belarusian and foreign media “Big conversation with the President”. 2019 March 1. [Internet; cited 2019 November 20]. Available from: [http://president.gov.by/ru/news\\_ru/view/vstrecha-s-predstaviteljami-obschestvennosti-i-ekspertnogo-soobschestva-belorusskix-i-zarubezhnyx-smi-20590/](http://president.gov.by/ru/news_ru/view/vstrecha-s-predstaviteljami-obschestvennosti-i-ekspertnogo-soobschestva-belorusskix-i-zarubezhnyx-smi-20590/). Russian.
16. Lukashenko explained why he did not sign the EAEU Customs Code. 2017 February 3. [Internet; cited 2019 November 19]. Available from: <https://www.belta.by/president/view/lukashenko-objasnil-pochemu-ne-podpisal-tamozhennyj-kodeks-eaes-231443-2017/>. Russian.
17. Foreign trade of the Republic of Belarus. Statistical book [Internet; cited 2019 November 20]. Available from: <http://www.belstat.gov.by/upload/iblock/55b/55bc63bcb7c590ea3f01ff3ab0fc9714.pdf>. Russian.
18. The situation on the Kazakh-Kyrgyz border was explained in the border service of the Kyrgyz Republic. 2017 October 10. [Internet; cited 2019 November 20]. Available from: [https://tengrinews.kz/kazakhstan\\_news/situatsiyu-kazakhstan-sko-kyrgyzstanskoy-granitse-obyasnili-328391/](https://tengrinews.kz/kazakhstan_news/situatsiyu-kazakhstan-sko-kyrgyzstanskoy-granitse-obyasnili-328391/). Russian.
19. Atambaev accused Kazakhstan of interfering in the internal affairs of Kyrgyzstan. 2017 October 7. [Internet; cited 2019 November 20]. Available from: <https://ria.ru/20171007/1506389484.html>. Russian.
20. Speech by Sapar Isakov at the meeting of the CIS CPS in Tashkent. 2017 November 3. [Internet; cited 2019 November 20]. Available from: <https://kabarlar.org/news/94833-vystuplenie-sapara-isakova-na-zasedanii-sgp-sng-v-tashkente-fo-to.html>. Russian.
21. At the Tashkent summit Kazakhstan and Kyrgyzstan chided each other in violation of the EAEU standards. 2017 November 3. [Internet; cited 2019 November 20]. Available from: <https://www.fergananews.com/news/27184>. Russian.
22. Agreement on trade and economic cooperation between the Eurasian Economic Union and its member states, on the one hand, and the People's Republic of China, on the other. 2018 May 17. [Internet; cited 2019 November 18]. Available from: [https://docs.eaeunion.org/docs/ru-ru/01417817/iatc\\_21052018](https://docs.eaeunion.org/docs/ru-ru/01417817/iatc_21052018). Russian.

Received by editorial board 22.11.2019.

## CONJUGATION OF THE EEU AND THE "BELT AND ROAD" INITIATIVE

D. A. BUKONKIN<sup>a</sup>

<sup>a</sup>Foreign Policy and Security Research Center, 20 Leninhradskaja Street, Minsk 220006, Belarus

The article is devoted to possible advantages and risks from the conjugation of the two integration projects: the EEU and the "Belt and Road" initiative. The author concludes that building a new type of relationship has considerable benefits but also poses challenges to the two projects. This problem exists primarily due to the different logic inherent in the two initiatives. While the EEU project is designed to protect and develop the economies of the member states of the union, the "Belt and Road" initiative implies absence of barriers and free movement of Chinese goods and investments around the world, which requires free trade zones around the world. China still seeks bilateral agreements with particular countries of the EEU, rather than interaction with the bodies of the integration bloc as a whole. The author gives a number of recommendations which, in his opinion, will help to avoid a number of risks and challenges and will contribute to the harmonious conjugation of the two ambitious projects.

**Keywords:** integration; conjugation; EEU; "Belt and Road"; economy; politics; China; Silk Road economic belt.

## СОПРЯЖЕНИЕ ЕАЭС И ИНИЦИАТИВЫ «ПОЯС И ПУТЬ»

Д. А. БУКОНКИН<sup>1)</sup>

<sup>1)</sup>Центр изучения внешней политики и безопасности, ул. Ленинградская, 20, 220006, г. Минск, Беларусь

Рассмотрены возможные преимущества и риски от сопряжения двух интеграционных проектов: ЕАЭС и «Пояс и путь». Основываясь на анализе имеющейся информации, автор делает вывод как о серьезных выгодах от выстраивания нового типа взаимоотношений, так и о сохраняющихся вызовах для обеих сторон. Это вызвано, в первую очередь, разной логикой, заложенной в эти инициативы. Если проект ЕАЭС предназначен для защиты и развития экономик, входящих в союз, то инициатива «Пояс и путь» подразумевает отсутствие барьеров и свободное курсирование китайских товаров и инвестиций по всему миру, для чего требуются зоны свободной торговли. Также существуют некоторые проблемы в самой логике выстраивания взаимоотношений, в которых Китай стремится все-таки к двусторонним договоренностям с отдельными странами ЕАЭС, а не взаимодействию с интеграционным блоком и его органами в целом. Автор дает ряд рекомендаций, которые, по его мнению, помогут избежать определенных рисков и вызовов и будут способствовать гармоничному сопряжению двух амбициозных проектов.

**Ключевые слова:** интеграция; сопряжение; ЕАЭС; «Пояс и путь»; экономика; политика; Китай; экономический пояс шелкового пути.

The problem of the interaction of the "Belt and Road" initiative with the EEU has become one of the important issues for the academic community of the countries of the integration union and China since 2015.

Thus, the collection of articles "China in world and regional politics: history and present days" published by the Institute of the Far East of the Russian Academy of Sciences in 2017 is mainly devoted to this topic.

### Образец цитирования:

Буконкин ДА. Сопряжение ЕАЭС и инициативы «Пояс и путь». *Журнал Белорусского государственного университета. Международные отношения*. 2019;2:19–23 (на англ.).

### For citation:

Bukonkin DA. Conjugation of the EEU and the "Belt and Road" initiative. *Journal of the Belarusian State University. International Relations*. 2019;2:19–23.

### Автор:

Денис Алексеевич Буконкин – директор ООО «Центр изучения внешней политики и безопасности».

### Author:

Dzianis A. Bukonkin, director of Foreign Policy and Security Research Center.  
bukonkin@mail.com

This publication traces both political and economic aspects of the conjugation of the initiatives [1]. Some aspects of the interface of the EEU projects “One Belt and One Road” are considered by V. A. Shamakhov and V. V. Sluchevsky in the article of the Journal of the Russian Academy of National Economy and Public Administration under the President of the Russian Federation. The work analyzes the main problems and prospects of pairing two global projects that are unfolding in the Eurasian region. Many states are involved in the implementation of these two projects which have different goals. It is noted that they face acute problems of choosing economic partners, allies, combining their own national interests on the scale of the Greater Eurasian partnership (“Greater Eurasia”) [2]. Jia Yuanpei’s article “One belt, one road development strategy and Sino-Russian energy cooperation in the Eurasian Economic Union” argues that the “One belt, one road” initiative demonstrates comprehensiveness and also shows good correlations with the degree of compatibility between the national development strategies of Eurasia, including Russia [3].

D. A. Martynova and M. E. Fedorov in the article “Cooperation with Russia and the EEU within the framework of the Silk Road Economic Belt project: a view from China” focused on the Chinese view on the prospects of the conjugation of the two projects which are the Eurasian economic Union and the Silk Road Economic Belt (SREB), as well as on the interaction between Russia and China within the framework of the initiative. In the article “What is the project “One belt, one road” and what are the prospects of its conjugation with the Eurasian Union?” authors defend the idea that the “One belt, one road” project is an important part of China’s struggle for a new world economic and financial order [4].

In general, it should be noted that for political scientists and economists there is no doubt about the process of conjugation of the two initiatives, but there are a number of differences in assessing its effectiveness and appropriateness for each of the countries. Unfortunately, there are practically no materials in Belarusian political science devoted to the pairing of the two such large-scale initiatives, which in the near future will mostly determine the development of our country. This article is an attempt to assess this process of interfacing and the opportunities and challenges presented by it based on the national interests of Belarus.

The initiative of the conjugation of the EEU and the initiative of «One belt, one road» appeared almost immediately after the emergence of the Eurasian economic Union on 8 May 2015. On 17 May 2018 the Agreement “On trade and economic cooperation between the Eurasian economic Union and its member states, on the one hand, and the People’s Republic of China, on the other hand” was signed. As noted in the report on the imple-

mentation of the main directions of integration within the Eurasian economic Union of 2018 “...the implementation of the agreement on trade-economic cooperation between the EEC and the PRC signed on 17 May 2018, which is currently undergoing domestic procedures for entry into force, will be of great importance for the development of the economies of member states and the union as a whole. In addition, the work to prepare for the signing of an agreement continues the exchange of information on goods and vehicles of international vehicles transported across the customs borders of the union and China”<sup>1</sup> [5].

The idea of interface of the projects has not disappeared until today. Only this year, the idea of the need for pairing and its benefits was sounded by the Russian President V. Putin [6], Russian foreign minister S. Lavrov, head of the EEU T. Sarkisian, Chinese President Xi Jinping [7].

Also, a positive attitude to the pairing of the two initiatives is advocated by experts and employees of the EEU, the presidential administration of the Russian Federation, various institutions of the PRC. Seven tasks are formulated for the near future such as the legal support of the processes of interaction, including the beginning of the agreement on trade and economic cooperation between the EEU and China, the preservation of high dynamics of China’s relations with Belarus, Kazakhstan and Russia. In addition, more intensive use of the potential of Armenia and Kyrgyzstan is important for the interfacing of the projects, the harmonization of regulation in the key sectors of trade and economic cooperation, as well as the convergence of standards and regulatory procedures of the union and China.

At the same time, several EEU experts say that such a conjugation is part of the plan to form a Great Eurasian partnership which is a network of integration strategies, transcontinental projects and regional associations operating with the maximum degree of coordination [8].

At the same time, it should be noted that coordination with the “Belt and Road” project implies, first of all, interfacing with the land part of this project, the SREB. The advantage of such cooperation is the fact that the modernization of the economy, the integrated development of infrastructure, industry and trade in the participating countries correspond to the objectives of the EEU. A positive aspect is also the flexibility of the mechanisms of access to the project and the desired level and format of cooperation within the SREB for the participating countries. The Silk Road Economic Belt is a mega-project that will unite 3 billion people (15 times more than in the EEU) and create a large market. Already in November 2014, 40 billion US dollars fund was established to create the SREB and finance its major projects, as well as the Asian infrastructure investment

---

<sup>1</sup>Hereinafter translated by D. B.

bank with a capital of 100 billion US dollars, the main founder of which is China. An agreement on cooperation with the BRICS (Brasil, Russia, India, China, South Africa) development bank and the SCO (Shanghai Cooperation Organization) bank was signed. In the framework of the project it is planned to actively attract private capital. To put this in perspective, the size of the authorized fund of the Eurasian development bank is only 7 billion US dollars.

After the signing of the statement, the interfacing of the SREB and the EEU projects provides for the laying of a number of routes through the territory of the Russian Federation and would allow the EEU countries to enter the market of South-East Asia. However, the full-scale inclusion of the Trans-Siberian and Baikal-Amur mainlines in the SREB is not yet envisaged. In addition to the infrastructure component, the signing of the agreement on the docking of projects pursued two key goals: first, mutual recognition, and second, the creation of a multilateral cooperation mechanism. One of the features of Chinese diplomacy is to resolve issues in a bilateral format, bypassing multilateral mechanisms.

Economic cooperation within the framework of the "Belt and Road" initiative is designed to increase the interconnectedness of the economies of the Eurasian Economic Union and the People's Republic of China. At present, the development of economic relations between the countries is characterized by a high level of dynamism. Thus, trade relations between China and the EEU countries are developing rapidly. China is gradually becoming the main trading partner of the EEU countries (as of 2016, it is the first trade partner of Russia and Kazakhstan), the share of China has grown significantly in the trade of other member countries of the union (Belarus, Armenia, Kyrgyzstan) and is gradually catching up with the traditionally main trading partner for these countries which is the Russian Federation. One of the main problems in trade and economic relations with China is the tendency to increase mineral energy resources in the structure of exports of the EEU countries, while imports from China almost entirely consist of finished products. It shows a tendency to increase the share of machinery and equipment, which is primarily due to the improvement of the quality of Chinese high-tech products and the fact that many companies are moving and establishing their production in China.

The rapid development of trade between China and the post-Soviet space began in the middle of 2000s and was accompanied by Chinese investments in the energy sector of these countries, as well as concessional lending. There is an unspoken rule of "soft loans in exchange for resources and the market for finished products". Credit and investment cooperation in the region is also one of the most important aspects of the development of relations between the countries. In recent years, China has become the main creditor

and major investor for the countries of the Eurasian Economic Union. There is competition between Russia and other EEU members, especially Central Asian countries, for Chinese direct investment, since both are mainly directed to infrastructure, development and extraction of minerals. The People's Republic of China provides multimillion-dollar soft loans for infrastructure development, for projects related to the extraction and development of minerals, many of which are implemented with the participation of Chinese migrant workers.

China has established friendly and partner relations with Eurasian Economic Union. There is high positive dynamics in the development of economic relations, but it leads to the increased competition in the region (which once again proves the need for coherent projects, which should enhance the cooperation in the region) and largely fixes the status of the EEU countries as a raw material appendage and a transport corridor from China to Europe. More than half of exports consist of mineral resources, and China's investments and loans are also largely directed either to the energy sector or to the development of transport routes [9].

In addition, there are serious contradictions in the fundamental ideas of the EEU and the "Belt and Road" initiative. The Chinese project is focused on broad free trade zones, while the union provides for the protection of domestic markets from external players and a tariff-free zone only for its participants. Delving into the issue of the current state of affairs in the EEU as an international actor, Russia's leading role as a locomotive of its development becomes obvious. This is also reflected in the evolution of relations between the EEU and the "Belt and Road" initiative as mentioned earlier, the first document that initiated the process of pairing was the Joint statement of the Russian Federation and the People's Republic of China on cooperation on pairing the construction of the Eurasian Economic Union and the Silk Road Economic Belt. In other words, it was Russia that took the initiative on behalf of the union.

This state of affairs suits the Chinese side, which effectively conducts bilateral negotiations with Russia to agree on certain projects. As rightly noted in one analytical review, the EEU is perceived in the political elite of China as a project developed primarily on the initiative of Russia rather than as a single organism consisting of equal voting actors. This is the reason why it was proposed to develop a dialogue with Moscow on international issues, as well as to clarify the aspects of the development of the EEU and the "Belt and Road" initiative. Currently, China perceives the EEU as a Russian version of the "Belt and Road" initiative.

On the other hand, China pays attention to the possibility of faster growth of the "Belt and Road" initiative due to the development of dialogue with the EEU. Eurasian integration is presented as a new opportunity for the development of the «Belt and Road». It is understandable since China is ready to actively invest

in the EEU member states in general and in Russia in particular to achieve certain political and economic goals [10]. Thus, the acceleration of the conjugation of the EEU and the “Belt and Road” initiative to a greater extent means the desire to accelerate the development of cooperation between Russia and China. It is important that the PRC sees Russia and other EEU countries as states included in the “Belt and Road” initiative, and only then as members of other associations. The desire to develop a closer dialogue on international issues between Russia and China is a marker of China’s perceptions of Russia’s special position within the EEU [2].

The experience of the EEU countries, which signed a memorandum with the SREB more than five years ago, shows that the export flow to China does not increase manifold. In addition, transport routes have not connected the Eurasian Economic Union, which hoped for Chinese investment. The promised thousands of jobs for citizens of Central Asian states have not emerged.

The lack of transparent rules of the game, dumping, use of “grey” practices by the Chinese companies, the lack of guaranteed reciprocity in the commercial sphere and in the sphere of investments, the use of business standards and discriminatory practices in foreign companies entering the Chinese market which are different from those accepted in the Western world contribute to a considerable risk that accompanies Chinese investment [11].

Thus, for the EEU countries it is necessary to understand that in itself the interface of the integration project and the initiative “Belt and Road” carries both quite broad prospects and a number of challenges and risks. Of course, we should take into account that today China ranks first in the world in GDP and second in nominal exchange rate, leading the production of industrial and agricultural products (coal, cement, steel, tin, zinc, aluminum, electronics, cars, cotton, wheat, meat and more). China also ranks first in the world in terms of accumulated foreign exchange reserves (in 2012, China’s foreign exchange reserves exceeded the global gold reserves twice). All this causes certain disproportions during the pairing of the two projects that have quite different goals but a common ideology of implementation at the same time.

In the long term, the EEU and the “Belt and Road” initiative will inevitably influence each other, since

both projects are largely decisive for the geopolitical and geo-economic format of Eurasia’s development. However, at the moment there is no full understanding of how the pairing of such different projects will ultimately look.

Thus, there is an understanding of what expectations about the EEU and the “Belt and Road” project coincide. First of all, they lie in the sphere of logistics and transport, as well as in the sphere of infrastructure development and provision of the above-mentioned projects [12]. It is seen as excessive expectation on the part of the integration association to create joint production chains with the placement of enterprises in the EEU countries, while China should invest technology in the creation of products with high added value.

It is extremely important for the Chinese initiative to realize its own national interests within the framework of the “Belt and Road” project, which the EEU countries should also understand. Thus, even the pairing of two projects can occur only in those sectors where the interests of all actors coincide. In this regard, it seems expedient to fill the joint agenda with such initiatives that will be beneficial to the EEU countries and acceptable for the implementation of the SREB.

At the same time, any proposal of Chinese partners should be subjected to a thorough examination for economic feasibility and benefits for the EEU countries and the possible costs that the implementers of a particular project will have to bear.

These should be considered as undoubted advantages of the conjugation with the “Belt and Road” initiative within the framework of the integration project because the countries no longer remain one-on-one with China, but are able to jointly defend more favorable conditions for cooperation and joint implementation of the projects. However, such a connection requires a more effective and independent functioning of the integration association bodies, which will be able to act as lobbyists for collective interests. Under these conditions, all EEU countries will have to abandon independent relations with China and implement joint projects through integration institutions. Only in this case it will be possible to speak about effective conjugation with the “Belt and Road” project.

### Библиографические ссылки

1. Сафронова ЕИ, редактор. *Китай в мировой и региональной политике. История и современность*. Москва: Институт Дальнего Востока РАН; 2017.
2. Шамахов ВА, Случевский ВВ. Некоторые аспекты сопряжения проектов ЕАЭС — «Один пояс – один путь». *Евразийская интеграция: экономика, право, политика*. 2019;1:28–35.
3. Цзя Юаньпэй. Стратегия развития «Один пояс один путь» и китайско-российское энергетическое сотрудничество в Евразийском экономическом союзе. *Этносоциум и межнациональная культура*. 2017;9(111):98–103.
4. Мартынова ДВ, Федоров НВ. Сотрудничество с Россией и ЕАЭС в рамках проекта «Экономический пояс шелкового пути: взгляд из Китая». В: Зайнуллин Г, Ли Л, Мартынов Д, Аликберова А, редакторы. *Россия и Китай: история и культура*. Казань: Фэн; 2018. с. 249–254.

5. Доклад о реализации основных направлений интеграции в рамках Евразийского экономического союза [Интернет; процитировано 1 марта 2019 г.]. Доступно по: [http://www.eurasiancommission.org/ru/act/integr\\_i\\_makroec/dep\\_razv\\_integr/SiteAssets/Pages/Аналитические%20доклады/10.12.2018%20Проект%20Доклада.pdf](http://www.eurasiancommission.org/ru/act/integr_i_makroec/dep_razv_integr/SiteAssets/Pages/Аналитические%20доклады/10.12.2018%20Проект%20Доклада.pdf).
6. Россия и КНР будут интегрировать проекты ЕАЭС и «Один пояс – Один путь» [Интернет; процитировано 27 октября 2019 г.]. Доступно по: <https://radiomayak.ru/news/article/id/1233527/>.
7. Си Цзиньпин предложил ускорить сопряжение ЕАЭС с инициативой «Один пояс, один путь» [Интернет; процитировано 27 октября 2019 г.]. Доступно по: <https://tass.ru/ekonomika/5687037>.
8. Сопряжение ЕАЭС и проекта «Один пояс – один путь» задает тренд развитию торгово-экономического сотрудничества [Интернет; процитировано 27 октября 2019 г.]. Доступно по: <http://www.eurasiancommission.org/ru/nae/news/Pages/26-04-2019-3.aspx>.
9. Яковлев АА. Евразийский экономический союз и китайская инициатива «Один пояс – один путь». Возможности для сотрудничества. *Вестник Института экономики Российской академии наук*. 2018;1:204–211.
10. Нежданов В. Сопряжение ЕАЭС и Шелкового пути: Китай меняет стратегию [Интернет; процитировано 1 марта 2019]. Доступно по: <https://zen.yandex.ru/media/eurazia/sopriajenie-eaes-i-shelkovogo-puti-kitai-meniaet-strategiiu-5c0780bd73372000a9a3b7d7>.
11. Алексеев Е. Сопряжение по-итальянски [Интернет; процитировано 27 октября 2019 г.]. Доступно по: [https://russiancouncil.ru/analytics-and-comments/analytics/sopryazhenie-po-italyanski/?sphrase\\_id=31917577](https://russiancouncil.ru/analytics-and-comments/analytics/sopryazhenie-po-italyanski/?sphrase_id=31917577).
12. Страны ЕАЭС могут примкнуть к проекту «Один пояс – один путь» [Интернет; процитировано 27 октября 2019 г.]. Доступно по: <http://vestnik-ghonass.ru/news/intro/strany-eaes-mogut-primknut-k-proektu-odin-poyas-odin-put/>.

## References

1. Safronova EI, editor. *Kitai v mirovoi i regional'noi politike. Istoriya i sovremennost'* [China in world and regional politics. History and present days]. Moscow: Institute of the far East of the Russian Academy of Science; 2017. Russian.
2. Shamakhov VA, Sluchevsky VV. Some aspects of pairing projects EEMA – “One belt – One way”. *Eurasian Integration: Economics, Law, Politics*. 2019;1:28–33. Russian.
3. Jia Yuanpei. The development strategy of “The Belt and the Road” and the Sino-Russian energy cooperation in the Eurasian Economic Union. *Etnosotsium i mezhnatsional'naya kul'tura*. 2017;9(111):98–103. Russian.
4. Martynova DV, Fedorov NV. Cooperation with Russia and the EAEU within the framework of the Silk Road economic belt project: a view from China. In: Zainullin G, Li L, Martynov D, Alikberova A, editors. *Rossiya i Kitai: istoriya i kul'tura* [Russia and China: History and culture]. Kazan': Fen; 2018. p. 249–254. Russian.
5. Report on the implementation of the main directions of integration within the Eurasian Economic Union [Internet; cited 2019 March 1]. Available from: [http://www.eurasiancommission.org/ru/act/integr\\_i\\_makroec/dep\\_razv\\_integr/SiteAssets/Pages/Analytical%20doclades/10.12.2018%20project%20doclades.pdf](http://www.eurasiancommission.org/ru/act/integr_i_makroec/dep_razv_integr/SiteAssets/Pages/Analytical%20doclades/10.12.2018%20project%20doclades.pdf). Russian.
6. Russia and China will integrate the EAEU and “One belt – one road” projects [Internet; cited 2019 October 27]. Available from: <https://radiomayak.ru/news/article/id/1233527/>. Russian.
7. Xi Jinping proposed to speed up the conjugation of the EAEU with the initiative “One belt, one road” [Internet; cited 2019 October 27]. Available from: <https://tass.ru/ekonomika/5687037>. Russian.
8. The conjugation of the EAEU and the “One belt – one road” project sets a trend for the development of trade and economic cooperation [Internet; cited 2019 October 27]. Available from: <http://www.eurasiancommission.org/ru/nae/news/Pages/26-04-2019-3.aspx>. Russian.
9. Yakovlev AA. The Eurasian economic Union and the Chinese “One belt – one road”. Initiative opportunities for cooperation. *Vestnik Instituta ekonomiki Rossiiskoi akademii nauk*. 2018;1:204–211. Russian.
10. Nezhdanov V. Pairing the EAEU and the Silk Road: China changes strategy [Internet; cited 2019 March 1]. Available from: <https://zen.yandex.ru/media/eurazia/sopriajenie-eaes-i-shelkovogo-puti-kitai-meniaet-strategiiu-5c0780bd73372000a9a3b7d7>. Russian.
11. Alekseenkova E. Conjugation in Italian way [Internet; cited 2019 October 27]. Available from: [https://russiancouncil.ru/analytics-and-comments/analytics/sopryazhenie-po-italyanski/?sphrase\\_id=31917577](https://russiancouncil.ru/analytics-and-comments/analytics/sopryazhenie-po-italyanski/?sphrase_id=31917577). Russian.
12. The EAEU countries can join the project “One belt – one road” [Internet; cited 2019 October 27]. Available from: <http://vestnik-ghonass.ru/news/intro/strany-eaes-mogut-primknut-k-proektu-odin-poyas-odin-put/>. Russian.

Received by editorial board 25.11.2019.

УДК 81.373.218

## EVOLUTION OF THE TERM “GREATER MIDDLE EAST”

SALLOUM FERAS SADIQ<sup>a</sup>

<sup>a</sup>Belarusian State University, 4 Niezaliežnasci Avenue, Minsk 220030, Belarus

The aim of this article is to illuminate how the term “Greater Middle East” has evolved. This article looks into the first use of the word East and the emergence of the term Middle East and the countries that are within it. In addition, Middle East related terms in general and Greater Middle East in particular have been analyzed. Project “Greater Middle East” has raised contradictory opinions in the Arab and Western world. Even though the term was adopted in 2004, many Arab countries perceived it as an attempt to reconstruct the region by geographical, human, economic, political and military means serving American and Israeli interests. All-the-while American and Israeli policymakers considered it as an opportunity for peace and progress.

**Keywords:** East; West; Middle East; Middle East Partnership initiative; Greater Middle East.

## ЭВОЛЮЦИЯ ТЕРМИНА «БОЛЬШОЙ БЛИЖНИЙ ВОСТОК»

САЛЛУМ ФЕРАС САДЫК<sup>1)</sup>

<sup>1)</sup>Белорусский государственный университет, пр. Независимости, 4, 220030, г. Минск, Беларусь

Проанализирована эволюция термина «Большой Ближний Восток» от первого использования слова «восток» до появления понятия «Ближний Восток». Кроме того, рассмотрены связанные с Ближним Востоком термины в целом и термин «Большой Ближний Восток» в частности. Проект «Большой Ближний Восток» вызвал противоречивые мнения в арабском и западном мире. Хотя этот термин начали использовать в 2004 г., многие арабские страны восприняли его как попытку перестроить регион географическими, человеческими, экономическими, политическими и военными средствами для удовлетворения интересов Америки и Израиля. Американские и израильские политики рассматривали его как возможность для мира и прогресса.

**Ключевые слова:** Восток; Запад; Ближний Восток; ближневосточная партнерская инициатива; Большой Ближний Восток.

The terminology proposed by America at the beginning of the 21<sup>st</sup> century such as “Greater Middle East” in 2003, “Creative Chaos” in 2005, “New Middle East” in 2006, and by Israel such as “New Middle East” in 1994, has brought about many conflicting opinions. In Arab sources, the vast majority of researchers have criticized these projects because from their perspectives they aim to restructure the system in the Middle East in all its political, economic, social, cultural and

educational components to achieve the West’s goals in general and Israeli interests in particular. Some Western writers share the Arab point of view. For instance, T. Meyssan clearly points out that the purpose of these projects is to serve the interests of Western nations and Israel [1]. In the same context, N. Chomsky mentions that when the pretext of weapons of mass destruction began to collapse a few months after the invasion of Iraq in 2003, the US administration raised the tone

---

### Образец цитирования:

Саллум Ферас Садык. Эволюция термина «Большой Ближний Восток». Журнал Белорусского государственного университета. Международные отношения. 2019; 2:24–30 (на англ.).

### For citation:

Salloum Feras Sadiq. Evolution of the term “Greater Middle East”. Journal of the Belarusian State University. International Relations. 2019;2:24–30.

---

### Автор:

**Саллум Ферас Садык** – кандидат исторических наук, доцент; доцент кафедры международных отношений факультета международных отношений.

### Author:

**Salloum Feras Sadiq**, PhD (history), docent; associate professor at the department of international relations, faculty of international relations.  
ferassalloum2000@yahoo.com



of democracy. Then Americans sped up their plan to rehabilitate what became known as the Greater Middle East [2, p. 60]. In contrast, Sh. Peres, the former Israeli Foreign Minister, said in his book "The New Middle East" that a new way of thinking should be taken to deliver peace and security for the people in the Middle East [3, p. 17]. Moreover, the US administration announced that the aim of the Greater Middle East Project and the Middle East Partnership Initiative is to modernize the region's political systems and societies as well as to contain the evils of radical Islamists [1].

Due to absence of a complete and comprehensive study on this topic, this article is the first in Belarusian historiography to look into its evolution in order to bridge previously existing gaps in modern Middle East studies. Arab, Russian and Western sources have partially addressed this issue. The common denominator for these sources is their lack of in-depth research into the origins of this concept.

Arab authors such as Abdul Qadir al-Mokhademi, As'ad al-Sahmarani, and Ghazi Hussein all agree that this project was adopted in 2003, but their research lacks accurate chronology and contains discrepancies regarding roots of the Middle East. Abdul Qadir al-Mokhademi indicated that the concept of the Middle East was used during World War I [4, p. 36], while Ghazi Hussein referred that the term Middle East dated back to 1897 when T. Herzl, the founder of the Zionist movement, declared that the Middle East Commonwealth should be established [5, p. 12]. In addition to it, Arab historiography is characterized largely by dogma and the nexus between Middle East related terms and Israel. In accordance with it, all terms are aimed at entering Israel in the region and recognizing it at the expense of the Arab identity. The writers assume that the term "Middle East" does not have geographical significance as much as a political one in its origin and usage. They also affirm that its name was extracted from outside perception to the Arab region. In this regard, former Turkish Foreign Minister A. Davutoglu is on board with this idea referring that the terms "Middle East" and "Near East" do not have any objective meaning for people in China and India, as those are regions to the West of them [6, p. 156].

With respect to Russian sources, there is a difference in determining the Greater Middle East project history. In Z. S. Syzdykova article it is said that the term "Greater Middle East" appeared after the events of 11 September [7], at the same time D. A. Belashchenko, I. D. Komarov point out it emerged after Russian troops invaded Afghanistan in 1979 [8].

With regard to Western sources, even though there is absence of tracing the roots of the term Greater Middle East, some sources handled the emergence of the other term "Middle East" quite profoundly. "The Great Game" by H. Lawrence is a valuable book that describes the first roots of the word East and the first using of the term "Middle East" [9]. Based on that, this article

will illuminate how the term "Greater Middle East" has evolved.

Throughout history, the East has been the scene of conventional battles for its designation and a battleground between major powers rivaling for its control. It should also be noted that there is no documented evidence of the first application of the word "East", but according to H. Lawrence, the first use of this term dates back to the Roman era, which began to expand towards East and West. However, this word changed its meaning multiple times over successive historical periods. Since the 15<sup>th</sup> century, it has become the Islamic Realm [9, p. 9]. In this regard, A. Davutoglu asserts that theorists and makers of Western policies derived these terms by themselves. He added that the geographical integration of the region after the control of Islamic civilization on all its sectors led to cultural integration. From that time till the present day the Middle East has been considered an arena to control the Islamic civilization. In addition, the concept of the Middle East changed according to the variables to which the arena of control had been subjected to, whether towards expansion or decline [6, p. 158].

However, in the 15<sup>th</sup> century with the discovery of India and the influx of Europeans to China in the 16<sup>th</sup>–17<sup>th</sup> century, the French monarchy used the word "Levant", as a synonym for the word of *l'Orient*, to denote the Mediterranean shores of the Ottoman Empire, while in its originality *l'Orient* referred to the Indian Ocean's realm. In addition, England expressed the same distinction through the Levant Company founded in 1592 and the East India Company formed in 1600 [9, p. 9].

H. Lawrence indicates that by the end of the 18<sup>th</sup> century and the beginning of the 19<sup>th</sup> century, those words changed in such a way that the Orient began to mean Ottoman territory specifically, i. e. the Levant closest to Europe [9, p. 10]. For example, the forces of Napoleon Bonaparte's campaign against Egypt in 1798 bore the name of the Orient Army [10].

At the end of the 19<sup>th</sup> century, against the backdrop of signs of weakness in China, a new term "Far East" was applied. In the 1890s, this necessitated the need to find the expression "Near East" to indicate a specific geographical area of the Eastern question. It was well known at the time that the Eastern question referred to the presence of Ottoman Muslims in the Balkans [9, p. 10]. This linguistic renewal pointed to a vacuum between Far East and Near East.

It is noteworthy that the term "Middle East" may have dated back to the 1850s in the British India office, which was a British government department established in London in 1858 to oversee the administration of the provinces of British India through a Viceroy and other officials [11]. Because of the widespread involvement in external relations and the defense policy of pre-1947 African, Asian and Middle Eastern countries, the India office was also responsible for particular neighboring or connected areas at different times,

such as the Red Sea, Arabian Peninsula, Persian Gulf states, Iraq and Iran [11].

But despite the emergence of the term Middle East at that time, its first usage went back to 1902 when the aforementioned void was filled by the geopolitical scientist and US naval officer A. Hamman in the article regarding the Persian Gulf and international relations. A. Haman used the term “Middle East” for the first time in his talk about German plans to build a railway from Berlin to Baghdad (while the Middle East seemed to stretch from the Persian Gulf to the British Empire in India). Later, a series of articles on the Middle East question by V. Shirol, a foreign affairs correspondent for “The Times” followed [9, p. 10].

Abdul Quadir al-Mokhademi considers that the use of the term “Middle East” by the colonial countries of Britain and France dates back to the beginning of the 20<sup>th</sup> century. The purpose was to confront the Arab nationalist tide and to prevent the realization of the Arab unity project the pioneers of which were Boutros Bustani, Gergi Zidan, Najib Azoury and others. They articulated the idea of creating one Arab nation and a need for their independence from Turkey, especially in 1908 following the imposition of the Turkish national movement, led by the “Young Turks”, a policy of Turkism on Arab societies. The author adds, after the demise of the Ottoman Empire in World War I, British and French spheres of influence emerged through agreements and treaties between them to divide Turkish territory in the Arab world, such as the Sykes-Picot Treaty of 1916 [4, p. 43].

Following World War I, the term “Middle East” gained momentum, W. Churchill, the British colonial secretary, established the Royal Middle East Administration (1921). It was entrusted with Palestine, Transjordan, and Iraq. The Middle East Command was set up in Egypt, Sudan and Kenya with administrative rather than operational responsibilities in Palestine. Moreover, with the discovery of oil in the Arabian Peninsula in the 1930s the Middle East in British politics and the Orient in the literature of French policy has become popular [4, p. 36].

By the end of World War II, the term Middle East was used to include the countries from Western Egypt to Eastern Iran. However, the geographic boundaries of the Middle East and its countries differed according to the government that used the term. As for America, after 1945 the US entered the Middle East theater and adopted an active policy in the region. The Middle East Institute was established in Washington, which issued the newspaper called “Middle East”. The institute defined the boundaries of the Middle East in such a way that it conformed to the Islamic world, from Morocco to Indonesia and from Sudan to Uzbekistan. Whilst the British Royal Institute of International Relations identified the borders of the Middle East which included Iran, Turkey, the Arabian Peninsula, the Fertile Crescent, Egypt, Sudan and Cyprus [12, p. 225].

With the creation of the state of Israel in 1948, the Middle East became linked with the relationship of those Arab nations with Israel. As a result, the term “Middle East” acquired a new form, a relationship that brings Arabs together with Israel [4, p. 45]. Tel-Aviv also has its own definition of the Middle East, which refers to the surrounding areas and neighboring countries of strategic interest, such as Turkey, Iran and Ethiopia [12, p. 225].

The writer Nazim al-Gassour considers that ever since the second half of the 20<sup>th</sup> century the Arab region has turned into an open conflict arena with military, security and economic alliances in a way that meets the strategic interests of the major powers, especially the United States of America, which embraced ideas aimed at besieging and containing the region, as well as making Israel a safe state. In 1950, Britain and the United States advanced the idea of defending the Middle East to curb the communist tide in the region [12, p. 226].

The researcher Abdul Quadir al-Mokhademi saw that the geographical scope of the Middle East did not cover a specific region, but it altered in line with the plans and interests of the major powers in the region. With a goal to blockading the Arab nationalist tide led by Gamal Abdel Nasser in the 1950s and 1960s, Britain, France and then the United States created a series of alliances, such as the Baghdad Pact of 1955, the project of former US President D. Eisenhower, and the Islamic Alliance in 1965 [4, p. 45].

Abdul Quadir al-Mokhademi adds that these alliances included Arab countries ruled by conservative regimes loyal to the United States such as Jordan, Saudi Arabia and Iraq during the rule of Nuri al-Said. Some Arab countries while being at the heart of the same geographical region, such as Egypt, Syria, and Iraq, were removed from that same Middle East from 1958 [4, p. 45].

Following the 1967 war between Arabs and Israelis, through the UN Security Council Resolution 242 on 22 November 1967, the concept of the Middle East was confined to Egypt, Jordan, Israel, Palestine and Syria, i. e. the countries that participated in the third Arab-Israeli war [4, p. 47].

Yet B. Lewis in his article titled “The shaping of the modern Middle East” mentions that both terms, “Middle East” and “Near East” but in particular the first of them, have won universal acceptance and are now used to designate this region even by Russians, Africans, Indians, and by the people of the Middle East themselves [13].

In 1991 after the Iraq war and Madrid peace conference, the United States had all the perquisites to impose its economic, cultural and military dominance on the world. G. Hussain deems that with the announcement of G. Bush the birth of a new world order, Washington was seeking to rearrange the situation in the region and introduce Israel into the new regional system after undermining all the foundations of the Arab regional system represented by the Arab League [5, p. 31].

In contrast, Sh. Peres, in his book "The New Middle East", outlined the new system and envisioned that economic unity would be achieved between the Arab region and Israel. This economic unit would combine the Israel's strength in leadership, cheap Arab labor used in manufacturing, combined with the accumulated Arab wealth from the sale of petroleum. Sh. Peres considered that his proposal was a new way of thinking in order to produce security and stability, which required everyone to set up a security system, extensive common regional arrangements and political alliances, which would include all the countries of the region. He stressed that the wars would not bring peace and security to the region. He called for forgetting the past, putting an end to the Arab-Israeli conflict, build a new Middle East and a shared Middle Eastern market [3, p. 17].

With an intent to consolidate the bases of the new project, economic summits in Middle East and North Africa were organized. The first conference was held in Casablanca in 1994, in Amman in 1995, in Cairo in 1996 and the last in Doha in 1997 [4, p. 47]. It is worth mentioning that the term "MENA Countries" is commonly used in academic, military and political literature [14].

Undoubtedly, the reaction of the majority of the Arabs to those ideas relating to the Middle East in general and Sh. Peres' project in particular was negative and unacceptable as they were directed against the Arab world with a final objective to eliminate the Arab nation.

In this regard, President Hafez al-Assad expressed the nature of the new project in question, declaring: the Middle East is not only an economic issue, but also a political one. Its intended goal was to cross out Arabism, Arab feelings and national identity. The proposed system is aimed at breaking the will of the Arab nations, tearing them apart, occupying some of them, extorting others to impose an Israeli solution that would establish a "Greater Israel" from the Nile to the Euphrates, reconstructing the region in geographical, human, economic, political and military means serving American and Zionist interests [15, p. 67].

The writer Abdul Quadir al-Mokhademi considers that pushing the new Middle East project aims to:

- restructure the Arab regional system to ensure that Israel enters the new system so that its regional isolation will be broken;
- annul the national identity of the regional system;
- provide vital space for the Israeli economy by opening the Arab market to Israeli exports and creating bonds with economic resources in Arab countries through joint projects that would guarantee the growth of the Israeli economy [4, p. 31].

Following the events of 11 September, from the point of view of Arab writers, the circles of the American far right took advantage of these attacks. The Bush administration used its arguments to justify the aggression against Iraq and accusing Saddam Hussein

of being an accomplice of Osama bin Laden and possessing weapons of mass destruction. In addition, it regarded the Middle East as a region of great turmoil in the world and a source of problems that threatened the world and US national security. These problems are terrorism, proliferation of weapons of mass destruction, fundamentalism, extremism and illegal immigration [4, p. 49].

While America was preparing to topple Saddam Hussein, it promised to turn Iraq into a role model for democracy in the Middle East. This was manifested in December 2002 when C. Powell announced the Middle East Partnership Initiative (MEPI) with a view to creating long-term prospects for reform [16]. In the same year, E. Cheney was appointed deputy assistant Secretary of State for Middle East affairs and she was delegated to oversee the MEPI [16].

The MEPI, which paves the way for the Greater Middle East project extending from the Western Sahara to the Balinese province of Pakistan, is based on economic objectives to improve quality, encourage investment and facilitate creation of institutions. In addition, it focused on political objectives that promote civil society, strengthen the rule of law, media pluralism, educational objectives that provide education for everyone including women, to improve school programs, and prepare the human resources for trade and market functions as well [16].

US President George W. Bush said in a speech at the University of South Carolina in May 2003: "The Arab world has great cultural heritage but lacks economic development" [17]. Also, the President announced the desire to establish a free trade zone within ten years, so that it would allow the Middle East nations to be in the circle of growing opportunities that would plant hope in the hearts of the people of those countries [17].

Many Arab researchers stress that the ideology of the Greater Middle East is attributed to the British historian B. Lewis in an article published in the 1994 in journal entitled "Restructuring the Near East". In that article B. Lewis expanded the borders of the Middle East and mentioned that "so useful has the term been found to be that the area of its application, has been vastly extended from the original coastlands of the Persian Gulf to a broad region stretching from the Black Sea to equatorial Africa and from the northwest frontier of India to the Atlantic" [13].

On 6 November 2003 to give impetus to the project, G. Bush delivered a speech at the National Committee for Democracy, placing emphasis on the need to spread democracy in the Arab world for reform. To advance this project, funds were allocated to the establishment of regional offices for America to support reforms in all fields, such as in 2003, 129 million US dollars was allocated and later 100 million US dollars in 2004 [18].

Following G. Bush's speech regarding the need for reform in the Arab world, US Vice President D. Cheney talked about the Middle East reform project at the

Davos Forum in February 2004. The contents of the project, which were based on the 2002–2003 Arab Human Development Reports of the United Nations, identified the major shortcomings Arab countries suffered from. He considered that absence of freedom, knowledge and empowerment of women the predominant reasons for breeding extremism and terrorism [19; 20].

After the spread of the American project, the Arab response was varied. In light of that, two trends emerged in the Arab world. The first one included Egypt, Sudan, Saudi Arabia and Syria, which rejected it and stated that they would not allow any country to interfere in the affairs of the region. These states viewed that the US project ignored some points of the Human Development Reports, namely that the Arab-Israeli conflict and the existence of Israel is an obstacle and the main reason for failure of most reform and development efforts. The US initiative provided that reconciliation with Israel and establishing normal relations with it is within the framework of the so-called Greater Middle East Project would lead to reform in the Middle East [5, p. 115].

As far as the second trend is concerned, some other Arab countries, including the UAE, Bahrain and Qatar, have called on to look carefully at this initiative and read it in depth to find out its benefits before turning it down [5, p. 115].

In terms of European countries, France criticized the US initiative for not recognizing the core of the Arab-Israeli conflict, ignoring the peculiarities and differences between the nations of the region and for not coordinating with the Arab governments [5, p. 118].

It is worth mentioning, both Americans and Europeans agree that the region is the source of a myriad of problems and threats, such as terrorism, drugs, illegal immigration and weapons of mass destruction, but they disagree on ways of approach and priorities.

Based on the EU's insight on the future and positive development of the region on 7 March 2004 France and Germany launched a reform project, complementing the American project, focusing on dialogue and consultation with governments and civil society organizations, taking into account the national feelings, identity and specificities of each country. In addition, it declared that the settlement of the Arab-Israeli conflict is a strategic priority for European countries with emphasis that conflicts should not be an obstacle to reform [5, p. 120].

In June 2004, the G8 Summit opened in the US state of Georgia, during which the text of the Middle East Project was presented as a vision for the future of the region.

The Greater Middle East Project proposed by Washington at the G8 Summit in Virginia consisted of a prelude and three titles. It included statistics on the current Arab reality, the most important of which are:

- total GDP of all Arab League countries is lower than that of Spain;

- 40 % of Arabs are illiterate and women make up one third of this number;
- the region is expected to have around 25 million unemployed by 2010;
- a third of Arabs live on less than 2 US dollars a day;
- 1.6 % of the population use the Internet, only 3.5 % of the Arab parliamentary seats are held by women;
- 15 % of young people expressed their desire to emigrate;
- the total number of books produced by Arabs is 1.1 % of the total world production, while religious books constitute 15 % [21].

Having mentioned the shortcomings in the 2002–2003 UN Human Development Reports three objectives were introduced to cope with these issues. The first one was to promote democracy and its main points were the poor state of the Arab countries in the political arena, fighting against corruption, promotion of freedom and transparency, establishment of institutions to train women to participate in political and civic life and advancement of internal reform through civil society organizations, including Human rights non-governmental organizations.

The second demanded the establishment of a knowledgeable society. According to that, building such a society is grounded on three initiatives: basic education, online education and business education.

The third title was to expand economic opportunities by strengthening the private sector, establishing the Middle East Development Bank and encouraging the Arab countries to join the WTO [21].

At the end of the summit, after some amendments made by the European countries, it was established that the likes of reform must be carried out from within and cannot be imposed from the outside. It also emphasized the need to resolve the Arab-Israeli conflict and other regional conflicts, the US project on reforming the Middle East under the title "Partnership for Progress and a Common Future with the Broader Middle East and North Africa" was also adopted.

Considering the evolution of the term Greater Middle East, we can sum up the following:

1. The geostrategic importance of the Middle East, as well as its natural resources, has been the focal point of the major powers in the world.

2. There is no uniform definition of the geography of the Middle East and the countries that are within it as they have been constantly changing in accordance with political criteria and outside perception of the region.

3. Most Arab researchers agree that all terms related to the Middle East, such as the New Middle East and the Middle East Partnership Initiative, which paves the way for the Greater Middle East, aim to eliminate the current Arab identity and insert non-Arab nations such as Israel into the region, all-the-while American and Israeli policymakers perceived it as an opportunity for peace and progress.

4. The Greater Middle East Project became the basis for the two Arab Human Development Reports issued in 2002–2003, which shed light on the shortcomings the Arab countries suffered from and considered that these deficiencies are responsible for the problems of the region and its backwardness.

5. Despite the opposition from most Arab countries to the Greater Middle East Project, it was nevertheless adopted in 2004 under the name of “Partnership for Progress and a Common Future with the Broader Middle East and North Africa” after some amendments were made by European countries to mitigate the Arab stance on this project.

In conclusion, evolution of the term Greater Middle East has gone through several stages starting from the first use of the word East to the date when the United States of America adopted it as a solution to the problems of the Middle Eastern countries. One cannot disagree with the United Nations reports of 2002 and 2003 that highlighted the main issues and the inherent lack of progress in the region with an exception of Israel,

but I would dispute the honest intent of the United States in bringing peace and development to the region. The goal of the US has never been and will never be to create a prosperous and united Middle East. To prove this we should look at the type of investments the United States and Europe have brought to the region, only hotels and entertainment industries have been their main investments, while Israel, aside from its 3.2 billion US dollars in annual cash infusion, receives a large chunk of technological and industrial relocations of the US and European corporations. Not to mention US support for authoritarian regimes in the Arab world and its dual policy in dealing with regional conflicts between the countries of the region. Besides, from the point of view of Arab thinkers Israel has been a challenge for the Arab world. They also affirm that all projects proposed either by America or Israel are in favor of both countries. However, the author of this article maintains that it would be absurd to hold USA and Israel responsible for all what has been going on in this region in question.

### Библиографические ссылки

1. Мейссан Т. Буш изобретает Большой Ближний Восток [Интернет; процитировано 9 июля 2019 г.]. Доступно по: <https://www.voltairenet.org/article90101.html> (на араб.).
2. Хомский Н, Ачкар Г. *Опасная власть: Ближний Восток и внешняя политика США*. Бейрут: Дар Аль-Саки; 2007. 318 с. (на араб.).
3. Перес Ш. *Новый Ближний Восток*. Иордания: Дар аль-Ахлия; 1994. 230 с. (на араб.).
4. Мохадеми А. *Проект Большого Ближнего Востока*. Алжир: Арабский дом науки; 2005. 241 с. (на араб.).
5. Хусейн Г. *Большой Ближний Восток*. Дамаск: Союз арабских писателей; 2005. 173 с. (на араб.).
6. Давутоглу А. *Стратегическая глубина*. Бейрут: Арабский дом науки; 2010. 650 с. (на араб.).
7. Сыздыкова ЖС. Большой Ближний Восток в глобальной политике США [Интернет; процитировано 3 июля 2019 г.]. Доступно по: <https://cyberleninka.ru/article/n/bolshoy-blichniy-vostok-v-globalnoy-politike-ssha>.
8. Белащенко ДА, Комаров ИД. События «арабской весны» в контексте реализации проекта «Большой Ближний Восток» [Интернет; процитировано 3 июля 2019 г.]. Доступно по: <https://cyberleninka.ru/article/n/sobytiya-arab-skoy-vesny-v-kontekste-realizatsii-proekta-bolshoy-blichniy-vostok>.
9. Лоуренс Х. *Великая игра*. Кипр: Дом Кордовы; 1992. 456 с. (на араб.).
10. Аль-Сахмарани А. Новый сионистский проект [Интернет; процитировано 1 июля 2019 г.]. Доступно по: [http://albayan.edu.sa/albayan\\_library/upload/books/\\_%20\\_%20\\_1.pdf](http://albayan.edu.sa/albayan_library/upload/books/_%20_%20_1.pdf) (на араб.).
11. Middle East [Internet; cited 2019 August 11]. Available from: [https://en.wikipedia.org/wiki/Middle\\_East](https://en.wikipedia.org/wiki/Middle_East).
12. Аль-Джассур Н. *Энциклопедия политологии*. Иордания: Дар Маджалави; 2004. 398 с. (на араб.).
13. Bernard L. *Restructuring the Near East*. New York: Oxford University Press; 1994.
14. Middle East & North Africa MENA [Internet; cited 2019 September 1]. Available from: <https://en.wikipedia.org/wiki/MENA>.
15. Тлас М. *Казалика каля аль-Асад (Вот что говорил Х. Асад)*. Дамаск: Дар Тлас; 2000. 591 с. (на араб.).
16. Middle East partnership initiative [Internet; cited 2019 September 1]. Available from: [https://en.wikipedia.org/wiki/Middle\\_East\\_Partnership\\_Initiative](https://en.wikipedia.org/wiki/Middle_East_Partnership_Initiative).
17. President Bush presses for peace in the Middle East [Internet; cited 2019 September 2]. Available from: <https://georgewbushwhitehouse.archives.gov/news/releases/2003/05/20030509-11.html>.
18. Remarks by President George W. Bush at the 20<sup>th</sup> anniversary of the national endowment for democracy [Internet; cited 2019 September 2]. Available from: <https://www.ned.org/remarks-by-president-george-w-bush-at-the-20th-anniversary/>.
19. The Human Development Report 2003 [Internet; cited 2019 September 1]. Available from: [https://www.un.org/ar/esa/hdr/pdf/hdr03/HDR\\_2003\\_Complete.pdf](https://www.un.org/ar/esa/hdr/pdf/hdr03/HDR_2003_Complete.pdf).
20. The Human Development Report 2002 [Internet; cited 2019 August 30]. Available from: [https://www.un.org/ar/esa/ahdr/pdf/ahdr02/AHDR\\_2002\\_Complete.pdf](https://www.un.org/ar/esa/ahdr/pdf/ahdr02/AHDR_2002_Complete.pdf).
21. Партнерство Большого Ближнего Востока [Интернет, процитировано 30 августа 2019 г.]. Доступно по: <https://al-bab.com/documents-section/greater-middle-east-partnership> (на араб.).

### References

1. Meyssan T. Bush invents the Greater Middle East [Internet; cited 2019 July 9]. Available from: <https://www.voltairenet.org/article90101.html>. Arabic.
2. Chomsky N, Achcar G. *Perilous Power: The Middle East & U.S. Foreign Policy*. Beirut: Dar Al-Saki; 2007. 318 p. Arabic.

3. Peres Sh. *The New Middle East*. Jordan: Dar al-Ahlija; 1994. 230 p. Arabic.
4. Mokhademi A. *Greater Middle East Project*. Algeria: Arab Science House; 2005. 241 p. Arabic.
5. Hussein Gh. *The Greater Middle East*. Damascus: Arab Writers Union; 2005. 173 p. Arabic.
6. Davutoglu A. *Strategic depth*. Beirut: Arab Science House; 2010. 650 p. Arabic.
7. Syzdykova ZhS. Greater Middle East in US global politics [Internet; cited 2019 July 3]. Available from: <https://cyberleninka.ru/article/n/bolshoy-blizhniy-vostok-v-globalnoy-politike-ssha>. Russian.
8. Belashchenko DA, Komarov ID. “Arab spring” events in the context of implementation of the “Greater Middle East” project [Internet; cited 2019 July 3]. Available from: <https://cyberleninka.ru/article/n/sobytiya-arabskoy-vesny-v-kontekste-realizatsii-proekta-bolshoy-blizhniy-vostok>. Russian.
9. Lawrence H. *The Great Game*. Cyprus: House of Cordoba; 1992. 456 p. Arabic.
10. Al-Sahmarani A. The new Zionist project [Internet; cited 2019 July 1]. Available from: [http://albayan.edu.sa/albayan\\_library/upload/books/\\_%20\\_%20\\_1.pdf](http://albayan.edu.sa/albayan_library/upload/books/_%20_%20_1.pdf). Arabic.
11. Middle East [Internet; cited 2019 July 11]. Available from: [https://en.wikipedia.org/wiki/Middle\\_East](https://en.wikipedia.org/wiki/Middle_East).
12. Al-Jassour N. *Encyclopedia of political science*. Jordan: Dar Darmajdalawi; 2004. 398 p. Arabic.
13. Bernard L. *Restructuring the Near East*. New York: Oxford University Press; 1994.
14. Middle East & North Africa MENA [Internet; cited 2019 September 1]. Available from: <https://en.wikipedia.org/wiki/MENA>.
15. Tlas M. *That is what H. Assad said*. Damascus: Dar Tlas; 2000. 591 p. Arabic.
16. Middle East partnership initiative [Internet; cited 2019 September 1]. Available from: [https://en.wikipedia.org/wiki/Middle\\_East\\_Partnership\\_Initiative](https://en.wikipedia.org/wiki/Middle_East_Partnership_Initiative).
17. President Bush presses for peace in the Middle East [Internet; cited 2019 September 2]. Available from: <https://georgewbushwhitehouse.archives.gov/news/releases/2003/05/20030509-11.html>.
18. Remarks by President George W. Bush at the 20<sup>th</sup> anniversary of the national endowment for democracy [Internet; cited 2019 September 2]. Available from: <https://www.ned.org/remarks-by-president-george-w-bush-at-the-20th-anniversary/>.
19. The Human Development Report 2003 [Internet; cited 2019 September 1]. Available from: [https://www.un.org/ar/esa/hdr/pdf/hdr03/HDR\\_2003\\_Complete.pdf](https://www.un.org/ar/esa/hdr/pdf/hdr03/HDR_2003_Complete.pdf).
20. The Human Development Report 2002 [Internet; cited 2019 August 30]. Available from: [https://www.un.org/ar/esa/ahdr/pdf/ahdr02/AHDR\\_2002\\_Complete.pdf](https://www.un.org/ar/esa/ahdr/pdf/ahdr02/AHDR_2002_Complete.pdf).
21. Greater Middle East partnership [Internet; cited 2019 August 30]. Available from: <https://al-bab.com/documents-section/greater-middle-east-partnership>. Arabic.

Received by editorial board 06.11.2019.

УДК 368.025.8(476)

## COMPENSATION FOR NON-PROPRIETARY DAMAGE CAUSED TO LEGAL ENTITIES: APPROACHES OF BELARUS AND CERTAIN FOREIGN STATES

N. G. MASKAYEVA<sup>a</sup>

<sup>a</sup>*Belarusian State University, 4 Niezaliežnasci Avenue, Minsk 220030, Belarus*

In the article legal grounds for compensation of non-proprietary damage to legal entities in the Republic of Belarus and certain foreign states (Republic of Poland, Ukraine, the Russian Federation) are considered. Both differences and commonalities of approaches of legislators and (or) higher courts of these foreign countries in this sphere are demonstrated. It is concluded that national legislation shall entitle legal entities with the relevant right by the introduction of a new legal institution with the preservation or exclusion of the institution of moral damage, or by modifying the latter (in particular, by changing its definition, including legal entities in the circle of the entities having the right to its compensation). Since the determination by the plaintiff of the exact amount of non-proprietary damage caused to him, in contrast to the amount of the losses, may often be impossible, the author believes that it must provide the norm guaranteeing that Belarusian courts will not dismiss the relevant claim in such cases.

**Keywords:** business reputation; compensation; legal entities; non-proprietary damage; personal benefit.

---

### Образец цитирования:

Маскаева НГ. Компенсация неимущественного вреда, причиненного юридическим лицам: подходы Республики Беларусь и некоторых зарубежных государств. *Журнал Белорусского государственного университета. Международные отношения*. 2019;2:31–37 (на англ.).

### For citation:

Maskayeva NG. Compensation for non-proprietary damage caused to legal entities: approaches of Belarus and certain foreign states. *Journal of the Belarusian State University. International Relations*. 2019;2:31–37.

---

### Автор:

**Наталья Геннадьевна Маскаева** – кандидат юридических наук, доцент; доцент кафедры международного частного и европейского права факультета международных отношений.

### Author:

**Natallia G. Maskayeva**, PhD (law), docent; associate professor at the private international and European law department, faculty of international relations.  
*maskayeva@bsu.by*

## КОМПЕНСАЦИЯ НЕИМУЩЕСТВЕННОГО ВРЕДА, ПРИЧИНЕННОГО ЮРИДИЧЕСКИМ ЛИЦАМ: ПОДХОДЫ РЕСПУБЛИКИ БЕЛАРУСЬ И НЕКОТОРЫХ ЗАРУБЕЖНЫХ ГОСУДАРСТВ

Н. Г. МАСКАЕВА<sup>1)</sup>

<sup>1)</sup>Белорусский государственный университет, пр. Независимости, 4, 220030, г. Минск, Беларусь

Рассматриваются правовые основы для компенсации неимущественного вреда юридическим лицам в Республике Беларусь и отдельных зарубежных государствах (Республика Польша, Украина, Российская Федерация). Продемонстрированы как отличительные, так и схожие моменты в подходах законодателей и (или) высших судебных инстанций указанных зарубежных стран в данной сфере. Сделан вывод о необходимости наделения отечественным законодательством юридических лиц соответствующим правом путем введения в него нового правового института с сохранением или исключением института морального вреда, либо за счет модификации последнего (в частности, путем изменения его определения, включения юридических лиц в круг субъектов, имеющих право на его компенсацию). Поскольку определение истцом точного размера причиненного ему неимущественного вреда (в отличие от размера убытков) на практике может быть зачастую невозможным, автор считает необходимым закрепить норму, служащую гарантией того, что в удовлетворении соответствующего требования судами в таких случаях отказано не будет.

**Ключевые слова:** деловая репутация; компенсация; юридические лица; неимущественный вред; личное благо.

The possibility of causing non-proprietary damage to legal entities follows from certain Belarusian legal acts, in particular, para. 10 of art. 1 of the Law “On counteraction to monopolistic activities and development of competition” of 12 December 2013 No. 94-3, in the version of the Law of the Republic of Belarus of 8 January 2018 No. 98-3<sup>1</sup> according to which, in order for the actions specified in it to be recognized as unfair competition, it is necessary, inter alia, that they can cause or cause losses to other competitors or may cause damage or damage their business reputation. Legal acts do not define the latter. In para. 15 of the Guidelines for establishing the fact of existence (absence) of antitrust violation in the part of unfair competition, approved by the Order of the Minister of Antitrust Regulation and Trade of the Republic Belarus of 18 September 2017 No. 154<sup>2</sup>, it is stated that under the damage caused to the business reputation of competitors, it is necessary to understand any of its diminution, which can have both proprietary and non-proprietary character. The latter is manifested in loss of positive opinion about competitors’ business qualities

in the eyes of public and, in particular, of the business community. It follows from this paragraph that such a loss would not necessarily result in property losses.

The analysis of the Constitution of the Republic of Belarus of 1994<sup>3</sup> (part 2 of art. 60) and of the Civil Code of the Republic of Belarus of 7 December 1998<sup>4</sup> (hereinafter the Belarusian CC) allows to conclude that they do not lay down compensation of any non-proprietary damage, except for moral damage. As it is defined as physical or moral suffering, it is logical that legal entities are not entitled to claim its monetary compensation (art. 152, para. 7 of art. 153 of the Belarusian CC, para. 18 of the Ruling of the Supreme Court of the Republic of Belarus of 23 December 1999 No. 15 “On courts’ practice of hearing of civil disputes on protection of honor, dignity and business reputation”<sup>5</sup>). This is true for other legal acts<sup>6</sup>. Thus, for the time being in Belarus there is no legal ground for compensation of non-proprietary damage caused to legal entities.

The need for the introduction of such legal institution into the national legislation is supported by some Belarusian [1, p. 12; 2, p. 52] and Russian [3] scholars.

<sup>1</sup>On Counteraction to Monopolistic Activity and Development of Competition : Law of the Republic of Belarus of 12 December 2013 No. 94-3 : as amended by the Law of 8 January 2018 No. 98-3 [Electronic resource]. URL: <http://www.pravo.by/document/?guid=3871&p0=h11300094> (date of access: 18.11.2019).

<sup>2</sup>Guidelines for establishing the fact of existence (absence) of antitrust violation in the part of unfair competition : approved by the Order of the Minister of Antitrust Regulation and Trade of the Republic Belarus of 18 September 2017 No. 154 [Electronic resource]. URL: [https://mart.gov.by/files/live/sites/mart/files/documents/Methodics%20NDK%20\(order%20Minister%20from%09.09.2017%20N%154\).pdf](https://mart.gov.by/files/live/sites/mart/files/documents/Methodics%20NDK%20(order%20Minister%20from%09.09.2017%20N%154).pdf) (date of access: 18.11.2019).

<sup>3</sup>The Constitution of the Republic of Belarus of 1994 : with amendments and additions adopted at the Republican Referenda on 24 November 1996 and 17 October 2004 [Electronic resource]. URL: <http://pravo.by/pravovaya-informatsiya/normativnye-dokumenty/konstitutsiya-respubliki-belarus/> (date of access: 18.11.2019).

<sup>4</sup>Civil Code of the Republic of Belarus of 7 December 1998 No. 218-3 : adopted by the House of Representatives on 28 October 1998: approved by the Council of Republic on 19 November 1998 : with amendments and additions, introduced by the Law of 18 December 2018 No. 151-3 [Electronic resource]. URL: <http://pravo.by/document/?guid=3871&p0=hk9800218> (date of access: 18.11.2019).

<sup>5</sup>On courts’ practice of hearing of civil disputes on protection of honor, dignity and business reputation : Ruling of the Plenum of the Supreme Court of the Republic of Belarus of 23 December 1999 No. 15 [Electronic resource]. URL: [http://court.gov.by/en/jurisprudence/post\\_plen/civil/moral/dfc0f3c11d36bd76.html](http://court.gov.by/en/jurisprudence/post_plen/civil/moral/dfc0f3c11d36bd76.html) (date of access: 18.11.2019).

<sup>6</sup>The list of civil remedies provided for in art. 11 of the Belarusian CC has an open character.



The relevant proposals are based mainly on the analysis of the Russian legal experience, while, to our mind, for this purpose the appropriate legal regulation and jurisprudence of other countries shall also be properly studied. In this article the approaches of Polish and Ukrainian legislators and courts will additionally be considered in detail.

Thus, in the legislation of the **Republic of Poland**, the norms relating to compensation for non-proprietary damage are contained in art. 24 (§1), 445 and 448 of the Civil Code of the Republic of Poland of 23 April 1964<sup>7</sup> (hereinafter the Polish CC). Art. 445 of the Polish CC applies only to individuals, therefore, its consideration in the framework of this article seems superfluous.

The Polish CC in art. 24 (§ 1) provides the civil remedies which may be applied in the violation of personal benefits, inter alia, monetary compensation (*zadośćuczynienia pieniężnego*) and payment of the relevant sum for the specified public objective.

Pursuant to art. 448 of the Polish CC, in the event of a breach of personal benefit court may grant to the person, whose personal benefit has been violated, the appropriate sum of money in compensation for the resentment suffered or at his request to award the appropriate amount of money to the social objective specified by him, regardless of other measures needed to remove the effects of the infringement.

It bears noting that the Polish CC (art. 23) contains only the list of personal benefits of an individual (health, freedom, honor, freedom of conscience, surname or nickname, image, privacy of correspondence, inviolability of the apartment, scientific, artistic, inventive and rationalizing creativity).

At the same time, pursuant to art. 43 of the Polish CC, the provisions on the protection of the personal benefits of individuals apply according to legal entities. This allows, firstly, to recognize the existence of personal rights of legal entities, and secondly, to apply to them all the mentioned remedies, including monetary compensation<sup>8</sup>.

The Supreme Court of the Republic of Poland rightly points out that the provision of art. 43 of the Polish CC, as well as its other provisions, contain neither any catalog of personal benefits of legal entities, nor

a definition of the concept of such benefits<sup>9</sup>. According to it, "...personal rights of legal entities are non-property values which enable a legal entity to function in accordance with its scope of activities"<sup>10</sup>.

Personal benefits recognized in the Polish doctrine and jurisprudence as entitled to legal entities are name (a particular type of name: legal entity's company name, these are the equivalents of the first and last name of the natural person), inviolability of the premises, good reputation (equivalent to human dignity, confidentiality of correspondence, as well as some kind of privacy of a legal person) [4].

The Supreme Court in its judgment of 24 September 2008 (II CSK 126/08) noted the following:

"the notion of resentment referred to in that provision<sup>11</sup> means non-pecuniary damage resulting from the violation of personal benefits, in other words, the aggrieved person suffered non-proprietary damage, moral damage;

that notion cannot be equated with experiencing only physical and mental suffering by individuals who are concerned by the provisions on the protection of personal benefits contained in art. 23, 24, 445 and 448 of the CC. For obvious reasons, legal entities experience neither physical nor mental sufferings. However, they also suffer non-pecuniary damage as a result of violation of their personal benefits, which cannot be measured in money, which justifies the relevant application of art. 448 of the Polish CC in connection with art. 24 (§ 1) and art. 43 of that Code for compensation of non-proprietary damage caused" (hereinafter translated by N. M.)<sup>12</sup>.

In the case law of the Supreme Court of the Republic of Poland, it is assumed that the claims based on art. 448 of the Polish CC must be satisfied provided that not only the unlawfulness of the infringement of personal benefits, but also the violator's fault has been demonstrated<sup>13</sup>.

The Polish CC does not set forth any provision, concerning the calculation of non-proprietary damage. In the Judgment of the Supreme Court of 16 April 2002 (V CKN 1010/00)<sup>14</sup>, it is stated that the compensation provided in art. 448 of the Polish CC has a compensatory rather than a repressive function and that the amount awarded shall be moderate, kept within reasonable limits. It also concluded that when determining

<sup>7</sup>Ustawa z dnia 23 kwietnia 1964 r. Kodeks cywilny [Electronic resource]. URL: <http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19640160093> (date of access: 11.11.2019).

<sup>8</sup>This position, as it will be demonstrated, is shared by the Supreme Court of the Republic of Poland. At the same time, there are some decisions of courts of lower instances based on the opinion that art. 448 of the Polish CC does not apply to legal entities. See: Wyrok SO w Warszawie z dnia 14 czerwca 2016 r., Sygn. akt IV C 919/14 [Electronic resource]. URL: <https://www.saos.org.pl/judgments/content/336769.html> (date of access: 11.11.2019).

<sup>9</sup>Wyrok SN z dnia 24 września 2008 r., Sygn. akt II CSK 126/08 [Electronic resource]. URL: <https://www.saos.org.pl/judgments/88741> (date of access: 11.11.2019).

<sup>10</sup>SN z dnia 14 listopada 1986 r., II CR 295/86 08 [Electronic resource]. URL: <https://sip.lex.pl/orzeczenia-i-pisma-urzedowe/orzeczenia-sadow/ii-cr-295-86-wyrok-sadu-najwyzszego-520097036> (date of access: 11.11.2019).

<sup>11</sup>The provision of art. 448 of the Polish CC.

<sup>12</sup>Wyrok SN z dnia 24 września 2008 r., Sygn. akt II CSK 126/08 [Electronic resource]. URL: <https://www.saos.org.pl/judgments/88741> (date of access: 11.11.2019).

<sup>13</sup>Там же.

<sup>14</sup>Wyrok SN z dnia 16 kwietnia 2002 r., V CKN 1010/00 [Electronic resource]. URL: <http://www.sn.pl/sites/orzecznictwo/Orzeczenia1/V%20CKN%201010-00.pdf> (date of access: 11.11.2019).

it, all the circumstances of the case shall be taken into consideration: the type of benefits violated and the degree of the damage caused, the intensity of the violation and the degree of fault of the guilty person, as well as the property status of the debtor. The monetary compensation shall not be an opportunity for the aggrieved person to obtain revenue<sup>15</sup>.

In the legislation of **Ukraine** non-proprietary damage is the synonym of moral damage. According to a Ukrainian scholar V. D. Prymak, compensation for moral damage is a universal civil remedy that can be applied in the presence of non-proprietary losses caused by primary violation of a person's both absolute and relative (including contractual), non-proprietary and proprietary subjective civil rights and regardless of whether this happened as a result of violations of civil, other private or even public legal relations; however, the purpose of applying of moral damage in all circumstances is to compensate for the non-proprietary losses of the aggrieved person [5, p. 175].

The right of a person to compensation of moral damage caused by violation of his or her rights is provided in art. 23 (1) of the Civil Code of Ukraine of 16 January 2003<sup>16</sup> (hereinafter the Ukrainian CC). This right belongs both to individuals and legal entities.

Pursuant to para. 7 of the Ruling of the Plenum of the Supreme Court of Ukraine of 3 part 1995 No. 4 "On judicial practice in cases of compensation for moral (non-proprietary) damage"<sup>17</sup> (hereinafter Ruling No. 4) the inflicted moral (non-proprietary) damage is compensated to the legal entity, whose rights were directly violated by unlawful actions (inaction) of other persons.

From art. 23 (1 (4)) of the Ukrainian CC it follows that it consists in denigration of legal entities' business reputation<sup>18</sup>. According to para. 6 of the Information sheet of the Supreme Economic Court of 28 March 2007 No. 01-8/184 "On some issues of practice of application of legislation on information by commercial courts"<sup>19</sup> denigration of business reputation of a legal entity (entrepreneur) is dissemination in any form of false, inaccurate or incomplete information that discredits the way of doing or the results of carrying out of its economic (entrepreneurial) activity, therefore reducing the value of its intangible assets.

At the same time, in the Ruling No. 4 there is a broader approach to understanding of moral damage caused to legal entities: in accordance with para. 3, moral damage should be understood as loss of a non-proprietary character due to negative phenomena caused to a legal entity by illegal actions or inaction of other persons. Non-proprietary damage caused to a legal entity should be understood as losses of non-proprietary nature that occurred in connection with the denigration of its business reputation, encroachment on a company name, trademark, industrial sign, disclosure of trade secrets, as well as actions aimed at reducing prestige or undermining trust in its activities.

In the claim on compensation for moral (non-proprietary) damage it must be stated what this damage consists in, by which illegal action or inaction it is caused to the plaintiff, from what considerations he proceeded determining the amount of the damage, and by which evidence it is supported (para. 4 of the Ruling No. 4).

According to the general grounds of civil law liability within hearing the dispute on compensation of moral (non-proprietary) damage the following shall be clarified: the existence of such damage, the wrongfulness of the actions of the person having inflicted it, the causal link between the damage and the wrongful act of the tortfeasor and the fault of the latter in its infliction. The court, in particular, must find out what confirms the fact of causing moral or physical suffering or loss of non-material nature to the claimant, under what circumstances or by what actions (inaction) they were caused, in what sum of money or material form the plaintiff evaluates the harm caused<sup>20</sup> and from what he proceeds for this purpose as well as other circumstances relevant to the settlement of the dispute (para. 5 of the Ruling No. 4).

In the Ukrainian jurisprudence there are some judgments by which moral damage was awarded to plaintiffs due to the defendant's actions causing threat of diminishing of plaintiff's business reputation. Thus, in the Decision of Dzerzhynskiy District Court of Kryvyi Rih City of 2 May 2018 No. 73919267 the following is stated: "...the fact of reducing non-proprietary benefits as a result of the wrongdoing of the offender is not

<sup>15</sup>Wyrok SN z dnia 13 stycznia 2012 r. [Electronic resource]. URL: [https://mojepanstwo.pl/dane/sn\\_orzeczenia/15675,csk-790-10](https://mojepanstwo.pl/dane/sn_orzeczenia/15675,csk-790-10) (date of access: 11.11.2019).

<sup>16</sup>Civil Code of Ukraine of 16 January 2003 No. 435-IV [Electronic resource]. URL: <https://zakon.rada.gov.ua/laws/show/435-15> (date of access: 11.11.2019).

<sup>17</sup>On judicial practice in cases of compensation for moral (non-proprietary) damage : the Ruling of the Plenum of the Supreme Court of Ukraine of 3 March 1995 No. 4 [Electronic resource]. URL: <https://zakon.rada.gov.ua/laws/main/v0004700-95> (date of access: 11.11.2019).

<sup>18</sup>The most typical cases of causing moral damage to legal entities are dissemination, including through the mass media, of false information that denigrate their business reputation or harm their interests (para. 4 of the Clarifications of the Supreme Arbitration Court of Ukraine for the Arbitration courts of Ukraine of 29 February 1996 No. 02-5/95 "On certain issues of the practice of settlement of the disputes related to moral damage". See: On certain issues of the practice of settlement of the disputes related to moral damage: Clarifications of the Supreme Arbitration Court of Ukraine for the Arbitration courts of Ukraine of 29 February 1996 No. 02-5/95 [Electronic resource]. URL: [https://zakon.rada.gov.ua/laws/main/v5\\_95800-96](https://zakon.rada.gov.ua/laws/main/v5_95800-96) (date of access: 11.11.2019) (hereinafter – Clarifications No. 02-5/95).

<sup>19</sup>On some issues of practice of application of legislation on information by commercial courts : Information sheet of the Supreme Economic Court of 28 March 2007 No. 01-8/184 [Electronic resource]. URL: [https://zakon.rada.gov.ua/laws/show/v\\_184600-07](https://zakon.rada.gov.ua/laws/show/v_184600-07) (date of access: 11.11.2019).

<sup>20</sup>Under art. 23 (3) of the Ukrainian Civil Code, moral damage shall be indemnified by cash, other property or otherwise.

a necessary condition for the right to compensation for moral damage. It is enough for the offender's actions to create a real threat of diminishing non-proprietary benefits. This is stated in art. 23 of the Civil Code, where the grounds for the emergence of the right to compensation for non-pecuniary damage are the actions that only create a threat of breach of business reputation (dissemination of false information). Thus, in this particular case, the high level of business reputation of PJSC "ArcelorMetal Kryviy Rih" is the key to success, stability, and material benefits of the company. At the same time, false information circulated by PERSON\_3 among the persons present at the rally INFORMATION\_1 about the allegedly negative activity of the plaintiff, discredit him as an economic entity and create a real threat to the violation of its business reputation. The statements of PERSON\_3 affect the honor, dignity and business reputation of specific employees of the company and the business reputation of third parties of companies of international level, which cooperate with the plaintiff, which causes the risk of deterioration of the fundamentally important business relations of the plaintiff with partner companies<sup>21</sup>. Thus, the court considered the fact of causing PJSC "ArcelorMetal Kryviy Rih" moral damage as proved.

Such understanding of moral damage seems to be in contradiction with the relevant provisions of the Ukrainian CC and the Ruling No. 4.

The burden of proof of the defendant's fault is not levied on the plaintiff: the defendant himself must prove its absence (para. 5 of the Ruling No. 4)<sup>22</sup>.

Under art. 23 (3) of the Ukrainian CC as applied to legal entities the amount of moral damage shall be specified by the court depending on the nature or infringement, the degree of fault of the person inflicting such damage, if fault is the ground for its compensation as well as with due regard for other significantly important circumstances and the requirements of reasonableness and fairness. Moral damage is compensated irrespective of the proprietary damage to be recovered and is not related to its amount. Pursuant to

para. 9 of the Ruling No. 4, the character of non-proprietary losses (their duration, the possibility of recovery, etc.), the gravity of the forced changes in industrial relations of the aggrieved legal entity, the degree of decline in its prestige, business reputation, time and the efforts required to restore its state, voluntary or at the request of the victim refutation of the disseminated information by the editorial of the mass media, shall also be taken into account.

In para. 6 of the Clarifications No. 02-5/95 it is stated that in all circumstances, the amount of compensation of moral damage may not be less than five minimum wages. But this provision is in contradiction with the Ukrainian CC, which provides neither minimum nor maximum amount of the sum of moral damage.

Pursuant to the previous version of part 1 of art. 152 of the Civil Code of the **Russian Federation** of 21 October 1994 (Russian CC)<sup>23</sup>, legal entities were entitled, inter alia, with the right to compensation for moral damage caused by the dissemination of false information denigrating their honor, dignity or business reputation<sup>24</sup>. According to the Federal Law of 2 July 2013 No. 142-ФЗ<sup>25</sup> "On amendments to subsection 3 of section I of part one of the Civil Code of the Russian Federation", which entered into force on 1 October 2010, art. 152 was edited resulting in the exclusion of the possibility for legal entities to claim the compensation for moral damage<sup>26</sup>. However, in the Ruling of the Judicial Board of the Supreme Court of the Russian Federation of 18 November 2016 No. 307-ЭС16-8923<sup>27</sup> it is indicated that this fact "...does not hinder the protection of the violated right through a legal entity's claim for compensation for damages caused to its reputation, which is understood as any its diminution manifested, in particular, in the losses caused to a legal entity by the dissemination of denigrating information and other adverse consequences *in the form of loss of positive opinion on legal entity's business qualities in the eyes of the public and business community, loss of competitiveness, impossibility to plan its activities*, etc." This conclusion, as stated, follows from the Ruling of the Constitutional Court of

<sup>21</sup>The Decision of Dzerzhynskii District Court of Kryvyi Rih City of 2 May 2018 No. 73919267 [Electronic resource]. URL: <https://youcontrol.com.ua/catalog/court-document/73919267/> (date of access: 11.11.2019).

<sup>22</sup>As a general rule, compensation for moral damage shall be provided only on the condition of fault of the person who has caused it (para. 1 of art. 1167 of the Ukrainian CC). Exceptions are para. 2 of art. 1167 of the Ukrainian CC.

<sup>23</sup>Overview of the changes to the Civil Code of the Russian Federation (part one) of 30 November 1994 No. 51-ФЗ [Electronic resource]. URL: <http://www.consultant.ru/cons/cgi/online.cgi?req=doc&base=LAW&n=76277&fld=134&dst=100075,0&rnd=0.1415308950072649#042956397366414634> (date of access: 11.11.2019).

<sup>24</sup>Para. 5 of art. 152 of the Russian CC provided that a citizen in respect of whom the information denigrating his honor, dignity or business reputation has been disseminated, is entitled, along with the refutation of such information, to demand compensation for losses and moral damage caused by their dissemination. In its turn, para. 7 of art. 152 of the Russian CC stated that the provisions of this article on the protection of the business reputation of a citizen respectively apply to the protection of the business reputation of a legal entity.

<sup>25</sup>On amendments to subsection 3 of section I of part one of the Civil Code of the Russian Federation : Federal Law of 2 July 2013 No. 142-ФЗ [Electronic resource]. URL: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_148454/3d0cac60971a511280cba229d9b6329c07731f7/#dst100009](http://www.consultant.ru/document/cons_doc_LAW_148454/3d0cac60971a511280cba229d9b6329c07731f7/#dst100009) (date of access: 11.11.2019).

<sup>26</sup>According to para. 11 of its current version, the rules of this article on the protection of the business reputation of a citizen, apply respectively to the protection of the business reputation of a legal entity, with the exception of the provisions on moral damage.

<sup>27</sup>The Ruling of the Judicial Board of the Supreme Court of the Russian Federation of 18 November 2016 No. 307-ЭС16-8923 [Electronic resource]. URL: <http://www.consultant.ru/cons/cgi/online.cgi?req=doc&base=ARB&n=481912#05819295275417109> (date of access: 11.11.2019).

the Russian Federation of 4 December 2003 No. 508-O<sup>28</sup>, according to which “the absence of a direct indication in the law on the remedy for protection of business reputation of legal entities does not deprive them of the right to file claims for compensation of damages, inter alia, *non-proprietary ones*, caused by diminution of business reputation, or *non-proprietary damage* having its own content (different from the content of moral damage caused to a citizen), which follows from the essence of the violated non-proprietary right and the nature of the consequences of this violation (para. 2 of art. 150 of the Russian CC)... this conclusion is based on the provisions of art. 45 (part 2) of the Constitution of the Russian Federation, according to which everyone has the right to protect his rights and freedoms by all means not prohibited by law”.

In para. 21 of the Review of jurisprudence of the Supreme Court of the Russian Federation No. 1 (2017), approved by the Presidium of the Supreme Court of the Russian Federation on 16 February 2017<sup>29</sup> it is set forth that if the reputation of a legal entity is diminished, it is entitled to protection of its right by filing a claim for compensation for damage caused to the reputation of a legal entity. It is also pointed out that the legal entity whose right to a business reputation is violated by actions of dissemination of the information denigrating such a reputation has the right to demand restoration of its right when the general conditions of tort liability are proved (the unlawful act of the defendant, adverse consequences of these actions for the plaintiff, causal relationship between the defendant's actions and the occurrence of adverse consequences for the plaintiff) (Ruling of the Presidium of the Supreme Arbitration Court of the Russian Federation of 17 July 2012 No. 17528/11). The defendant's fault is presumed (clause 2, para. 2 of art. 1064 of the Russian CC).

The fact of the distribution by the defendant of the information denigrating the business reputation of the plaintiff is not enough to conclude that damage to business reputation has been caused and to pay monetary compensation for the unjustified diminution of business reputation. The plaintiff, by virtue of the requirements of art. 65 of the of the Arbitration Procedure

Code of the Russian Federation<sup>30</sup>, is obliged to prove the circumstances to which he refers as the ground of his claims, that is, to prove, firstly, the existence of a formed reputation in a particular area of business relations (industry, business, services, education, etc.) and, secondly, the onset of adverse consequences for him as a result of the dissemination of denigrating information, the fact of loss of confidence in his reputation or its diminishment.

Among the factors taken into account by the Russian courts when determining the amount of the sum of compensation for reputational damage, the relevant court decisions mention the nature and content of the disputed information, negative consequences in the sphere of plaintiff business, proportionality of the amount to the violation, principles of reasonableness and justice, failure of the defendant to take measures to stop the spread of the previously disseminated false information, the need of maintenance of a balance of parties' interests<sup>31</sup>.

As can be seen, in relation to non-proprietary damage that can be compensated to legal entities, the legislation and judicial practice of the examined foreign states use various terms: “moral damage”, “non-material losses”, “non-pecuniary damage”, “reputational damage”. To our mind, it is explained by different approaches to its understanding. It is common for all states to provide a broad judicial discretion in determining the amounts recoverable as compensation of such damage, which seems to be correct in light of the objective of this civil remedy.

In our opinion, Belarusian legislation shall provide legal entities with the opportunity to demand compensation for non-proprietary damage caused to them. Its presence will contribute to the maximum realization of the protective function of civil law, which consists not only in the full restoration of the property and non-property sphere of subjects of civil legal relations, but also in the prevention of future offenses, i. e. serve the satisfaction of both private and public interests.

Given the analyzed experience of foreign countries, it seems possible by the introduction of a new legal institution with the preservation or exclusion of the institution of moral damage, or by modifying the latter (in particular, by changing its definition, including le-

<sup>28</sup>The Ruling of the Constitutional Court of the Russian Federation of 4 December 2003 No. 508-O [Electronic resource]. URL: <http://www.consultant.ru/cons/cgi/online.cgi?rnd=C5157D517392750AFEAF88C9F6444C41&req=doc&base=ARB&n=19661&REFFIELD=134&REFDST=100019&REFDOC=481912&REFBASE=ARB&stat=refcode%3D10881%3Bindex%3D24#c7i9wqjo0rc> (date of access: 11.11.2019).

<sup>29</sup>Review of jurisprudence of the Supreme Court of the Russian Federation No. 1 (2017) : approved by the Presidium of the Supreme Court of the Russian Federation on 16 February 2017 : with amendments of 26 April 2017 [Electronic resource]. URL: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_212958/](http://www.consultant.ru/document/cons_doc_LAW_212958/) (date of access: 11.11.2019).

<sup>30</sup>Arbitration Procedure Code of the Russian Federation of 24 July 2002 No. 95-ФЗ [Electronic resource]. URL: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_37800/](http://www.consultant.ru/document/cons_doc_LAW_37800/) (date of access: 11.11.2019).

<sup>31</sup>See, for example, Decision of the Arbitration Court of the Saratov Region of 26 December 2018 in case No. A57-15161 / 2018 [Electronic resource]. URL: <http://ras.arbitr.ru/> (date of access: 11.11.2019); Decision of the Twelfth Arbitration Court of Appeal of 26 February 2019 in case No. A57-15161 / 2018 [Electronic resource]. URL: <http://ras.arbitr.ru/> (date of access: 11.11.2019); Decision of the Arbitration Court of the Volga Region of 11 July 2019 in case No. A57-15161 / 2018 [Electronic resource]. URL: <http://ras.arbitr.ru/> (date of access: 11.11.2019); Decision of the Arbitration Court of the Lipetsk Region of 26 October 2018 in case No. A36-2639 / 2018 [Electronic resource]. URL: <http://ras.arbitr.ru/> (date of access: 11.11.2019); Decision of the Nineteenth Arbitration Court of Appeal of 7 February 2019 in case No. A36-2639 / 2018 [Electronic resource]. URL: <http://ras.arbitr.ru/> (date of access: 11.11.2019); Decision of the Arbitration Court of the Central District of 5 June 2019 in case No. A36-2639 / 2018 [Electronic resource]. URL: <http://ras.arbitr.ru/> (date of access: 11.11.2019).

gal entities in the circle of the entities having the right to its compensation).

In any case, since the determination by the plaintiff of the exact amount of non-proprietary damage

caused to him, in contrast to the amount of the losses, may often be impossible, the national legislation shall have norms guaranteeing that Belarusian courts will not dismiss the relevant claim in such cases.

### Библиографические ссылки

1. Карпенков В. Вред, причиненный деловой репутации: содержание и вопросы компенсации. *Библиотечка журнала "Юрист". Право и бизнес*. 2015;3(99):3–12.
2. Кудрявец Ю, Кутейко И. Компенсация морального вреда юридическим лицам: позиция законодателя и суда. *Я – юрисконсульт организации*. 2016;2:47–52.
3. Гаврилов ЕВ. Компенсация морального вреда юридическим лицам в Республике Беларусь и Российской Федерации [Электронный ресурс]. *КонсультантПлюс: Беларусь*. ЗАО "Юрспектр". Минск; 2019.
4. Matys J. Dobra osobiste osób prawnych i ich niemajątkowa ochrona. *Monitor Prawniczy*. 2006;9 [Internet; cited 2019 November 11]. Available from: <https://czasopisma.beck.pl/monitor-prawniczy/arttykul/dobra-osobiste-osob-prawnych-i-ich-niemajatkowa-ochrona/>.
5. Примак ВД. Особливості відшкодування моральної шкоди як заходу цивільно-правової відповідальності. *Часопис Київського університету права*. 2013;3:175–179.

### References

1. Karpenkov V. Damage to business reputation: issues of content and compensation. *Bibliotekha zhurnala "Yurist". Pravo i biznes*. 2015;3(99):3–12. Russian.
2. Kudryavets Yu, Kugeiko I. [Compensation of moral damage to legal entities: the position of the legislator and the court]. *Ya – yuriskonsul't organizatsii*. 2016;2:47–52. Russian.
3. Gavrilov EV. Compensation of moral damage to legal entities in the Republic of Belarus and the Russian Federation [Electronic resource]. *Consultant Plus: Belarus*. LLC "Yurspektr". Minsk; 2019. Russian.
4. Matys J. Dobra osobiste osób prawnych i ich niemajątkowa ochrona. *Monitor Prawniczy*. 2006;9 [Internet; cited 2019 November 11]. Available from: <https://czasopisma.beck.pl/monitor-prawniczy/arttykul/dobra-osobiste-osob-prawnych-i-ich-niemajatkowa-ochrona/>.
5. Primak VD. Features of compensation for non-pecuniary damage as a measure of civil liability. *Journal of the Kyiv University of Law*. 2013;3:175–179. Ukrainian.

Received by editorial board 19.11.2019.

УДК 641.63

## FOUNDATIONS FOR AND ORDER OF *DE NOVO* PROCEEDINGS IN INTERNATIONAL COMMERCIAL ARBITRATION

A. S. DANILEVICH<sup>a</sup>

<sup>a</sup>Belarusian State University, 4 Niezaliežnasci Avenue, Minsk 220030, Belarus

This article considers the procedural issues that arise after the replacement of an arbitrator in an arbitration tribunal. Such replacement raises an issue of the necessity of the case revision by the composition of the tribunal with a new arbitrator. Under the rules of arbitration institutions, this issue has been dealt with in different ways. By means of comparative legal analysis and using the theory of procedural law, the author of the article draws conclusions about the necessity to improve the regulation of this issue in Belarus.

**Keywords:** arbitration; court; arbitrator; arbitration tribunal; immediacy; rules of procedure; *de novo* proceedings; commercial.

## ОСНОВАНИЯ И ПОРЯДОК РАЗБИРАТЕЛЬСТВА СНАЧАЛА В МЕЖДУНАРОДНОМ КОММЕРЧЕСКОМ АРБИТРАЖЕ

A. C. ДАНИЛЕВИЧ<sup>1)</sup>

<sup>1)</sup>Белорусский государственный университет, пр. Независимости, 4, 220030, г. Минск, Беларусь

Рассматриваются процессуальные вопросы, которые возникают после замены арбитра в составе международного коммерческого арбитража. Такая замена ставит вопрос о необходимости пересмотра дела составом суда с участием нового арбитра, но этот вопрос в регламентах арбитражных учреждений решен по-разному. Применяя метод сравнительно-правового анализа с использованием теории процессуального права, автор делает выводы о необходимости совершенствовать регулирование этого вопроса в Беларуси.

**Ключевые слова:** арбитражный; суд; арбитр; состав суда; принцип непосредственности разбирательства; регламент; разбирательство сначала; коммерческий.

The idea to write this article arose from the debate of the arbitrators during the discussion on the draft of the award in Minsk. It became clear that the issue of *de novo* consideration of a case in the national arbitration literature was not given any attention. Moreover, what seemed clear to the author at first glance, did not find understanding among some colleagues.

*De novo* consideration of a case differs from the revision of the award, although the Latin term *de novo*, in particular, is often used in the English-language pa-

pers to describe the review procedure without taking into account the conclusions of the previous instance [1, p. 1925; 2, p. 601, 828, 1277, 1339–1349; 3, p. 673; 4, p. 28, 84; 5]. In fact, it is a matter of the court's consideration of a dispute "from scratch", where all stated and presented earlier must or, more precisely, can be stated again by persons involved in the process.

The procedural institute of *de novo* consideration of a case is not solely arbitration phenomenon. It is a general procedural institute for all forms of pro-

---

### Образец цитирования:

Данилевич АС. Основания и порядок разбирательства сначала в международном коммерческом арбитраже. Журнал Белорусского государственного университета. Международные отношения. 2019;2:38–43 (на англ.).

### For citation:

Danilevich AS. Grounds for and order of *de novo* proceedings in international commercial arbitration. *Journal of the Belarusian State University. International Relations*. 2019;2:38–43.

---

### Автор:

**Александр Станиславович Данилевич** – кандидат юридических наук, доцент; доцент кафедры международного частного и европейского права факультета международных отношений.

### Author:

**Aliaksandr S. Danilevich**, PhD (law), docent; associate professor at the department of international private and European law, faculty of international relations.  
asdanievich@bsu.by

ceedings before a court, which makes decisions on the merits. In particular, the Economic Procedural Code of Belarus (hereinafter EPC)<sup>1</sup> establishes in art. 29 (4) and art. 76 (4) that “after the replacement of the judge(s) the case is considered *de novo*”<sup>2</sup> and in art. 60 (6) that “when another respondent intervenes in the case, it is considered *de novo*”. EPC states that the case consideration *de novo* can take place in cases of replacement of the inappropriate respondent or the intervention of the second respondent (art. 61 (2)); when the third person who has made independent claims regarding the subject matter of the dispute intervenes after the commencement of the court proceedings in the court of first instance (art. 64 (3)); when the third person who has not made separate claims regarding the subject matter of the dispute intervenes after the commencement of the proceedings in the court of first instance (art. 65 (4)); after postponement (art. 179 (12)). In the Civil Procedural Code of Belarus (hereinafter CPC) similar rules are stipulated<sup>3</sup> (art. 63 (4), after replacement of the inappropriate party).

It is necessary to pay attention to the different terminology of the two procedural codes. The EPC uses the term similar to *de novo*, and the CPC indicates “the consideration of the case begins from the beginning”, which does not change the essence of what is happening.

As mentioned above in the analysis of the term itself, two types of *de novo* proceedings can be delineated in arbitration: revision of an award on the merits by an international arbitration tribunal; and the start of *de novo* proceedings in a specific process when the events or proceedings established by law and/or the rules of procedure occur.

A revision of the decision on the merits is possible both with respect to an award made by another jurisdictional body and with respect to the revision of the award by the agreement of the parties by the same arbitral tribunal. The first case is typical for such special arbitration as the Court of Arbitration for Sport in Lausanne (TAS-CAS), the arbitration rules of which (Code of Arbitration for Sport<sup>4</sup>) provide for an appeal procedure to review the decisions of “decisions of federations, associations or other sports-related bodies, insofar as the statutes or regulations of the said sports-related bodies or a specific agreement so provide” (art. S12). At the same time, according to art. R57, the tribunal has the full right to review “the facts and

the law” and it may “issue a new decision which replaces the decision challenged or annul the decision and refer the case back to the previous instance”.

The second case, which is based on a consensual basis – the agreement of the parties, – usually concerns situations where an award of an international arbitral tribunal was annulled or declared unenforceable, but the parties apply again to the same international arbitral court for a new award by a different tribunal (e. g. pursuant to art. 256 (3) EPC).

However, the most interesting thing is the order of and grounds for *de novo* proceedings in the same arbitration process. The Rules of the International Arbitration Court of the BelCCI (hereinafter referred to as IAC at the BelCCI)<sup>5</sup> establishes the only grounds for *de novo* considering the case in art. 10 (4): “After the replacement of the arbitrator (presiding arbitrator), the arbitral tribunal shall examine the case from the beginning”. At the same time, according to art. 28 of the Law of the Republic of Belarus “On International Arbitration Court (Tribunal)” (hereinafter the Law on IAC)<sup>6</sup> the commencement of proceedings at the international arbitration court... unless the parties have agreed otherwise, the proceedings in the international arbitration court for the consideration of a specific dispute begins on the day when the statement of claim is received by the respondent”. What does “substitute of an arbitrator (presiding arbitrator)” mean? The answer is given by art. 21 of the Law on IAC “Replacement of an arbitrator”: “If the mandate of the arbitrator terminates on the grounds and in the manner prescribed by articles 18 to 20 of this Law, the other arbitrator shall be appointed in accordance with the procedure applied when appointing the arbitrator to be replaced”. Art. 18–20 of the Law on IAC regulate the issues of challenge and termination of the arbitrator’s authority. The analysis of these articles of the law allows us to identify the following grounds for replacing an arbitrator established in the Law on IAC itself:

- 1) challenge;
- 2) self-disqualification;
- 3) refusal to accept authority;
- 4) refusal to act as an arbitrator;
- 5) agreement of the parties on termination of the arbitrator’s authority;
- 6) decision of the chairman of the permanent court (at the request of the party);

<sup>1</sup>Economic Procedural Code of the Republic of Belarus of 15 December 1998 No. 219-3 : as amended on 17 July 2019 [Electronic resource]. URL: <http://law.by/document/?guid=3871&p0=Hk9800219e> (date of access: 20.09.2019).

<sup>2</sup>Hereinafter translated by A. D.

<sup>3</sup>The Code of Civil Procedure of the Republic of Belarus of 11 January 1999 No. 238-3 : as amended on 8 August 2018 (as amended and supplemented effective from 2 January 2019) [Electronic resource] // ConsultantPlus: Belarus / LLC “Yurspektr”. Minsk, 2019.

<sup>4</sup>Code de l’arbitrage en matière de sport, Entré en vigueur le 1 janvier 2019 [Electronic resource]. URL: [https://www.tas-cas.org/fileadmin/user\\_upload/Code\\_2019\\_en\\_.pdf](https://www.tas-cas.org/fileadmin/user_upload/Code_2019_en_.pdf) (date of access: 02.20.2019).

<sup>5</sup>Rules of the International Arbitration Court at the BelCCI : approved by the Resolution of the Belarusian Chamber of Commerce and Industry on 17 March 2011 : as amended and added on 10 November 2017 [Electronic resource]. URL: <https://iac.by/en/regulation/> (date of access: 10.20.2019).

<sup>6</sup>On International Arbitration Court (Tribunal) : Law of the Republic of Belarus of 9 July 1999 No. 279-3 : as amended on 1 July 2014 [Electronic resource]. URL: <http://law.by/document/?guid=3871&p0=H19900279e> (date of access: 09.20.2019).

7) decision of the chairman of the Belarusian Chamber of Commerce and Industry (at the request of the party for an ad hoc arbitration tribunal). Moreover, the actions specified herein in paragraphs 3–4 may be carried out if the arbitrator was legally or actually unable to perform them or for other reasons allowed a significant delay in the proceedings (art. 20 (1) of the Law on IAC). At the same time, decisions specified in paragraphs 6 and 7 may be taken only in the absence of consent of the parties. In art. 20 (2) of the Law on IAC it is stated that “other cases of termination of the arbitrator’s powers of a permanent international arbitration court shall be determined by the arbitration rules”. Actually, the Rules of the IAC at the BelCCI do not provide for such cases.

Art. 20 of the Law on IAC is the implementation of art. 14 of the UNCITRAL Model Law on International Commercial Arbitration of 1985, which was amended in 2006<sup>7</sup>, as well as the provisions of art. 18, 19 of the Law on IAC are the implementation of art. 12, 13 of the Model Law. It is worth noting, however, that, as in the Law on IAC, there is no rule on *de novo* examination of the case after the replacement of an arbitrator in the UNCITRAL Model Law.

Now, we will study the settlement of the *de novo* case in a specific process in other arbitration rules.

In paragraph 19 (2) of the Rules of International Commercial Arbitration at Chamber of Commerce and Industry of the Russian Federation (MKAS)<sup>8</sup> it is stated that after the replacement of an arbitrator “where necessary, and having regard to the opinions of the parties, the new arbitral tribunal may return to the issues that were examined during the previous oral hearings in the case before the replacements”. As can be seen, unlike Rules of the IAC of the BelCCI, the International Rules of MKAS do not contain an obligation, but the possibility of *de novo* considering of case by the decision of the court, taking into account the views of the parties.

A similar norm on the consequences of replacing an arbitrator is contained in the Rules of the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry (ICAC at the CCI of Ukraine)<sup>9</sup>, where art. 35 provides that «in case of re-

placement of an arbitrator in the collegial consideration of the dispute, the new arbitrator shall take over the arbitral proceedings at the point that it had reached on the termination of the previous arbitrator’s authorities. If necessary, and having regard to the opinions of the parties, the changed Arbitral Tribunal may return to the issues that were examined in the course of the previous case hearings of the Arbitral Tribunal before an arbitrator’s replacement. In addition to art. 35 (2), the Ukrainian Rules in art. 35 (3) regulates the procedure after the replacement of the arbitrator after the end of the hearing, when the ICAC Presidium, taking into account the opinion of the remaining members of the arbitral tribunal and the parties, as well as based on the circumstances of the case, may decide on the completion of the proceedings by the remaining members of the arbitral tribunal.

The Arbitration Rules of the International Chamber of Commerce (Paris)<sup>10</sup> contain a similar norm with the above-mentioned Russian and Ukrainian regulations, where art. 15 (4) states that after hearing the opinions of the parties, the tribunal shall decide whether the case should be considered anew.

Similarly, in the Vienna International Arbitration Centre the question of the need for a review of the case (and to what extent) after the replacement of the arbitrator is being considered (art. 22 (2) of the Vienna Rules)<sup>11</sup>.

The rule on the consequences of replacing an arbitrator in the International Arbitration Rules of the American Arbitration Association contains a provision in art. 15 (2), which says that if a substitute arbitrator is appointed, unless the parties otherwise agree, the arbitral tribunal shall determine at its sole discretion whether all or part of the case shall be repeated<sup>12</sup>.

The Rules of Vilnius Commercial Arbitration Court<sup>13</sup> in art. 21 (7) state that “after replacement of the sole or presiding arbitrator, each dispute resolving of which was started earlier shall be decided anew, unless the parties do not object to proceeding with the resolution of the dispute. If part of the arbitrators of the Arbitral Tribunal is replaced, the dispute may be considered anew by decision of the Arbitral Tribunal”. As can be seen, the

<sup>7</sup>UNCITRAL Model Law on International Commercial Arbitration 1985 with amendments as adopted in 2006 [Electronic resource]. URL: [https://www.uncitral.org/pdf/english/texts/arbitration/ml-arb/07-86998\\_Ebook.pdf](https://www.uncitral.org/pdf/english/texts/arbitration/ml-arb/07-86998_Ebook.pdf) (date of access: 20.09.2019).

<sup>8</sup>Appendix No. 2 to Order No. 6 of the Chamber of Commerce and Industry of the Russian Federation dated 1 November 2017 of the Rules of Arbitration of International Commercial Dispute [Electronic resource]. URL: <http://mkas.tpprf.ru/upload/iblock/fd9/fd91e3315ec67621225835bc71d3de5e.docx> (date of access: 20.09.2019).

<sup>9</sup>Rules of the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry effective as of 1 January 2018 [Electronic resource]. URL: <https://icac.org.ua/wp-content/uploads/Rules-of-the-ICAC-at-the-UCCI.pdf> (date of access: 20.09.2019).

<sup>10</sup>Arbitration Rules : in force as from 1 March 2017 [Electronic resource]. URL: <https://cdn.iccwbo.org/content/uploads/sites/3/2017/01/ICC-2017-Arbitration-and-2014-Mediation-Rules-english-version.pdf> (date of access: 20.02.2019).

<sup>11</sup>Vienna Rules 2018 [Electronic resource]. URL: <https://www.viac.eu/en/arbitration/content/vienna-rules-2018-online> (date of access: 20.02.2019).

<sup>12</sup>International dispute resolution procedures (including Mediation and Arbitration Rules) [Electronic resource]. URL: [https://www.adr.org/sites/default/files/ICDR\\_Rules.pdf](https://www.adr.org/sites/default/files/ICDR_Rules.pdf) (date of access: 20.02.2019).

<sup>13</sup>Arbitration Rules of the Vilnius Court of Commercial Arbitration, effective from 1 January 2013 [Electronic resource]. URL: [http://www.arbitrazas.lt/failai/2018%2001%2001%20VCCA%20Rules%20of%20Arbitration\\_2017-11-28.pdf](http://www.arbitrazas.lt/failai/2018%2001%2001%20VCCA%20Rules%20of%20Arbitration_2017-11-28.pdf) (date of access: 09.20.2019).



replacement of the chairman of the arbitral tribunal is given the same importance as the replacement of a sole arbitrator, but the Lithuanian Rules do not require to consider the parties' opinions on the need of *de novo* after the replacement of the arbitrator(s).

The UNCITRAL Rules<sup>14</sup> in art. 15 "Repetition of hearings in the event of replacement of an arbitrator" provide that if an arbitrator is replaced, the proceedings shall resume at the stage where the arbitrator who was replaced ceased to perform his or her functions, unless the arbitral tribunal decides otherwise.

It is worth noting that this article is a revision of art. 14 of the 1976 UNCITRAL Rules, and art. 15 of the latest version deviated from the rule which took into account the views of the parties and where a party could use a delay tactic to request second hearing in favour of the effectiveness of the arbitration, where everything is decided by the arbitral tribunal on the basis of the particular situation [6, p. 319].

The Arbitration Rules of the Arbitration Institute of the Stockholm Chamber of Commerce<sup>15</sup> follow the same strict line, according to art. 21 (3) "where an arbitrator has been replaced, the newly composed Arbitral Tribunal shall decide whether and to what extent the proceedings are to be repeated".

The London Court of International Arbitration Rules<sup>16</sup> does not contain any express reference to the possibility of and procedure for the re-examination of the case after the replacement of the arbitrator.

Thus, the analysis of a number of known rules allows us to identify several basic approaches to the question of *de novo* reviewing the case. However, the approaches vary depending on who has the right to decide on the review in principle and to what extent the review will be substantive. Thus, these are the following approaches, which are based on the criterion of who decides on the question of revision:

- 1) the question is decided by the tribunal;
- 2) the question is decided by the parties;
- 3) the question is decided by the tribunal after consultation with the parties.

Without a doubt, the most common option is a symbiotic one, which gives priority to the autonomy of the parties and limits the arbitral tribunal's ability to make a determination as to the nature of the review.

In terms of the scope of the review, there is a conservative approach inherent in the Rules of the IAC of the BelCCI, namely, *de novo* review of the case, when replacing of any arbitrator at any stage of the process occurs. Furthermore, there is an approach that

can be called liberal and pragmatic, where *de novo* review may be incomplete or uncommitted. At the same time, some rules, in particular, the Rules of the Vilnius Court of Arbitration and Rules of the ICAC at the CCI of Ukraine, stipulate that only the replacement of a sole arbitrator always entails *de novo* consideration of the case by a newly elected (appointed) arbitrator.

The necessity for *de novo* consideration of the case is justified by the widely recognized procedural principle of immediacy. The principle is directly established by the Belarusian economic and procedural legislation in art. 24 of the EPC "Immediacy of the trial": "The court, which resolves economic cases, is obliged to examine all the evidence in the case on immediacy principle". We believe that this principle should be applied in the international arbitration process in Belarus by virtue of the reference to the principles of economic process under part 2 of art. 3 of the Law on IAC [7, p. 163]. It should be noted that the text of the Law of the Republic of Belarus of 18 June 2011 No. 301-3 "On Arbitration Courts"<sup>17</sup>, regulating the consideration of "domestic" disputes in the order of arbitration, does not contain an indication of the application of the principle of immediacy. However, the commentary to this law, in particular to its art. 31, made by D. M. Severyn, indicates that "the principle of direct proceedings requires that all the evidence be perceived directly by the arbitration tribunal, which is considering the case" [8].

In our opinion, the strict rule of the Rules of the IAC of the BelCCI is only a copy of art. 24 of the EPC. As was pointed out by V. U. Zhandarau in the commentary to the EPC 2005 [9], the principle of immediacy in the economic process is closely related to the requirement of the EPC for the constant panel of judges or solo judge considering a particular case. In case of replacement of a judge, the consideration of the case starts from the beginning. This allows a new judge to personally receive all evidence and discuss it in a deliberative room on an equal footing with others.

However, while this approach is justified for economic proceedings, where all cases are heard by a single judge at first instance, for an international arbitration court, where a significant number of cases are heard by a three-person panel of arbitrators (by default), *de novo* hearing of the case in all cases may reduce the effectiveness of the arbitration proceedings in terms of time and costs.

However, since the legal basis for *de novo* consideration when replacing an arbitrator(s) is provided for in many rules, we will consider the criteria for determining

<sup>14</sup>UNCITRAL Arbitration Rules [Electronic resource]. URL: <https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/uncitral-arbitration-rules-2013-e.pdf> (date of access: 20.09.2019).

<sup>15</sup>Arbitration Rules of the Arbitration Institute of the Stockholm Chamber of Commerce [Electronic resource]. URL: [https://sccinstitute.com/media/293614/arbitration\\_rules\\_eng\\_17\\_web.pdf](https://sccinstitute.com/media/293614/arbitration_rules_eng_17_web.pdf) (date of access: 02.20.2019).

<sup>16</sup>LCIA Arbitration Rules (2014), effective 1 October 2014 [Electronic resource]. URL: [https://www.lcia.org/Dispute\\_Resolution\\_Services/lcia-arbitration-rules-2014.aspx#Article%2011](https://www.lcia.org/Dispute_Resolution_Services/lcia-arbitration-rules-2014.aspx#Article%2011) (date of access: 20.02.2019).

<sup>17</sup>On arbitration courts : Law of the Republic of Belarus of 18 July 2011 No. 301-3 [Electronic resource] URL: <http://pravo.by/document/?guid=3871&p0=H11100301> (date of access: 07.02. 2019).

the scope of the proceedings that should be repeated. Some rules of the arbitral tribunal, such as the Rules of the IAC of the BelCCI, do not indicate the possibility to choose the time from which to *de novo* proceed. Despite all this, the issue arises as to whether it is really necessary to review all applications and claims made. Should the renewed composition of the tribunal reconsider the declaration of lack of competence and the motion for interim measures? What is the legal effect of the earlier interim orders (rulings) of an international arbitral tribunal? Does a party need to resubmit applications and addenda to the claims filed before the replacement of the arbitrator? We believe that the answers to these questions should be sought in the analysis of the principle of immediacy in arbitration proceedings. In case of replacement of an arbitrator, *de novo* examination is necessary for the new arbitrator to participate directly in the proceedings and to evaluate the evidence submitted by him or her.

It is obvious that the replacement of a sole arbitrator should entail *de novo* review of the case so that the new arbitrator could directly examine the evidence submitted by the parties. When replacing the presiding arbitrator, who usually writes a draft award, it is also important to examine the evidence submitted by the parties directly again. However, in deciding on the scope of the review, the new tribunal would first need to be guided by some criteria to determine the extent to which it would be necessary to “repeat” the proceedings. We believe that these criteria should be used for the sole purpose of making a lawful and reasoned award, and that the fundamental principle of determining the scope of the review should be to strike a balance between the efficiency of the arbitration proceedings and their immediacy.

Arbitration, as well as the proceedings at the state court, is a set of procedural actions of the parties and the tribunal. Accordingly, when deciding on the consideration of a case, firstly, it is necessary to determine in full or in part, which procedural actions should be repeated and which should not. Of course, at the same time, it is not only a question of necessity, but also of the parties’ exercise of the dispositive rights.

We believe that the procedural documents containing the amended requirements and objections to these requirements should not be submitted to the newly amended arbitral tribunal. In this case, we mean the request to amend and (or) supplement the claim, since it is certainly not a question of filing a new claim (arbitration request).

Since these documents directly form the field of choice for the arbitral tribunal to make a decision and do not as such constitute evidence to be assessed by the tribunal, it is absolutely inappropriate to resubmit them. It also should be noted that the applications and the recall do not aim at the court to perform some intermediate procedural actions. Such documents are the basis for the tribunal to make a final award, name-

ly, an award on the merits of the dispute or a decision on termination of proceedings. However, it is necessary to make an essential reservation that if these documents are accompanied by written evidence or at least by oral comments of the parties and the new arbitrator (arbitrators) has the need for direct examination of the evidence and direct hearing of comments with the raising of questions, the new hearing on the submitted documents is necessary.

The principle of direct proceedings does not apply to the consideration of this issue, namely, it has no legal significance for the competence of the court to decide which composition of the court will make the decision, even if its composition has been legally changed. For that reason, the claim that the court does not have jurisdiction at any stage of its consideration and after a ruling on the existence of jurisdiction should not be reconsidered.

It is obvious that the written evidence in the case should not be resubmitted. The new arbitrator can and must examine them on his or her own. However, if in his or her opinion the examination of the documents requires additional comments from the parties to the proceedings, he or she should take the initiative to receive them from the party(s) in front of the other arbitrators at the new meeting.

In our opinion, the orders of the arbitral tribunal on interim measures should not be revoked. Firstly, this is due to the fact that the purpose of such an order is to protect the party in the process, as a rule, the claimant. If interim measures were taken before the tribunal was constituted (for example, by the president of the arbitral court or the emergency arbitrator), the consideration from the beginning is completely meaningless, since it has nothing to do with the identity of the replaced arbitrator. Secondly, the application of interim measures could already be authorized and implemented by other entities – a government court, bailiff, bank, etc., and the lifting of the interim measures by the new arbitral tribunal and their possible re-application at an early date would unreasonably delay the process.

Other interim awards of the tribunal, such as on the examination of the case on the basis of written evidence alone, as well as the decision to cancel it (para. 2 art. 28 of the Rules of the IAC at the BelCCI); the interim award to postpone the examination of the case or to postpone the proceedings (art. 35 of the Rules of the IAC at the BelCCI) should not be canceled, as these are the actions of the court aimed at the organization of arbitration proceedings and not the direct examination of evidence.

We believe that due to the above-mentioned it is possible to draw conclusions and offer a fairly simple algorithm for determining the procedural steps to be taken first. By reference to the purpose of *de novo* proceedings, the main criterion of the necessity of repeated procedural actions is the observance of the principle of direct taking of evidence by the arbitrator. Thus, the first question to be asked after the replacement of

an arbitrator is whether this question is relevant to the evaluation of evidence. If the question does not apply, this procedural step/action does not need to be repeated with the new arbitrator. If the question relates to the evaluation of evidence, the first question to be asked is whether the evidence in question is admissible. If the evidence is admissible, the new arbitrator first needs to answer the question: is the written case file and judicial record (audio recordings) of the hearing sufficient to evaluate the evidence? If the tribunal is composed of three arbitrators, the new arbitrator informs his or her colleagues of his or her opinion on the matter and the tribunal makes a majority decision on the need to *de novo* examine the evidence.

In conclusion, it should be noted that, in our opinion, the most progressive option of *de novo* consideration of the case is the option when the issue is decided by the tribunal after the consultation with the parties. This approach represents a balance between the first mandatory review under the Rules of the IAC at the BelCCI and *de novo* consideration – which is insisted on by the party abusing its procedural rights – to delay the process. The use of the above algorithm for determining the procedural steps to be taken first (the limits of *de novo* proceedings) will, in turn, allow for an effective resolution of the dispute, taking into account the parity of the principles of procedural economy and immediacy in arbitration proceedings.

### Библиографические ссылки

1. Born GB. *International arbitration: law and practice*. Alphen aan den Rijn: Kluwer Law International; 2012. 480 p.
2. Rubino-Sammartano M. *International arbitration law and practice (commercial, investment, online, state-individual, interstate, commodities, U.S.-Iran, UNCITRAL and sports arbitration)*. Huntington: JurisNet; 2014. 2025 p.
3. Berger B, Kellerhals F. *International and domestic arbitration in Switzerland*. Berne: Stämpfli; 2015. 829 p.
4. Rau AS. Arbitral jurisdiction and the dimensions of “consent” [Internet; cited 2019 February 20]. Available from: <http://ssrn.com/abstract=1081616>.
5. Arbitration agreement allowing for de novo review of an award deemed unenforceable of 6 June 2018 [Internet; cited 2019 February 2]. Available from: <https://www.americanbar.org/groups/litigation/committees/alternative-dispute-resolution/articles/2018/spring2018-arbitration-agreement-allowing-for-de-novo-review-unenforceable-award/>.
6. Caron DD, Caplan LM. *The UNCITRAL arbitration rules: a commentary (with an integrated and comparative discussion of the 2010 and 1976 UNCITRAL arbitration rules)*. Oxford: Oxford University Press; 2013. 1048 p.
7. Хельманн У, Балашенко СА, редакторы. *Международный коммерческий арбитраж*. Минск: Издательский центр БГУ; 2017. 395 с.
8. Каменков ВС, Бельская ИА, Корочкин АЮ, Северин ДН. Постатейный комментарий к Закону Республики Беларусь «О третейских судах» (по состоянию на 09.04.2014) [Электронный ресурс]. *КонсультантПлюс: Беларусь*. ООО «ЮрСпектр». Минск; 2019.
9. Авдеев АД, Александров ДП, Белова ТА, Бельская ИА. Научно-практический комментарий к Хозяйственному процессуальному кодексу Республики Беларусь (по состоянию на 01.08.2005) [Электронный ресурс]. *КонсультантПлюс: Беларусь*. ООО «ЮрСпектр». Минск; 2019.

### References

1. Born GB. *International arbitration: law and practice*. Alphen aan den Rijn: Kluwer Law International; 2012. 480 p.
2. Rubino-Sammartano M. *International arbitration law and practice (commercial, investment, online, state-individual, interstate, commodities, U.S.-Iran, UNCITRAL and sports arbitration)*. Huntington: JurisNet; 2014. 2025 p.
3. Berger B, Kellerhals F. *International and domestic arbitration in Switzerland*. Berne: Stämpfli; 2015. 829 p.
4. Rau AS. Arbitral jurisdiction and the dimensions of “consent” [Internet; cited 2019 February 20]. Available from: <http://ssrn.com/abstract=1081616>.
5. Arbitration agreement allowing for de novo review of an award deemed unenforceable of 6 June 2018 [Internet; cited 2019 February 2]. Available from: <https://www.americanbar.org/groups/litigation/committees/alternative-dispute-resolution/articles/2018/spring2018-arbitration-agreement-allowing-for-de-novo-review-unenforceable-award/>.
6. Caron DD, Caplan LM. *The UNCITRAL arbitration rules: a commentary (with an integrated and comparative discussion of the 2010 and 1976 UNCITRAL arbitration rules)*. Oxford: Oxford University Press; 2013. 1048 p.
7. Hellmann U, Balashenko SA, editors. *Mezhdunarodnyi kommercheskii arbitrazh* [International commercial arbitration]. Minsk: Izdatel'skii tsentr BGU; 2017. 395 p. Russian.
8. Kamenkov VS, Bel'skaya IA, Korochkin AYU, Severin DM. *Postateinyi kommentarii k Zakonu Respubliki Belarus' «O treteiskikh sudakh» (po sostoyaniyu na 09.04.2014)* [Article commentary on the Law of the Republic of Belarus “On Arbitration Courts” (as on 9 April 2014)] [Electronic resource]. *Consultant Plus Belarus*. LLC “YurSpektr”. Minsk; 2019. Russian.
9. Avdeev AD, Aleksandrov DP, Belova TA, Bel'skaya IA. *Nauchno-prakticheskii kommentarii k Khozyaistvennomu protsesual'nomu kodeksu Respubliki Belarus' (po sostoyaniyu na 01.08.2005)* [Scientific and practical commentary on the Economic Procedural Code of the Republic of Belarus (as on 1 August 2005)] [Electronic resource]. *ConsultantPlus: Belarus*. LLC “YurSpektr”. Minsk; 2019. Russian.

## CONTENTS

### HISTORY OF INTERNATIONAL RELATIONS AND FOREIGN POLICY

<i>Baichorov A. M.</i> Attempts at reshaping the Eurasian space.....	3
<i>Turarbekava R. M.</i> Eurasian integration: from post-Soviet to new regional projects.....	11
<i>Bukonkin D. A.</i> Conjugation of the EEU and the “Belt and Road” initiative .....	19
<i>Salloum Feras Sadiq.</i> Evolution of the term “Greater Middle East” .....	24

### INTERNATIONAL LAW

<i>Maskayeva N. G.</i> Compensation for non-proprietary damage caused to legal entities: approaches of Belarus and certain foreign states .....	31
<i>Danilevich A. S.</i> Grounds for and order of <i>de novo</i> proceedings in international commercial arbitration .....	38

## СОДЕРЖАНИЕ

### ИСТОРИЯ МЕЖДУНАРОДНЫХ ОТНОШЕНИЙ И ВНЕШНЯЯ ПОЛИТИКА

<i>Байчоров А. М.</i> Попытки переформатирования евразийского пространства .....	3
<i>Турарбекова Р. М.</i> Евразийская интеграция: от постсоветских к новым региональным проектам ..	11
<i>Буконкин Д. А.</i> Сопряжение ЕАЭС и инициативы «Пояс и путь» .....	19
<i>Саллум Ферас Садык.</i> Эволюция термина «Большой Ближний Восток» .....	24

### МЕЖДУНАРОДНОЕ ПРАВО

<i>Маскаева Н. Г.</i> Компенсация неимущественного вреда, причиненного юридическим лицам: подходы Республики Беларусь и некоторых зарубежных государств .....	31
<i>Данилевич А. С.</i> Основания и порядок разбирательства сначала в международном коммерческом арбитраже .....	38

*Журнал включен Высшей аттестационной комиссией Республики Беларусь в Перечень научных изданий для опубликования результатов диссертационных исследований по историческим, политическим и юридическим наукам.*

*Журнал включен в библиографическую базу данных научных публикаций «Российский индекс научного цитирования» (РИНЦ).*

**Журнал Белорусского  
государственного университета.  
Международные отношения.  
№ 2. 2019**

Учредитель:  
Белорусский государственный университет

Юридический адрес: пр. Независимости, 4,  
220030, г. Минск.

Почтовый адрес: пр. Независимости, 4,  
220030, г. Минск.

Тел. 259-70-74, 259-70-75

E-mail: jintrel@bsu.by

URL: <https://journals.bsu.by/index.php/internationalRelations>

«Журнал Белорусского государственного  
университета. Международные отношения»  
издается с 2017 г.

Редактор *А. С. Люкевич*  
Технический редактор *Ю. А. Тарайковская*  
Корректор *А. С. Люкевич*

Подписано в печать 24.12.2019.  
Тираж 100 экз. Заказ 523.

Республиканское унитарное предприятие  
«Информационно-вычислительный центр  
Министерства финансов Республики Беларусь».  
ЛП № 02330/89 от 03.03.2014.  
Ул. Кальварийская, 17, 220004, г. Минск.

© БГУ, 2019

**Journal  
of the Belarusian State University.  
International Relations.  
No. 2. 2019**

Founder:  
Belarusian State University

Registered address: 4 Niezaliežnasci Ave.,  
Minsk 220030.

Correspondence address: 4 Niezaliežnasci Ave.,  
Minsk 220030.

Tel. 259-70-74, 259-70-75.

E-mail: jintrel@bsu.by

URL: <https://journals.bsu.by/index.php/internationalRelations>

«Journal of the Belarusian State University.  
International Relations»  
published since 2017.

Editor *A. S. Lyukevich*  
Technical editor *Y. A. Taraikouskaya*,  
Proofreader *A. S. Lyukevich*

Signed print 24.12.2019.  
Edition 100 copies. Order number 523.

Republican Unitary Enterprise  
«Informatsionno-vychislitel'nyi tsentr  
Ministerstva finansov Respubliki Belarus'».  
License for publishing No. 02330/89, 3 March, 2014.  
17 Kal'variiskaya Str., Minsk 220004.

© BSU, 2019