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BILATERAL RELATIONS BETWEEN BELARUS AND THE UNITED STATES OF AMERICA: A HISTORY OF HOPES AND DISAPPOINTMENTS

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The history of the bilateral relations between Belarus and the United States from 1991 to 2020 was difficult and controversial. In 1991–1996 the relationship was positive and dynamic, extending to many areas from international security to humanitarian contacts and exchanges among people. After the 1996 referendum, the relationship soured. Washington adopted a policy of selective engagement, with limited dialogue with the government and more extensive support for humanitarian contacts, civil society and trade links. From 2013 to June 2020 Minsk and Washington took tentative steps towards normalcy, but in 2020 the dynamic reversed again.

Keywords: Republic of Belarus; United States of America; bilateral relations; diplomatic relations; economic ties; foreign policy; policy of selective engagement.

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РЕСПУБЛИКА БЕЛАРУСЬ И СОЕДИНЕННЫЕ ШТАТЫ АМЕРИКИ: ИСТОРИЯ НАДЕЖД И РАЗОЧАРОВАНИЙ

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Отношения Беларуси и Соединенных Штатов Америки в 1991–2020 гг. прошли сложный путь. В 1991–1996 гг. они развивались достаточно динамично в различных областях сотрудничества: от международной безопасности до гуманитарных контактов. После референдума 1996 г. ситуация ухудшилась. Вашингтон стал проводить политику избирательного вовлечения, сочетавшую ограниченный диалог на уровне министерств с поддержкой гуманитарных контактов и структур гражданского общества, а также с развитием торговых связей. В 2013 – первой половине 2020 г. Минск и Вашингтон прошли начальный этап нормализации отношений, который, однако, был прерван в 2020 г.

Ключевые слова: Республика Беларусь; Соединенные Штаты Америки; двусторонние отношения; дипломатические отношения; экономические связи; внешняя политика; политика избирательного вовлечения.

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Introduction

The relations between Belarus and the United States have evolved through roughly the same stages as Belarus' relations with the rest of the Western world. The period from 1991 to 1996 was highly productive, despite some isolated incidents in 1995–1996. The constitutional referendum in Belarus in November 1996 began an extended stage of abnormality, in which periods of escalation alternated with thaws. The period preceding August 2020 was one of positive expectations: both parties had agreed to exchange ambassadors for the first time since 2008 when the US recalled its last ambassador in Belarus. However, after the presidential elections, none of these expectations materialised.

In Belarus controversies in the Belarusian-American relations discouraged scholarship on this relations, despite the availability of documented material. The first Belarusian publications on the subject in the late 1990s were concerned with international security, disarmament, and Washington's reaction to the integration processes between Russia and Belarus [1–3]. Several papers on the topic were published in early 2000 by A. Tikhomirov [4–6] and A. Kosov [7].

In the US, R. Legvold from Columbia University is among the leading scholars in the subject. In his works, the scientist presents an argument for drawing parallels between the American-Belarusian rela-

tions in post-independence period with the American-Soviet relations during the Cold War, interprets America's objectives for the initial stage of its relationships with Belarus, explains the B. Clinton administration's expectations from this relationship, and outlines selective engagement policy of the United States towards Belarus. He defines the selective engagement as a two-track strategy, based on the simultaneous pursuit of two objectives, or tracks: strengthening security in Central and Eastern Europe and the former USSR and promoting Belarus' progress along the path of democratic and market-based development. However, already in the late 1990s, R. Legvold concluded that the window of opportunity for such a policy had almost closed. Eventually, the two-track approach was succeeded by the wide-ranging boycott of Belarus, despite it being unrealistic to tie every aspect of the bilateral relationship to Belarusian domestic policy [8].

E. Cohen of the Heritage Foundation [9], D. Swartz, the first US ambassador to Belarus [10], S. Woehrel, an expert of the US Congress [11], and C. Wallander, senior fellow of the Centre of Strategic and International Studies [12] criticise the domestic and foreign policy of president A. Lukashenko, and recommend to the US Congress and government bodies to support the Belarus democracy act of 2004.

A promising start

Political contacts between Belarus and the United States began in autumn 1991 with a series of meetings of the then minister of foreign affairs of the Republic of Belarus P. Kravchenko with several American politicians, including president G. W. Bush senior and secretary of state J. Baker during the minister's par-

ticipation in the UN General Assembly session in New York. P. Kravchenko briefed his American counterparts on the domestic situation and external affairs of Belarus and the faced challenges [13, p. 323–325].

The signing of the Belovezha accords strengthened the legal basis for Belarus' independence and facilita-

ted further contacts. On 18 December 1991 J. Baker arrived in Minsk to meet with the leaders of the newly independent Belarus: chairman of the Supreme Council S. Shushkevich, chairman of the Council of Ministers V. Kebich, and minister of foreign affairs P. Kravchenko. Much of the discussion revolved around the status of the nuclear weapons deployed on Belarusian territory as of 1991, including 72 SS-25 strategic missiles and multiple mobile installations. The Belarusian leaders expressed a readiness to renounce this nuclear arsenal¹.

Belarus became the second country of the former USSR after Ukraine to be recognised by the United States as an independent state. It happened on 25 December 1991 and established diplomatic relations between the countries on 28 December 1992. The USA opened its embassy in Minsk in January 1992, and the embassy of Belarus in Washington opened its doors in April 1993. S. Martynov, the first ambassador of Belarus to the United States, served from 1993 to 1997. The early recognition of Belarusian independence by the United States was driven by American concerns about the risk of destabilisation in the post-Soviet space, including the uncontrolled spread of nuclear weapons from Belarusian territory. Destruction of the stockpiles of weapons of mass destruction was a central theme in the Belarusian-American relations in the first half of the 1990s.

The Belarusian-American relations were positive at the start and achieved a favourable dynamic. In July 1993, the chairman of the Supreme Soviet of Belarus travelled to the United States on an official visit, the first in the history of the bilateral relationship. In January 1994, the US president B. Clinton arrived on an official visit to Belarus. Both visits took place in a warm atmosphere and concluded with the signing of several bilateral documents.

The Joint declaration on the relations between the United States of America and the Republic of Belarus, adopted after the visit of S. Shushkevich, declared the United States' support for the independence of Belarus and its efforts to create a just and stable society. It called for the broadening of trade contacts grounded on the principles of economic freedom, and pledged assistance to Belarus in carrying out economic reforms, overcoming the consequences of the Chernobyl disaster, and extended cooperation in science, energy, culture, art, education, law, tourism, student exchange [14, p. 184–186].

During his visit to Minsk US president B. Clinton informed the Belarusian officials that the United States was ready to provide Belarus with an additional 25 mln

US dollars for the safe disposal of nuclear weapons, bringing the total amount of US assistance towards nuclear disarmament to 100 mln US dollars. Incidentally, the United States was the only bilateral Western donor to finance such activity. In addition, the US president acknowledged Belarus' entitlement to fair compensation for the cost of the highly enriched uranium from the nuclear warheads deployed in its territory [13, p. 342–343]. At the end of the visit, the US counterparts affirmed America's support for Belarusian independence and called on the Belarusian authorities to further democracy and market reforms².

The first meeting of the president of the Republic of Belarus A. Lukashenko with US president B. Clinton took place in December 1994 at the OSCE summit in Budapest. At the summit, the leaders of Belarus, Russia, the UK and the United States signed on 5 December a Memorandum on security guarantees (the Budapest memorandum) in connection with Belarus' accession to the Treaty on the non-proliferation of nuclear weapons. The three nuclear powers reaffirmed their commitment to Belarus to respect its independence, sovereignty and existing borders, promised to refrain from threatening or using force against its territorial integrity or political independence, including economic coercion, and undertook to consult in the event of a situation affecting these obligations, in the spirit of the OSCE final act. Subsequently, Belarus invoked the memorandum several times, alleging its violation by the United States and the United Kingdom (see, for example, the statement by the Ministry of Foreign Affairs of the Republic of Belarus on 1 February 2011, referred to below). In response, the US embassy in Belarus in 2013 stated that the memorandum was not "legally binding" and constituted only a political obligation³. In October 1995 A. Lukashenko visited several states of the USA while on an official visit to the UN for the celebration of its 50th anniversary.

American politicians and experts, unanimous in their support for the development of Belarus as an independent state, were not hiding their concern about the possibility of its incorporation into Russia. Z. Brzezinski believed that Belarus was "a state that is increasingly being reintegrated under the control of the Kremlin"⁴ with the power of Russian economic subsidies⁵. In his interview for the newspaper "Izvestiya" in July 1994 president B. Clinton commented on the prospect of the reintegration of the former Soviet republics into Russia. He noted that like the other states of the former USSR, Belarus had the right to determine its future independently, provided that

¹Дроздов В. Америка – Беларусь. Рекогносцировка Джеймса Бейкера // Нар. газ. 1991. 19 дек.

²Совместное заявление // Совет. Белоруссия. 1994. 18 янв.

³Belarus: Budapest memorandum [Electronic resource]. URL: https://web.archive.org/web/20140419030507/http://minsk.usembassy.gov/budapest_memorandum.html (date of access: 18.04.2022).

⁴Hereinafter translated by us. – U. S.

⁵Кондрашов С. «Новый подход» Америки к России в свете выборов на Украине // Известия. 1994. 6 апр.

this was done democratically and did not threaten the interests of other states⁶.

In general, the Belarusian-American relations from 1991 to 1994 had a positive dynamic. The parties established diplomatic relations, opened full-fledged diplomatic missions, exchanged high-level visits, in-

creased contacts at the foreign policy and defence levels, and pursued trade and economic relations. However, for the United States, Belarus was not on the list of its foreign policy priorities, and there was a tendency to view the Belarusian situation in the context of US-Russian relations.

Selective engagement

The United States did not recognise the 1996 constitutional referendum in Belarus as legitimate or democratic, and a new chapter in the Belarusian-American relations began in its aftermath. Contacts with the Belarusian leadership were scaled down [3, p. 58–60; 8, p. 174–176, 180–181], and in February 1997, the B. Clinton administration announced the transition to a policy of selective engagement, whereby it would limit its cooperation with Belarus to areas of direct concern for the United States. In this new arrangement, it would give priority to “democratic forces, independent media and non-governmental organisations”⁷. Washington also suspended the access of the Belarusian side to assistance under the 40 mln US dollars programme for the destruction of nuclear weapons (Nunn – Lugar programme) until the situation with democracy and human rights improved⁸.

The diplomatic crisis over the government complex “Drozdy” in 1998 soured the relations further. In June 1998, the US ambassador left Minsk, and the Belarusian ambassador left Washington at the request of the American side. The United States refused entry to more than 130 Belarusian officials. The conflict was settled in September 1999.

Washington reduced its contacts with Belarusian officials to a minimum, after rejecting the proposal from Belarus to rebuild the bilateral relationship on the principles of equality and non-interference in domestic affairs. Since 1996, it has not recognised any presidential or parliamentary election in Belarus as free and fair, and in 2004 the US Congress adopted the Belarus democracy act, which translated into law the policy of minimum contacts with the official Minsk and imposed sanctions on Belarusian enterprises. The act restricted American investments in Belarus and US financial and technical assistance to Belarus. In particular, it mandated the US president to inform Congress

about all deliveries of “arms and weapons-related technologies from Belarus to the sponsoring countries of international terrorism”⁹. The stated objective of the act was to promote democratic development, human rights and the rule of law in Belarus, and to support the assertion and strengthening of its independence. The act provided for assistance to non-governmental organisations, and independent media, including radio and television broadcasting to Belarus, as well as the expansion of international exchanges¹⁰. The Belarusian authorities viewed the act as an interference in the internal affairs of Belarus and a violation of the generally recognised norms of international law. However, the subsequent administrations of presidents B. Obama and D. Trump extended it in 2011¹¹ and 2020¹².

In 2007 the US authorities imposed restrictions on the Belneftekhim concern, freezing its accounts and barring American companies from doing business with it. Later, the sanctions were extended to the companies associated with the concern. In protest, the leadership of Belarus recalled its ambassador from Washington in March 2008 and requested that the United States recall its ambassador from Minsk. Simultaneously, the Belarusian side demanded the reduction of embassy staff. As a result, the Belarusian embassy in the United States numbered 3 employees, the US embassy in the Republic of Belarus 5 employees, down from 35 before the diplomatic crisis. The United States responded by refusing to issue the US entry visas to Belarusian citizens in the territory of Belarus. Since ambassador K. Stewart was recalled to Washington, the US embassy in Belarus has been headed by diplomats in the rank of *chargé d'affaires*¹³ [11].

In 2009–2010 the political contacts intensified. At a meeting with a delegation from the US Congress on 30 June 2009, president A. Lukashenko called for the old practices and stereotypes to be overturned and

⁶Клинтон У. Народы бывшего СССР имеют право объединиться вновь, если они сами этого очень захотят // Известия. 1994. 5 июля.

⁷США меняют свое отношение к Беларуси, что отражает те перемены, которые произошли в нашей стране, и те пределы, в которых Америка сможет развивать потенциал двусторонних отношений // Белорус. газ. 1997. 17 февр.

⁸Ibid.

⁹Belarus democracy act will help cause of freedom, Bush says [Electronic resource]. URL: <http://usinfo.state.gov/eur/Archive/2004/Oct/22-783733.html> (date of access: 24.01.2017).

¹⁰Ibid.

¹¹H.R.515 - Belarus democracy and human rights act of 2011 [Electronic resource]. URL: <https://www.congress.gov/bill/112th-congress/house-bill/515/text> (date of access: 24.01.2020).

¹²H.R.8438 - Belarus democracy, human rights, and sovereignty act of 2020 [Electronic resource]. URL: <https://www.congress.gov/bill/116th-congress/house-bill/8438/text> (date of access: 24.02.2021).

¹³A guide to the United States' history of diplomatic relations [Electronic resource]. URL: <http://history.state.gov/countries/belarus> (date of access: 12.02.2020).

the relations with the United States reviewed from a new perspective. He also underlined the need to base this relationship on the principles of sovereign equality of the parties, non-interference in the internal affairs, mutual respect and trust. He was confident that the United States would eventually accept the futility of speaking the language of sanctions and approaching Belarus from a position of strength. He said that Belarus was strongly interested in a constructive exchange of views with the United States in all the areas that have been frozen for over a decade through no fault of Belarus¹⁴. In December 2010, A. Lukashenko met representatives of leading US think tanks and declared a readiness for full normalisation of Belarus' relations with the United States on the principles of equal partnership¹⁵.

At the OSCE summit in Astana in December 2010, the minister of foreign affairs of the Republic of Belarus S. Martynov met the US secretary of state H. Clinton. The meeting resulted in a joint statement on cooperation between Belarus and the United States in the field of nuclear safety and non-proliferation. Both parties confirmed their commitment to work together towards these goals. The secretary of state acknowledged the historic decision of Belarus to renounce its nuclear weapons in 1994. S. Martynov announced Belarus' decision to eliminate all its stocks of highly enriched uranium by the next summit on nuclear safety in 2012. The United States expressed its readiness to provide technical and financial assistance to implement these measures as soon as possible. It supported the intention of Belarus to diversify its energy supply by building a nuclear power plant operated in conformity with the IAEA safeguards. While welcoming the progress made on these global security issues, the United States and Belarus acknowledged that greater respect for democracy and human rights were essential for the advancement of the country and its citizens, and were still prerequisite to improving bilateral relations¹⁶.

Yet these contacts did not lead to a breakthrough in the political sphere. Again, the United States refused to recognise the 2010 presidential elections and

promised sanctions against select Belarusian officials for "suppressing democratic institutions or violating human rights through political repression". Simultaneously, Washington vowed to increase its support for "the Belarusian civil society, independent media and democratic political parties" [11].

In August 2011, the United States imposed further sanctions on Belarusian enterprises. In response, the Ministry of Foreign Affairs of the Republic of Belarus announced that it was suspending its cooperation with the United States on nuclear security and nuclear non-proliferation and the Belarusian-American programme for training specialists in business management¹⁷. That did not change the position of the United States. In January 2012 the adviser to the secretary of state F. Gordon stated that his country saw no future to its relations with Belarus until the Belarusian side began to respect democracy and human rights¹⁸.

The Ministry of Foreign Affairs of the Republic of Belarus interpreted the unilateral restrictive measures of the US against Belarus as a violation of its international obligations. In a statement on 1 December 2011 the Belarusian side denounced this move as unreasonable and illegal. Specifically, it declared Washington to be in violation of its commitment under the Budapest memorandum not to use economic coercion against Belarus. The Belarusian side criticised the pressure and coercion as counterproductive and reserved the right to take proportionate reciprocal steps¹⁹.

Both parties maintained limited but effective cooperation in the field of international security and peacekeeping. In 2004, Belarus opened its airspace for NATO transit flights to Afghanistan. In 2010, Belarus concluded an agreement with NATO on rail transit and became a part of the Northern Distribution Network, for the transit of non-military goods to Afghanistan for the International Security Assistance Force. In 2013, a further agreement was concluded covering the transit of armoured vehicles from NATO countries. Belarus set its tariffs at a moderate level, contributing to a positive image of Belarus in the eyes of the US as safe territory for transit²⁰.

¹⁴Беларусь всегда выступала за более тесные отношения с США [Электронный ресурс]. URL: <http://president.gov.by/press73995.html> (дата обращения: 20.01.2019).

¹⁵14 декабря Александр Лукашенко встретился с представителями аналитических центров США [Электронный ресурс]. URL: <http://president.gov.by/press102690.html> (дата обращения: 10.01.2016).

¹⁶Беларусь и США выражают взаимное желание вывести двусторонние отношения на новый уровень [Электронный ресурс]. URL: http://www.belta.by/ru/all_news/politics/Belarus-i-SShA-vyrazhajut-vzaimnoe-zhelanie-vvesti-dvustoronnie-otnosheniya-na-novyy-uroven---Martynov_i_533946.html (дата обращения: 20.01.2019).

¹⁷Ответ начальника управления информации – пресс-секретаря МИД Андрея Савиных на вопрос журналистов об ответных мерах на введение санкций США [Электронный ресурс]. URL: http://www.mfa.gov.by/press/news_mfa/af49a9427b-6fb379.html (дата обращения: 20.01.2019).

¹⁸Филипп Гордон: США не видят будущего в отношениях с Беларусью [Электронный ресурс]. URL: http://naviny.by/ru-brics/politic/2012/01/13/ic_news_112_384634/ (дата обращения: 20.01.2019).

¹⁹Заявление Министерства иностранных дел Республики Беларусь в связи с введением Соединенными Штатами Америки ограничительных мер в отношении Республики Беларусь [Электронный ресурс]. URL: <https://mfa.gov.by/press/statements/eefe7e77d6f3b16d.html> (дата обращения: 20.01.2020).

²⁰Morgulis M. Working at diplomacy. Oleg Kravchenko reflects on 25 years of Belarus – US diplomatic relations [Electronic resource]. URL: https://mfa.gov.by/upload/17.05.26_Kravchenko_interview.pdf (date of access: 18.04.2022) ; Отношения Беларуси и НАТО. Памятная записка №12 / 07.05.2020 [Электронный ресурс]. URL: http://minskdialogue.by/Uploads/Files/research/backgrounders/pdf/2020-05-07_МД_Памятная_записка-12_Иванова.pdf (дата обращения: 18.04.2022).

The tensions in the political sphere affected bilateral trade and investment relations. In the beginning the United States showed an interest in expanding economic contacts, as evidenced by the establishment of the Intergovernmental Committee for the Development of American Business in Belarus. In the second half of the 1990s, this initial enthusiasm waned. The Agency for Trade and Development and the Committee for the Development of American Business suspended its work in Belarus, and loans to Belarusian state structures were discontinued. In 2000, the Republic of Belarus lost its privilege to export goods to the United States free from duty under the general system of preferences.

At first, the effect of these moves on bilateral trade was limited. Trade in goods grew from 194 mln US dollars in 2002 to 729 mln US dollars in 2006. From 2006, however, Belarusian export to the United States decreased substantially from 445 mln US dollars to

86 mln US dollars in 2011 [15, p. 148]. In March 2011 M. Skenlen, chargé d'affaires ad interim in Belarus, estimated that from 2007 to 2010, Belarusian exports to the United States dropped from 1.1 bln US dollars to 175 mln US dollars as a result of the sanctions²¹. After 2010, bilateral trade in goods was stable, with some signs of growth, amounting to 705 mln US dollars in 2010, 856 mln US dollars in 2019, and 734 mln US dollars in 2020. At its lowest point in 2015, Belarusian exports to the United States were 123 mln US dollars and imports were 446 mln US dollars. The figures for 2019 were 193 mln US dollars and 663 mln US dollars, and for 2020 199 mln US dollars and 535 mln US dollars, respectively²². Assistance to Belarus was directed mainly towards promoting democratic principles, human rights and fundamental freedoms, including support for independent media and capacity-building of civil society organisations. From 1992 overall US official assistance to Belarus has exceeded 1 bln US dollars²³.

Aborted return to normalcy

In 2013 Minsk and Washington took steps to bring their relations back to normalcy. Partnership with foreign policy institutions was upgraded. Belarusian and American law-enforcement deepened collaboration in the prevention and prosecution of high technology crimes, illegal trade in psychoactive substances, trafficking in people and distribution of child pornography on the Internet. Partnership in the health sector also strengthened. In 2012 USAID and World Learning launched the Community connections programme for Belarus. In 2018 the programme had an annual budget of 3.9 mln US dollars and was extended to 2022. The Informational and Educational Institute "Institutional development", working to enhance dialogue and partnership between both nations, became active in Belarus in 2014. Also in 2014, the 1st Belarusian-American investment forum took place. The Belarusian delegation was led by prime-minister M. Myasnikovich. A bilateral agreement on enhancing the enforcement of international tax regulations and the US law on tax control of accounts in foreign financial institutions were signed in 2015. In October 2015 the USA partially lifted sanctions against a range of Belarusian enterprises.

Throughout the years of anything but a smooth relationship with Belarusian authorities, the United

States has maintained its commitment to the Belarusian people whose lives in the aftermath of the Chernobyl nuclear accident are still missing the advantages of a market economy and democratic values. The US assistance to Belarus pages showcase the actions that the US government does to alleviate the hardships of the Belarusian people; they also describe the invaluable contribution of some American charities and volunteer organisations²⁴.

The US provided a million-dollar mobile lab to collect samples and measure radioactive contamination in soil, water, air, secretions, surfaces, wounds and radionuclides. Lawrence Livermore National Laboratory, one of the outstanding scientific institutions in the country, provided a week-long training course for scientists of the Belarusian Hydrometeorological Centre in 1995. USAID helped improve and protect the health of families living in radiation-affected areas of Belarus by raising awareness of radiation safety behaviour among the residents of the Chernobyl zone and training medical personnel in areas with low levels of radiation exposure²⁵.

On a visit to Belarus for participation in the Plenary Assembly of OSCE in July 2017 the US congressional delegation met president A. Lukashenko. The US assistant secretary of state for European and Eurasian

²¹Скенлэн: из-за санкций против «Белнефтехима» экспорт упал на миллиард долларов [Электронный ресурс]. URL: http://telegraf.by/2011/03/skenlen_ssha_ne_budut_torgovat_principami_radi_chislennosti_posol_stva_v_minske (дата обращения: 20.01.2020).

²²Беларусь и Соединенные Штаты Америки [Электронный ресурс]. URL: https://mfa.gov.by/bilateral/america/usa_canada/usa/ (дата обращения: 20.02.2021).

²³US relations with Belarus [Electronic resource]. URL: <https://www.state.gov/u-s-relations-with-belarus/> (date of access: 24.02.2021).

²⁴Embassy of the United States [Electronic resource]. URL: <https://web.archive.org/web/20150711034419/http://minsk.usembassy.gov/us-belarus.html> (date of access: 18.04.2022).

²⁵США по-русски [Electronic resource]. URL: <https://www.facebook.com/usaporuski/photos/a.1660709560883290.1073741828.1660706864216893/1702461496708096/?type=3&theater> (date of access: 18.04.2022).

affairs W. Mitchell conducted a meeting with the Belarusian president while visiting Minsk in January 2019. On the eve of the visit, the minister of foreign affairs of the Republic of Belarus V. Makei, notified Washington of the lifting of the restrictions on the number of American diplomats in Minsk. The United States welcomed this move and called it a diplomatic breakthrough [16]. The parties entered discussions on raising the level of diplomatic presence, including the exchange of ambassadors. In August 2019 J. Bolton, the national security adviser to the US president, visited Belarus and met A. Lukashenko. In August 2019 the secretaries of the security councils of Belarus, Poland, the USA and Ukraine held consultations in Warsaw²⁶.

In January 2020, the US secretary of state M. Pompeo arrived in Minsk on the first visit by a US official of his rank in 28 years. He met president A. Lukashenko and minister of foreign affairs V. Makei. The visit was an important step forward in addressing the long-standing and complex issues affecting US-Belarusian relations. Although the visit did not result in any specific agreements or decisions (which were not within the visit's scope), it signalled the shared intention to proceed with normalising their relationship, to the mutual satisfaction of both parties [17].

In October 2019 the US suspended its sanctions against "Belneftekhim" for six months. In May 2020, it announced the launch of its gasoline exports to Belarus. Cooperation in the oil sector served to strengthen the energy security of Belarus. While in Minsk, M. Pompeo promised to cover 100 % of the domestic demand for oil and gas in Belarus if the country's leaders requested it. Despite the higher cost of these imports compared to Russian oil, the political bene-

fits of importing energy resources from the US might prevail over economic considerations, especially in light of the ongoing difficult talks with Russia on the supply of oil and gas. In 2020, United States' official development assistance to Belarus was 19.2 mln US dollars, the highest among the other bilateral donors²⁷.

As stated by the Ministry of Foreign Affairs of the Republic of Belarus, the return to normalcy continued until August 2020. Confidence was restored progressively. The level and intensity of bilateral contacts increased. The parties agreed to resume full-fledged diplomatic presence at the level of ambassadors. The dialogue on international security, human rights, combating trafficking in people, organised crime, international terrorism and drugs deepened. However, the return to normalcy came to an abrupt halt in August 2020. The United States condemned the presidential elections in Belarus and reimposed sanctions against select natural and legal persons in Belarus. Belarus retaliated with sanctions against American officials. Yet it continues to be interested in a full-fledged and diverse relationship with the United States grounded in mutual respect and partnership²⁸. As stated in the working document of the Minsk dialogue platform, Minsk is interested in renewing its relations with the West, but not at the price concessions on domestic policy. Belarus has significant potential in the fields of security, energy, transport and communications, and economy. Relations between Belarus and the United States, and more broadly, with the West, call for a more strategic and long-term approach that could take many forms, including bilateral dialogue with the US and multilateral contacts with the EU²⁹.

Conclusion

The relations between Belarus and the USA from 1991 to 2020 had a complex history. The period of dynamism in 1991–1996 was characterised by a wide diversity of areas of collaboration, ranging from international security and ending to humanitarian areas and people-to-people contacts. The United States was the first state outside the former USSR and the first member of the UN Security Council that recognised the independence of the Republic of Belarus established diplomatic relations with it and opened its embassy in Minsk. The interest of Washington in Belarus as a newly independent state was initially motivated by its desire to maintain strategic stability and prevent the proliferation of nuclear weapons from its territory.

Belarusian leaders took a constructive approach toward the American position while pursuing the needs and interests of Belarus considering its capabilities. Belarus became the first state in the world to renounce its nuclear arsenal voluntarily and unconditionally. Minsk's policy course was highly appreciated, and the United States extended tangible economic and financial assistance to Belarus. In 1993–1994 the bilateral relations reached their high point, as evidenced by the exchange of high-level visits.

After the referendum of 1996, the bilateral relations cooled. Washington adopted a policy of selective engagement, with limited dialogue at the governmental level and broad support for humanitarian contacts and

²⁶Беларусь и Соединенные Штаты Америки [Электронный ресурс]. URL: https://mfa.gov.by/bilateral/america/usa_canada/usa/ (дата обращения: 20.02.2021).

²⁷Ibid.

²⁸Ibid.

²⁹Белорусский кризис: контуры неопределенности в региональной безопасности [Электронный ресурс]. URL: <https://minskdialogue.by/events/conference/onlain-forum-minskogo-dialoga-belorusskii-krizis-kontury-neopredelennosti-v-regionalnoi-bezopasnosti> (дата обращения: 20.03.2021).

commercial relationships and the civil society. The diplomatic conflict in 1998 and the adoption Belarus democracy act added further tensions. At the lowest point in 2008, Minsk retaliated for the economic sanctions against “Belneftekhim” and other companies contributing more than two-thirds of its exports to the US. It also initiated the recall of the ambassadors, succeeded by chargés d'affaires ad interim, and substantial reductions of embassy staff, especially at the US embassy in Minsk. Washington's condemnation of the presidential elections in 2010 created additional controversy.

The next stage, of tentative normalisation, lasted from 2013 to July 2020, culminating in the visit of the state secretary to Belarus in February 2020. Its main result was perhaps the agreement to exchange ambassadors, almost twelve years after their recall. Trade and economic relations recovered dynamically up until that moment, and the overall climate of the bilateral relations in the Eastern Europe context was improving.

However, the return to normalcy came to an abrupt end in 2020.

In general, the 30-year history of the Belarusian-American relations can be divided into two macro-periods, uneven in duration and outcomes. The first period lasted five years and had a highly positive dynamic. The second period, lasting 25 years, began in November 1996 and was one of progressive decline that reached its lowest point in 2008–2012. In subsequent years, a tentative return to normalcy began, which remained unfinished and came to an abrupt halt in 2020. Belarus and the United States have entered the fourth decade of bilateral relations in an atmosphere of confrontation and in the middle of an acute international crisis involving Russia, the West and Eastern Europe. In future we may expect a renewal of the system of international relations, in which Minsk and Washington might find themselves in a better position to learn from their past mistakes and rebuild their relationship.

Библиографические ссылки

1. Розанов А. Республика Беларусь: внешнеполитические ориентации. В: Гарнет Ш, Легволд Р, редакторы. *Белоруссия на перепутье: в поисках международной идентичности*. Москва: Московский центр Карнеги; 1998. с. 51–56.
2. Снапковский В. Белорусско-российская интеграция: международный контекст [Интернет; процитировано 15 января 2022 г.]. Доступно по: https://library.by/portalus/modules/beleconomics/readme.php?subaction=showfull&id=1465467612&archive=&start_from=&ucat=&.
3. Снапоўскі УЕ. Беларуская-расійская інтэграцыя і Захад. У: Снапоўскі УЕ. *Беларуска-расійскія адносіны*. Мінск: БДУ; 2009. с. 55–69.
4. Тихомиров АВ. Взаимодействие Республики Беларусь с США: ретроспектива десятилетия (1991–2001 гг.). В: Белорусский государственный университет. *Вопросы внешней политики Республики Беларусь*. Минск: [б. и.]; 2001. с. 20–27.
5. Тихомиров АВ. Развитие политического диалога между Республикой Беларусь и США в конце 1991 – начале 1994 г. *Труды факультета международных отношений БГУ*. 2012;3:67–71.
6. Тихомиров АВ. Отношения Республики Беларусь с США. В: Азаренко ВВ, редактор. *Республика Беларусь – 25 лет созидания и свершений. Том 4. Агропромышленный комплекс. Архитектура и градостроительство. Беларусь на мировой арене*. Минск: Беларуская навука; 2020. с. 604–608.
7. Косов АП. Эволюция белорусско-американских отношений в 1991–1996 гг. У: Андарала АІ, рэдактар. *Актуальныя праблемы станаўлення і развіцця беларускай дзяржаўнасці. Частка 2. Гісторыя беларускай дзяржавы (1919 г. – пачатак ХХІ ст.)*. Мінск: БДПУ; 2009. с. 113–116.
8. Легволд Р. Белоруссия во внешней политике США. В: Гарнетт Ш, Легволд Р, редакторы. *Белоруссия на перепутье: в поисках международной идентичности*. Москва: Московский центр Карнеги; 1998. с. 163–197.
9. Cohen A. The U. S. should oppose dictatorship in Belarus [Internet; cited 2014 May 23]. Available from: <http://www.heritage.org/research/reports/2004/10/the-us-should-oppose-dictatorship-in-belarus>.
10. Swartz D. Time for a radical change in U. S. relations with Belarus [Internet; cited 2014 May 23]. Available from: http://thepointjournal.com/output/index.php?art_id=235&spr_change=eng.
11. Woehrel S. Belarus: background and U. S. policy concerns [Internet; cited 2014 May 23]. Available from: <http://fpc.state.gov/documents/organization/142759.pdf>.
12. Wallander C. Belarus: a crucial step for a transformational U. S. foreign policy strategy [Internet; cited 2014 May 23]. Available from: https://csis-website-prod.s3.amazonaws.com/s3fs-public/legacy_files/files/attachments/ts060309_wallender.pdf.
13. Кравченко ПК. *Беларусь на распутье, или правда о Беловежском соглашении. Записки дипломата и политика*. Москва: Время; 2006. 456 с.
14. Ракашэвіч УК, Шарапа АВ, складальнікі. *Знешняя палітыка Беларусі. Том 7*. Мінск: Выдавецкі цэнтр БДУ; 2004. 479 с.
15. Тихомиров АВ. *Внешняя политика Республики Беларусь в 1991–2015 гг.* Минск: Издательский центр БГУ; 2017. 208 с.
16. Gramer R, Mackinnon A. A diplomatic breakthrough for Washington in Europe's last dictatorship [Internet; cited 2014 May 23]. Available from: <https://foreignpolicy.com/2019/01/10/diplomatic-breakthrough-for-washington-in-europes-last-dictatorship-belarus-warming-relations-with-west-united-states-lukashenko-putin-russia-dispute-diplomacy-state-department-eastern-europe/>.
17. Мельянцов Д. День Помпео: что в сухом остатке? [Интернет; процитировано 20 марта 2021 г.]. Доступно по: <https://minskdialogue.by/research/opinions/den-pompeo-cto-v-sukhom-ostatke/>.

References

1. Rozanov A. [Republic of Belarus: foreign policy orientations]. In: Garnett Sh, Legvold R, editors. *Belorussiya na pereput'e: v poiskakh mezhdunarodnoi identichnosti* [Belarus at a crossroads: in search of international identity]. Moscow: Carnegie Moscow Centre; 1998. p. 51–56. Russian.
2. Snapkouski U. Belarusian-Russian integration: the international context [Internet; cited 2022 January 15]. Available from: https://library.by/portalus/modules/beleconomics/readme.php?subaction=showfull&id=1465467612&archive=&start_from=&ucat=&. Russian.
3. Snapkouski UE. [Belarusian-Russian integration and the West]. In: Snapkouski UE. *Belaruska-rasijskija adnosiny* [Belarusian-Russian relations]. Minsk: Belarusian State University; 2009. p. 55–69. Belarusian.
4. Tikhomirov AV. [Interaction of the Republic of Belarus with the United States: a retrospective of the decade (1991–2001)]. In: Belarusian State University. *Voprosy vneshnei politiki Respubliki Belarus'* [Questions of foreign policy of the Republic of Belarus]. Minsk: [s. n.]; 2001. p. 20–27. Russian.
5. Tikhomirov AV. [Development of political dialogue between the Republic of Belarus and the United States in late 1991 – early 1994]. *Trudy fakul'teta mezhdunarodnykh otnoshenii BGU*. 2012;3:67–71. Russian.
6. Tikhomirov AV. [Relations of the Republic of Belarus with the United States]. In: Azarenko VV, editor. *Respublika Belarus' – 25 let sozidaniya i svershenii. Tom 4. Agropromyshlennyi kompleks. Arkhitektura i gradostroitel'stvo. Belarus' na mirovoi arene* [The Republic of Belarus – 25 years of creation and accomplishments. Volume 4. Agro-industrial complex. Architecture and urban planning. Belarus on the world stage]. Minsk: Belaruskaja navuka; 2020. p. 604–608. Russian.
7. Kosov AP. [The evolution of Belarusian-American relations in 1991–1996]. In: Andarala AI, editor. *Aktual'nyja problemy stanovlenija i razvicia belaruskaj dzjarzhavnasci. Chastka 2. Gistoryja belaruskaj dzjarzhavy (1919 g. – pachatak XXI st.)* [Actual problems of formation and development of the Belarusian statehood. Part 2. History of the Belarusian state (1919 – the beginning of the 21st century)]. Minsk: Belarusian State Pedagogical University named after Maxim Tank; 2009. p. 113–116. Russian.
8. Legvold R. [Belarus in US foreign policy]. In: Garnett Sh, Legvold R, editors. *Belorussiya na pereput'e: v poiskakh mezhdunarodnoi identichnosti* [Belarus at a crossroads: in search of international identity]. Moscow: Carnegie Moscow Centre; 1998. p. 163–197. Russian.
9. Cohen A. The U. S. should oppose dictatorship in Belarus [Internet; cited 2014 May 23]. Available from: <http://www.heritage.org/research/reports/2004/10/the-us-should-oppose-dictatorship-in-belarus>.
10. Swartz D. Time for a radical change in U. S. relations with Belarus [Internet; cited 2014 May 23]. Available from: http://thepointjournal.com/output/index.php?art_id=235&spr_change=eng.
11. Woehrel S. Belarus: background and U. S. policy concerns [Internet; cited 2014 May 23]. Available from: <http://fpc.state.gov/documents/organization/142759.pdf>.
12. Wallander C. Belarus: a crucial step for a transformational U. S. foreign policy strategy [Internet; cited 2014 May 23]. Available from: https://csis-website-prod.s3.amazonaws.com/s3fs-public/legacy_files/files/attachments/ts060309_wallender.pdf.
13. Kravchenko PK. *Belarus' na rasput'e, ili pravda o Belovezhskom soglashenii. Zapiski diplomata i politika* [Belarus at a crossroads, or the truth about the Belovezh agreement. Notes of the diplomat and politician]. Moscow: Vremya; 2006. 456 p. Russian.
14. Rakashjevich UK, Sharapa AV, compilers. *Zneshnjaja palityka Belarusi. Tom 7* [The foreign policy of Belarus. Volume 7]. Minsk: Publishing house of the Belarusian State University; 2004. 479 p. Belarusian.
15. Tikhomirov AV. *Vneshnyaya politika Respubliki Belarus' v 1991–2015 gg.* [The foreign policy of the Republic of Belarus in 1991–2015]. Minsk: Publishing house of the Belarusian State University; 2017. 208 p. Russian.
16. Gramer R, Mackinnon A. A diplomatic breakthrough for Washington in Europe's last dictatorship [Internet; cited 2014 May 23]. Available from: <https://foreignpolicy.com/2019/01/10/diplomatic-breakthrough-for-washington-in-europes-last-dictatorship-belarus-warming-relations-with-west-united-states-lukashenko-putin-russia-dispute-diplomacy-state-department-eastern-europe/>.
17. Melyantsov D. Pompeo day: what's in the dry residue? [Internet; cited 2021 May 20]. Available from: <https://minsk-dialogue.by/research/opinions/den-pompeo-cto-v-sukhom-ostatke/>. Russian.

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THE END OF THE AMERICAN CENTURY? A SHORT HISTORY OF US FOREIGN POLICY FROM WORLD WAR II TO THE PRESENT

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In 1941 H. Luce famously declared the arrival of the American century where the US would emerge as the dominant superpower in the world. After the end of World War II and then again in 1991 after the collapse of the Soviet Union, it looked in many ways like H. Luce's prediction was correct. However the world today looks very different compared to 1945 or 1991. This article looks at the way the world and US foreign policy have evolved, contending that the foreign policy options for the United States are very different now and in the future from what they once were. Both the D. Trump and now J. Biden foreign policies are the result of these changes, and the article looks at some of the challenges facing the US going forward.

Keywords: Joe Biden; US foreign policy; US foreign policy establishment; America first.

КОНЕЦ ГЕГЕМОНИЗМА? ВНЕШНЯЯ ПОЛИТИКА США ПОСЛЕ ВТОРОЙ МИРОВОЙ ВОЙНЫ

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В 1941 г. Г. Люс провозгласил наступление столетия Америки и предрек превращение США в мировую сверхдержаву. Порой казалось, что его пророчество во многом сбывается: так думалось и после Второй мировой войны, и на момент распада СССР в 1991 г. Но сегодняшний мир сильно отличается от того, каким он был в 1945 и 1991 гг. В статье описываются эти изменения, а также обсуждаются текущие и будущие возможности внешней политики США. Отмечается, что внешняя политика администраций Д. Трампа и Дж. Байдена является следствием этих изменений, рассматриваются некоторые перспективные вызовы для внешней политики США.

Ключевые слова: Джо Байден; внешняя политика США; внешнеполитический истеблишмент; принцип «Америка прежде всего».

Introduction

Life Magazine founder H. Luce famously declared in a 1941 issue of his magazine that it was the beginning of "America's century"¹. His proclamation has garnered various interpretations, but at its most basic it was a statement pronouncing that the United States would be the dominant power for years to come, in part because America would remake the world in its image. After World War II, the US and the USSR defined a bi-

¹Luce H. The American century // Life Mag. 1941. 17 Febr. P. 61–64.

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polar world and global order, but many of the major institutions of the world, such as Bretton Woods reflected a bias favouring American interests and perspectives. Yet the American century came to realisation, especially after the fall of the Berlin wall in 1989 and the breakup of the USSR in 1991 where it looked as if America stood atop of a unipolar world.

But now 30 years later the world looks different. The American presidency of D. Trump raised questions for many regarding how the US would adapt to the change. His presidency was marked by a new nationalism or America's first strategy, less emphasis on diplomacy – at least in terms of a multilateral approach – and trade wars with several states including China. Yet with D. Trump's electoral defeat in 2020 and the transition to the presidency of J. Biden, many concluded – or hoped – that the administration would return to a more traditional post-Cold War foreign policy for the United States.

The US is in a very different position today than it was in 1945 or 1991. Moreover, often the best predictor of a new US president's foreign policy is his predecessor [1]. The American presidency of J. Biden shares more with the D. Trump presidency than it diver-

ges from it. There are two reasons for this. Firstly, while US presidents have a lot of authority in the area of foreign policy, its making is a shared task with congress and the foreign policy establishment that limits presidential autonomy. Secondly, presidents are not free to start a foreign policy anew with their inauguration. They are products of historical contexts and circumstances, often limiting their ability to act [2].

This article examines US foreign policy under the J. Biden presidency. It details the challenges that will impact American foreign policy in the coming years, regardless of who is president. We begin by explaining the basic principles and structure of US foreign policy since World War II, seeking to establish that for nearly 80 years there has been more continuity than divergence. Then we briefly review the foreign policy approach of the D. Trump presidency to show the breaks and continuities it represented. Finally, the article takes us into the J. Biden presidency. The argument will be that first the D. Trump and now the J. Biden presidencies are responding to broader global challenges the US is facing and that perhaps the American century that H. Luce proposed is facing a serious challenge.

A short history of US foreign policy since World War II

American foreign policy since the end of World War II is guided by several principles which have largely remained constant over time. If we assume as realists do that each nation acts in its interests [3; 4], then one can argue that these are the guiding principles of US foreign policy. These principles, as noted below, often serve a dualistic function of being strategies or tactics to securing the principles. Thus, in some cases, principles also exist as strategies.

The first principle is the commitment to a liberal world order. A liberal order can mean a political philosophy grounded in the teachings of J. Locke which includes respect for democratic rights, limited government, and support for property rights [5]. One might also attach to this principle a commitment to a capitalist world order where free markets are generally considered to be the preferred form of economic activity, ascribing to the government generally a limited role. Until the 1970s or 1980s, the combination of the two philosophies into market capitalism meant toleration for welfare state policies, but since the 1980s it has turned more into neoliberalism and market fundamentalism [6].

The importance of the support for market capitalism has meant several things when it comes to US foreign policy. For one, generally, the US supported western democratic values and opposed communism or other non-democratic values or regimes across the world. Second, it meant that the US generally would support free trade and open economic orders. This translated into support for free trade agreements such as North American Free Trade Agreement (NAFTA) in

North America, as well as multinational entities such as the World Trade Organisation. It also meant that the US would support countries and movements that it considered to be democratic.

The commitment to liberal values brought with it a belief that the US was the guardian of democracy and that in many cases it had a right or obligation to intervene in the internal affairs of other states to promote or maintain democracy. Moreover, in cases where the US judged there to be human rights violations, it also chose in many cases to intervene for humanitarian reasons. The commitment to a liberal world order for the US also meant it was the leader of the first or free world, with obligations to use its force to promote democratic values.

The second guiding value linked to the first is opposition to communism. This principle may be an outgrowth of the first principle endorsing democracy, but it is its distinct guiding value. From the end of World War II until the collapse of the Soviet Union in 1991, Cold War politics defined the US. This played out in terms of the US being viewed as the leader of the free world or at the same time as the world's policeman in terms of seeking to enforce democratic norms. Anti-communism as a defining principle meant during the height of the Cold War that international relations could depict the world as bipolar – with respective spheres of influence allocated to the US and the USSR.

With the collapse of the latter, there was a brief period or emergence of a unipolar world with the US at its helm [7]. This was the point where F. Fukuyama [8] proclaimed that history had ended and western

values had triumphed. However, as G. Herring [7] and H. Brands [9] have pointed out, that unipolar moment has disappeared. Instead, as S. Huntington [10] and B. Barber [11] have argued, a new “clash of civilisations” has emerged pitting the US against perhaps the Arab or other worlds. The point being is that while the US is still considered the leader of the western democratic world (the first world to use Cold War language), its foe is now terrorism and the US now sees itself as defending western values against it.

The third principle for the US was the maintenance of military and nuclear superiority over all other countries in the world. The Cold War was in part about both of these types of superiorities. The idea of military superiority was to ensure the US could enforce democratic capitalist norms, be the leader of the west, and oppose communism and the USSR. To be the leader of the free world and control its part of a bipolar world necessitated this superiority.

Finally, the fourth principle was economic dominance or superiority. While this principle could be linked to the first principle supporting liberal capitalism, here the idea is that the US wanted to maintain itself as the dominant economic power in the world. In part, as P. Kennedy [12] argued, military superpowers such as the US need to have a strong economy to support their empires, but America has also viewed having the dominant and largest economy in the world both as a matter of pride and also as a way to influence and leverage international affairs. Its sheer wealth and size have made it possible for the US to have its currency dominate the world in many capacities, influence trade agreements, and affect global economic policies through its banks or other institutions.

These principles – support for democratic capitalism, opposition to communism and global terrorism, and military and economic superiority enjoyed bipartisan support in the United States from 1946 though (and as will be argued) into the D. Trump administration. These principles have also been sustained by several strategic policies or powers.

W. Mead and J. Kaufman divide American power into four types, military, economic, sweet (cultural), and hegemonic² [13, p. 191]. This distinction articulates the various ways the US has deployed a variety of tools to enforce its values. While one can debate exactly the different ways American power can be described or dissected, there is no question that generally one sees several strategic tools or powers as part of US foreign

policy. The first has been military (conventional) and nuclear superiority. Throughout the Cold War and after, the goal has always been to maintain a military strength sufficient to deter communism, defend the free world or democracy, fight two wars, deter nuclear war, or lead the fight against the war on terrorism. At present, the US military budget is by far the largest in the world, surpassing the next seven countries combined [14].

The second strategy has been diplomacy. Diplomacy is broader than simply setting up ambassadorships, it is negotiating treaties and alliances that are often multilateral. It is creating rules for international trade and dispute resolution. Diplomacy is about using American soft power to create a world hospitable to US interests, including democratic and free-market values. Diplomacy is convincing others to do things America wants and reaching agreements to protect the country. Diplomacy has produced alliances such as NATO, South-East Asia Treaty Organisation, and international organisations such as the World Trade Organisation. Diplomacy secured the coalitions the US needed under the G. H. W. Bush administration to liberate Kuwait from Iraq, broker the Camp David accords under J. Carter, and open up US-China relations under R. Nixon.

The third strategic tool is economics. The US maintained the largest economy in the world and its sheer size gave it muscle across the globe. American capitalism, coupled with its diplomatic skills in forging free trade and other economic agreements, fashioned a world where America dominated. The US may not have had a positive trade balance with every nation, but collectively the economic world order formed after World War II favoured the United States, making it the most prosperous nation on Earth. Economic superiority, like its military power, is a strategic tool and an end or principle itself.

Finally, one can see cultural values as critical to the US foreign policy interests. Perhaps the most significant US export is its cultural values. Hollywood, television and American pop culture define America and are projected onto the rest of the world. They define a hegemonic way to see and describe the world.

Collectively, the above principles and strategic tools have defined the structure of US foreign policy since the end of World War II. Even with the end of the Cold War and the emergence of the war against terrorism, the basic contours of US foreign policy have not changed much.

American foreign policy under D. Trump

The D. Trump presidency demonstrated continuity and discontinuity in terms of the broader patterns of recent US foreign policy and many of his positions are within the mainstream of part of Republican party po-

litics [1]. D. Trump supported America first's core principles of economic and military superiority, but it was questionable how much he was committed to furthering liberal democratic values. Also uncertain was his

²US defense spending compared to other countries // Paul Peterson Found. 2018. 7 May.

commitment to fighting terrorism, at least and until it actually hits the United States directly again.

Perhaps the most obvious characteristic of D. Trump's foreign policy was its more explicit and narrow definition of US national interests.

As candidate in April 2016, D. Trump declared in his first major foreign policy speech: "My foreign policy will always put the interests of the American people and American security above all else"³ [15]. More specifically, he identified five weaknesses with current US foreign policy under B. Obama. First, he saw the US military weakened by a weak US economy. By a weak economy he identified trade deficits with the world and specific countries. He wanted to reduce and reverse these deficits. Second, he argued that US allies were not paying their fair share in military alliances. He specifically pointed to NATO countries where only 4 of the 28 countries were spending at least 2 % of their GDP on defence. He wanted to reverse this unfair burden on the US. Third, he argued that our friends cannot rely upon the US, seeing America as negotiating bad deals, such as with Iran over nuclear weapons production, as an example. He saw this deal as selling out Israel and humiliating the US internationally. Fourth, he asserted that US rivals no longer respected the US, citing the failure of a leader from Cuba to greet B. Obama when he visited there. Finally, he contended the US no longer had clarity in terms of its foreign policy goals since the Cold War ended. This clarity requires the US to develop a plan to halt the spread of radical Islam, rebuild the military and the economy, and "develop a foreign policy based on American interests"⁴. In this speech, D. Trump also urged for common ground to be found with Russia and China to address terrorism and migration, and he also indicated that financial leverage and economic sanctions would be among his tools to push American interests.

D. Trump's economic nationalism saw other nations taking advantage of the US. His administration

pursued zero-sum economic policies with all states, seeking to have positive trade balances with all of them, instead of viewing the world from a comparative economic perspective or where it would make sense for America to do tradeoffs on economics for other security or foreign policy concerns.

Trump did not like multinational trade deals and preferred to do one-one-ones. Trump pulled the US out of the Paris accords, the Iran nuclear agreement, the Trans-Pacific Partnership (TPP), and UN Human Rights Council. As noted above, he did not see linkages across issues or how international economics or politics is more than bilateral or how in many cases, a deal with one nation is connected to another. For example, D. Trump did not like the trade deficit the US has with South Korea. However, for many strategists, the trade deficit is worth it because it places US military bases there, including equipment that could detect the launch of missiles from North Korea or China far more quickly than radar in Alaska, for example. The trade deficit thus purchases US military security through an advanced warning system.

D. Trump's foreign policy thus elevated economics and trade policy as a primary tool of US foreign policy power. Although he increased the military budget, the D. Trump presidency was more marked by a desire to withdraw from military commitments, such as his decision to pull the troops out of Afghanistan, which did eventually occur under J. Biden. The D. Trump presidency also seemed to downplay diplomacy, and it did not do much in terms of using US cultural influence.

Thus, Trump's approach to foreign policy shared many basic principles inherent in US foreign policy since World War II. However, it shuffled or altered the way the foreign policy tools were deployed and the way the US worked with other nations in the world. It represented continuity and a break. But was the break a product, or personality, or politics, or something more profound?

The global challenge to the J. Biden presidency

With D. Trump's 2020 electoral defeat many thought that his presidency was simply an aberration or outlier and that the J. Biden presidency would represent a return to a more historic norm for the US. In some ways that is true, as the J. Biden presidency has returned to the use of diplomacy again, and it is willing to engage in multilateral actions again with allies. While D. Trump questioned the value of NATO, the US has also reaffirmed its commitment to NATO and to rejoining organisations or agreements such as the Paris accords. The US also assembled a 2021 conference seeking to bring together the democracies of the world, evidence of America again seeking to be

a leader working with other states for the common interests. Thus, one conclusion is, as J. Biden said, America is back. Yes, it is, but what is the world the US is facing now?

Despite a nearly 80-year commitment to some core values and principles, the US may no longer be in the position to act on its foreign policy role in the way it once did. The world is very different in 2022 than it was in 1945 or 1991. The D. Trump presidency may have represented one way to respond to the global challenge or changes, but the US still may be at a point where it is no longer its century. Moving forward, the J. Biden presidency and the US face a host of challenges.

³Trump D. Transcript: Donald Trump's foreign policy speech [Electronic resource]. URL: <https://www.nytimes.com/2016/04/28/us/politics/transcript-trump-foreign-policy.html> (date of access: 15.12.2021).

⁴Ibid.

Rising nationalism. The Great recession of 2008, as well as the 2011 refugee crisis, helped flame a new nationalism across the world. There was a push-back against immigration, a fear that refugees, especially non-Caucasian and non-Christian migrants, as in Europe, would threaten the national character of countries. Free trade agreements and open borders made it look like conventions such as the EU were simply an open invitation for a country to be flooded with others, potentially damaging the ethnic or racial mix of the current population. M. LePen in France and V. Orban in Hungary were but two examples of how rising nationalism fuelled new political movements in those countries. Trumpism in the US, resulting in the Muslim travel ban and policies of asylum while you wait outside the US were examples of this (with many of these policies carried over into the J. Biden presidency). But even before D. Trump, the B. Obama presidency was marked by one of the most aggressive deportation policies ever in American history.

The point is that even before D. Trump the US was pushing back on immigration. There is no sign that the J. Biden administration will make any significant changes to the US immigration policy and for the near future (even beyond the pandemic), American borders will be hard to cross for immigrants.

New economic nationalism. D. Trump's phrase "Make America great" was not simply the product of a personality. D. Trump's presidency was the result of a convergence of many forces, some racial, but many economic that had been brewing for many years. Free trade and automation may have made some Americans very wealthy, but the burdens as noted above fell heavily upon the working class. In the 1990s US economists such as P. Krugman applauded free trade, but not until it became obvious that not all Americans were winners did he and a few others concede that perhaps they missed something in the chalkboard models. The public was never and is still not as enthusiastic and sold on free trade as tenured professors are.

When D. Trump spoke of America first and contended that other countries such as China were taking advantage of the United States, he was in part targeting trade policies and conventions that opened borders. D. Trump offered a convenient excuse as to why many of his supporters were not doing well – it was unfair trade practices with other countries. In 2016 he described NAFTA as the worst trade deal ever for the US. He and the US senator and presidential candidate B. Sanders railed against the TPP, forcing presidential candidate H. Clinton in 2016 onto the defence (because of her role in forming and defending it). Eventually, the US did not join the TPP and even into the J. Biden presidency many of the D. Trump era economic policies remain in place, and it is unlikely that the US will become a full member of the TPP any time soon.

Afghanistan. The United States invaded Afghanistan in 2001 after the terrorist attacks on 11 September

2001. It was the only time that NATO invoked art. 5 of that defence treaty to provide mutual aid. In amassing a multinational force, including with support from the Russian Federation, America sought to oust Al-Qaeda and the Taliban and transform Afghanistan from a terrorist haven into a stable democracy. When in 2021 US president J. Biden followed up on D. Trump's plan to remove all US troops from that country it was recognition that America had failed in that mission. One can also argue that the invasion of Iraq and the removal of S. Hussain, too, failed in the sense of producing a stable western European style democracy. Both of these examples point to the limits of US foreign policy.

But many point to the messy US withdrawal from Afghanistan and the rapid collapse of its regime and the takeover by the Taliban as a sign that the US may have overreached. Or perhaps it was no longer willing to use military force to defend some interests or causes. Or one can conclude that perhaps the US had lost another war, much like its defeat in Vietnam in the 1970s. There are many possible conclusions to what Afghanistan represented, but there is no question that for many it signalled a withdrawal of US foreign commitments and an opening of a power vacuum that other nations could fill.

Geopolitics. Brexit demonstrates geopolitics is alive and well. The unipolar moment that the US had after 1989 and 1991 is gone. Brexit in part is about the breaking up of the world after the forces for the last several decades have been toward less nationalism and more cooperation. While Brexit does not directly involve the US, it does signal a change in the way the world looks and operates. Instead of a united Europe behind the United States, the world is more fragmented than it was just a few years ago, and there are many forces contending against American supremacy in the way it has enjoyed it for so long.

After World War II the US GDP was nearly half of the global GDP. Today it competes with the EU and China and soon may be surpassed by both. The rise of the BRICS (Brazil, Russia, India, China, and South Africa) points to a collection of states not willing to concede American supremacy. In Russia one finds V. Putin lamenting the breakup of the USSR as the greatest geopolitical disaster of the 20th century and some wonder if statements such as this and other actions by Russia are meant to challenge US global dominance and the unipolar position America had after 1991. The Eurasian Economic Union, unification or cooperation agreements with Belarus and the efforts to keep Ukraine within its sphere of influence demonstrate Russia remains a major player.

China is testing US global dominance too. Even before D. Trump's trade wars with China, president B. Obama wanted to pivot to Asia to address the challenges emerging from Beijing. The Belt and Road initiative is an effort to expand its global economic influence. Its growing military confidence in the

Pacific, the limiting of self-rule in Hong Kong, and impatience with Taiwan's independence and desires to resolve unification soon demonstrate the challenge to US supremacy. Moreover, under D. Trump across the world, many countries questioned US willingness and resolve with regard to organisations such as NATO. The Ukraine conflict and J. Biden's statement that he will not send troops there if Russia invades make one wonder if Russia will be deterred. But especially after the botched withdrawal from Afghanistan, many across the world are questioning what the US is willing to fight for now, and even in NATO small states such as Lithuania wonder now if Europe is alone. Finally, the inward turn of the US under D. Trump and J. Biden now makes democracy less secure, with Freedom House pointing to several years where democracy and individual rights, including in the US, are receding. Illiberalism is on the rise, and there seems to be little resolve to challenge it. What at one point looked like the global victory for democracy and American values is less certain today.

In a different way, geopolitics is also changing. The new buzzwords for the third decade of the 21st century are cybersecurity and sovereignty. How do we rethink global borders in a world where cyberhacking and warfare are possible? The states themselves are questioning the values of the interconnectedness of a global system that for so many years thrived on the rise of a digital economy.

Conversely, the new space race will also splinter the world. While earlier conventions did not foreswear the militarisation of outer space, such agreements were more symbolic in that there was not the capacity to do so. Now technological advances are making that even more possible. But an even more potent challenge is how we are on the brink of the commercialisation of outer space. It may sound like science fiction, but it is merely a matter of a few years before the Moon,

Mars, and maybe asteroids or comets are commercially exploited. The race to space is reminiscent of the great powers colonisation movement, with the one coming portending victory to the technologically advanced.

Internal political polarisation. Unlike during the Cold War and the early days after 9/11 when there was a strong political consensus on many issues, including in the areas of foreign policy, the US is now a politically divided nation with the two major parties, Democrats and Republicans, unable to reach agreement on very many issues. The result is both a society very much divided, even over whether US elections are fair, but also in terms of the inability to pass needed legislation. The political divide is making it difficult for the US to pass core legislation to address immigration, education, health care, and a variety of other issues. Internal political polarisation only makes it more difficult for the US to lead internationally.

Pandemic. If any event has torn the fabric of the frictionless unipolar world it has been the coronavirus pandemic beginning in 2019. Nearly from its start and spread it has led to the closing of borders, interruptions in migration, the closing, opening, and reclosing of businesses and economies, and even conspiracy theories regarding the origin of the pandemic. D. Trump's effort to label the pandemic as the "China pandemic" revealed the merger of nationalism, ethnic rivalry, and racism attached to the fears of the origins and spread of the virus.

But the spread of the virus and the demand to seal state borders is only one of the ways the pandemic has been a disrupter. Development of the vaccines and the hoarding of them, face masks, and other medical supplies also revealed the ways that states favoured their interests and pulled away from collective actions when threatened. Delays in delivering vaccines to Africa, for example, have allowed the spread of mutations of the virus, pushing it into a 3rd, 4th, and possibly a 5th wave.

Conclusion

What the American century was and whether it has ended is a matter of debate. However, there is no question that the world is far different than it was in 1945 or 1991 when there was little dispute that the US was the preeminent power in the world. At that time the US GDP was approximately half of the world GDP and the US came out of the war with its infrastructure largely undamaged. Along with the USSR, it defined the global world order, but many of the international institutions generally favoured an American perspective on the world. But after 1991 with the breakup of the USSR, it did look like an American unipolar moment had arrived and that the American century had finally and fully emerged.

Yet we are now more than 30 years away from 1991, and more than 75 years from 1945. The US no longer has the same global economic dominance, with many

other states, including Russia and China, challenging America across a range of issues. This article has also identified several other factors and trends that are impacting the ability of the US to execute its foreign policy and vision for the world. Some of these factors are beyond the control of any president to alter.

The D. Trump and now the J. Biden foreign policies are products of a changed world with many powerful state players and other forces potentially limiting the policy and policy options for the United States. In the future, it is not clear that the US will have the same options it did in the past. Is this an indication of the US global decline? Maybe. But keep in mind that after the US lost the Vietnam War in 1975 many proclaimed America's best days were behind it, only to find that in 1991 it has survived and arguably won the Cold War and was at that point the only remaining superpower.

References

1. Abrams E. Trump versus the government: can America get its story straight? *Foreign Affairs Magazine*. 2019;98(1): 129–137.
2. Skowronek S. *Presidential leadership in political time: reprise and reappraisal*. Lawrence: University Press of Kansas; 2008. 240 p.
3. Mogenthau HJ. *Politics among nations: the struggle for power and peace*. New York: McGraw-Hill; 2006. 752 p.
4. Ikenberry GJ. The American liberal order: from creation to crisis. In: Cox M, Stokes D, editors. *US foreign policy*. New York: Oxford University Press; 2018. p. 359–368.
5. Weisband E. *The ideology of American foreign policy: a paradigm of lockean Liberalism*. Thousand Oaks: Sage; 1973. 72 p.
6. Plant R. *The neo-liberal state*. New York: Oxford University Press; 2009. 304 p.
7. Herring GC. *From colony to superpower: US foreign relation since 1776*. New York: Oxford University Press; 2008. 1056 p.
8. Fukuyama F. *The end of history and the last man*. New York: Free Press; 1992. 418 p.
9. Brands H. *Making the unipolar moment: US foreign policy and the rise of the post-Cold War order*. Ithaca: Cornell University Press; 2016. 480 p.
10. Huntington SP. *The clash of civilisations and the remaking of world order*. New York: Simon&Schuster; 2011. 368 p.
11. Barber BR. *Jihad vs. McWorld: terrorism's challenge to democracy*. New York: Ballantine Books; 1996. 432 p.
12. Kennedy P. *The rise and fall of the Great Powers*. New York: Vintage; 1987. 704 p.
13. Kaufman JP. *A concise history of US foreign policy*. Lanham: Rowman&Littlefield; 2017. 368 p.
14. Mead WR. *Power, terror, peace, and war: America's grand strategy in a world at risk*. New York: Alfred A. Knopf; 2004. 256 p.
15. Lesperance WF. American foreign policy and the 2016 presidential election. *Society*. 2016;53:498–502.

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THE TRACK TWO DIPLOMACY AND ITS CONTRIBUTION TO THE ISRAELI-PALESTINIAN OSLO PEACE PROCESS

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Track two diplomacy is designed to deal with conflicts that are deemed to be intractable, because the rational calculation of the antagonists leads to a zero-sum game. Track two diplomacy is non-official, it acts on the perceptions and beliefs and is expected to change the way each actor perceives their strategic interests and threats to their core values. We apply the conceptual frames derived from track two diplomacy theories to the Israeli-Palestinian conflict because it was a typical case of an intractable conflict transformed with track two diplomacy initiatives. Successful track two diplomacy initiatives were initiated by a third party that socialised the antagonistic elites – i. e. US official and non-official actors, or think tanks. They were combined with track one-and-a-half diplomacy, with an effect on the track one, i. e. the official diplomatic negotiations on peace. Nevertheless, that did not lead to the in-depth transformation on the grassroots level advocated by peace and conflict resolution organisations.

Keywords: track two diplomacy; multitrack diplomacy; track one-and-a-half diplomacy; peace and conflict resolution organisations; Israeli-Palestinian conflict; transfer effect.

ДИПЛОМАТИЯ ВТОРОЙ ЛИНИИ И ЕЕ РОЛЬ В СОДЕЙСТВИИ ПРОЦЕССУ МИРНОГО УРЕГУЛИРОВАНИЯ ИЗРАИЛЬСКО-ПАЛЕСТИНСКОГО КОНФЛИКТА В РАМКАХ СОГЛАШЕНИЙ В ОСЛО

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Дипломатия второй линии может способствовать урегулированию неуправляемых конфликтов, воспринимаемых их участниками, исходящими из рационального расчета, как игра с нулевой суммой. Дипломатия второй линии, являясь неформальной, воздействует на убеждения и интерпретации участников конфликта. Ее цель – влияние на восприятие сторонами своих стратегических интересов и основополагающих ценностей. В свете концепций и теорий дипломатии второй линии рассматривается динамика израильско-палестинского конфликта, представляющего собой типичный пример неуправляемого противостояния, на ход которого удалось повлиять средствами дипломатии второй линии. Делается вывод о том, что наиболее успешные примеры дипломатии второй линии предполагают прямое участие представителей сильной третьей стороны в «ресоциализации» элит враждующих сторон. В израильско-палестинском мирном процессе этой стороной стали Соединенные Штаты Америки. Дипломатия второй линии дополнялась мерами так называемой дипломатии полутретьей линии, что повлияло на ход официальных переговоров в рамках традиционной дипломатии первой линии. Тем не менее предпринятые дипломатические шаги не привели к глубоким трансформациям на низовом уровне, несмотря на усилия неправительственных организаций, специализирующихся в вопросах мирного разрешения конфликтов.

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Ключевые слова: дипломатия второй линии; многоканальная дипломатия; дипломатия полуторной линии; неправительственные организации по содействию миру и мирному разрешению конфликтов; израильско-палестинский конфликт; эффект передачи.

Track two diplomacy in the Israeli-Palestinian peace process

In our former papers on the Israeli-Arab conflict, we considered track two diplomacy in general terms and assessed its potential contribution to the reversal of an ongoing escalation process. In this paper we examine how track two diplomacy could work in a peace process [1]. The concept of two track diplomacy was first proposed by J. Montville and W. Davidson in a paper titled “Diplomacy according to Freud”, three years after the Egyptian president Anwar al-Sadat made his famous speech at the Israeli Knesset on 20 November 1977. The authors first defined track two diplomacy as “non-official, unstructured interaction. It is always open minded, often altruistic, and in Kelman’s words, strategically optimistic, based on best case analysis” [2, p. 155–156]. Since then non-official activists, many of them former top officials and think tanks have experimented with this version of diplomacy, while political scientists have expanded its conceptual frames and operational approaches to conflict resolution. The Israeli-Arab conflict is distinct by the large number of track two initiatives implemented and the high significance of its resolution for the United States’ foreign policy in the region.

Following the victory over Iraq in 1991, the G. H. W. Bush administration’s bid for American leadership in Middle East revolved around a single dilemma: the need to consolidate its alliance with Israel and strike for hegemony among the Arab countries at the same time. Neither could be achieved successfully while the state of war was prevailing between both sides.

At the core of the conflict was the right of the Palestinian people to the occupied land versus the Israeli

claim for its full sovereignty over the same land. Consequently, the conflict came to be viewed as intractable. Official diplomacy came to a deadlock, and track two diplomacy emerged as an alternative.

Almost three decades after the Oslo declaration of 1993, let us explain how track two diplomacy made possible this short-term diplomatic success, and how it nevertheless failed to bring a lasting solution to the conflict at the end of the transitional period. At issue is not whether track two diplomacy contributed to the peace process, but how it did so, and through what mechanisms.

More specifically, we consider some of the following questions:

1. How did the Israeli-Palestinian conflict move beyond intractability?
2. Was the move towards peace purely utilitarian, or did psychological factors, including beliefs and fears play a role?
3. In what ways could non-official actors and civil society organisations be engaged in the peace and (or) radicalisation process?
4. How can we explicate the role of the United States as a peace broker, and its success in mobilising the resources of multiple non-official actors?

The first three questions are considered by comparing and contrasting various theories and applying them to the relevant empirical cases related to the Israeli-Palestinian peace process before it was deadlocked by the February 2001 election of the Israeli prime minister. The conflict dynamic after that date is discussed briefly, and only with regard to the potential for the exit from the Oslo process.

The intractable Israeli-Arab conflict

When two political actors – or two states – have conflicting claims, a high probability of a zero-sum game arises. In a territorial conflict, when two states claim the same territory, the satisfaction of a claim for one means its denial for the other. Still, the sides may bargain over territorial compromises in a package with something else. Then the probability of a deal is inversely proportional to the value of the disputed land, which in turn depends on the perceptions and beliefs held by each party. In a cost or benefit approach, the land ceded to an antagonist can sometimes be of much less value than the compensation offered for it¹. Nevertheless, the salience of the territorial conflict is

a function of the political pressure on a government from the civil society and grassroots activists against the compromise. Such pressure limits the government’s room for manoeuvre as regards potential compromises. According to B. Walter [3], the greater the relevance of an issue for the civil society, the more the authorities are engaged in a reputation-building policy to win the support of the mainstream and deter the challengers from the margins.

In the protracted Israeli-Arab conflict, the disputed territories have variable salience for the antagonists, as measured, for example by the willingness of the Israeli side to accept a withdrawal. Essentially, Israeli poli-

¹In the case of Sanafir and Tiran islands giving up to the Saudi claim in exchange for a substantial economic support displays the crucial role of the latter for the Egyptian economic recovery. See: The rationale behind Tiran and Sanafir islands deal [Electronic resource]. URL: <https://thearabweekly.com/rationale-behind-tiran-and-sanafir-islands-deal> (date of access: 09.02.2022).

ticians and mainstream opinion never agreed to any compromise on East Jerusalem – seeing it as an integral part of Israel – but were ready to consider abandoning the lands populated by Arabs in the Negev.

Various opinion surveys and official declarations concerning the Syrian and Lebanese occupied territories and suggest that since the mid-1980s, there has been a greater openness to withdrawal from South Lebanon, but not to from the Golan Heights². While both territories were on the map of the Jewish homeland, as defined by the Zionist leaders in the beginning of the 20th century, in South Lebanon, Israel had not had enough time or capability to complete the colonisation-annexation process that would have given this territory the same value as the Golan Heights.

Palestinians and Arabs consider the entire Palestine as their homeland, including the territories occupied in 1948, from which most of the Palestinians were expelled. Therefore, the official position of the Palestine Liberation Organisation (PLO) and the Arab governments until the beginning of the Oslo process was to recognise the whole of Palestine as the legitimate Palestinian homeland³.

With the rise of Arab nationalism throughout the 20th century, the Arab populations came to identify themselves with the Palestinian tragedy. Simultaneously, the occupation of the Syrian, Egyptian, and Lebanese territories gave rise to the “Nile to Euphrates narrative” – supported in the media and even main-

stream opinion – claiming that Israel’s ultimate frontiers are these two rivers, and it would pursue such expansion when the geostrategic situation presents this opportunity. As evidence of Israel’s purported plan of territorial expansion, As’ad Razauk [4, p. 521–529] presents S. Isaac’s map, which shows the Israeli frontier extending to the Northern Syrian coast. Therefore, in the Arab perception, all of Palestine was vital, and the solution was the full liberation of the occupied and.

The conflict between Israeli and the Palestinians is considered intractable because both sides lay claim to the same territory which they consider their homeland in its entirety. Elsewhere, however, such seemingly intractable territorial conflicts have been resolved. For example, the conflict between Iran and Iraq over the Shatt al-Arab coast arose because both sides had strong claims to this territory. For Iraq, it was a strategically important exit to the Persian Gulf, a territory with abundant oil resources and dense oil traffic [5]. The Iraqi statement on sovereignty in the beginning of the Iraq-Iran war in 1980 solidified this claim by declaring Shatt al-Arab an integral part of the Iraqi and Arab homeland. However Shatt al-Arab was ceded to Iran twice: once under the Algiers accord of 6 March 1975, and the second time by a unilateral decision of the Iraqi president Saddam Hussein in August 1990. Both decisions were a part of a deal to secure the withdrawal of Iranian support to the Kurdish rebels in 1975 and guarantee Iran’s neutrality in the Gulf War with the United States.

The Oslo historic compromise: more than a rational calculation

The utilitarian approach derived from the Hobbesian paradigm informs many conflict resolution theories. It presents fundamental interests as objective, visible, standardised, and calculable, and as such, subject to violent rivalry between nations. Many geopolitical approaches to conflict emphasise control over material or political resources and distribution thereof, treating any conflict as being grounded in material or objective claims and interpreting the decision to continue or terminate a conflict as a rational cost or benefit calculation.

The Collier – Hoeffler model [6] identifies two groups of drivers of a civil war: mobilisation of popular frustrations and rational calculation by decision makers. While the former gives the crisis its fuel, the latter is most crucial, because the decision makers will continue the conflict or end it on the basis of a rational calculus.

In a game with two principle protagonists – the political power and the rebels, or the occupier and the occupied – each calculates whether the sharing of the land or resources is more or less advantageous from a cost-benefit perspective. This calculation, of course,

will be influenced by the each side’s assessment of the probability of their victory.

In the Israeli-Arab conflict, the cost benefit calculus has remained favour of the war for decades. Each side has considered a compromise unpalatable to itself and estimated highly its chances of “taking it all” as winners.

On the Arab side, the demands for the return of all the Palestinian people to the occupied territory and the restoration of control for their homeland were not subject to compromise. The alternative was to revert the June 1967 defeat. Some Arab leaders – like Habib Bourguiba – have advocated for the recognition of Israel as undeniable fact and a more realistic approach, but that risked raising a storm in the relations with the rest of the Arab world [7, p. 151–162].

On the Israeli side, Avi Raz [8] pointed to Israeli openness to concluding separate peace deals with the neighbouring Arab states independent of a settlement with the Palestinians. However, Israel has had little readiness to compromise on its boundaries, as the

²The Israel Democracy Institute reported that in 2012, 82 % of Israeli Jews opposed to any restitution of the Golan. See: What do Israelis think about the Golan Heights? [Electronic resource]. URL: <https://en.idi.org.il/articles/26456> (date of access: 09.02.2022).

³In the Palestinian charter of 1974 art. 1–4 define the whole Palestine with its 1918 boundaries as the homeland of the Palestinian, while art. 6 gave the Jews who lived in it until occupation the right to be citizen of this state. See: The Palestinian charter [Electronic resource]. URL: https://www.pac-usa.org/the_palestinian_charter.htm (date of access: 09.02.2022).

Israeli claim is based more on a theological-historical narrative than on international law.

Another factor of the intractability was mutual distrust in the circumstances of an intense conflict. In game theory, multiple mathematical models are used for estimating distrust. In Thomas Schelling's model of decision making under mutual distrust [9, p. 207–214], two protagonists, who would otherwise maximise their benefits by making peace, do not act on this possibility because they cannot rule out the prospect of a surprise attack from their opponent. In consequence, each antagonist becomes motivated to escalate the conflict in self-defence.

This defensive approach has prevailed in the Israeli-Palestinian conflict and Israel's relations with its neighbours, as Israeli political leaders have been inclined to distrust their Arab counterparts.

In the rational actor paradigm, mutual distrust can often be overcome when a powerful third party engages in "enforced peace brokering", as described by W. Zartman and S. Touva [10]. This changes the cost-benefit calculus for both antagonists by increasing the cost of war.

Geographically, the United States' peace brokering diplomacy has been skewed towards the Middle East, and focused disproportionately on the Israeli-Arab negotiations. At first, the pursuit of separate peace deals between Israel and its Arab neighbours was given first priority, achieving the dual goal of installing peace around Israel and removing the pressure on it for territorial compromises. The Israeli-Egyptian peace process was pulled through because of the incentives from the United States in the form of economic and military aid to the Egyptian government.

The United States' diplomacy of enforced peace brokering, however, was a part of a larger regional strategy to reassert America's hegemony in the Middle East after the Iraq war of 1991. The comprehensive Israeli-Palestinian peace process had to be its consequence. The United States was putting pressure on Israel to halt

the extension of the Jewish settlements in the West Bank, while isolating the PLO for the sake of a new regional order in which the conflict would be addressed.

Simultaneously, the B. Clinton administration emphasised bringing the Arab states to conclude bilateral peace agreements with Israel, especially in the wake of the deadlocked Madrid conference. On the sidelines of this strategy, the PLO received indirect pressure to undertake peace talks with Israel, mainly through incentives for the other states to normalise their relations with Israel [11]. From the rational actor perspective, some of the key pressures for the PLO to engage in the peace process were the new regional environment, the withdrawal of the Gulf's financial support, defeat or isolation of its former allies, and its weakened influence in the West Bank and the Palestinian camps in the neighbouring Arab countries [12, p. 11–29]. Likewise, the ascent of the Labour government in Israel can also be viewed as a rational calculus that took into consideration, *inter alia*, the need to re-legitimize the American-Israeli alliance after the end of the Cold War, winning the domestic battle against the Likud and prospects of a new Middle Eastern order with Israel at its core.

However, the United States' administration did not appear to be fully capable of enforcing its peace brokerage on Israel and was content to apply pressure on the Arab side only. The reasons had much to do with US domestic politics, causing successive US presidents to tilt systematically towards Israel, instead of pursuing strategic alliances in the Middle East [13, p. 90–110]. Nor was the European Union in a position to practise enforced peace brokerage due to difficulty in its consensual decision making processes. As F. Nohra and M. M. Kamal [14, p. 152–180] observe, under its common foreign and security policy (CFSP), the EU provided a substantial aid package for the Palestinian authority in 1994, but failed to condemn the Likud government's subsequent breach of the Oslo accords.

The relevance of psychology in politics and the ground for a track two diplomacy

A key issue in official diplomacy is how to deal with an intractable conflict resulting from opposite incompatible claims. Official diplomats mandated by their own institutions are constrained in their negotiation efforts by the consensual principles inside their political systems. The more high-profile an issue, the narrower their room for manoeuvre.

From a psychological perspective, political acceptance of a settlement is more than a rational calculation. Value systems play a prominent role, as do the shared beliefs of a society and its "collective psychology". Political decision must rely on the support of their civil societies, and are thus bound by these beliefs.

A psychological perspective draws a conflict researcher's attention to the dimensions of values, perceptions, principles and claims dominating in the so-

cieties of the antagonists. Inequality radicalises the claims of the antagonists, and perspectives from group psychology help explain how the perception of inequality and oppression contributes to the intractability of the conflict and locks off the possibilities of a settlement.

P. Coleman [15] spells out the psychosocial factors that create intractable conflicts, such as the history of the oppression and inequality, symbolic and ideological opposition, incompatible claims to resources, conflicting group identities and stereotyping. All contribute to the psychological dimension of intractability, as each antagonist sticks to their initial claims, distrust the other side, blame their opponents for perceived oppressiveness or disruption, and creates a negative narrative perpetuating the conflict.

All of these dimensions are presented in the Israeli-Palestinian conflict. M. Darwaza [16, p. 85–110] notes strong perception of inequality and oppression on the Palestinian side, portraying themselves as a scattered and oppressed population suffering at the hand of a powerful nation-state; on the Israeli side, there is an overwhelming sense of distrust and insecurity.

Group psychology may direct a conflict on two opposing tracks: competitive escalation and radicalisation or the overcoming of conflict perceptions, including with the aid of track two diplomacy.

Some of the following concepts from psychosociology are most useful in explaining radicalisation in a conflict:

- S. Asch's "conformity effect" theory [17] explains how political actors feel compelled to go along with the common attitudes of suspicion and rejection of the enemy, or treat these attitudes with intransigence, the strong pressure for conformity created during a conflict often dominates the socialisation of new political leaders;

- N. Kogan and M. Wallach's risk shift theory [18, p. 75–83] explains the tendency of political decision makers to make more radical and hence riskier choices when acting in homogenous group sharing strong views on a political conflict.

The perception of the enemy may have deep roots in history or public opinion, or it could be fabricated by the oligarchy-media condominium. But whatever is the case, the psychological perspective is useful in explaining the radicalisation of a conflict. E. Herman and N. Chomsky [19, p. 64–97] describe the capabilities of the oligarchy-media condominium to exploit the values, feelings and fears existing in a society, frame the image of an enemy, impose a conflict agenda and select a target against which to mobilise. Political leaders feel compelled to conform with the collective perceptions, attitudes and fears, fabricated or not. Sometimes, they find themselves entrapped by the very perceptions that they had helped to spread within the civil society.

Psychosocial dynamics may intervene with diplomacy, to the point of rendering the diplomatic efforts ineffective. Public sentiments and the choices of decision makers may create a downward spiral, making the antagonists more fixed in their claims, and more suspicious and hostile.

Detailed studies on the recent Arab civil wars provide a theoretical framework to explain the transformation of collective perceptions during conflict escalation. D. Della Porta [20, p. 23–40] names four complementary stages of conflict radicalisation:

- the competitive escalation of discourse and practice;
- the ideological encapsulation, with mutual fear and growing distrust, dichotomous vision of the world, perceived as being divided into "us" and "them".
- freedom fighter paradigm: a willingness to reject any solution other than the military one;

- militant cognitive enclosure leading to a system of perception that makes impossible any diplomatic initiative with the other side.

Any diplomacy that addresses the psychology of a conflict to achieve de-escalation and build confidence must essentially be non-official. If we defined conventional diplomacy as track one, such non-official diplomacy might be termed as track-two. Track two diplomacy is carried out mainly by non-official actors and targets the system of perceptions in the antagonistic societies, not the political or power balance in a conflict.

Because track two diplomacy is informal, it effectively supplements official (track one) diplomacy with its inherent constraints. For example, while the official diplomats are often barred from talking to "the enemy", track-two diplomacy works with the perceptions and institutions in both conflicting groups.

Its actors are less dependent on official position in a conflict, and thus enjoy a wider freedom of judgment and opinion and cross boundaries that official diplomats cannot transgress.

Track-two diplomacy has three essential characteristics.

Firstly, it transforms perceptions and representations in the antagonistic societies through education and research, works to alter opinions and discourse through advocacy, and builds a political culture conducive to a peaceful settlement.

Secondly, it changes the conflict environment by engaging civil societies in a variety of initiatives in the realms of the economy, business, and social policy, thus creating common interests between the adversaries. This transformation causes the antagonists to redefine their values and claims and look beyond the "zero-sum" vision of the conflict. As a result, new possibilities for a peaceful settlement are created.

Thirdly, it aims to move a conflict beyond intractability, by changing the adversaries' perception of their fundamental interests.

In short, the evolution of a conflict may put it on either of the following opposing tracks – cognitive enclosure and ideological encapsulation, or overcoming negative stereotypes and adopting a constructive approach to conflict resolution. The consequence of the first is escalating violence; the second track is the way of negotiation, including track two diplomacy initiatives.

Both tracks were present in the Israeli-Arab conflict, from the beginning of the Oslo peace process and gave rise to two opposing paradigms for the antagonists. Over more than half a century of conflict, both sides had fallen into the pattern of ideological enclosure. On the Arab side, it was visible in the character of the this was perceived through the political speeches, and even the vocabulary common among the Arab public who sympathised with the Palestinian cause. On the Israeli side, the Arab neighbours, including Palestinians,

were presented as a security threat for the newborn nation, which can only be addressed by consolidating Israel's alliance with the great powers and non-Arab neighbourhood. The Israeli strategy has been to form a friendly circle of non-Arab nations surrounding the Arab world, which K. Zielinska describes as the periphery doctrine [21].

The political options for the Israeli side can be considered on two levels:

First is Israeli-Palestinian conflict. Israeli decision makers have ruled out any negotiation with the PLO which they consider to be a terrorist organisation. Conversely, the Arab world and the United Nations General Assembly have recognised it as the sole official representative of the Palestinian people. On the Palestinian side, the only remaining option since the June 1967 defeat has been the guerilla war for the liberation of Palestine.

Second is Israeli conflict with the Arab neighbours. Successive Israeli governments have not been fundamentally hostile to peace negotiations with Egypt, Syria and Jordan, providing that the Palestinian claims are disregarded. In turn, the Arab regimes have been balancing between the pursuit of their narrow self-interest in the region and the pan-Arab solidarity with the Palestinians. The move toward one option or the other has depended on many domestic political factors. When the cost or benefit calculation of the top decision makers was in favour of a separate peace deal with Israel contradicted the beliefs and principles of the civil society, they maintained informal if not secret communications with Israel.

The Oslo process changed this post-1991 diplomatic dynamic by mutual recognition between Israel and PLO. The Israeli government downplayed the perception of the latter as a terrorist organisation. On the other hand, the PLO moved its position closer to the two states solution, and this meant giving up the territories occupied in 1948, representing 78 % of Palestine.

Another outcome of this process was that the atmosphere of mutual distrust and lack of cooperation gave way to greater trust and readiness to cooperate. The Madrid process was deadlocked by the refusal of the American and Israeli sides to recognise the PLO as an official partner in the multilateral talks, ruling out any substantial compromise on the principal Palestinian claims. For the Palestinian negotiators, acceptance of the two-state solution required trust in the Israeli government's commitment to withdrawal. On the other hand, allowing the PLO leaders to rule in the West Bank and Gaza depended on Israel's trust in the possibility of peaceful coexistence with Palestinian authorities. This trust-building process could only begin once the official

representatives of the Israeli and the Palestinian side met directly in Oslo.

Nevertheless, the Oslo peace process resulted in two opposite movements. De-escalation, with the ongoing talks producing peace-centred discourses. For the Palestinians, hopes prevailed for the first time that sovereignty and the return of the territories would happen peacefully, and that a successful peace process could lead to the establishment of a Palestinian state. On the Israeli side, there was an increasing readiness to exchange the territories occupied in 1967 for a role as a core state in a new friendly regional order. According to a survey quoted by Arian and Alan Asher in 1994 [22, p. 3–18], 41 % of the surveyed persons accepted the idea of a Palestinian state, as compared to only 26 % in 1990. De-escalation was supported unanimously by the great powers: the US brokered for it, and the European Union and Japan provided massive aid. On the other hand, conservative and radical forces met this move toward peace with hostility: right-wing Israeli movements fundamentally disagreed with any territorial concessions referring to the divine right of the people of Israel to Judea-Samaria (the historical-religious name given to the West Bank). On the Palestinian side, the Hamas movement, that had remained outside the diplomatic game condemned any diminishing the historical rights of the Palestinians. Essentially, Hamas remained on the position of the PLO before the Oslo agreements.

The interplay between these two opposing trends depended on their relative weight in the opposing camps. The failure of the final negotiations at Camp David and the start of the second Intifada were believed to be the key factors in the landslide victory of the right-wing parties in the 2001 Israeli elections and the defeat of the Labour party engaged in the final negotiations.

The peace process was effectively reversed. The Roadmap initiative occupied its place; what started as a negotiation on the two states solution devolved into a discussion on security issues. As Yair Hirschfeld observed [23, p. 250–275], the Israeli demand for an end to the Intifada on the Palestinian side became a prerequisite for further negotiation on the terms of any peace deal.

Again, competitive escalation, and ideological encapsulation returned. Hamas' popularity in the Palestinian territories grew, and so did the electoral support of the right-wing coalitions in the Israeli Knesset. With every iteration of the conflict, increasingly more radical positions came to dominate in public opinion. The B. Netanyahu government Israel adopted an unprecedented tough line on the Palestinians, grounded in a supremacist ethno-religious doctrine⁴.

⁴Since the last two decades, Israeli governments did escalate against the Palestinian people at three levels: against the Palestinians of the West Bank through the acceleration of the land seizure and Israeli population settlement, against the Palestinians of the Gaza Strip by tightening the blockade therefore resulting into a humanitarian disaster, and against the Palestinian of 1948 and Israeli citizens through the "law on the nation state" that introduces a legal hierarchy between Jews and non-Jews. On the other side, the main competing party, and in particular the Blue and White list didn't endorse the former labour's agenda on the peace process, and was focusing on restoring the equality between Israeli citizens inside the territories of 1948.

From track one-and-a-half to multi track – where the Oslo peace process fit

Defined through the lens of the track one process, track two diplomacy in its narrow sense would engage different kinds of conflict resolution professionals who are not official actors but play some role in settling the conflict. At this level, ideological, relational, and political resources are mobilised to provide solutions that the track one cannot provide. The risk is that track two diplomacy becomes a shadow of track one, directed at the same target – antagonistic official actors – and the same goal – finding a settlement between them and putting an immediate end to the conflict.

The boundary between track one and track two is not always clear, especially when the actors are overly focused on the practical outcome of official diplomacy to the neglect of the long-term objective of societal transformation. Between track one and track two lies track one-and-a-half diplomacy, more flexible than track one diplomacy and with greater leverage than track two. According to S. A. Nan [24], track one-and-a-half actors can be facilitators holding unofficial mandates from governmental actors to undertake initiatives that governments cannot officially endorse; alternatively, they may be private actors engaged in such initiatives in a supporting role. J. Mapendere [25, p. 61–81] defined track one-and-a-half as a level of diplomacy between track one and track two, as their actors can be distant and pursue specific agendas. Track one-and-a-half brings track two actors into the track one agenda. A track one-and-a-half actor is deemed to endorse the track two agenda without officially representing it. Official actors may even deny his initiative to save the face, especially in case of failure.

Because the boundaries of track one and track two are so hazy, multiple other track 2+n diplomacies may be described, referring to levels such as culture, science, public opinion and economy. That would be consistent with the typology of seven additional tracks – economic actors and business people, prominent members of the civil society, education institutions, advocacy associations, religious institutions, philanthropic actors and mass media. L. Diamond and J. McDonald [26, p. 5–20] even proposed the concept of multitrack diplomacy.

Despite the specificity of the eight tracks of non-official diplomacy, each fits into the track two diplomacy broadly defined. Unlike track one, track two diplomacy has final settlement as its indirect objective, dedicating itself mainly to the pursuit of a political, social, and cultural transformation. Its immediate purpose is to transform the conflict environment by putting in place the enabling conditions of the tracks two to nine as defined above.

The Oslo peace process began with what could be described as track two diplomacy. Political leaders were sent unofficially to negotiate the peace. They were people like Uri Shavir and Ahmed Quorei, accompanied by renowned professionals from the civil society like

Yair Hirschfeld (professor at Tel Aviv University) and R. Pundak (an Israeli journalist). Prominent Norwegian facilitators included names like T. R. Larsen.

The function of these actors was to persuade the antagonists that political compromise was feasible and most advantageous from a cost-benefit perspective. Another aim was to restore mutual trust.

The Israeli needed assurances of the Palestinian leaders' intent to pursue peace and accept a two-state solution with clear boundaries. The Palestinian side had to be confident about Israel's commitment to such a solution to agree to gradual Israeli withdrawal and a long transitional period.

Activists from the civil societies, experts and regional economic working groups were brought in to assist in moving the conflict beyond the intractability stage.

They did so by introducing new perspectives, and bringing about a change in priorities: both parties finally accepted peace as their top priority and precondition for economic prosperity and regional stability, and hence the need to abandon maximalistic territorial demands. The change in priorities is an essential step towards conflict resolution, according to P. Wallenstein's typology [27, p. 87–129].

But whether this process truly met the definition of track two is a matter of considerable uncertainty. First, the political leaders of both parties, Mahmud Abbas and Yossi Belin were widely engaged, but negotiated without an official mandate, and therefore in a highly secretive and informal atmosphere. Israeli negotiators were taking the risk of going to for negotiating with a "terrorist organisation", and Palestinians were at risk of being denounced as traitors by some of usurping the prerogatives of the Madrid representatives by others. This fits the definition of track one-and-a-half diplomacy extremely well.

Regardless of its qualification, the process was nevertheless considered an immediate success by comparison to the negotiations of the past, which came to a standstill. However, many other Arab states were suspicious. Unlike the aftermath of the Israeli-Egyptian peace treaty of 26 March 1979, when the Arab governments unanimously suspended Egypt from the League of the Arab States, the Oslo peace process divided the Arab world and the governments who opposed it faced the prospect of international isolation. The legitimacy of the PLO in the Arab world broke the taboo for negotiating with Israel among the Arab leaders. Its effect on the system of perceptions and beliefs in the Arab world was obvious. The interruption of the normalisation process between the Arab world and Israel was due mostly to the deadlock of the Oslo process. Years later, the Riyadh summit of 2002 reconfirmed the desirability of the two-state solution and peace with Israel in exchange of the implementation of Resolution UNSC 242.

The United States' track two initiatives that mattered

Track two diplomacy relies on non-official actors and works well when the civil societies enjoy sufficient the freedom of action and substantive factions thereof call for the overcoming of the *status quo* and the exploration of alternative solutions to a conflict.

For the civil societies to push for track two diplomacy, several conditions must be met:

- structural changes during the conflict, such as diversion by other threats perceived as greater, or the destabilisation of an antagonist in ways that render the *status quo* untenable, or any regional changes providing new opportunities for both sides;
- emergence of domestic actors showing a level of maturity and a readiness to change the representations of the conflict;
- sufficient freedom to act and undertake initiatives outside the control of the official authorities, yet, even in a democracy, a track two initiative can be frustrated when the political ruling class supported by mainstream opinion locks off any possibility to “talk to the enemy”, and undertakes an ideological war supported by repressive legislation.

Consequently, scholars close to key US think tanks and decision makers gave priority to the study track two initiatives brought from outside. D. Kaye [28, p. 21–31] notes that several US institutions played a crucial role in drawing the Middle Eastern elites towards track two diplomacy in a three-stage process, the last of which is “transmission to policy” by influencing decision makers.

Successful “transmission to policy” depends on three conditions. Media presence must be low or very low. Also, there need to be an open minded elite and a favourable regional context. Effectively, the more media coverage a track two process receives, the lower its probability of success, because the process contradicts the predominant beliefs and representations in a targeted area.

Success of a track two process also depends on the so-called transfer effect to track one, as described by R. Fisher [29]. According to him, the probability of reversal to track one is a function of the capabilities of the non-official actors of track two to influence policy making at different levels, including government agencies, political institutions, and the diplomatic sphere.

In the case of the Arab-Israeli conflict, most track two activities preceding the official peace processes were undocumented. The Israeli-Egyptian peace process came before track one shuttle diplomacy led by H. Kissinger. It altered the basis for the rational calculus by the Egyptian decision makers. As a result, Egypt became an ally of the US, and confidence between the two belligerents grew resulting in a lasting cease fire [30].

Yet the Israeli-Palestinian peace process required a transformation in perceptions. According to anecdotal evidence, senior US officials engaged for about a year in consultations with the PLO leadership, along with multiple think tanks and academics, during the first Palestinian Intifada in the West Bank and Gaza in 1988.

Multilevel mobilisation in the United States gave priority to the Israeli-Arab peace process, which was also multitrack and involved numerous diplomatic channels in parallel. Its participants were renowned US personalities, university projects and select think tanks, including the Carter Centre and Ford foundations. It is even reported US think tanks spent on track two diplomacy between 1.3 and 3.8 mln US dollars from 2002 to 2010⁵.

The need for track two diplomacy correlated with the political constraints to which the top decision makers were subject in United States, as reported by J. Mearsheimer and S. Walt [31]. Their bias towards Israel echoed domestic concerns, and any presidential administration that tried to give them less attention faced pressure at least from powerful pressure groups and evangelical right-wing activists, and occasional opposition from congress.

The Oslo process, seen as a consequence of the stalemated Madrid process, was facilitated by track two and track one-and-a-half initiatives in Israel and Palestine as an extension of the preceding track two diplomacy of the US.

Long-term multilevel consultations with the PLO was essential for the settlement of two issues: recognition of the state of Israel – which meant abandoning the claim to the Palestinian territories occupied in 1948 and agreeing to Israel’s gradual withdrawal from the Palestinian territories occupied in 1967.

This initiative could not have grown from within the scattered Palestinian political landscape. The consensus among the Palestinian population outside the 1948 territories was to press for the return of all the occupied land and the restoration of Palestinian sovereignty over them. After the June 1982 defeat and the Israeli invasion in Lebanon, Yasser Arafat’s leadership in the Palestinian camps in Lebanon was challenged by the hardliners opposed to any dialogue with pro-American Arab governments⁶, while the Palestinians inside the 1967 territories were receptive to the influence of Hamas after the first Intifada. The Palestinians who remained in the 1948 territories and became Israeli citizens were more concerned by equality and the struggle against discrimination. Therefore, a change in the leadership’s fundamental doctrine could hardly produce a consensus without a long-term action plan.

⁵In reference to the following Princeton University workshop. See: Bridging divides: track two diplomacy in the Middle East. Princeton : Princeton Univ., 2013. 32 p.

⁶With a reference to the Syrian brokered insurgency led by Abu Mussa inside the Fatah movement since 1983. The latter blamed Yasser Arafat for not standing still on a hard nationalist line.

While top-down action was essential for the fundamental change of doctrine, it still had to be accepted by the grassroots. Such acceptance still remained the crucial problem of the track one-and-a-half and track two processes of Oslo. Two issues were excluded from the immediate agenda and postponed until the close: the status of East Jerusalem and the rights of the Palestinian refugees expelled from their land in 1948 – i. e. the Israeli territory as of 1948.

The success of transmission to policy and thus to track one diplomacy was moderated by the shortcuts used, and especially the secrecy and intensity of the exchanges among the top leaderships of both sides with the mediation of the US official and non-official actors.

Nevertheless, the main flaw was the lack of a top-down interaction: for example, a compromise accepted and confirmed by the top leadership of the PLO would overlook the refugees' return from the camps in the neighbouring Arab countries. Likewise, the Israeli Labour leadership had to engage with the conservative part of the public opinion opposed to territorial compromise. The Palestinians considered the whole Palestine as "stolen" and pressed for its return, the Israeli conservatives stuck to the territorial-nationalist interpretation of their religious narrative, considering Palestine as *Eretz Israel*, the land promised to them in the sacred texts. Therefore, they insisted on holding on to these lands with various degrees of firmness. For instance, Jerusalem was to be excluded from any deal. These obstacles to the process eventually led to a Likud majority succeeding the Israeli Labour coalition a few years later. In the Israeli system of proportional representation, the smaller religious parties were putting pressure on the Labour governments pre-

venting it from winning an absolute majority, causing Ehud Barak's to backtrack on Jerusalem before the Camp David talks.

Ultimately, the problem of the peace process was the lack of transmission to the grassroots of the changes negotiated at the top. This explains how the question of the 1948 refugees was included in the agenda: the 4.5 mln Palestinian refugees expelled by the Israelis in 1948, insisted on their right to return, while the Israelis found this demand unacceptable fearing it could change the demographic balance. On its part, the Palestinian leadership could not afford to disregard a fundamental demand of their constituency.

The other fundamental disagreement, on East Jerusalem, brought the final negotiations to a deadlock. To E. Cuhadar [32], this was the consequence of the lack of transfer from track two to track one. Despite Ehud Barak's aversion to bringing the issue to the table, Israeli track two activists succeeded in convincing the negotiators, who proposed a unique solution of shared control over the old Jerusalem. On the Palestinian side – that insisted on the inclusion of this issue in the first place – transmission by the track two actors was less efficient and limited the room for negotiating for the Palestinian side.

One point of contention between the PLO and the Israeli government concerned the way to proceed with the talks. While Mahmud Abbas sought to engage multiple non-official actors in the dual track two – track one process, Ehud Barak was acting under serious time pressure and insisted on a track one agenda. He asked to negotiate with Mohamed Dahlan, the focal point for security cooperation, not Mahmud Abbas. In the process, concerns about a hostile grassroots reaction reached the summit, precluding the final settlement.

Failure to involve the grassroots and the limitations of civil society organisations

As observed by J. P. Lederach [33, p. 38–55], track two diplomacy works where there is an interaction at three levels of leadership in a society:

- the top rank with a mandate to enter and conduct negotiations and make political decisions;
- the middle level, working with input from multiple sectors such as religious, economic, and academic leaders;
- the grassroots level, reaching out to the local communities.

Every level is relevant. The top rank has leverage over political decision-making on the settlement of a conflict, but must act within domestic and international political constraints.

The middle rank enjoys a wider space for political manoeuvre, and can afford to think outside the box and propose novel solutions. The grassroots level has the benefit of knowing and being in touch with the local communities, and also the capability to influence political behaviour on the ground.

To be lasting, reconciliation has to happen at the grassroots level through a process grounded in J. P. Le-

derach's four principles: peace, mercy, truth and justice [33, p. 23–37]. Their understanding by the civil society is crucial to the success of diplomacy.

Level two (middle leadership) and level three (grassroots leadership) include civil society organisations, some of which are active in peace building and conflict resolution, and recognised as peace and conflict resolution organisations (P/CRO) [33, p. 15–39]. P/CROs are crucial actors in track two diplomacy because they work on laying the foundations for a diplomatic settlement.

The activists and leaders of P/CROs are individuals with social and (or) professional reputation and credibility inside the civil society.

The success of a P/CRO depends on many factors, such as credibility among the conflicting groups, steadfastness in adhering to the political culture of peace where mainstream opinion favours confrontation, capacity to influence the broader society and the political elite.

P/CRO's facilitates the diplomatic settlement of a conflict by changing the public perceptions and priorities in the conflicting parties, and specifically by

influencing level two and level three leaders, and ultimately political leadership at level one.

O. Gross [34] underlines the multidimensional nature of grassroots reconciliation in the Israeli-Palestinian conflict. For example, there is a high degree of economic interdependency between Israel and the 1967 Palestinian territories. In 1995, one-third of all jobs occupied by Palestinians were in Israel. However, the cultural groundwork for peace was still lacking, owing to the prevalence of hostile perceptions on both sides. While Palestinians saw themselves as victims of oppression and injustice, fear and suspicion reigned on the Israeli side. In the typology of L. Diamond and J. McDonald, track four to nine diplomacies had failed in this regard.

In Israel, P/CROs – considered in multiple studies – have contributed extensively to the transmission at the grassroots level of political doctrines conducive to peace. A prominent Israeli P/CRO, the Israeli Committee for Israeli Palestinian Peace, has advocated for peaceful negotiations and contacts with PLO leaders from the 1970s. The Peace now movement, which supported the continuation of Israel's peace talks with Egypt in 1978, eventually took up new causes, like the mistreatment of Palestinians in the 1967 occupied territories. The movement led a mass demonstration against the Sabra and Shatila genocide in Lebanon in September 1982, forcing the resignations Menahem Begin and Ariel Sharon. Despite its endorsement of Zionist ideals, the Peace now movement influenced the Oslo agenda of the Y. Rabin government and supported the negotiation process. Yet paradoxically, it was excluded from it. Other peace movements have dedicated themselves to more specific causes, such as Bat Shalom, Women for

Peace, Rabbis for Human Rights, and the [Palestinian] Land Defense Committee.

Israeli peace organisations have suffered from the ideological encapsulation produced by the Israeli-Palestinian wars. They have worked to narrow the divide between antagonistic perceptions. In addition, they confronted the mainstream opinion that supported the nationalist and pro-military posture and emphasised security concerns [35, p. 94–130]. They contributed to reducing the ethnic divisions that exacerbated the conflict in the socio-cognitive, political, and ideological spheres. Yet there is still a wide gap between the pacifist discourse of the peace organisations mainstream opinion, favouring militarist approaches to regional politics, as detailed by T. Hermann [35].

On the Palestinian side, diverse and multiple traumas worked against a consensual strategy in support of the peace process. While a large number of the 1967 refugees contributed to the peace process based on a two states solution, the 1948 refugees could not any peace deal that excluded them from the right to return. On the other hand, any provision for this right in the final peace agreement was unacceptable for more than 90 % of the Israelis [22, p. 129–160].

Here, the basis of the US led track two process becomes visible: it is to convince the Palestinians to adjust their demands to the “fait accompli” of Israeli expansion and create a cognitive environment that would bring them to reconsider their place in the new unequal balance of power. The cognitive environment for the Israelis was less demanding and more secure: it was to bring Israel to abandon its ambitions for further territorial annexations.

The deadlock in the Israeli-Palestinian negotiation and the way for another biased diplomacy

The starting point of our narrative was the argument that Israeli-Palestinian confrontation was a clear example of an intractable conflict from the beginning: two peoples lay claim to the same land, and assert their absolute rights to it. For the Israelis, this right is based on theology, ancient history or both. For the Palestinians, it is the right to return to the land that they lost a few decades before.

The challenge for diplomacy was to move the conflict beyond intractability. The paradigm of the rational-utilitarian actor alone cannot explain the decisions of the antagonists to pursue peace over war. On the Palestinian side, PLO's loss of regional support, resources, and political influence cannot fully account for the drastic compromise that its top leadership accepted at the expense of a core value shared by its militant wing and many of its leaders. Likewise, on the Israeli side the cause of national security argument is more than the rational estimation of the risk of withdrawal to the 1949 borders. Most Palestinian territories are ves-

ted in Israel with strong religious symbolism, bolstered by right-wing activism.

Therefore, to push the antagonists towards peace, it was essential to alter the perceptions, attitudes and core values of the belligerents. Here, track two diplomacy played a visible role. The causes of the war-like attitudes and perceptions were mainly domestic, and of a third party, the United States, was crucial to the process. Despite the inability of the US track one diplomacy to move beyond the Israeli red lines, many US think tanks, non-official diplomats and intellectuals mobilised significant resources to change the antagonists' core values and perceptions. Their main focus was on accommodating the mindset of the Palestinian elite to what could be tractable for the Israeli political leaders ready for a territorial compromise.

Transmission of the changes in perception to track one was sufficient to get the peace process started by clearing the ground for mutual compromise, even though the key questions of the agenda were postponed

to the end of the talks. Yet much of the negotiation journey was closer to track one-and-a-half.

For each side, the success of the negotiated settlement required positive interaction among three levels: top leadership, middle leadership, and the grassroots, and its lack was perhaps the main weakness of the negotiations. On the Israeli side, P/CROs did not succeed in transforming the ideological environment shaped by half a century of regional confrontation. Transformation remained most likely among those who were open to the alternatives to a hardline theological-political narrative. On the Palestinian side, it proved impossible to convince the grassroots, especially among the refugees, to give up the "right to return", which the mainstream Israeli opinion found unacceptable, or to push through narrower vision of the core values.

Finally, 21 years of backtracking in the peace process reflected the two directional dynamic of the move towards a peaceful settlement, where dialogue and mutual understanding is juxtaposed with escalation. Due to the limitations of this research, it was not possible to explain in detail the evolution of the process into further tracks. Suffice it to say for the time being that P. Lederach's four constants – truth, mercy, justice and peace – were not presented in the process to a sufficient degree. The Israeli governments' efforts to end the conflict since 2001 were largely deprived of truth and justice. Their moves were mostly unilateral, the A. Sharon, and then the E. Olmert governments took a tough repressive approach, conducted a policy of ethnic separation (e. g. construction of the wall), and performed followed a unilateral withdrawal from Gaza and locked off of the West Bank in keeping with the slogan "maximum Arabs on minimum land" [37]. The B. Netanyahu government further upped the pressure by accelerating the settlement policy, expelling the Palestinians from their lands and enacting the law on the "nation state" that instituted a hierarchy between Jews and non-Jews and legalised discrimination against Arabs. Public sentiments within the conflicting parties will represent an even greater challenge for any further attempt at track two diplomacy. The escalation in autumn 2000 radicalised public opinion, especially in-

side Israel. Two decades later, in 2019, 48 % of Israeli respondents supported the annexation of *area C* lands representing 61–62 % of the West Bank, 36 % favoured the expulsion of the Palestinians living there, and 71 % considered the whole of Jerusalem the capital of Israel⁷.

With this change in mind, the US administrations have considered another round of diplomacy that would ignore the Palestinians' position altogether. The approach was essentially a reversal to the past strategy consistent with B. Gurion's "periphery doctrine" that called for consolidating Israel's relations with the non-Arab and (or) non-Muslim states. The dismantlement of the Arab national dimension with the US occupation of Iraq and the spread of the civil war in Iraq and Syria, gave rise to new entities disconnected from the concerns of the Arab mainstream [38]. Improving cooperation with the Kurdish regional government in Iraq and with South Sudan did not call for a track two diplomacy, but were the result of official but secret contacts on both sides [39].

Also undermining a future track two process are the new perceptions of threats and enemies for the Arab states⁸ [40; 91–129]. The search for a response could push the Arab governments to consider a normalisation with Israel without the settlement of the Palestinian issue. This could bring about a track-minus-two process: the perceived seriousness of these threats among the elites and sections of the public opinion could draw the Arab states towards a new kind of cooperation with Israel as a security provider, regardless of their attitude to the Palestinians⁹. Again, this would necessitate the abandonment of Arab national causes in the Arab societies, but there is no evidence of this happening today. An empirical study undertaken by Yûsuf Sawâni [41, p. 20–28] for the Centre for Arab Unity Studies in Beirut concluded that Arab national concerns and the prospect for an Arab political integration were still mainstream in the Arab societies, with more than 70 % of those surveyed in favour of Arab economic and political integration. In summary, the new perceptions of threats and enemies in the Arab world could make the new track two peace process vastly different from the first.

References

1. Nohra F. Le conflit israélo-palestinien a la lumière des élections de 2006. *Enjeux Diplomatiques et Stratégiques*. 2007;3(1):83–99.
2. Davidson W, Montville J. Foreign policy according to Freud. *Foreign Policy*. 1981;45(4):145–157.
3. Walter B. Explaining the intractability of territorial conflict. *International Studies Review*. 2003;5(4):137–153.

⁷Jewish virtual library [Electronic resource]. URL: www.jewishvirtuallibrary.org (date of access: 09.02.2022).

⁸We found many reasons behind the fabrication of the new threats. A great number of US publications did focus on it, since the 1990s. In addition, some information, resulting from private discussions is not yet confirmed by public statements about teaching the Iranian threat to the Arab trainees in the US military academies. The Israeli publications from institutions like the Moshe Dayan Centre for Middle Eastern and African Studies and Medias like I24 television in Arabic, did play a secondary role. Instead, many books and papers published as a reaction to the recent Arab turmoil since 2011 did develop their argumentation on combined domestic threats from the Muslim Brethren and on regional threats from Iran.

⁹Miller A. D. How Israel and the Arab world are making peace without a peace deal [Electronic resource]. URL: <https://carnegieendowment.org/2020/05/27/how-israel-and-arab-world-are-making-peace-without-peace-deal-pub-81918> (date of access: 09.02.2022).

4. As'ad Razzouk. *The greater Israel: a study of expansionist thought*. Beirut: PLO Research Centre; 1968. 663 p. Arabic.
5. Melamid A. The Shatt al-'Arab boundary dispute. *Middle East Journal*. 1968;3:350–357.
6. Collier P, Hoeffler A. Greed and grievance in civil war. *Oxford Economic Papers*. 2004;56(4):563–595.
7. Etienne B, Sraïeb N. Bourguiba et Israël. *Annuaire de l'Afrique du Nord*. 1966;4:151–162.
8. Raz A. The generous peace offer that was never offered: the Israeli cabinet resolution of June 19, 1967. *Diplomatic History*. 2013;37(1):85–108. DOI: 10.1093/dh/dhs004.
9. Schelling TC. *The strategy of conflict: with a new preface by the author*. Harvard: Harvard University Press; 1980. 309 p.
10. Zartmann W, Touva S. International mediation: conflict resolution and power politics. *Social Issues*. 1985;41(2):27–45.
11. Seale P. La Syrie et le processus de paix. *Politique étrangère*. 1992;57(4):785–796.
12. Behrendt S. *The secret Israeli-Palestinian negotiations in Oslo: their success and why the process ultimately failed*. London: Routledge; 2007. 157 p.
13. Nohra F. *Stratégie Américaines pour le Moyen-Orient*. Paris: Al Bouraq; 1999. 145 p.
14. Nohra F, Kamal MM. The decision-making process in European Union and the Euro-Arab relations. Beirut: Centre for Arab Unity Studies; 2001. 280 p. Arabic.
15. Coleman P. Intractable conflicts. In: Deutch M, Coleman P, Marcus E, editors. *The handbook of conflict resolution*. New Jersey: Jossey Bass; 2006. p. 533–560.
16. Darwaza M. *Izzat Palestine's tragedy*. Beirut: Dar al-Yaqza al-'Arabiya li al-Tarjama wa al-Nashr; 1959. 132 p. Arabic.
17. Asch SE. Studies of independence and conformity: a minority of one against a unanimous majority. *Psychological Monographs: General and Applied*. 1956;70(9):1–70.
18. Kogan N, Wallach M. Risky-shift phenomenon in small decision-making groups: a test of the information-exchange hypothesis. *Journal of Experimental Social Psychology*. 1967;3(1):75–84.
19. Herman E, Chomsky N. *Manufacturing consent: the political economy of the mass media*. New York: Random House; 2010. 716 p.
20. Della Porta D. Causal mechanisms in civil wars. In: Della Porta D, Donker TH, Hall B. *Social movements and civil war: when protests for democratisation fail*. London: Routledge; 2017. p. 23–40.
21. Zielińska K. Israel's periphery doctrine: prospects for defining and studying a foreign policy practice. *Politické vedy*. 2020;20(2):219–245.
22. Arian A, Arian A. *Security threatened: surveying Israeli opinion on peace and war*. Cambridge: Cambridge University Press; 1995. 308 p.
23. Hirschfeld YP. *Track two diplomacy toward an Israeli-Palestinian solution, 1978–2014*. Washington: Woodrow Wilson Centre Press; 2014. 470 p.
24. Nan SA. Track one-and-a-half diplomacy: contributions to Georgia-South Ossetian peacemaking. In: Fisher RJ, editor. *Paving the way*. Lanham: Lexington Books; 2005. p. 161–173.
25. Mapendere J. Track one-and-a-half diplomacy and the complementarity of tracks [Internet; cited 2022 February 9]. Available from: <https://www.semanticscholar.org/paper/Track-One-and-a-Half-Diplomacy-and-the-of-Tracks-Mapendere/4ed0f69423fe5651611f44210f1411b659ecf022>.
26. Diamond L, McDonald J. *Multi-track diplomacy: a systems guide and analysis*. Iowa: Peace Institute; 1991. 182 p.
27. Wallensteen P. *Understanding conflict resolution*. Newbury Park: Sage; 2018. 320 p.
28. Kaye DD. *Talking to the enemy: track two diplomacy in the Middle East and South Asia*. Santa Monica: Rand Corporation; 2007. 167 p.
29. Fisher R. Analysing successful transfer effects in interactive conflict resolution. In: Fisher R, editor. *Paving the way: contribution of interactive conflict resolution*. New York: Lexington; 2005. p. 3–20.
30. Chamberlin PT. Shuttle diplomacy and its impact on the Middle East. In: Macmahon RJ, Zeiler TW, editors. *Guide to US foreign policy: a diplomatic history*. Newbury Park: Sage Publications; 2012. p. 260–280.
31. Mearsheimer J, Walt S. The Israel lobby and US foreign policy. *Middle East Policy*. 2006;13(3):29–87. DOI: 10.1111/j.1475-4967.2006.00260.x.
32. Cuhadar E. Assessing transfer from track two diplomacy: the cases of water and Jerusalem. *Journal of Peace Research*. 2009;46(5):641–658. DOI: 10.1177/0022343309336706.
33. Lederach JP. *Building peace: sustainable reconciliation in divided societies*. Washington: United States Institute of Peace; 1997. 197 p.
34. Gross O. Mending walls: the economic aspects of Israeli-Palestinian peace. *American University International Law Review*. 1999;15:1539–1626.
35. Gidron B, Katz S, Hasenfeld Y. *Mobilising for peace: conflict resolution in Northern Ireland, Israel/Palestine and South Africa*. Oxford: Oxford University Press; 2002. 290 p.
36. Hermann T. The sour taste of success: the Israeli peace movement, 1967–1998. In: Gidron B, Katz S, Hasenfeld Y. *Mobilising for peace: conflict resolution in Northern Ireland, Israel/Palestine, and South Africa*. Oxford: Oxford University Press; 2002. p. 94–129.
37. Li D. The Gaza strip as laboratory: notes in the wake of disengagement. *Journal of Palestine Studies*. 2006;35(2):38–55. DOI: 10.1525/jps.2006.35.2.38.
38. Nohra F. The Arab world between the dismantlement process and the culture of the dismantlement. In: Research and Strategic Studies Centre. *Conflict and transformation contradictions: 7th Regional congress*. Beirut: [s. n.]; 2017. p. 286–306. Arabic.
39. Liga A. Israel and Iraqi Kurds in a transforming Middle East [Internet; cited 2022 February 9]. Available from: <https://www.iai.it/sites/default/files/iaiw1634.pdf>.
40. Wehrey F, Thaler DE, Bensahel N, Cragin K, Green JD. *Dangerous but not omnipotent: exploring the reach and limitations of Iranian power in the Middle East*. Santa Monica: Rand Corporation; 2009. 223 p.
41. Sawâni Y. *The Arab public opinion trend toward the question of Arab unity*. Beyrouth: Centre for Arab Unity Study; 2014. 254 p. Arabic.

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THE EVOLUTION OF TURKISH-RUSSIAN RELATIONS IN THE 21st CENTURY: THE POTENTIAL FOR PRAGMATISM

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The article presents an overview of the Turkish foreign policy strategy and its implications for the development of Turkish-Russian relations. The bilateral relationship is viewed in the context of the Turkish-Russian summit of 2021 which became an important landmark gave an impetus to the future growth of the Turkish-Russian relationship. The influence of the international context on the Turkish-Russian rapprochement is also addressed.

Keywords: Turkey; Russia; USA; EU; intentions; capabilities; economic projects; president V. Putin; president R. Erdogan; summit; Turkish-Russian relations; US-Turkish relations; Syria; Libya; South Caucasus; Black Sea; security.

НЮАНСЫ ТУРЕЦКО-РОССИЙСКИХ ОТНОШЕНИЙ В НАЧАЛЕ XXI В.: ВОЗМОЖНОСТИ ПРАГМАТИЧНОГО ПОДХОДА

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Рассматривается внешнеполитическая стратегия Турции и ее влияние на развитие турецко-российских отношений. Содержание двустороннего взаимодействия анализируется на основе рассмотрения итогов турецко-российского саммита 2021 г., который стал важным индикатором достигнутого уровня сотрудничества и придал новый импульс его дальнейшему развитию. Значительное внимание уделено влиянию международного контекста на турецко-российское сближение.

Ключевые слова: Турция; Россия; США; Европейский союз; намерения; потенциалы; экономические проекты; президент В. Путин; президент Р. Эрдоган; саммит; турецко-российские отношения; американско-турецкие отношения; Сирия; Ливия; Южный Кавказ; Черное море; безопасность.

Introduction

The founder of the modern Republic of Turkey, Mustafa Kemal Atatürk terminated the Ottoman Empire and built the 20th century Turkey on the republi-

can traditions. For him social peace was essential for conducting an efficient foreign policy, and conversely, foreign policy was an essential component of the socio-

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political consensus of the Turkish people. Until the beginning of the 21st century, Turkey had been trying to implement the *acquis communautaire* of the European Union in its domestic legal framework and fulfil the role of junior partner of Washington and NATO. Under the constitution, the Turkish army was tasked with safeguarding Turkey against Islamic extremism and the empire's revival.

The situation changed when the Justice and development party of Recep Tayyip Erdoğan came to power in 2002. A junior partner in the past, Turkey took a firm stance on many issues like never before. It refused to allow the NATO troops to transit its territory to Iraq in 2003. It also became less willing to join the EU at any cost (responding to the escalation of demands from Brussels for Turkey's admission). The Turkish army which for years had a final say on most matters of domestic and foreign policy, lost its dominant political position, especially after the aborted coup d'état in July 2016 masterminded by the Fetullah Terrorist Organisation network, allegedly with support from the US. The consequent revision of the principles of Turkey's foreign policy gave rise to concerns – shared by some Western and Russian experts – that Turkey might be going back to neo-Ottomanism and its ambitions for the Great Turan.

The conceptual framework for a new foreign policy for Turkey reemerging from the shadow of Washington, the EU and NATO was credited to professor Ahmet Davutoğlu who later became the Turkish foreign minister. In 2008 he put forward his famous *zero problems with neighbours strategy* that governed Turkish foreign policy for at least a decade. As the Russian expert on the Turkish foreign policy, V. Dergachev, observed, the strategy envisaged the conduct of peaceful policies towards Turkey's neighbours and non-interference in their internal affairs [1].

Ahmet Davutoğlu's zero problems strategy reflected Turkey's growing global role throughout the 21st century. Turkey has strengthened its positions in the Middle East, NATO, the Organisation of Islamic Cooperation, and the United Nations. In Ahmet Davutoğlu's description, his foreign policy framework had three distinctive features: promotion of just world order, peaceful resolution of conflicts and avoidance of aggressive responses and a systemic approach to the conduct of policy, i. e. addressing political, economic and humanitarian goals simultaneously [2].

Mentioned scientist also takes credit for the strategic vision of Turkey's foreign policy in the 21st century. In his article "Principles of Turkish foreign policy and regional political structuring" he argues that Turkey's holistic approach, solid rational judgment and use of its historical geopolitical advantages put it in a good position to be a force for peace and stability, pursue proactive foreign policies, promote reintegration with its neighbours, maximising its assets this turbulent era [3]. These three principles apply to foreign policy in its neighbourhood, but also the USA, EU and other

countries. This includes the Russian Federation, where Turkish policy is grounded in rational choice and pragmatism. Turkey uses all its capabilities to strengthen diplomatic channels and build a dialogue with the Russian Federation, basing itself on Ahmet Davutoğlu's principles of rhythmic diplomacy, multidimensionalism, zero problems with neighbours, order instituting actor, international partnership, and pro-activity [3].

Professor Ahmet Davutoğlu's intellectual input in Turkish foreign policy is universally recognised, and the significance of his zero problems strategy cannot be overestimated. His policies, however, have come under strong criticism. It has been contended that Ahmet Davutoğlu's Syrian policy caused extreme tensions between Turkey and Russia, and also triggered a massive exodus of refugees to Turkey that damaged Turkey's economy. Contradictions in aims were not successfully addressed, and Turkey's position on the Arab spring, especially in Syria, was not communicated effectively to the Arab world. The Sochi agreement and the launch of the Astana process as an alternative platform for Syria were seen as setbacks for Turkey. Conceptually, critics have attacked the imposition by Turkey of sanctions against Syria. For example, according to professor Ali Balcı, the sanctions strengthened the PYD and increased terrorist attacks while complicating Turkey's relations with Iran and Russia [4, p. 338–339]. Professor Muharrem Ekşi lamented the absence of a strategy to engage with Russia and Iran and the Astana process to advance the struggle against PYD and Yekîneyên Parastina Gel [5, p. 87].

On balance, the zero problems policy was a necessary response to the end of the Cold War. As a NATO member, Turkey inevitably took the side of the West during the Cold War, frequently at the expense of its relations with its neighbours and the Arab world. In the 21st century a new chapter in Turkey's foreign policy began. It was, in essence, a reincarnation of ideas from the early 20th century – Kemal Atatürk's peace at home and peace in the world and an emphasis on "keeping balance" in its orientation towards the West. The latter implied balancing the Western track of Turkish foreign policy with pursuing relations with the adversaries of the West, by relying on Turkey's geostrategic location [6, p. 19–20]. It also meant keeping balance in the relationship with different components of the West [6, p. 19–20]. The relations between Turkey, its neighbours and the Arab world evolved throughout the 20th century in keeping with these ideas.

Relationships with the Arab world and making Turkey a key player in world affairs are prominent strategic objectives of Turkish foreign policy in recent years. Ankara's involvement in the Azerbaijanian-Armenian war over Nagorno-Karabakh in 2020 illustrated its tactic. O. Glazunov and Yu. Davydova, political scientists from the Plekhanov Russian University of Economics stated that "Azerbaijan's victory in Nagorno-Karabakh was evidence of growing Turkish influence in the region

and Islamic world, making Turkey a key player in the South Caucasus. Russia should keep this in mind in the conduct of its policies in the region"¹ [7]. Building an effective relationship with Ankara could make Russia more successful in the pursuit of its policies in the Middle East, North Africa and the Caucasus.

The rest of our analysis is based on the following *hypothesis*. The presidential summits of recent years and the pursuit of mutually beneficial commercial projects were instrumental in strengthening the political and economic ties between Russia and Turkey, despite their membership in different security and economic systems.

Overview of the Turkish-Russian relations in the 21st century

Extensive bilateral ties between Turkey and the Russian Federation from the beginning of the 21st century were a function of increasing threats and mounting pressures from the Middle East and South Caucasus and tensions resulting from some aspects of the US foreign policy. Vested economic interests also played a part. The Turkish-Russian rapprochement was not without problems, as evidenced by the assassination in December 2016 of the Russian ambassador A. Karlov, and Turkey's downing of a Russian warplane on 24 November 2015. These events put the relationship to a halt for some time, but diplomacy ultimately prevailed by building on mutual interest in bilateral economic ties. Bilateral summits served to expand the areas of cooperation and gave rise to new initiatives instrumental for peace, security and stability in the region.

Bilateral ties between Turkey and Russia have given rise to multiple infrastructure projects with spinoffs for the entire region. Tourism, the gas pipeline "Turk stream", Akkuyu nuclear power plant construction in Turkey, purchasing of Russian S-400 missile complexes, the presence of Turkish construction companies in Russia, and Turkey's tomato export are visible examples indicative of the depth, breadth and dynamism of these ties. Russia's present relations with Turkey are more varied, profound and diverse than they were decades ago. The summit in Sochi of presidents V. Putin and R. Erdoğan on 29 September 2021, showcased their accomplishments and scale.

Turkish and Russian media and scholars commented extensively on this event. The commentators took note of V. Putin's emphasis on the need for both sides to keep the dialogue going and remain pragmatic under all circumstances. Acknowledging the existence of multiple differences between Turkey and Russia, V. Putin exhibited confidence in the ability of diplomacy to produce the desired outcomes.

President V. Putin underlined the impressive increase in the bilateral flow of capital investments, with Turkish investments in Russia reaching 1.5 bln US dollars and Russian investments in Turkey topping

6.5 bln US dollars². At the time of the summit the imbalance in bilateral trade came under criticism from Turkish media and experts. V. Putin was responding to them indirectly, by stressing the impressive amount of Russian investments in Turkey. He also underlined that the infrastructure projects were proceeding as planned, referring in particular to the gas pipeline to Turkey, gas transit to Southern Europe, and the Akkuyu nuclear power plant. The Russian president also welcomed the successful cooperation between Russia and Turkey on the international stage, including in Syria and Libya. He referred to the example of the joint Russian-Turkish centre in Agdam for the monitoring of the ceasefire between Azerbaijan and Armenia as a step toward stability and reconciliation³. In conclusion, he remarked that the COVID-19 pandemic had impacted the tourist industry throughout the world, including the number of Russian tourists to Turkey, which decreased from 6.8 in 2019 to only 1.5 mln people in 2021. However, the situation began to improve in 2021, when 2.5 million of Russians travelled to Turkey as tourists⁴.

In turn, the Turkish president said: "It is beyond dispute that the Turkish-Russian relations – including in the political, economic, trade, military, defence and industrial fields are advancing"⁵. R. Erdoğan acknowledged collaboration with Russia in the tourist sphere and commented on his visit to the Akkuyu nuclear power plant, where he expected the first reactor to be launched in 2022. 13,000 people were working at the site, including 10,000 Turkish citizens and 3,000 citizens of Russia⁶. He added that Russia had trained nearly every member of the plant's personnel, as an illustration of the depth of the relationship. Defence cooperation was firmly underway, and the sides had no intention of backtracking on their intentions. According to R. Erdoğan, peace in the Middle East was highly dependent on both countries' joint moves on the Syrian problem and the quality of the Turkish-Russian relations⁷. Overall, president R. Erdoğan sent an optimistic message on the ability of bilateral cooperation to

¹Hereinafter translated by A. B.

²Experts react: the key takeaways from the Erdogan-Putin meeting [Electronic resource]. URL: <https://www.atlanticcouncil.org/blogs/turkeysource/experts-react-the-key-takeaways-from-the-erdogan-putin-meeting> (date of access: 29.11.2021).

³Putin meets face to face with Erdogan in Sochi [Electronic resource]. URL: <https://www.youtube.com/watch?v=kmIwHCBUWqE> (date of access: 29.11.2021).

⁴Ibid.

⁵Ibid.

⁶Ibid.

⁷Ibid.

advance political, economic, trade, military, defence and industrial ties between Russia and Turkey.

At almost every meeting, the presidents underlined the significance of Turk stream, Akkuyu nuclear power plant and the delivery of the S-400 missile complexes for the future of the bilateral relations. For example, Turk Stream is more than just an economic partnership but a project that strengthens Turkey's geopolitical importance as a reliable supplier of gas. Furthermore, the successful completion of all these projects would testify to the effectiveness and depth of Turkish-Russian relations. Despite multiple differences over Syria, Libya and Nagorno-Karabakh, both parties remain cooperative and are doing their best to avoid direct opposition.

Tourist arrivals from Russia are important for Turkey's tourism industry and the economy in general. Russia is the single largest supplier of tourists to Turkey, putting Moscow in a position to influence Turkey by regulating the flow of its tourists. During periods

of political disagreements, Russia threatens to block the visits of its tourists. For example, when R. Erdoğan met the Ukrainian president V. Zelenskii on 10 April 2021, in Istanbul and supported Ukraine's position on the conflict in Eastern Ukraine and the Crimea, the Russian side blocked the flow of Russian tourists to Turkey citing anti-COVID measures as a reason. It responded similarly to the downing of its warplane by Turkey on 1 December 2015.

Another source of potential tension is R. Erdoğan's decision to build the Istanbul channel parallel to the Bosphorus channel. International agreements now in place (e. g. the Montreux convention) restrict third party military activity in the Black Sea basin. The proposed channel (which began to be built in 2021) could give Ankara the power to allow or disallow the passage of battleships from third countries at will. Moscow is still considering the implications of this move for Russia's security.

Political commentaries on recent developments in the Turkish-Russian relations

The future of Turkish-Russian relations in light of the Sochi summit has been the subject of numerous commentaries. M. N. Katz, nonresident senior fellow with the Middle East programme of Atlantic Council and professor of government and politics at Schar school of policy and government of George of Mason University, contends: "The Putin-Erdoğan meeting in Sochi did not resolve Russian-Turkish differences over Syria, but did seem to prevent them from getting any worse; for Putin, relations with Erdoğan have long amounted to a balancing act between opposing Turkish moves that threaten Russian interests in Syria, Libya, the Armenia-Azerbaijan arena, and Ukraine on the one hand and inducing Erdoğan not to reverse his hostility toward America and Europe (which Putin wants to encourage) on the other"⁸. James F. Jeffrey, chair of the Middle East programme of the Wilson Centre and former US ambassador to Turkey and US special representative for Syria engagement, observes: "...the two sides' bland post-meeting comments do not document anything so dramatic, but what was new in this meeting is the role of the United States and the Idlib ceasefire resulted from US diplomacy supporting Turkey's and Israel's military actions in Syria, and keeping US troops there, to pressure Russia and Assad for a comprehensive compromise settlement of the conflict"⁹.

A nonresident senior fellow at Turkey programme of Atlantic Council, former US ambassador to Azerbaijan and former deputy assistant secretary of state for Euro-

pe and Eurasia M. J. Bryza made this elaborate comment. Noting the significant tension at the summit over the deployment of Turkish combat drones and Turkish artillery strikes in Syria's Idlib province and later in Libya¹⁰, and Moscow's dismay with Ankara's growing military cooperation with Ukraine, M. Bryza remarked that V. Putin and R. Erdoğan were both silent on these differences in Sochi, underlining economic cooperation instead¹¹. In his view, emphasis on economic cooperation reflected V. Putin's desire to drive a strategic wedge between Turkey and its NATO allies, especially the United States. Still, Moscow's sale of S-400 missile complexes to Ankara could not outweigh the fact that Turkey relies heavily on NATO to deter aggression by the country against which it had fought more wars than with any other dating back to the Ottoman Empire¹². Still, the announcement in Sochi that Russia and Turkey would collaborate in developing submarine and jet-engine technologies could have serious consequences for the Black Sea security. M. J. Bryza concludes that whether R. Erdoğan views this new area of military-technological cooperation with Russia as a counterweight to its collaboration with Ukraine or whether it marked a more significant shift in Ankara's strategic calculus remained to be seen¹³.

Professor Burhanettin Duran, general coordinator of the Foundation for Political, Economic and Social Research notes the breadth of the meeting's agenda (i. e. Syria, Idlib, PKK-YPG, Manbij, Afghanistan,

⁸Experts react: the key takeaways from the Erdogan-Putin meeting [Electronic resource]. URL: <https://www.atlanticcouncil.org/blogs/turkeysource/experts-react-the-key-takeaways-from-the-erdogan-putin-meeting> (date of access: 29.11.2021).

⁹Ibid.

¹⁰Ibid.

¹¹Ibid.

¹²Ibid.

¹³Ibid.

Libya, the Zangezur corridor, the six-nation Caucasus platform, the S-400s, jet engines, space cooperation, natural gas, nuclear reactors, trade and tourism), contending that the balance of power was far from being its only theme. Admittedly, Turkey and Russia compete to fill the power vacuum created by US partial withdrawal or repositioning from the region. On occasions, this competition intensified, as evidenced by Russia's displeasure with Turkey's defence cooperation with Ukraine, Libya and Eastern Europe. However, the bilateral meetings between R. Erdoğan and V. Putin will go down in the history of diplomacy as striking examples of leader-to-leader diplomacy that transformed the relationship between the two states and added a multi-dimensional character to them [8].

Talha Köse, associate professor of political science at Ibn Haldun University, observes that while Idlib (and the implications of the developments there for the agreement reached between Ankara and Moscow

in 2018) were at the centre of the discussion [9], the two leaders decided to keep the status quo in Idlib, agreed to deepen cooperation in the defence and security sectors, and promised to improve their economic relations. Thus, as argued by Talha Köse, the discord between Ankara and Washington created a new opportunity for cooperation between Ankara and Moscow [9].

As follows from the political commentaries, the pragmatic stance taken by presidents R. Erdoğan and V. Putin, was a key prerequisite to avoiding confrontation on a range of divisive issues, such as Syria, Libya, Nagorno-Karabakh and Ukraine. It also enriched the Turkish-Russian relationship with new dimensions and opportunities for interaction in the economic, political, military, and humanitarian fields. Furthermore, intense criticism of R. Erdoğan's policies from Washington and Brussels (e. g. on human rights, Turkish involvement in Libya, oil exploration business near Cyprus) appears to facilitate the Turkish-Russian rapprochement.

Conclusion

Historically, Turkey and Russia have competed in the Black Sea region. The countries fought more wars with each other than any others. However, the Black Sea region is also the location of the Turk stream project which takes a prominent place in Turkish-Russian relations. Projects such as these are a good example of pragmatism in pursuit of peace and economic stability in the interest of both parties. The construction of the Akkuyu nuclear power plant is another example of such pragmatism. It will allow Turkey to guarantee reliable supplies of electricity for its expanding national economy. The supply of the Russian S-400 missile system is another example of a pragmatic choice in response to Washington's refusal to sell Turkey its system "Patriot".

Turk stream, Akkuyu nuclear power plant, supply of S-400, Turkish construction companies' business in Russia and Russian tourists showcase the extensive and deepening relationship between Russia and Turkey at the beginning of the 21st century. The big question is why Turkey, a NATO member-state, turns to Russia for assistance even in some of the most sensitive issues from a regional and international perspective. The first reason is the obvious need for cooperation between Russia and Turkey to resolve the security crises in Syria, South Caucasus and Libya. The second is Washington's growing reluctance to cooperate with president R. Erdoğan, and its unwillingness to propose and pursue mutually beneficial projects with Turkey. For Ankara, collaboration with Russia is a new creative strategy for securing its national interest.

Since the beginning of the 21st century, Turkish-Russian relations have improved noticeably. It may even be said that now is one of the best times in history to develop these relations further and faster. However, this is easier to say than do. At present Russia and Tur-

key are cooperating at three levels: strategic, economic and political. Examples of strategic cooperation are the gas pipeline Turk stream project, Akkuyu nuclear power plant and the procurement of the S-400. Economic cooperation is mainly represented by tourism, the activity of Turkish construction companies in the Russian market and Turkey's tomato exports. Political cooperation is extremely important for de-escalating conflicts in Syria, Libya and South Caucasus, despite the existence of multiple differences between the parties. Both parties believe in the power of diplomacy and dialogue. The pursuit of mutually beneficial projects for the economy and security has played a key role in avoiding direct confrontation.

Adherence to pragmatic principles has been prominent in the advancement of bilateral relations. The typical approach of Ankara and Moscow has been to freeze the most controversial issues and isolate them from the bilateral agenda. The presence of a pipeline of essential bilateral projects strengthens the pragmatic trend in the relationship.

Admittedly, there has been strong historical competition between Turkey and Russia, especially in the Black Sea, Caucasus, Eastern and Central Europe, a legacy that complicates the relationship and creates difficulty in finding solutions to the satisfaction of both parties. Still, we may expect the partnership between both countries to expand to new fields, and its extent and volume to increase. Both presidents shared this vision at the Sochi summit. However, Turkey and Russia have very different foreign policy perspectives and objectives for regions like Crimea, South Ossetia and Abkhazia.

Turkish-Russian relations contribute to stability and peace in the region and the world. Direct confrontation

or a proxy war would be destructive for both parties and should be avoided at all costs.

Ankara still views its relations with the US as strategically important, and this stance influences its position on regional issues (Syria, Libya, Israel, Palestine). In many respects, the Turkish-Russian and Turkish-American relations are correlated. Ankara would like to see Turkey in the role of an emerging balancing power that countervails the US or Russian policies when they become too expansionist or dominant. Turkey has multiple policy instruments to choose from, including NATO mechanisms, economic ties with the EU, In-

ternational Organisation of Turkic Culture, Turkish-African partnership summits, the Organisation of Islamic Cooperation, its ties with the Muslim world, and increasing cooperation with the newly independent states.

Ankara and Moscow have international ambitions, and both are striving to become global powers, not just regional ones. Nevertheless, Turkey and Russia have been able to strengthen their political and economic ties in recent decades. Presidential summits and the pursuit of mutually beneficial commercial projects have been instrumental in this accomplishment.

References

1. Dergachev V. The geopolitics of Turkey. The doctrine of “zero problems with neighbours” and realpolitik [Internet; cited 2021 November 29]. Available from: https://ibn.idsi.md/sites/default/files/imag_file/159_163_Turetskaya%20geopolitika.%20Doktrina%20%C2%ABnol%20problem%20s%20sosednyami%C2%BB%20i%20Realpolitik.pdf. Russian.
2. Davutoğlu A. Regional approach to the global world [Internet; cited 2021 November 29]. Available from: <https://globalaffairs.ru/articles/vneshnyaya-politika-turczii-i-rossiya/>. Russian.
3. Davutoğlu A. Principles of Turkish foreign policy and regional political structuring [Internet; cited 2021 November 29]. Available from: <https://static1.squarespace.com/static/5d8130340fe9717b429a0934/t/5dcb470537b5697e37364977/1573603078408/Turkey+Policy+Brief+3+Eng.pdf>.
4. Balcı A. *Türkiye dış politikası ilkeler, aktörler ve uygulamalar*. İstanbul: Alfa Yayınları; 2018. 400 p.
5. Ekşi M. Türk dış politikasının ultimo ratiosu: yumuşak güçten sert güce türkiye'nin Suriye politikası. *Karadeniz Araştırmaları*. 2018;XV/60:71–99.
6. Oran B. Introduction: Turkish foreign policy in theory and practice. In: Oran B, Akdevelioğlu A, Akşin M. *Turkish foreign policy, 1919–2006: facts and analyses with documents*. Salt Lake City: The University of Utah Press; 2010. p. 3–24.
7. Glazunov ON, Davydova YuA. Features and priorities of foreign policy of Turkey in the countries of the Middle East and South Africa [Internet; cited 2021 November 29]. Available from: http://dom-hors.ru/rus/files/arhiv_zhurnala/pep/2020/12/politics/glazunov-davydova.pdf. Russian.
8. Duran B. Sochi meeting and 3 levels of Turkish-Russian relations [Internet; cited 2021 October 21]. Available from: <https://www.setav.org/en/sochi-meeting-and-3-levels-of-turkish-russian-relations/>.
9. Köse T. Contingent nature of Turkey's ties with US and Russia [Internet]. 2021 [cited 2021 December 26]. Available from: <https://www.dailysabah.com/opinion/columns/contingent-nature-of-turkeys-ties-with-us-and-russia>.

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THE STUDY OF THE RUSSIAN LANGUAGE AS A MEAN TO DEEPEN THE RUSSIAN-NIGERIAN RELATIONSHIP

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Modern diplomacy, intelligence gathering and data collection require the use of language to communicate. Miscommunication creates mistrust and results in failures of diplomacy between partners and allies. We argue that Nigeria should invest more resources and efforts in the study and use of the Russian language for collaboration with Russia and Russian-speaking countries.

Keywords: Islamic State of West Africa; Boko Haram; Russian language; intelligence; weapons; insurgency; insecurity.

ИЗУЧЕНИЕ И ИСПОЛЬЗОВАНИЕ РУССКОГО ЯЗЫКА КАК СРЕДСТВА УГЛУБЛЕНИЯ РОССИЙСКО-НИГЕРИЙСКИХ СВЯЗЕЙ

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Языковая коммуникация играет первостепенную роль в современной дипломатии и установлении информационных контактов. Сбои в коммуникации приводят к нарастанию недоверия и подрывают эффективность дипломатических контактов между партнерами и союзниками. Автором статьи обосновывается необходимость для Нигерии наращивать усилия в области использования и изучения русского языка как средства общения с представителями Российской Федерации и других русскоязычных стран.

Ключевые слова: Исламское государство западной Африки; Боко харам; русский язык; данные разведки; оружие; повстанческие движения; угрозы безопасности.

Introduction

The level of insecurity in Nigeria has increased in recent times. The Islamic State of West Africa (ISWAP) or Boko Haram insurgency is raging in the Northeast, criminal gangs are operating extensively in the Northwest, Northcentral, Southwest and Southeast of the country. Over 35,000 people have died in the Boko Haram

insurgency since it began in Borno state in 2009. Furthermore, GIABA, the economic arm of the Economic Community of West African States, estimates that the Islamic State of West Africa moved 36 mln US dollars of tax and trade revenue from Lake Chad region through Nigeria's financial system in 2021¹.

¹Adepegba A. ISWAP moves N18bn annual revenue through Nigeria's financial system [Electronic resource]. URL: <https://punchng.com/iswap-moves-n18bn-annual-revenue-through-nigerias-financial-system-ecowas-body/22> (date of access: 27.02.2022).

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By the end of 2018 Nigeria had spent 6 trln local currency units on military hardware to battle various armed groups operating across the country². However, this tremendous expenditure was not matched with military successes at the front due to a lack of intelligence and insufficient cooperation among the field commanders and intelligence agencies (IA). The struggle against an insurgency such as the one of Boko Haram can also be helped by cooperation with countries with significant intelligence capabilities, such as the Russian Federation and other Russian-speaking countries, including in the exchange of information on terrorists and trafficking in arms. It has been revealed, for example, that the Boko Haram insurgents sourced most of their

weapons stolen from the military stocks at the battlefields, or acquired them from the thriving central African black market³. In every successful raid the Nigerian security forces have seized AK-47s and other Soviet-era weapons sourced from Russia, Ukraine, or Eastern Europe. Nigeria can leverage the existing friendship between Abuja, Moscow and possibly Minsk to block and disrupt the arms flows before they reach the insurgents and criminal gangs in Nigeria. Policymakers in the area of national defence should consider collaborating with Russia, Belarus and other Russian-speaking countries in the gathering of intelligence, and the supply of aircraft parts, tanks, and also in cyber security and production of unmanned aerial vehicles [1].

Theoretical approach

Traditional diplomacy relates to language, security and territory. Its actors are sovereign nation-states, with clearly defined borders or limits, even in the absence of a marked boundary [1]. Traditional diplomacy theory is concerned with “geography and territory”. The tenets of traditional diplomacy do not apply to situations where territory is not the defining principle [2].

There are several criteria to be met for traditional diplomacy: there must be more than one state, and the states must be sovereign and independent political units capable of exercising supreme authority. As argued by P. Sharp [2], the demand for diplomacy and insights into diplomatic theory is fast

on the rise. The diplomatic tradition and the idea of diplomacy are premised on the way people live in groups, the notions of intra- and inter-group dynamics, and the history of the settlement of international disputes. Overall, sovereignty, national interest and national security lie at the heart of traditional diplomacy. These three elements are also key policy objectives for Nigeria and Russia, and principal considerations in their bilateral relationships. Traditional diplomacy is formal, the parties follow diplomatic protocols as goodwill gestures. We consider the traditional diplomacy theory to be applicable to the relations between Nigeria and Russia as two sovereign states.

Causes of the insurgency: multiple narratives

Conspiracy theorists assert that the political elites of the North unleashed the Boko Haram and other insurgencies to make the country ungovernable for the then-president Goodluck Jonathan, a member of the Southern Christian minority. However, the conflict lasted well beyond the change of government, even though Nigeria has been spending almost one-half of its budget on military equipment. This puts the veracity of the explanation in serious question.

Weakened by the constant bombardment of the area, the Boko Haram insurgents split into two factions over disagreements about operational issues and religious doctrines [3]. Abubakar Shekau was killed in March 2020 in a clash with the son of the movement's late founder, Abubakar Al-Barnawi, also killed in a military attack. He proceeded to create a more aggressive faction of the insurgents that pledges loyalty to ISWAP.

The insurgency engulfed the once peaceful Maiduguri, the capital of Borno state [3].

In an alternative explanation, Brookings⁴ emphasised the name by which the insurgents preferred to be called – *Jama'atu Ahlis Sunna Lidda'awati Wal-Jihad*. Translated literally from Arabic, it means *people committed to the propagation of the prophet's teachings and jihad*. The residents of Maiduguri in Northeast Nigeria, where the insurgent movement originated, nicknamed its members “Boko Haram”. In the Hausa language, *Boko* means *Western education* and *haram* is the Arabic word for *forbidden* or *sinful*. The insurgents rebelled against Western civilisation (including Western education), and also the secularisation of the Nigerian state [4].

The Boko Haram movement was established in 2002. According to its leader, Muhammed Yusuf, its sole aim was to purify Islam in Northern Nigeria. The Nigerian

²Ndujihe C. Security: FG spends 6 trillion on defence in 11 years [Electronic resource]. URL: <https://www.vanguardngr.com/2018/07/security-fg-spends-n6trn-on-defence-in-11-years/> (date of access: 27.02.2022).

³Windrem R. Missing Nigeria school girls: where Boko Haram gets its weapons [Electronic resource]. URL: <https://www.nbcnews.com/storyline/missing-nigeria-schoolgirls/missing-nigeria-schoolgirls-where-boko-haram-gets-its-weapons-n104861> (date of access: 27.02.2022).

⁴Jideofor A. Explaining the emergence of Boko Haram [Electronic resource]. URL: <https://www.brookings.edu/blog/africa-in-focus/2014/05/06/explaining-the-emergence-of-boko-haram/> (date of access: 27.02.2022).

military detained Muhammed Yusuf and handed him over to the police for prosecution. In 2009 the Nigerian police killed him in detention [4]. His followers mobilised in 2010 to launch an armed struggle against the Nigerian state to avenge his killing. In their first attack on the Nigerian state infrastructure, they targeted the Bauchi prison, setting free about 730 prisoners. Simultaneously, another insurrection began in the Northwestern states of Zamfara, Kaduna and Sokoto, spilling over to Niger state⁵, with large numbers of reported mass killings, kidnapping and stealing of livestock.

Intimidated by the insurgency, the state governments of Zamfara, Sokoto and Katsina negotiated with

the rebels. Historically speaking, in Zamfara, the insurgency started as a modern farmer-herder conflict before it escalated and spilled over to the entire Northwest. At least 12,000 people were killed and over 250,000 livestock was stolen in 2011⁶. However, the insurgents were most active in Zamfara, where large quantities of gold and solid minerals were discovered. Elsewhere in the Northwest, the intensity of the conflict was much lower. When the level of violence increased in 2016, the Nigerian government set up a military task force to suppress it⁷. Growing military presence pushed the insurgents from the Northwest to the Southwest, where cases of rape and destruction of farm produce were reported daily.

The effects of the Nigerian insurgency

As a Nigerian saying goes, *a malady that strikes the eye will spread to the nose*. The instability spread from the Northwest to the economic heartland of Nigeria in the South. The displaced insurgents soon reinvented themselves as Fulani herdsman, occupying Southern forests, and engaging in kidnapping for ransom, rape and disruption of farming operations⁸. With an increase in violence and instability in the South, food insecurity grew⁹. In the Oyo area alone, more than ten

people died in skirmishes between farmers and herders¹⁰. Food shortages became acute, but the biggest source of tensions was the widening ethnic divisions, exacerbated by the anti-Fulani posture of the insurgents. Ethnic nationalism strengthened, and soon the ethnic warlords of the Yoruba and Igbo communities called for secession from Nigeria, upset by the central government's failure to address the violence and instability¹¹.

Language defined

According to R. A. Zirin [5], language is a speech sound system created by human beings to express ideas, emotions, thoughts, desires, and feelings. In light of the recent advances in linguistics, psychology and biology [5]. Language may be defined as the inherent capability of native speakers to understand and form grammatical sentences. They are essential components of individual and common human heritage. They are the first and foremost vehicle for expressing identity, communicating ideas, attaining educational, economic and political autonomy, and promoting peace and sustaina-

ble human development [6]. It is also a set of statements constructed from a limited set of elements. Languages are important for sharing information for intelligence and knowledge and for transmitting unique cultural wisdom, including across generations and nations. They form an intrinsic part of the identity of individuals and people, and they are of vital importance to manage the cultural diversity of our world. They open opportunities for dialogue, cooperation and mutual understanding [6]. Overall, language is at the centre of communication, and consequently, negotiation and international diplomacy.

The Russian language

The Russian language, also known as *ruskii yazyk* is an East Slavic language native to Russia in Eastern Europe, it is part of the Indo-European language family

[7, p. 8]. As the Indo-European tribes moved to the West and the East, the Slavic tribes became separate from the other tribes and developed their language, called

⁵Rufai A. I am a bandit: a decade of research on armed banditry in Zamfara state // Semin. pap. at the dep. of hist. Sokoto : Usman Danfodio Univ., 2021. P. 5–10.

⁶Ibid.

⁷Tanko A. Nigeria's Mohammedu Buhari sends task force to Zamfara [Electronic resource]. URL: <https://www.bbc.com/news/world-africa-36784542> (date of access: 27.02.2022).

⁸Duru P. Herdsmen attacks: food shortage hits Benue as prices soar [Electronic resource]. URL: <https://www.vanguardngr.com> (date of access: 27.02.2022).

⁹Agboluaje R. Agitation for the Yoruba nation has great consequences, scholars warn [Electronic resource]. URL: <https://guardian.ng/news/agitation-for-yoruba-nation-has-great-consequences-scholars-warn> (date of access: 27.02.2022).

¹⁰Zamfara government negotiating with bandits for schoolgirls' safe return [Electronic resource]. URL: <https://www.vanguardngr.com/2021/03/zamfara-govt-negotiating-with-bandits-for-abducted-schoolgirls-safe-return-%E2%80%95-source/amp> (date of access: 27.02.2022).

¹¹Agboluaje R. Agitation for the Yoruba nation has great consequences, scholars warn [Electronic resource]. URL: <https://guardian.ng/news/agitation-for-yoruba-nation-has-great-consequences-scholars-warn> (date of access: 27.02.2022).

common-Slavonic or proto-Slavonic. The Slavs settled in the heart of present-day Eastern Europe and continued to use mutually intelligible dialect forms for centuries. Another school of thought believes the speakers of Rus-

sian migrated to their present home from Istanbul. As of 2020, there were over 258 mln speakers of the Russian language. Large numbers of Russian speakers are residents of other countries, such as Israel and Mongolia¹².

History of the Russian language in Nigeria

The study of the Russian language in Nigeria would not have been possible without the socialist approach of the then Soviet Union and its policy of non-interference in the internal affairs of the host country. The teaching of the Russian language in Nigeria began in 1960 when the University of Nigeria, Nsukka was established and the course was introduced – first as a minor, and later, as a full course [8]. Initially, the Russian language course had only six undergraduate students bold enough to explore a new area of study. At the time, only English and French were being studied in primary and secondary schools in Nigeria. Following the introduction of a Russian language course at the University of Nigeria,

Nsukka, Premier University of Ibadan followed suit and offered a Russian language course in the academic year 1963/64. Enrolment figures were discouraging, however, as few students were prepared to venture into this new field of study, and the ones who enrolled did so mainly out of curiosity [8]. After a successful launch of the Russian language programme at the University of Nigeria, other universities began to offer Russian language courses, notably, the University of Ibadan, University of Lagos (1970) and University of Ife (now it is called Obafemi Awolowo University). Unfortunately, the latter university discontinued the course after several years, due to a shortage of staff and resources [8].

Russian and a language of research and intelligence

Russian is one of the most geographically widespread and most widely spoken Slavic language in Eurasia and Europe. With 60–70 % of all information published in Russian and English, Russian is an international lan-

guage of science and information [9]. It is one of the world's eight most spoken languages by the total number of speakers, and the second most widely utilised language on the Internet after English as it is shown in the table.

Most commonly used languages on the Internet

Rank language	Share of top 10 mln websites, %	Share of speaking population, %
English	60.4	16.2
Russian	8.5	3.3
Spanish	4.0	6.9
Turkish	3.7	1.1
Persian	3.0	0.7
French	2.6	3.5
German	2.4	1.7
Japanese	2.1	1.6
Vietnamese	1.7	1.0
Simplified Chinese	1.4	14.3

Source: [10].

Russian is a language of the world media and communications, including the broadcast media, air and space transmissions. It is one of the two official languages aboard the International space station [9].

As one of the six official languages of the United Nations (Arabic, Chinese, English, French, Spanish and Russian) the Russian language has geopolitical significance¹³. Incidentally, correct interpretation and translation of speeches and texts in these six official

languages is critical to effective multilateral diplomacy at the United Nations¹⁴. Russian is the official language in Russia, Belarus, Kazakhstan and Kyrgyzstan, and it is used widely as a lingua franca throughout Ukraine, the Caucasus, Central Asia, and to some extent in the Baltic states. Russian was the *de facto* language of the Soviet Union until its dissolution and continues to be used in public life to varying degrees throughout the post-Soviet states¹⁵.

¹²Russian [Electronic resource]. URL: <https://www.ethnologue.com/language/rus> (date of access: 21.02.2022).

¹³Official languages [Electronic resource]. URL: <https://www.un.org/en/our-work/official-languages> (date of access: 20.01.2022).

¹⁴Ibid.

¹⁵Why learn Russian? [Electronic resource]. URL: <https://www.birmingham.ac.uk/schools/lcahm/departments/languages/sections/lfa/about/russian.aspx> (date of access: 20.01.2022).

Nigerian-Russian diplomatic rapprochement

The diplomatic rapprochement between Nigeria and Russia began in 1961. As the successor state of the Soviet Union after its dissolution in December 1991, Moscow opened its embassy in Lagos and assigned Ambassador F. Dolya as its head of mission [1]. Nigeria sent C. O. Ifeagwu to Moscow as its ambassador in 1962. In the 1960s, the Nigerian ruling classes were openly pro-Western from the beginning of the Nigerian-Soviet diplomatic relations. Reportedly, the Nigerian government restricted the size of the Soviet mission in Lagos and was unwilling to accept aides. The Nigerian ruling elites were mostly anti-Soviet, but there were always actors from the political and organised labour elites who advocated for closer ties with the USSR and Russia. Communist literature was prohibited, and no student from Nigeria was allowed to study in Moscow unless they reached the Soviet Union via a third country [1, p. 48].

Under the leadership of the late prime minister, Sir Abubakar Tafawa Balewa, the United States maintained limited contact with Lagos, strengthening the non-alignment vector of its foreign policy. The United States and the Soviets reacted cautiously to the series of political crises in Nigeria during the formative years of its independence from 1960 to 1969. In 1965, Nigeria was on the verge of serious political anarchy after years of political conflict and decay [11, p. 60–64]. Despite its advantage as a superpower, the USSR (Russia) did not seek to benefit from Nigeria's times of trouble to install a pro-communist regime but stuck to a pragmatic policy course instead [1]. This approach enabled the USSR to take the side of the federal government of Nigeria during the war of 1967, and Nigeria proceeded to court Moscow. When the war ended in 1970, the Russian-Nigerian relations became more promising [9, p. 50–55].

Nigerian-Russian bilateral agreements

After the end of the civil war in 1970, Nigeria signed the agreement on economic and technical cooperation in the construction of a metallurgical enterprise in 1976. It co-founded an intergovernmental commission on trade, economic, scientific and technical cooperation in 1989, and signed a protocol on political consultation in 1990 [1]. Joint venture agreements on oil exploration were signed. Technical assistance to Nigeria in space exploration, geological surveys, public health services and education gave rise to the establishment of a degree programme in the Russian language at the Premier University of Ibadan, and a free one-year immersion programme at Pushkin State Russian Language Institute in Moscow offered in the 1960s and early 1990s¹⁶.

The metallurgy plant in Ajaokuta, state Kogi, built under these agreements is not operational today [12]. However, the Russian arms exporter Rosoboronexport resumed deliveries of the Mi-35M attack helicopters to Nigeria. Under the 2014 bilateral agreement, Russia was obliged to sell two attack helicopters to the Nigerian Air Force to support its counter-insurgency operations¹⁷. Under the terms of the agreements, the full number of helicopters was to be supplied by 2017 [13].

Under president Muhammadu Buhari Nigeria signed the Military cooperation agreement in 2021, agreements on the delivery of equipment and training of military personnel, provision of after-sale services, and technology transfer among others¹⁸.

Recommendations and conclusions

Nigeria and Russia have come a long way in building goodwill in their bilateral relationships. Faced with substantial threats to its security, Nigeria should leverage its diplomatic relations with Moscow, Belarus and other Russian speaking republics as a means of managing these threats. Nigeria should institutionalise the study of the Russian language, as it has already done with English and French. The example of Mali and the Central African Republic and their toxic relationships with France underlines the urgency of this move.

Beyond the study of the Russian language in select universities, Foreign Service and intelligence personnel

should be encouraged to learn and become fluent in it. According to the Defense World¹⁹, the Nigerian company "Proforce" signed a contract with Belarus worth several billion naira for the delivery of defence equipment, possibly, armoured vehicles. Nigeria should explore the option of training its personnel in Minsk.

Like Nigeria, Russia has had the difficult experience of addressing terrorist and insurgency threats. Both parties can share intelligence and exchange ideas on counter-terrorism, including in hostage-taking scenarios.

According to the Nigerian ambassador to Russia, the balance of trade between Nigeria and Moscow

¹⁶Obasekola B. Nigerian-Russian relations [Electronic resource]. URL: <https://www.buzinessafrica.com/expertspolicy> (date of access: 27.02.2022).

¹⁷Kornosov V. Nigerian air force orders more Russian helicopters [Electronic resource]. URL: <https://www.ainonline.com/aviation-news/defense/2016-09-20/nigerian-air-force-orders-more-russian-helicopters> (date of access: 27.02.2022).

¹⁸Nigeria signs military cooperation agreement with Russia [Electronic resource]. URL: <https://www.reuters.com/world/nigeria-signs-military-cooperation-agreement-with-russia-2021-08-25/> (date of access: 27.02.2022).

¹⁹Kay L. Nigeria's proforce to supply armored vehicles to Belarus [Electronic resource]. URL: <https://www.defenseworld.net/2022/03/13/nigerias-proforce-to-supply-armored-vehicles-to-belarus.html> (date of access: 27.02.2022).

increased from 300 to 600 mln US dollars in Russia's favour, mainly as a result of large-scale exports of Russian machinery [14]. The Nigerian government should seize the opportunity to train students, security and intelligence attaches in Russian speaking countries. Russia

could increase its scholarship aid to Nigerian students. There is also a possibility for partnerships with Belarus, a Russian speaking country with substantial expertise in metallurgy, in resuscitating its Ajaokuta steel works.

References

1. Abimbola DW. Russia/Nigeria diplomatic ties: an historical perspective. *European Scientific Journal*. 2016;12(1):323. DOI: 10.19044/esj.2016.v12n1p323.
2. Sharp P. *Diplomatic theory of international relations*. Cambridge: Cambridge University Press; 2009. 352 p. (Cambridge Studies in International Relations). DOI: 10.1017/CBO9780511805196.
3. Abimbola DW, Omotade OK, Ademuyiwa SA, Oluwafemi A. Bokoharam insurgency, the military and arms hoarding. *FUDIMA International Journal of Social Sciences*. 2021;3(1):52–61.
4. Oluwafemi A, Abimbola DW. Ethno religious tension: a discuss of Nigeria and Russia. *The International Journal of Humanities and Social Studies* [Internet]. 2020 [cited 2022 February 27];8(8). Available from: <http://www.internationaljournalcorner.com/index.php/theijhss/article/view/154959>. DOI: 10.24940/theijhss/2020/v8/i8/HS2008-039.
5. Zirin RA. Aristotle's biology of language. *Transactions of the American Philological Association*. 1980;110:325–347. DOI: 10.2307/284226.
6. Bokova I. Preserving and promoting linguistic diversity. In: Vannini L, le Crosnier H, editors. *Net.Lang. Towards the multilingual cyberspace*. Paris: C&F éditions; 2012. p. 13–16.
7. Vinokur GO. *The Russian language: a bried history*. Cambridge: Cambridge University Press; 1998. 160 p.
8. Okoedion EG. The study of Russian language in Nigeria: problems and prospects. *Journal of Danubian Studies and Research*. 2019;9(1):363–372.
9. Chevalier JF. Russian as the national language: an overview of language planning in the Russian Federation. *Russian Language Journal*. 2006;56:25–36.
10. Bhutada G. Most commonly used languages on the Internet [Internet; 2022 March 26]. Available from: <https://www.visualcapitalist.com/the-most-used-languages-on-the-internet>.
11. Diamond L. The Western election crisis and the national crisis of confidence. In: Diamond L. *Class, ethnicity and democracy in Nigeria*. London: Palgrave Macmillan; 1965. p. 248–287. DOI: 10.1007/978-1-349-08080-9_8.
12. Olatunde OJO. Nigerian-Soviet relations: retrospect and prospect. *African Studies Review*. 1976;19(3):43–63. DOI: 10.2307/523874.
13. Lionel E. Nigeria turns to Rosoboron-export for Mi-35P phoenix upgrade [Internet; 2022 March 13]. Available from: <https://www.military.africa/2021/12/nigeria-turns-to-rosoboronexport-for-mi-35p-phoenix-upgrade>.
14. Ekugbe G. Russian investors targets Nigeria agriculture, oil & gas sectors [Internet; 2022 March 13]. Available from: <https://www.thisdaylive.com/index.php/2021/11/29/russian-investors-targets-nigeria-agriculture-oil-gas-sectors/>.

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COMMUNITY WITH A SHARED FUTURE FOR MANKIND, AND HOW THIS CONCEPT IS RELATED TO THE BELT AND ROAD INITIATIVE

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China's foreign policy initiatives have been influential in the evolution of the present world order and multipolar system of international relations. In the second decade of the 21st century, China put forward the concept of a community with a shared future (later succeeded by the notion of a community with a shared future for mankind) and announced its Belt and road initiative. In this study we examine how both are related, and intersect in the humanitarian sphere. We propose an interpretation of a community with a shared future for mankind as a notion that informs China's present foreign policy. We also explain how it is related to the Belt and road initiative.

Keywords: community with a shared future for mankind; Belt and road initiative; global governance; Xi Jinping; China's foreign policy; humanitarian sphere; humanitarian strategies.

КОНЦЕПТ «СООБЩЕСТВО ЕДИНОЙ СУДЬБЫ ЧЕЛОВЕЧЕСТВА» И ЕГО ВЗАИМОСВЯЗЬ С ИНИЦИАТИВОЙ «ОДИН ПОЯС – ОДИН ПУТЬ»

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Установившийся мировой порядок и многополярная система международных отношений находятся в непосредственной зависимости от внешнеполитических инициатив Китая. Во втором десятилетии XXI в. китайской стороной были выдвинуты идеи о построении сообщества единой судьбы (впоследствии трансформировавшегося в сообщество единой судьбы человечества) и реализации инициативы «Один пояс – один путь». В представленном исследовании обе концепции рассматриваются как взаимозависимые и пересекающиеся в гуманитарной сфере. В ходе исследования проанализирована трактовка концепта «сообщество единой судьбы человечества» и доказана его роль в реализации инициативы «Один пояс – один путь».

Ключевые слова: сообщество единой судьбы человечества; инициатива «Один пояс – один путь»; глобальное управление; Си Цзиньпин; внешняя политика Китая; гуманитарная сфера; гуманитарные стратегии.

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In the Republic of Belarus, the paradigmatic framework of the Belt and road initiative research is presented in the works of A. M. Baichorov [2], J. I. Malevich [3], D. A. Smolyakov [4] and others. It was the subject of several major academic fora, notably, the conferences “The Belt and road initiative: opportunities for Belarus”, “The development of Belarusian-Chinese cooperation in higher education within the Belt and road project”, and “Three decades of Belarusian-Chinese relations and building a community with a shared future for mankind”. In the Russian Federation A. V. Lukin [5], S. G. Luzyanin [5], A. G. Larin [6], E. I. Safronova [6], V. E. Petrovskii [6], addressed specific aspects of this initiative. Notable Chinese scholars who considered the economic and humanitarian implications of the Belt and road initiative include Yang Minghong [7], Su Huiyang [8], Zhang Weiwei [9], Chen Zhaohe [10; 11], Zhu Lei [12], Zhang Yunling [13], Luo Yujie [14], Wei Pengju [15]. Professor Yang Minghong conducted a systematic study of the relationship between the Belt and road initiative, published in the monograph “Building a community with a shared future for mankind along the Belt and road initiative: dialogues between Chinese and foreign think tanks”.

Despite a significant body of research and multiple theoretical interpretations of the foreign policy initia-

tives of the PRC, the relationship between the Belt and road initiative and the community with a shared future for mankind received relatively little attention from Belarusian political scientists.

In this paper, we place the Belt and road initiative in the context of the idea of a community with a shared future for mankind.

The relationship between the two concepts and their paradigmatic implications for the humanitarian foundations of Chinese policy constitute the subject matter of this work.

We aim to define the directions of this relationship. Subsequent to this aim, the tasks of this research are as follows:

- to form a comprehensive understanding of a community with a shared future for mankind as a strategic concept of China’s foreign policy, from Xi Jinping’s policy statements and the theoretical insights of Chinese political scientists;
- to explicate the humanitarian focus of both notions and their interdependence in the humanitarian sphere;
- to delineate the basic features of a new system of international relations and the system of global governance, as desired by China, from our analysis of both concepts.

Results

From shared future to the shared future for all mankind. The world as a community of future for mankind is an ambitious vision of the Chinese leadership. It informs several major international efforts of the PRC, primarily the Belt and road initiative.

The community with a shared future for mankind puts forth a new paradigm of social development on the international stage, grounded in shared responsibility and well-being.

Xi Jinping presents the concept of a community with a shared future as consistent with the natural course of history and the evolution of interethnic and interstate interactions: “The course of history is unstoppable. Those who follow it prosper, and those who resist it, perish. When we look back on world history, we see that all who have ever engaged in external armed aggression and expansion have inevitably failed in the end. This is the law of history. World prosperity and stability create opportunities for China, and China’s development creates opportunities for the world. Whether we can succeed in our pursuit of peaceful development depends in large part on whether we can turn global opportunities into opportunities for China and Chinese opportunities into opportunities for the world, and whether we can move forward with positive engagement with the world and achieve a mutual benefit and win-win” [16, p. 3]. From the perspective of the Chinese leadership, China’s relationship with the world follows the “world-China” model, in which every element of the world system is

interdependent. In this conception, China differentiates itself from the rest of the world, by referring to China and the rest of the world as two distinct poles.

The understanding of a community with a shared future has evolved. Between 2013 and 2015 the political leadership of the PRC advocated for such a community for China and Africa, China and ASEAN, China and the Arab world, China and Sri Lanka, China and India, the Shanghai Cooperation Organisation and the Taiwan Strait. Here are several examples from Xi Jinping’s statements: “China and Africa have always been and remain a community with a shared future” [16, p. 19], “...by joining forces, we can build a closer China-ASEAN community with a shared future to bring more benefits to both sides and all the peoples of the region” [16, p. 62], “...a more cohesive community with a shared future for China-ASEAN is in line with the trend of the era in the pursuit of peace, development, cooperation and a win-win, meets the common interests of the peoples of different countries in Asia and around the world, has a wider space and huge development potential” [16, p. 66].

Official statements of the PRC leadership thus describe the origins of the “community with a shared future” concept: “Progressive movement towards a multipolar world, economic globalisation and the informatisation of society have made the interests, destiny and security of all countries closely intertwined. As a result, a community with a shared future has emerged...” [16, p. 129].

At the annual conference of the Boao forum for Asia on 28 March 2015, Xi Jinping further detailed China's vision and addressed the forum's participants with a call to action [16, p. 255]. Until 2015, China referred to only some communities as sharing a future, but starting from the spring of 2015, it extended this notion to all mankind. Almost simultaneously, on 28 March 2015, China published the first official document with a comprehensive description of the Belt and road initiative which is Action plan on the Belt and road initiative.

A comprehensive definition of a community with a shared future for mankind. It is possible to define the concept of a community with a shared future for mankind from the policy documents of the PRC, statements by members of the country's leadership and diplomats, and texts of the Chinese theorists of international relations and foreign policy.

The former ambassador of the PRC to Belarus Cui Qiming and the Chinese scholar Son Jing define a community with a shared future as a diplomatic concept grounded in the laws of social development and referring to the convergence of states' interest in the progressive expansion of the space for the pursuit of common interests, driven by the awareness of shared responsibility grounded in the sense of shared benefits, ambitions, obligations and future [17, p. 70].

Yang Minghong defines a community with a shared future as a concept situated in time and space. From the perspective of time, it reflects the changing perception of world development and shared responses to the common obstacles affecting the progress of nations and peoples. From the perspective of space, it expresses a vision of a cohesive community of states sharing a common image of the future for mankind. When states develop, individually and collaboratively, as regions, continents and as parts of global space, they form communities with shared future at different levels [7, p. 65–66].

Fu Ying, a Chinese diplomat and fellow at the Centre for International Security and Strategy at Tsinghua University, argues that a community with a shared future for mankind rests on one basic principle. "The concept of a community with a shared future for mankind, as proposed by Chinese president Xi Jinping, embodies the great wisdom that is deeply rooted in Chinese culture and demonstrates our clear political stance. The essence of the proposition is that global challenges should be discussed and resolved by countries working together, and that common interests should be maintained by all.

It will require that countries work together to achieve this goal, but as the saying goes, a journey of a thousand miles begins with a single step"².

For Fu Ying, the essential aspects of a community with a shared future for mankind are cooperative security, joint development and political inclusiveness. He writes: "Cooperative security is a more realistic vision than collective security as it avoids the old-fashioned friend-or-foe division of the world and is oriented toward the greater goal of protecting the security and interests of all"³. He then proceeds to interpret the notion of joint development: "China intends to translate into practice the vision of joint development and a "community with a shared future" through its Belt and road initiative, by working together with all countries to address the disparities in development and create a new prosperity within the Eurasian region"⁴.

Fu Ying argues that the idea of a community with a shared future can be put into practice successfully only with political inclusiveness. With a wide diversity of countries and the unique evolutionary paths that they have taken to achieve the best outcomes in development, no single model can be equally successful or universally applicable. However, the underlying political principle of a community with a shared future is the acceptance of diversity: nations can follow different paths towards the same goals, building vibrant cultures, democracy, and prosperity"⁵.

Wang Yiwei, a Chinese political scientist and student of the Belt and road initiative, argues that the new international order being formed by China is nothing other than a community with a shared future for mankind – an embodiment of the Chinese understanding of power, emphasising equality and justice⁶.

A junior researcher at the Centre for Russian Strategy in Asia of the Institute of Economics of the Russian Academy of Sciences V. O. Gorbachyova rightly remarks: "...the space of "a shared future" with China will encompass countries that lie within the Chinese sphere of political, economic and cultural, and will be cemented by China's major initiatives such as the Belt and road that facilitate cooperation within the framework of inter-country unions and associations, and their conjugation"⁷ (hereinafter translated by I. A. Chuvilov).

The humanitarian sphere, the community with a shared future for mankind and the BRI. The concept of a community with a shared future for mankind relates to the *humanitarian sphere* of world politics. Furthermore, *humanitarian orientation* and emphasis

²Discussing changes in the international order [Electronic resource]. URL: <http://cpifa.org/en/cms/book/250> (date of access: 11.12.2021).

³Fu Ying. China's vision for the world: a community of shared future [Electronic resource]. URL: <https://thediplomat.com/2017/06/chinas-vision-for-the-world-a-community-of-shared-future/> (date of access: 11.12.2021).

⁴Ibid.

⁵Ibid.

⁶Maedell J. The "community of common destiny" in Xi Jinping's new era [Electronic resource]. URL: <https://thediplomat.com/2017/10/the-community-of-common-destiny-in-xi-jinpings-new-era/> (date of access: 23.12.2021).

⁷Единая судьба для всех [Электронный ресурс]. URL: <https://nkibrics.ru/posts/show/5c4081116272697aca6f0000> (дата обращения: 14.12.2021).

on the non-economic forms of international transactions are two key aspects of its originality. The success in making the concept a reality depends on the pursuit of the humanitarian components (or strategies) of the Belt and road initiative.

The objectives of the Belt and road initiative are economic, political and cultural. The economic objectives relate to uninterrupted trade, easing of monetary flows and expansion of road connections, while the political objectives include stronger political coordination. In the cultural domain, the Belt and road initiative promises to bring peoples and countries together by facilitating contacts in the humanitarian sphere.

It seems reasonable to assume that the cultural domain – pertaining to the humanitarian sphere of international relations – is the point of intersection between the Belt and road initiative and the community with a shared future concept. Authors of the collective monograph titled “Community with a shared future for the youth of the Belt and road initiative” describe how the Belt and road initiative gave rise to a range of new concepts such as “Silk road man,” “Belt and road man,” “Silk road envoy” [8, p. 3].

In a speech before the members of the 18th CPC Central Committee Politburo on 29 April 2016 Xi Jinping emphasised the key role of the humanitarian sphere in the Belt and road initiative. He said that “...humanitarian exchanges and cooperation are also an important part of building the Belt and road. To truly build the Belt and road, it is necessary to form an atmosphere among the peoples of the countries along the Belt and road in which the peoples of all participating countries can appreciate, understand and respect each other. The rapprochement of peoples’ aspirations is an important part of building the Belt and road as well as its humanitarian basis. We should promote economic cooperation and humanitarian exchanges in parallel, pay special attention to the intensive development of culture and humanities, respect the culture, history, mores and customs of the peoples of various countries, and strengthen friendly ties with the peoples of the countries along the Belt and road to lay a broad social foundation for building the Belt and road. It is necessary to strengthen security cooperation with countries along the Belt and road and strive to build a community of common interests, shared responsibility and a common destiny, and jointly create an enabling ground for it. Increased attention must be paid to the work of guiding public opinion, publicising the Belt and road initiative in various forms and an appropriate manner, disseminating information about the implementation of the initiative widely, and creating a favourable public opinion environment for its implementation” [16, p. 423–424].

Political scientist Zhang Weiwei proposed the concept of culture and cultural self-confidence, reflecting the centrality of culture as an “all-embracing” dimension of the foreign policy of a state in the humanitarian sphere, and a key element of China’s expanding inter-

national influence. Zhang Weiwei predicts the rise of Chinese culture in the world as a result of China’s rapid movement to the centre stage of the world’s political and economic life. He refers to the successful work of the Confucius institutes, in conducting international festivals of Chinese culture, art, music, film and TV outside China [9, p. 11].

Speaking at a meeting on diplomacy in China’s neighbouring states on 24 October 2013, Xi Jinping emphasised the use of soft power as a means of strengthening China’s international position: “Dissemination of ideas across the neighbouring countries should be strengthened, public and popular diplomacy and humanitarian exchanges should be enhanced, to strengthen and expand the social base and the foundation of people’s support for the long-term development of our country’s relations with neighbouring countries. The key to the rapprochement among countries is the sympathy of the people. It is necessary to promote multifaceted humanitarian exchange, deepen friendly ties in areas such as tourism, science and education, interregional cooperation, creating a wide circle of friends and positive ties. It is necessary to familiarise other countries with our domestic and foreign policy course, our policy guidelines, to tell the world about China, and to communicate its voice to the world. The Chinese dream must be reconciled with the aspirations of the peoples of neighbouring countries for a better, more prosperous life and the prospects for regional development, ensuring that the seed of the community with a shared future germinates and takes root in the neighbouring countries”. [16, p. 81].

In his definition of soft power, J. Nye proposed refers to “the ability to get what you want through attractiveness rather than through coercion or payments”, noting that “soft power” arises from “the attractiveness of a country’s culture, political ideals, and policies” [18, p. 10]. In the humanitarian sphere, where the Belt and road initiative intersects with the notion of a community with a shared future for mankind, soft power becomes the fundamental mechanism for implementing China’s vision. Chinese political scientists affirm the culture-centeredness of soft power, as distinct from the Western understanding. In some of their latest works, they use the term “soft power of culture” interchangeably with the term “soft power” [12, p. 7]. Increasingly, China is looking to soft power to strengthen its global influence.

The groundedness of the notion of a community with a shared future for mankind is in Chinese traditional culture. The idea of such a community is seen as a symbol of Chinese civilisation for the global contribution of the PRC [10, p. 718].

Chinese president Xi Jinping outlined the following guiding principles for cooperation between states and peoples in the cultural sphere:

- maintaining cultural diversity (“...It is necessary to deal rationally with the differences between the culture

of one's own country and the cultures of other countries, realise the uniqueness of the culture of all countries and peoples, adhere to the principles of striving for unity while maintaining differences and borrowing strengths to offset the weaknesses. It is unacceptable to attack or deny other cultures" [16, p. 198–199];

- universal respect for the cultures of all countries and peoples ("...All countries and peoples must value and protect the spiritual component of their own culture, as well as recognise and respect the spiritual components of the culture of other countries and peoples" [16, p. 199]);

- interest in other cultures and cultural exchange ("...In the course of its long evolution, Chinese civilisation has absorbed much that is useful through contacts with other civilisations and has itself made an important contribution to the progress of human civilisation. The opening of the Great silk road, the mass arrivals of envoys from Japan to China during the Sui and Tang dynasties, the journeys to the West for Buddhist sutras by the monks Fa-Hsien and Xuan-Tsang, the seven maritime expeditions of Zheng He, and many other events are vivid examples of mutual contacts and the exchange of experience between Chinese and foreign cultures. Confucianism was originally a Chinese philosophical system, but has long since spread throughout the world" [16, p. 200]);

- scientific research into cultural traditions (...“In the study, research and use of traditional culture, people must relentlessly put the ancient at the service of the modern, develop the new based on a critical approach to the old, make accurate selections in accordance with modern practices and the requirements of the time...”) [16, p. 201].

The concept of global governance. The idea of a community with a shared future for mankind and the Belt and road initiative are linked to the concept of *global governance*, also fundamental to Chinese foreign policy in the Xi Jinping era. Chinese president defines the principles of global governance as follows: “Changing the system of global governance is impossible without guiding ideas. The demand for a more just and more rational global governance cannot be realised otherwise than by absorbing all the outstanding achievements of human civilisation. It is necessary to give a new impetus

to the innovative development of global governance ideas, actively seek the positive philosophy and concepts of governance in the depths of Chinese culture that would be consonant with the present day; continue to enrich such concepts as building a community with a shared future for mankind, promote mutual consultation, joint construction and sharing of achievements as a principle of global governance. It is necessary to build up our capacity and increase strategic investment, deepen global governance theory studies, and give top priority to training global governance professionals” [16, p. 323–324].

The concept of global governance envisions a new international reality, in which tectonic shifts of power among the geopolitical poles will usher in a new era in international relations. At the 70th session of the UN General Assembly on 28 September 2015 Xi Jinping remarked: “We must inherit and develop the purposes and principles of the UN Charter, create a new type of international relations, the core of which is mutually beneficial cooperation, build a community with a shared future for mankind” [16, p. 315].

In a similar vein, Chen Zhaohe argues that the Belt and road initiative starts a new wave of globalisation, promoting economic development and productive exchange among the civilisations; and creates a window of opportunity for the reform of the system of global governance, a new global order and a diverse community with a shared future for mankind [11, p. 830].

China's commitment to this new system of international relations global governance, the key elements of which include communities of shared future for mankind and the Belt and road initiative, was affirmed in the following statement of Xi Jinping: “China calls on the world to build together a community with a shared future for mankind, create a new type of international relations grounded in mutually beneficial cooperation. We call for the democratisation of international relations, the proper understanding of justice and benefit, and the peaceful resolution of differences and conflicts among states through dialogue and consultation. We will stand with all the nations to protect world peace, and promote equality, and justice, and shared prosperity” [16, p. 340].

Conclusion

The idea of a community with a shared future for mankind expresses China's present vision of international relations as an interdependent system in which the destinies of peoples are intertwined and mutually subordinated to facilitate universal success and progress.

Based on our analysis, the idea of a community with a shared future for mankind is grounded in the following founding principles:

- mutual understanding and respect, multilateral interaction in the humanitarian sphere (culture, education, art) and exchange among civilisations;
- coordinated political contacts and practices;
- unhindered and mutually beneficial economic contacts;
- guarantees of security (including in the humanitarian, political, and economic domains).

The concept of a community with a shared future for mankind is directly related to the Belt and road

initiative. Both concepts intersect in the humanitarian sphere, encompassing exchange and interaction in culture, arts, education, science, and popular diplomacy.

Under the leadership of Xi Jinping, China is aspiring to a new international order and system of international relations, in which the principle of global gover-

nance plays a conceptually leading role. Conceptually, this order and system are grounded in the principles of global governance. Therefore, China's vision for the reform of the international vision is informed by three interconnected concepts which are a community with a shared future for mankind, the Belt and road initiative and global governance.

Библиографические ссылки

1. 习近平. 习近平谈治国理政 第一卷(俄文)/ 习近平. 北京: 外文出版社; 2018. 654页 = Си Цзиньпин. О государственном управлении. Том 1. Пекин: Издательство литературы на иностранных языках; 2018. 654 с.
2. Байчоров АМ. Инициатива пояса и пути в мировой политике. *Журнал Белорусского государственного университета. Международные отношения*. 2018;2:13–19 (на англ.).
3. Малевич ЮИ, Румянцев ЭЭ. Китайско-пакистанский экономический коридор как новая форма двустороннего сотрудничества. *Научные труды Республиканского института высшей школы*. 2019;18:185–193.
4. Смоляков ДА. Перспективы российско-китайского гуманитарного сотрудничества в рамках реализации инициативы «Один пояс, один путь». *Образование и наука*. 2018;7:68–87.
5. Лукин АВ, Лузянин СГ, Ли Синь, Денисов ИЕ, Сыроежкин КЛ, Пятачкова АС. *Китайский глобальный проект для Евразии: постановка задачи*. Москва: Научный эксперт; 2016. 130 с.
6. Петровский ВЕ, редактор. *Новый шелковый путь и его значение для России*. Москва: ДеЛи плюс; 2016. 234 с.
7. 杨明洪. 沿着“一带一路”构建“人类命运共同体”: 中外智库对话实录 / 明洪杨. 北京: 经济管理出版社; 2020. 330页 = Ян Минхун. Построение сообщества единой судьбы человечества вместе с инициативой «Один пояс – один путь»: диалоги между китайскими и зарубежными аналитическими центрами. Пекин: Издательство экономического управления; 2020. 330 с.
8. 一带一路 青年命运共同体 / 晖阳苏 主编. 北京: 商务印书馆; 2018. 394页 = Хуэйян Су, редактор. *Сообщество единой судьбы молодежи инициативы «Один пояс – один путь»*. Пекин: Коммерческое издательство; 2018. 394 с.
9. 张维为. 新百年新中国 / 维为张. – 北京: 东方出版; 2021. 204页 = Чжан Вэйвэй. *Новое столетие и новый Китай*. Пекин: Восток; 2021. 204 с.
10. Chen Zhaohe. The Chinese cultural root of the community of common destiny for all mankind. In: McAnally E, Solovjeva I, Yong Zhang, Green R, Runan Hou, Manjin Zhang, editors. *Proceedings of the 4th International conference on education, language, art and intercultural communication. Volume 142*. Dordrecht: Atlantis Press; 2017. p. 718–722. DOI: 10.2991/icelaic-17.2017.166.
11. Chen Zhaohe. The practical way of the community of common destiny for all mankind. In: McAnally E, Solovjeva I, Yong Zhang, Green R, Runan Hou, editors. *Proceedings of the 2nd International conference on culture, education and economic development of modern society. Volume 205*. Dordrecht: Atlantis Press; 2018. p. 827–831. DOI: 10.2991/iccse-18.2018.190.
12. 朱雷. “一带一路”跨文化沟通障碍应对体系研究 / 雷朱. 北京: 海洋出版社; 2018. 204 页 = Чжу Лэй. *Исследование системы преодоления препятствий межкультурному диалогу в рамках инициативы «Один пояс – один путь»*. Пекин: Океан пресс; 2018. 204 с.
13. 张蕴岭. “一带一路”的五大挑战 / 蕴岭张 // 领导文萃. 2015. № 3. 第19页 = Чжан Юньлин. Пять основных вызовов инициативе «Один пояс – один путь». *Сборник о лидерских качествах*. 2015;3:19.
14. 罗雨泽. 一带一路:挑战与建议 / 雨泽罗 // 新经济导刊. 2015. № 5. 第73–77页 = Ло Юйцзе. Инициатива «Один пояс – один путь»: вызовы и предложения. *Новый экономический вестник*. 2015;5:73–77.
15. 魏鹏举. 文化产业融入“一带一路”的挑战与应对 / 鹏举魏 // 一带一路报道. 2018. №2. 第44–45页 = Вэй Пэнцзюй. Интеграция культурной индустрии в инициативу «Один пояс – один путь»: вызовы и ответные действия. *Отчеты инициативы «Один пояс – один путь»*. 2018;2:44–45.
16. 习近平. 论坚持推动构建人类命运共同体 (俄文); 中共中央党史和文献研究院译. 北京: 中央编译出版社; 2021. 691页 = Си Цзиньпин. О создании сообщества единой судьбы человечества. Пекин: Центральное издательство переводов; 2021. 691 с.
17. Цуй Цимин, Сунь Цзин. Сообщество единой судьбы. *Беларуская думка*. 2017;5:68–74.
18. Nye J. *Soft power: the means to success in world politics*. New York: Public Affairs; 2004. 191 p.
19. Тарабарко КА. *Мягкая сила культуры Китая: концептуальное содержание и практики реализации* [диссертация]. Чита: Забайкальский государственный университет; 2017. 216 с.

References

1. Xi Jinping. [The governance of China. Volume 1]. Beijing: Foreign Languages Press; 2018. 654 p. Chinese.
2. Baichorov AM. Belt and road initiative in world politics. *Journal of the Belarusian State University. International Relations*. 2018;2:13–19.
3. Malevich JI, Rumyanecv EE. [China-Pakistan economic corridor as a new form of bilateral cooperation]. *Nauchnye trudy Respublikanskogo instituta vysshei shkoly*. 2019;18:185–193. Russian.
4. Smolyakov DA. Prospects for Russian-Chinese humanitarian cooperation in the framework of the “One belt, one road” initiative implementation. *The Education and Science Journal*. 2018;7:68–87. Russian.
5. Lukin AV, Luzyanin SG, Li Xin, Denisov IE, Syroezhkin KL, Pytackhova AS. *Kitaiskii global'nyi proekt dlya Evrazii: postanovka zadachi* [Chinese global project for Eurasia: statement of the problem]. Moscow: Nauchnyi ekspert; 2016. 130 p. Russian.

6. Petrovskii VE, editor. *Novyi shelkovyi put' i ego znachenie dlya Rossii* [New silk road and its importance for Russia]. Moscow: DeLi plus; 2016. 234 p. Russian.
7. Yang Minghong. [Building a community with a shared future for mankind along the Belt and road initiative: dialogues between Chinese and foreign think tanks]. Beijing: Economic Management Press; 2020. 330 p. Chinese.
8. Huiyang Su, editor. [Community of common destiny for youth of the Belt and road initiative]. Beijing: Commercial Press; 2018. 394 p. Chinese.
9. Zhang Weiwei. [New century new China]. Beijing: East; 2021. 204 p. Chinese.
10. Chen Zhaohe. The Chinese cultural root of the community of common destiny for all mankind. In: McAnally E, Solovjeva I, Yong Zhang, Green R, Runan Hou, Manjin Zhang, editors. *Proceedings of the 4th International conference on education, language, art and intercultural communication. Volume 142*. Dordrecht: Atlantis Press; 2017. p. 718–722. DOI: 10.2991/icelaic-17.2017.166.
11. Chen Zhaohe. The practical way of the community of common destiny for all mankind. In: McAnally E, Solovjeva I, Yong Zhang, Green R, Runan Hou, editors. *Proceedings of the 2nd International conference on culture, education and economic development of modern society. Volume 205*. Dordrecht: Atlantis Press; 2018. p. 827–831. DOI: 10.2991/iccese-18.2018.190.
12. Zhu Lei. [Study of the system for overcoming obstacles to intercultural dialogue within the framework of the Belt and road initiative]. Beijing: Ocean Press; 2018. 204 p. Chinese.
13. Zhang Yunlin. [Five major challenges to the Belt and road initiative]. *Collection of Leadership Qualities*. 2015;3:19. Chinese.
14. Luo Yujie. [Belt and road initiative: challenges and proposals]. *New Economic Bulletin*. 2015;5:73–77. Chinese.
15. Wei Pengju. [Integrating the cultural industry into the Belt and road initiative: challenges and responses]. *Reports of the Belt and road initiative*. 2018;2:44–45. Chinese.
16. Xi Jinping. [On building a community with a shared future for mankind]. Beijing: Central Compilation and Translation Press; 2021. 691 p. Chinese.
17. Cui Qiming, Son Jing. [A community with a shared future]. *Belaruskaja dumka*. 2017;5:68–74. Russian.
18. Nye J. *Soft power: the means to success in world politics*. New York: Public Affairs; 2004. 191 p.
19. Tarabarko KA. [The soft power of China's culture: conceptual content and implementation practices] [dissertation]. Chita: Transbaikal State University; 2017. 216 p. Russian.

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COOPERATION BETWEEN THE PEOPLE'S REPUBLIC OF CHINA AND THE UNITED NATIONS IN PEACEKEEPING ACTIVITY

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We present a theoretical and practical review of the political and legal aspects of the People's Republic of China's participation in the UN peacekeeping activities and China's policy of peace on the planet Earth. We examine the political and regulatory aspects of China's peacekeeping activity in cooperation with the UN and identify the most pressing problems.

Keywords: peacekeeping; cooperation of the People's Republic of China and the UN; China's white papers; soft power; Sino-American conflict; rule-making.

СОТРУДНИЧЕСТВО КИТАЙСКОЙ НАРОДНОЙ РЕСПУБЛИКИ И ОРГАНИЗАЦИИ ОБЪЕДИНЕННЫХ НАЦИЙ В МИРОТВОРЧЕСКОЙ ДЕЯТЕЛЬНОСТИ

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Выявляются и изучаются с точек зрения теории и практики важнейшие политико-правовые аспекты участия Китайской Народной Республики в деятельности ООН, связанной с миротворчеством и политикой мира на планете Земля. В рамках исследования рассмотрены важнейшие политические и нормативные аспекты миротворческой деятельности Китая в сотрудничестве с ООН и определены его наиболее актуальные проблемные вопросы.

Ключевые слова: миротворчество; сотрудничество Китайской Народной Республики и ООН; «белые книги» Китая; мягкая сила; китайско-американский конфликт; нормотворчество.

Introduction

In its peacekeeping activity, the UN seeks to protect the rights and fundamental freedoms of every person regardless of origin, citizenship or residence. Peacekeeping is also a complex and highly professional activity that requires significant human, financial and other resources. Involvement of the world's largest countries such as the People's Republic of China (PRC) in UN peacekeeping is essential in this regard, as they are rich in relevant resources and in a good position to mobilise political will, e. g. by promulgating the needed

regulations or participate in negotiations. These were some of the considerations that influenced the choice of the subject of this paper.

The relevant scholarship includes works by the Chinese scholars C. Fung [1], detailing China's role in the activities of the UN, Yin He [2] on the diplomatic discussions at the UN Security Council on territorial integrity, peacekeeping activities, sovereignty and rights of the countries participating in the said integration association. Outside China, notable authors include

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M. Lanteigne [3], and several Russian scholars, such as Ya. V. Leksyutina [4]. T. Liu [5] analyses the tensions between the United States and China in relation to the UN's peacekeeping mandate.

The history of China's involvement in UN peacekeeping operations defies analysis because of a dearth of systematic descriptions of the areas, direction and criteria, motives, reasons, and determinants of China's participation, the significance of peace-building activity for China, and barriers thereto.

Therefore, the aim of this paper is the analysis of the cooperation between China and the UN in peacekeeping activity.

And also we define the objectives of the paper as follows:

- to review the history of cooperation between China and the UN on peacekeeping;
- to describe China's role in UN peacekeeping;
- to identify the Chinese institutions with the greatest influence on China's peacekeeping cooperation with the UN;
- to present a systematic review of the decrees of the Chinese communist party and government and pertinent international instruments on UN peacekeeping;
- to identify problems in China's participation in UN peacekeeping.

Results and discussion

As a general observation, China aspires to follow in its foreign policy a set of principles, referred to five principles of peaceful global coexistence. Conceptually, they form the basis of the Chinese legal and policy framework on peacekeeping, consisting of several policy documents known in the country as China's white papers and governing the engagement of the Chinese armed forces, disarmament¹, and humanitarian issues². The white papers reflect the views of the PRC on peacekeeping activities and give an understanding of the place of peacekeeping among China's foreign policy objectives³.

For example, the White paper on China's national defence names as an objective of the PRC the creation of "an environment of international security characterised by peace, stability, equality, trust, collaboration and mutual benefit enjoyed by the people of the PRC and all other countries of the world"⁴. The document further indicates that China will support "peace arrangements", and enter beneficial international security alliances. In the paragraph on the protection of peace and stability on the planet, it declares: "The forces of the People's Liberation Army of China are prepared to carry out peacekeeping activities, including under the direct auspices of the UN, and to provide appropriate assistance in disarmament"⁵ (hereinafter translated by us. – S. Yu.).

Also the measures of proliferation of weapons of mass destruction prevention follow from China's "five principles", outlined in a separate white paper and

viewed as a part of China's peacekeeping. The white paper defines the position of the PRC on preventing the proliferation of weapons of mass destruction and declares China's readiness to cooperate with international organisations, including the UN, in its advocacy of peaceful nuclear disarmament⁶.

The PRC white paper on key areas of arms control and disarmament sheds light on the domestic aspects of national defence. It underlines the importance of maintaining China's "defence stability" and assuring protection of the domestic water, air and land space from external attacks, and ultimately, the safety of the individual citizen and the security of the whole country⁷. The white paper emphasises the external threats to Chinese national defence. It advocates China's assistance to the UN peacekeeping missions and declares China's readiness to finance disarmament projects. Already, the PRC has acceded to a range of international instruments on arms control and disarmament.

Evidencing China's intention to prevent a global arms race, advance disarmament and elimination of nuclear weapons, the white paper proclaims several steps towards the reduction of the People's Liberation Army of China, including decreasing its size by more than one million men, simplifying its structure, contracting civilians, and restricting armaments and military spending.

A review of more than three decades of China's participation in UN peacekeeping operations is presented in the white paper on the political aspects of the peace-

¹China's national defence in 2010 (white paper) [Electronic resource]. URL: <http://www.scio.gov.cn/zfbps/ndhf/2011/Document/883535/883535.htm> (date of access: 21.10.2021) (in Chinese).

²China: arms control and disarmament (white paper) [Electronic resource]. URL: <http://www.scio.gov.cn/zfbps/ndhf/1995/Document/307994/307994.htm> (date of access: 21.10.2021) (in Chinese).

³China's proliferation prevention policies and measures WMD (white paper) [Electronic resource]. URL: <http://www.scio.gov.cn/zfbps/ndhf/2003/Document/307908/307908.htm> (date of access: 21.10.2021) (in Chinese).

⁴China's national defence in 2010 (white paper) [Electronic resource]. URL: <http://www.scio.gov.cn/zfbps/ndhf/2011/Document/883535/883535.htm> (date of access: 21.10.2021) (in Chinese).

⁵Regulations on the participation of the Chinese people's liberation army in United Nations peacekeeping operations [Electronic resource]. URL: <http://www.jodeibel.com/article-19-155460-0.html> (date of access: 21.10.2021) (in Chinese).

⁶China's proliferation prevention policies and measures WMD (white paper) [Electronic resource]. URL: <http://www.scio.gov.cn/zfbps/ndhf/2003/Document/307908/307908.htm> (date of access: 21.10.2021) (in Chinese).

⁷China: arms control and disarmament (white paper) [Electronic resource]. URL: <http://www.scio.gov.cn/zfbps/ndhf/1995/Document/307994/307994.htm> (date of access: 21.10.2021) (in Chinese).

keeping operations of the Chinese army⁸. It was the first Chinese white paper dedicated exclusively to peacekeeping. Beyond successes, it also addresses the commitments and plans announced at the UN Summit on peacekeeping in 2015 by the Chinese leader Xi Jinping.

The white paper reviews China's progress in peacekeeping cooperation, improvements in its peacekeeping missions and accomplishments in building a favourable future for humanity. As suggested by the document, China's participation in UN peacekeeping has evolved since the UN Summit on peacekeeping. Engagements of the Chinese military have included multiple service arms; from support missions, they have advanced to integrated and multifunctional operations. Furthermore, the Chinese operational objectives have progressed from ending an armed conflict to building lasting peace, while the Chinese peacekeeping capacity was improved⁹. By raising its international commitments, China also increased its significance in matters of security. Beyond the political, military and disarmament role, China's peacekeeping engagements also include the financing of peacekeeping missions and provision of financial and humanitarian assistance to countries in crisis and post-crisis situations.

As stated in the white paper, the following modalities of international financial assistance are provided in Chinese law¹⁰:

- grant aid, e. g. towards the construction of health facilities, schools, water or sanitation provision;
- zero-interest loans, e. g. towards the provision of vital public infrastructure;
- concessional loans, e. g. towards programmes to improve the social efficiency of production¹¹.

The PRC finances, inter alia, social and industrial development projects. The PRC monitors progress, as the funding is allocated by the State Council and the National People's Congress. The PRC provides assistance in the form of cargo shipments, technical cooperation, capacity building activities, dispatch of medical teams, urgent humanitarian aid, dispatch of volunteers, forgiveness and cancellation of debt. The recipients are mainly low-income developing countries¹².

As follows from the analysis of the Chinese white papers, engagement in peacekeeping activity is advantageous for China. Such activity brings new allies among developing nations with potential benefits for

domestic development. Beyond involvement in the military operations of the UN forces, it contributes to international peace by financing foreign projects for the benefit of the recipient societies, thus enlarging its circle of friends.

For China, peacekeeping cooperation is a way to project a positive international image in the world as a force for global peace. It also provides the Chinese peacekeepers with an opportunity to learn in combat situations and acquire relevant skills for keeping law and order at home. Politically, peacekeeping is a way for the Chinese government to increase its weight in international political debates and discussions, build positive relations with other countries, strengthen world peace, and exercise its political influence to reduce tensions with other states. Initially, China's views on peacekeeping, and more broadly, on international politics and relations were not always congruent with the UN's international political position on peacekeeping. China's systematic participation in UN peacekeeping was manifest only in recent years, when it reinvented itself as a key player in international peacekeeping [5, p. 43].

During the Korean War in 1950–1953, Chinese “volunteers” fought on the side of North Korea against the UN peacekeeping forces in South Korea, and China viewed peacekeeping operations as an interference in the internal affairs of states and a violation of state sovereignty¹³. Even when China restored its permanent membership to the UN Security Council in 1971, it abstained from voting at the UN Security Council on issues related to peacekeeping operations for many years. It was not until the 1980s that the Chinese government became interested in UN peacekeeping activities. That happened after a significant turn in Chinese foreign policy when the country's leadership chose to seek deeper engagement in multilateral diplomacy, engage more proactively with international organisations and increase its presence in international forums [4, p. 306].

In 1981, the Chinese government made a strategic decision to participate in the UN Security Council, whose functional responsibilities relate to peacekeeping. Symptomatically, China participated in the vote on sending the UN peacekeeping contingent to Cyprus and joined the UN peacekeeping mission¹⁴. In 1982, the Chinese government began to provide financial support to UN peacekeeping missions, and in 1988 it joined the UN

⁸The white paper “The 30th anniversary of the Chinese army's participation in UN peacekeeping operations” [Electronic resource]. URL: <http://www.scio.gov.cn/zfbps/32832/Document/1687750/1687750.htm> (date of access: 21.10.2021) (in Chinese).

⁹The white paper “Thirty years of the Chinese army's participation in UN peacekeeping operations” [Electronic resource]. URL: <http://www.scio.gov.cn/zfbps/32832/Document/1687750/1687750.htm> (date of access: 21.10.2021) (in Chinese).

¹⁰China's assistance to foreign countries (white paper) [Electronic resource]. URL: <http://www.scio.gov.cn/zfbps/ndhf/2011/Document/896983/896983.htm> (date of access: 21.10.2021) (in Chinese).

¹¹China's assistance to foreign countries (white paper) [Electronic resource]. URL: <http://www.scio.gov.cn/zfbps/ndhf/2011/Document/896983/896983.htm> (date of access: 21.10.2021) (in Chinese).

¹²China's foreign aid (2014) [Electronic resource]. URL: http://www.gov.cn/zhengce/2014-07/10/content_2715467.htm (date of access: 22.04.2022) (in Chinese).

¹³Bates G., *Chin-hao Huang*. China's expanding peacekeeping role: its significance and the policy implications [Electronic resource]. URL: <https://www.sipri.org/sites/default/files/files/misc/SIPRIPB0902.pdf> (date of access: 03.01.2022).

¹⁴Resolutions adopted by the Security Council in 1981 [Electronic resource]. URL: <https://www.un.org/securitycouncil/content/resolutions-adopted-security-council-1981> (date of access: 21.10.2021).

Special Committee on Peacekeeping Operations. A year later, the Chinese government dispatched its military to conduct peacekeeping activities in Namibia.

Starting from the 1990s, the Chinese government had a growing appetite for participation in peacekeeping operations. In 1992–1993, China sent 800 engineering troops to the United Nations Interim Authority in Cambodia and provided financial support [6, p. 87]. In 1988–1998, China deployed 437 military observers to UN peacekeeping operations and voted in support of the UN peacekeeping missions in 36 conflict zones around the world, abstaining only in the second round of the UN's sweeping vote for "forced peace" in Somalia [2, p. 24].

The continued increase in China's involvement in UN peacekeeping necessitated the creation of a coordinating department for coordination of peacekeeping activities within the Ministry of Defence in 2001, with several divisions and a clear separation of authority among them. A national procedure was put in place to authorise the deployment of Chinese troops in UN peacekeeping missions, whereby the Ministry of Foreign Affairs first formulates a mission plan for the Chinese forces aligned with the mission plans of the other participating member states and refers it for approval to the Council of State. Subsequent to the approval, the Ministry of Public Security selects qualified peacekeepers.

Despite increased participation in UN peacekeeping, China's peacekeeping representatives at the UN until about 2004 numbered only a few dozen. A short time later, the number of Chinese peacekeeping representatives rose to several hundred, putting it ahead of countries such as the United States or France¹⁵. According to Chinese statistics, throughout the history of its participation in UN peacekeeping mission, China has deployed over 40 thousand military and 3000 police officers¹⁶.

For China peacekeeping is an extension of its foreign policy that relies mainly on the use of its soft power [3, p. 57]. For China to rely on soft power in peacekeeping means to resolve political differences and conflict situations only by peaceful means, through diplomatic discussions and negotiations. Facilitating negotiated settlements by using its soft power constitutes the greater part of China's involvement in the UN peacekeeping efforts.

China's participation in UN peacekeeping is important for the country and equally for the UN. China's growing power and capabilities, its expanding econo-

my, impressive technological advancement and military prowess put China in a good position to add value to international peacekeeping, thus boosting the effectiveness of the UN. For China, peacekeeping underlines its status as an emerging great power that pursues worldwide peace and prosperity and maintains active cooperation with other countries [1, p. 418].

The role of China in UN peacekeeping is also critical in many respects. The Chinese government provides resources for peace-keeping missions, including medical and technological equipment, transport and computers, and human resources (military, police, scientists, medical workers etc.), constituting a large share of the missions' resource components.

Politically, China's peacekeeping engagements are aligned with its "peacekeeping concept", outlined by the president of the PRC Xi Jinping in the fall of 2015. As noted by Xi Jinping, peace should be achieved by negotiations and diplomatic discussions between the UN member states, the use of military power is an exceptional measure and can only be a measure of last resort for the most intractable conflicts, imminent or ongoing. The Chinese president pledged to increase China's involvement in UN peacekeeping by providing resources. Following this statement, China established a Joint Fund for Peace and Development of the People's Republic of China and the United Nations with a capital of 1 bln US dollars and created a peacekeeping force reserve of 8,000 men¹⁷.

The UN Secretary General A. Guterres has acknowledged the significant contribution to the UN effort to keep and build peace worldwide, including the effective provision of the resources for UN peacekeeping activities and direct political participation of the representatives of the Chinese government in political discussions on global peace and international rule-making for peace¹⁸.

Not only China is increasing its role in UN peacekeeping, but its engagement has already exceeded that of the other world powers, including the United States. The American government has been in arrears in its contributions to the United Nations budget for many years. As of 11 October 2021, it owed 1 bln US dollars to the UN regular budget and 1.23 bln US dollars to its peacekeeping budget¹⁹. This situation is already impacting the image of the United States with regard to UN peacekeeping activities. Conversely, the Chinese government already contributes more than 10 % of the

¹⁵Contributors to United Nations peacekeeping operations [Electronic resource]. URL: https://peacekeeping.un.org/sites/default/files/march2004_1.pdf (date of access: 21.10.2021).

¹⁶Monthly summary of military and police contribution to United Nations operations [Electronic resource]. URL: https://peacekeeping.un.org/sites/default/files/msr_june_2018_v2.pdf (date of access: 21.10.2021).

¹⁷Китай в миротворческой деятельности ООН [Электронный ресурс]. URL: <http://russian.cctv.com/2016/07/20/VIDEkXwJj-DxcWIV9KNO4swqB160720.shtml> (дата обращения: 21.10.2021).

¹⁸On the 70th anniversary of the first UN peacekeeping operation: Chinese "Blue helmets" show their responsibility [Electronic resource]. URL: https://www.sohu.com/a/233394926_100017627 (date of access: 21.10.2021) (in Chinese).

¹⁹The United States shows its «pseudo multilateralism» for long-term arrears of huge UN budget assessments [Electronic resource]. URL: <https://m.chinanews.com/wap/detail/zw/gj/2021/11-05/9603206.shtml> (date of access: 03.01.2022) (in Chinese).

UN peacekeeping budget and expects to increase its contribution further²⁰.

It is also China's intention to expand its participation in peacekeeping, including by providing finance and resources to UN peacekeeping activities, further strengthening its position in this sphere of international cooperation in comparison with the United States [5, p. 45]. Another source of potential tensions with regard to US peacekeeping is the outstanding issues in the bilateral relations of China and the United States, as evidenced by the following observations.

Firstly, according to the UN Secretary General A. Guterres, the mounting contradictions between the United States and China are posing a threat to world peace (e. g., the conflict over Taiwan²¹). A. Guterres called on Washington and Beijing to avoid an escalation that could potentially lead to a new Cold War. He also said that a second cold war could be far more dangerous than the first, and the image of both countries in UN peacekeeping could change from positive to negative²².

Secondly, there is a small but growing risk in this time of global transition of the planet dividing into two in two opposing worlds led by its two largest economies, each with its dominant currency, political, trade and financial rules, interests, and potential in the field of artificial intelligence, geopolitical and military strategies engaged in a zero-sum game²³. All of this may affect the participation of the PRC in UN peacekeeping negatively. Specifically, the potential for a standoff between China and the United States may undermine China's "soft power" on which its peacekeeping strategy rests.

Accordingly, one of the most important directions of the peacekeeping activity of the PRC's policy within the framework of the UN should be the elimination of conflict situations with such world powers as the United States. The potential for the opposition between the United States and China may have the most negative impact on the participation of the PRC in the UN peacekeeping activities. Furthermore, it may complicate the UN peacebuilding activities, and create more conflicts.

A key source of the Chinese-American opposition is the so-called trade war between these world powers. The trade war was initiated by the white house, when the D. Trump administration increased the import duties on some Chinese goods by 30 %, citing the following reasons:

- the desire of the United States to reduce imports from China and eliminate the trade imbalance;

- supposed lack of intellectual property protection in China, and accusations of producing counterfeit products levelled by the US against China;

- US intention to contain the growth of the Chinese economy and its annual defence spending already ranking second in the world after the United States;

- competition for the title of the largest economy in the world, the struggle for world leadership.

The white house unleashed the trade war in pursuit of its policy to restore the United States to its former greatness. The United States wishes to preserve its leadership in the global economic arena and wishes to move out of its way a powerful competitor like China.

Yet for China, the surest way to maximise its global influence is by engaging politically with the UN. This view is largely shared within the Chinese government and among experts [1, p. 413]. There is no other organisation where China could play an equally prominent role. It is thus essential for China to keep its confidence in the UN, minimise political confrontation with the United States and other world powers and states, and focus instead on seeking negotiated political solutions to problems of world peace.

From the perspective of the Chinese government, the UN is the most prominent and influential international organisation concerned with maintaining peace²⁴. No organisation can rival the UN in its peacebuilding and peace-making capability, as it enjoys a unique position of trust to bring together the world's countries in the pursuit of peace. Therefore, China should aim for a leading role in UN peacekeeping activities to increase its standing and build its positive image in the world as an advocate for peace. While keeping its leadership among the UN member states as a provider of resources for the UN peacekeeping operations, China should aim for greater political participation in peacekeeping work within the framework of the UN. Already, examples of China's work in international norm-setting for peace are following.

Firstly, it is "China's position on UN reform"²⁵, presented in June 2005. Its four sections address areas such as international development, rule of law, human rights, democracy and peacemaking. Special emphasis is made on the need to strengthen the global role of the UN.

Secondly, as the example we can name Chinese proposals on eradicating unilateralism and protectionism, presented by president Xi Jinping in the fall of 2020.

²⁰Is China contributing to the United Nations' mission? [Electronic resource]. URL: <https://chinapower.csis.org/china-un-mission/> (date of access: 22.04.2022) (in Chinese).

²¹КНР назвала действия США вокруг Тайваня опасными [Электронный ресурс]. URL: <https://iz.ru/1239152/2021-10-22/knr-nazvala-deistviia-ssha-vokrug-taivania-opasnymi> (дата обращения: 25.10.2021).

²²В ООН призывают США и Китай избегать новой холодной войны [Электронный ресурс]. URL: https://tengrinews.kz/world_news/v-onn-prizyvayut-ssha-i-kitay-izbegat-novoy-holodnoy-voynyi-448970/ (дата обращения: 25.10.2021).

²³Генсек ООН опасается раскола между США и Китаем [Электронный ресурс]. URL: <https://ria.ru/20190924/1559075495.html> (дата обращения: 25.10.2021).

²⁴75 years of trials and hardships for the United Nations [Electronic resource]. URL: <http://www.cpifa.org/cms/book/175> (date of access: 22.04.2022) (in Chinese).

²⁵Позиционный документ КНР по вопросу о реформе ООН [Электронный ресурс]. URL: <http://ru.china-embassy.org/rus/jbwzlm/sgxw/t199801.htm> (дата обращения: 25.10.2021).

The global Covid-19 epidemic exacerbated the problems of unilateralism and protectionism in the world. In the document the Chinese leader calls on the UN to defend justice and peace on the planet, and affirm mutual respect and equal treatment of all countries regardless of size or location, in keeping with the basic principles of the UN Charter²⁶. He reaffirms the need for the UN to pursue collective growth through consultation, cooperation and peacekeeping. Xi Jinping also urged individual states to maintain global security, enable a broader representation and give a stronger voice to the developing countries in keeping with the aims and principles of the UN Charter. As underlined by the Chinese president, the UN should promote international cooperation and lead the global effort to

solve the world's problems and promote security, development and human rights in a balanced way²⁷.

Thirdly, in October 2021, China, together with Venezuela and Sri Lanka, proposed a resolution of the UN Human Rights Council urging countries to take action to overcome the legacy of colonialism. The resolution was supported by 27 votes with 20 abstentions, including from France, Great Britain and Germany²⁸. Despite its limited impact, the resolution testified to China's growing influence at the UN Human Rights Council since the United States left it in 2018. The document refers to peacekeeping, with emphasis on the legacy of colonialism such as economic exploitation, systemic racism, and violations of the rights of indigenous and its negative effects on the exercise of all human rights²⁹.

Conclusion

In the conclusion we can mark the following:

1. China's cooperation with the UN on peacekeeping has evolved from cautious and gradual engagement to active involvement. At present, China is providing extensive logistical support for UN peacekeeping activities and also participates in the development and adoption of international norms on peacekeeping.

2. China's growing participation in UN peacekeeping has served to increase its international standing and influence. Its reliance on soft power adds to the international image of China as a great power and supports its effort to build alliances with developing countries.

3. China's peacekeeping activities are institutionalised, as evidenced by several policy documents, including white papers of the PRC ("China's national defense", "China's policies and measures to prevent the proliferation of weapons of mass destruction", "The participation of the Chinese army in UN peacekeeping

operations for 30 years", etc.), and international instruments guiding cooperation between the PRC and the UN (e. g., Resolution 495).

4. The leading domestic policy and decision making institutions on China's peacekeeping activity at the UN include the department of peacekeeping activities in the Ministry of National Defence of the People's Republic of China, the Joint Fund for Peace and Development of China and the UN. Internationally, the key decision-making centres are the UN Security Council, and the UN Special Committee on Peacekeeping Operations, where China maintains a presence.

5. The future of China's involvement in UN peacekeeping may be affected by the growing split between China and the United States. It appears best for China to minimise its conflicts with other world powers within the UN while maximising with and among the UN member states in pursuit of peace and the global society of shared futures.

References

1. Fung C. What explains China's deployment to UN peacekeeping operations? *International Relations of the Asia-Pacific*. 2016;16(3):409–441.
2. Yin He. *China's changing policy on UN peacekeeping operations*. New York: Institute for Security and Development Policy; 2007. 72 p.
3. Lanteigne M. An analysis of the evolution of China's peacekeeping concept. *International Political Studies*. 2017;4:53–67.
4. Leksyutina YaV. [Contribution of modern China to UN peacekeeping]. *Obshchestvo i gosudarstvo v Kitae*. 2018;1:305–311. Russian.
5. Liu Tiewa Comparison of Sino-US United Nations peacekeeping operations and analysis of cooperation space. *International Political Studies*. 2017;4:33–52.
6. Meng Wenting. A review of research on China's participation in UN peacekeeping. *International Political Studies*. 2017;4:85–102.

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²⁶Устав ООН [Электронный ресурс]. URL: <https://www.un.org/ru/about-us/un-charter/full-text> (дата обращения: 25.10.2021).

²⁷CGTN: Китай вносит предложения касательно роли ООН в эпоху постпандемии [Электронный ресурс]. URL: <https://www.interfax.ru/pressreleases/728306> (дата обращения: 25.10.2021).

²⁸The UN Human Rights Council report [Electronic resource]. URL: <https://reliefweb.int/sites/reliefweb.int/files/resources/Annual%20Report%20of%20the%20Human%20Rights%20Council%202021%20%28A-76-53-Add.1%29%20%5BZH%5D.pdf> (date of access: 03.01.2022) (in Chinese).

²⁹Китаю удалось провести резолюцию ООН о наследии колониализма [Электронный ресурс]. URL: <https://newdaynews.ru/inworld/738566.html> (дата обращения: 25.10.2021).

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THE CONCEPT OF HUMAN ORGANS AND TISSUES WITH REFERENCE TO TRANSPLANTATION: LESSONS FROM INTERNATIONAL LAW

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The definition of the term “human organs and tissues” is considered with reference to the transplantation of organs and tissues. We review the doctrinal approaches, provisions of international legal acts, international instruments, and national legal frameworks related to the transplantation of human organs and tissues. We conclude by proposing a definition of the terms “human organ” and “human tissue” with emphasis on the substantive aspects inherent in them.

Keywords: human organ; human tissue; transplantation; Oviedo convention; World Health Organisation; Council of Europe; European Union; Commonwealth of Independent States; Eurasian Economic Union.

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ПОНЯТИЕ «ОРГАНЫ И ТКАНИ ЧЕЛОВЕКА» В СФЕРЕ ТРАНСПЛАНТАЦИИ: МЕЖДУНАРОДНО-ПРАВОВОЙ АСПЕКТ

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Рассматривается термин «органы и ткани человека» в сфере трансплантации. Анализируются доктринальные подходы, положения международно-правовых актов, актов международных организаций, национальное законодательство государств, регламентирующих вопросы, связанные с трансплантацией органов и тканей человека. В заключении предлагается определение терминов «орган человека», «ткань человека», выделяются характерные признаки, присущие данным терминам.

Ключевые слова: орган человека; ткани человека; трансплантация; Конвенция Овьедо; Всемирная организация здравоохранения; Совет Европы; Европейский союз; Содружество Независимых Государств; Евразийский экономический союз.

Introduction

There is growing awareness in society about human organ and tissue transplantation and its potential for saving lives. However, there is also no uniform legal instrument governing the transplantation of human organs and tissues.

“Globally, 139,024 organ and tissue transplants were carried out in 2017 which represents only 10 % of the need for transplants”¹. Multiple non-profit international organisations facilitate the allocation and cross-border exchange of organs and tissues: Eurotransplant, Scandiatransplant, the South Alliance for Transplants, Baltransplant and Facilitating Exchange of Organs Donated in European Union Member States (FOEDUS) among others. Belarus has collaborated with FOEDUS since 2017².

In 2021 6,398 organs were transplanted through Eurotransplant³. Around 21.4 % of these organs were exchanged cross-border, as compared to 21.3 % in 2019⁴. The South Alliance for Transplants was responsible for more than half of all organ donors and nearly a half of all recipients of transplants in the European Union⁵. Each year, around 7,000 kidney transplant procedures (10 % of the total) were performed in transplant tourists⁶.

A uniform definition of the term “human organs and tissues” as objects of cross-border exchange could facilitate international cooperation in transplantation. The absence of uniform terminology and definitions could facilitate the trafficking of organs or tissues and illegal transplantation thereof. The lack of a uniform concept of human tissue or organ, or where their definitions are too narrow (e. g. an organ is equated to a kidney, and not other human organs) can create openings for shadow transplantation because the object of transplantation is not clearly defined in law. At present, the practice of cross-border organ exchange supersedes the legal regulation of these terms.

The objects of transplantation are human organs and human tissues. National legal frameworks establish lists⁷ of human organs and tissues that may constitute objects of transplantation. However, national legal frameworks do not necessarily use legal definitions of the terms. Multiple interpretations call for deeper analysis. Current research covers the following relevant topics: status of donors and transplant recipients [1], transplantation of human organs and tissues [2; 3], human rights

¹Status of human organ and tissue donation and transplantation in the WHO African region [Electronic resource]. URL: <https://www.afro.who.int/sites/default/files/2021-02/AFR-RC70-12%20Status%20of%20human%20organ%20and%20tissue%20donation%20and%20transplantation.pdf> (date of access: 02.02.2022).

²Беларусь в топе-50 по количеству трансплантаций [Электронный ресурс]. URL: <http://minzdrav.gov.by/ru/sobytiya/belarus-v-tope-50-po-kolichestvu-transplantatsiy/> (дата обращения: 02.02.2022).

³Preliminary Eurotransplant annual figures 2021 online [Electronic resource]. URL: <https://www.eurotransplant.org/2022/01/20/preliminary-eurotransplant-annual-figures-2021-online/> (date of access: 02.02.2022).

⁴Ibid.

⁵Organ donation and transplantation. Facts, figures and European Union action [Electronic resource]. URL: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/649363/EPRS_BRI\(2020\)649363_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/649363/EPRS_BRI(2020)649363_EN.pdf) (date of access: 02.02.2022).

⁶Flaherty G. T., Nizrull Nasir, Gormley C. M., Suyash Pandey. Transplant tourism and organ trafficking: current practices, controversies and solutions [Electronic resource]. URL: http://www.ijtmgh.com/article_132577_6f0fdaa85cfc4799ece63a1ff8b68c5b.pdf (date of access: 02.02.2022).

⁷Приказ Минздрава России № 306н, РАН № 3 от 04 июня 2015 г. «Об утверждении перечня объектов трансплантации» [Электронный ресурс]. URL: http://www.consultant.ru/document/cons_doc_LAW_181448/2db977b788fafa4516ee74983ed18c0e-c50f102/ (дата обращения: 02.02.2022) ; Постановление Министерства здравоохранения Республики Беларусь от 29 августа 2012 г. № 134 «О некоторых вопросах трансплантации органов и тканей человека» [Электронный ресурс]. URL: http://minzdrav.gov.by/upload/lcfiles/000127_64755_PostMZ_N134_2012.doc?ysclid=kz6md1uy2x (дата обращения: 02.02.2022).

in transplantation⁸ [4–7], ethical problems⁹ [8], legal aspects of organ harvesting [9–12]), trafficking in organs and tissues [13], illegal transplantation [14].

The definition of the concept of human organs and tissues has received little attention in legal scholarship.

Results and discussion

There is a large amount of ambiguity in the treatment of organs and tissues in scholarly literature. E. S. Kayasseh [15, p. 7] defines an organ as a part of the human body or an organism. Other scholars supplement this general definition with further characteristics, e. g. “being formed as a result of a natural biological process” [16, p. 216], “a collection of several tissues fulfilling a common function in a structural unit [of the human body]”¹⁰, “part of an animal or plant organism that has a specific structure and performs specific functions”¹¹ (hereinafter translated by us. – V. K.).

Some scholars define an organ as an object in limited circulation [17, p. 157; 18; 19, p. 84; 20, p. 109]. Others refute this approach [21; 22, p. 216].

Still, A. G. Bezverkhov defines organs and tissues as “objects in limited civil circulation as provided by the special legislation on transplantation” [23, p. 193]. In general, there is no uniform approach in legal scholarship to the definition of an organ or tissue. For example, E. Bibeyz defines tissue as a “cellular organisational level intermediate between cells and the complete organ”¹². In turn, D. U. Balgimbekov, B. U. Seitkhodzhin, A. S. Koszhanov view human tissue as “an ensemble of similar cells of identical origin that form a unity and perform a specific function”¹³.

Internationally limited attempts have been made to overcome this diversity. Many legal instruments do not define the terms altogether, relying on context and practice. For example, the Guiding principles on human cell, tissue and organ transplantation of World Health Organisation (WHO) of 2010 (hereinafter the “Principles of WHO”), the Declaration of Helsinki of World Medical Association of 1964 (hereinafter – the Declaration of WMA), the Convention for the protection of human rights and dignity of the human being concerning

We review a body of international, regional and national legal instruments and doctrinal sources to identify the essential attributes of human organs and tissues to be covered in a legal definition for the purposes of transplantation.

the application of biology and medicine of Council of Europe of 1997 (hereinafter – the Oviedo convention), the Additional protocol to the Oviedo convention of 2002 (hereinafter – the Additional protocol), the United Nations Convention against transnational organised crime, the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, the Council of Europe Convention on action against trafficking in human beings provide no definitions of these legal concepts.

Some international treaties, documents of international organisations, and national legal frameworks on transplantation define organ as a part of the human body, subject to several qualifications. For example, the Global glossary of terms and definitions on donation and transplantation of WHO¹⁴, art. 3 of the Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage, and distribution of human tissues and cells (hereinafter – the Directive of 2004), art. 2 of the Convention against trafficking in human organs of the Council of Europe of 25 March 2015 No. 216 (hereinafter – the Convention No. 216), art. 3 of the Directive 2010/45/EU of the European Parliament and of the Council of 7 July 2010 on standards of quality and safety of human organs intended for transplantation (hereinafter – the Directive of 2010) define the human organ as a differentiated and vital, formed by different tissues, that maintains its structure, vascularisation, and capacity to develop physiological functions with an important level of autonomy. Para 28 of the Explanatory report to the Additional protocol provides that a human organ consists “of a structured arrangement of tissues which, if wholly removed,

⁸Жарова М. Этические проблемы трансплантации органов и тканей [Электронный ресурс]. URL: <http://www.relga.ru/Environ/WebObjects/tgu-www.woa/wa/Main?textid=2726&level1=main&level2=articles> (дата обращения: 02.02.2022) ; Коржик А. Этические проблемы трансплантации органов и тканей [Электронный ресурс]. URL: <https://bioethics.belmapo.by/article/ethical-problems-of-transplantation-of-organs-and-tissues> (дата обращения: 02.02.2022).

⁹Ивентьев С. И. Четвертое и пятое поколения прав человека как основа духовного и нравственного возрождения человечества [Электронный ресурс]. URL: <http://econfr.uae.ru/pdf/2013/11/2935.pdf> (дата обращения: 02.02.2022).

¹⁰Balgimbekov D. U., Seitkhodzhin B. U., Koszhanov A. S. Criminal and legal characteristics of forced and/or the unlawful removal of human organs and tissues for transplants under the legislation of the Republic of Kazakhstan [Electronic resource]. URL: <https://articlekz.com/en/article/15738> (date of access: 02.02.2022).

¹¹Толковый словарь Ефремовой [Электронный ресурс]. URL: <https://gufo.me/dict/efremova/%D0%BE%D1%80%D0%B3%D0%B0%D0%BD> (дата обращения: 02.02.2022).

¹²Bibeyz E. Tissue is a cellular organisational level intermediate between cells and a complete organism [Electronic resource]. URL: <https://ru.scribd.com/document/73826397/Tissue-is-a-Cellular-Organizational-Level-Intermediate-Between-Cells-and-a-Complete-Organism> (date of access: 02.02.2022).

¹³Balgimbekov D. U., Seitkhodzhin B. U., Koszhanov A. S. Criminal and legal characteristics...

¹⁴The global glossary of terms and definitions on donation and transplantation of WHO [Electronic resource]. URL: <https://www.who.int/transplantation/activities/GlobalGlossaryonDonationTransplantation.pdf?ua=1> (date of access: 02.02.2022).

cannot be replicated by the body”¹⁵. Art. 1 of the Agreement on cooperation among the member states of the Commonwealth of Independent States in the fight against trafficking in human beings, human organs and tissues of 2005 (hereinafter – the Agreement of the CIS), art. 1 of the Law of the Kyrgyz Republic of 13 January 2000 No. 2 “On transplantation of human organs and (or) tissues” state that a human organ is a collection of tissues formed by evolution, and united by a common function, structural organisation and development¹⁶. The Declaration of Istanbul on organ trafficking and transplant tourism of 2008 defines organ in the context of transplant tourism as a commodity, including by being bought or sold or used for material gain.

Furthermore, definitions of the human organ are also found in national legal frameworks. Some states have no legal definitions of organs (UK¹⁷, Latvia¹⁸, USA¹⁹, Israel²⁰, China²¹, Australia²²).

Some states use the definitions of the Convention No. 216 and the EU directives of 2004 and 2010, as in Spain²³, Finland²⁴, Poland²⁵, Moldova²⁶, and Ukraine²⁷.

In general national legal frameworks on transplantation define organs and tissues as a part of the body or a part of an organism, albeit with certain variations.

In Lithuania²⁸, Germany²⁹, Czech Republic³⁰ human organs are defined as heterogeneous tissues that maintain a structure, blood supply, perform physiological functions.

A different definition is contained in art. 3 of the Swiss federal act on the transplantation of organs, tissues and cells of 8 October 2004 (hereinafter – Swiss federal act): “Any part of the body whose cells and tissues together comprise a unit with a specific function”.

According to art. 1 of the Law of the Republic of Armenia of 11 May 2002 No. 3P-324 “On transplantation of human organs and (or) tissues” a human organ consists of various tissues, one of which is predominant, and maintains a particular shape, and a distinctive structure, occupies by a place in the body and performs vital activity”.

Art. 1 of the Health Code of the Republic of Tajikistan of 30 May 2017 No. 1413 refers to an organ as a part of an organism with a distinct structure and purpose.

Furthermore, the laws on transplantation of Belarus³¹, Turkmenistan³² and Uzbekistan³³ (not in force) define human organs and tissues as anatomical formations that do not determine personality traits.

¹⁵The explanatory report to the additional protocol to the Oviedo convention [Electronic resource]. URL: https://www.ejprarediseases.org/wp-content/uploads/2021/10/Explanatory-Report-to-the-Oviedo-Convention_1997.pdf (date of access: 02.02.2022).

¹⁶Соглашение о сотрудничестве государств – участников Содружества Независимых Государств в борьбе с торговлей людьми, органами и тканями человека [Электронный ресурс]. URL: <http://www.cis.minsk.by/reestr/ru/index.html#reestr/view/text?doc=1901> (дата обращения: 02.02.2022).

¹⁷Human tissue act 2004 [Electronic resource]. URL: http://www.legislation.gov.uk/ukpga/2004/30/pdfs/ukpga_20040030_en.pdf (date of access: 02.02.2022).

¹⁸On the protection of the body of deceased human beings and the use of human tissues and organs in medicine [Electronic resource]. URL: <https://likumi.lv/ta/id/62843-par-mirusa-cilveka-kermenai-aizsardzibu-un-cilveka-audu-un-organu-izmantosanu-medicina> (date of access: 02.02.2022).

¹⁹Anatomical gift act [Electronic resource]. URL: <https://uniformlaws.org/committees/community-home?CommunityKey=015e18ad-4806-4dff-b011-8e1ebc0d1d0f> (date of access: 02.02.2022).

²⁰Israel organ transplant act law [Electronic resource]. URL: <https://sections.tts.org/DOI/Israel%20Transplant%20Law.pdf> (date of access: 02.02.2022).

²¹China human organ transplant act [Electronic resource]. URL: <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=L0020024> (date of access: 02.02.2022).

²²Australian organ and tissue donation and transplantation authority act [Electronic resource]. URL: <https://www.legislation.gov.au/Details/C2017C00206> (date of access: 02.02.2022).

²³Real Decreto 1723/2012, de 28 de diciembre, por el que se regulan las actividades de obtención, utilización clínica y coordinación territorial de los órganos humanos destinados al trasplante y se establecen requisitos de calidad y seguridad [Electronic resource]. URL: <https://www.boe.es/buscar/pdf/2012/BOE-A-2012-15715-consolidado.pdf> (date of access: 02.02.2022).

²⁴Act on the medical use of human organs, tissues and cells [Electronic resource]. URL: <https://www.finlex.fi/en/laki/kaanokset/2001/en20010101.pdf> (date of access: 02.02.2022).

²⁵Act on the collection, storage and transplantation of cells, tissues and organs [Electronic resource]. URL: http://www.poltransplant.pl/Download/transplantation_act.pdf (date of access: 02.02.2022).

²⁶Закон Республики Молдова от 6 марта 2008 г. № 42-XVI «О трансплантации органов, тканей и клеток человека» [Электронный ресурс]. URL: http://base.spininform.ru/show_doc.fwx?rgn=22702 (дата обращения: 02.02.2022).

²⁷Закон України «Про застосування трансплантації анатомічних матеріалів людині» [Електронний ресурс]. URL: http://search.ligazakon.ua/1_doc2.nsf/link1/T182427.html (дата звернення: 02.02.2022).

²⁸Lietuvos Respublikos žmogaus audinių, ląstelių, organų donorystės ir transplantacijos įstatymas 1996 m. lapkričio 19 d. Nr. I-1626 [Electronic resource]. URL: <https://www.e-tar.lt/portal/ru/legalAct/TAR.D00D08A48D5D/ICAzJHUonx> (date of access: 02.02.2022).

²⁹Gesetz über die Spende, Entnahme und Übertragung von Organen und Geweben [Electronic resource]. URL: <https://www.gesetze-im-internet.de/tpg/TPG.pdf> (date of access: 02.02.2022).

³⁰Act on donation, collection and transplantation of tissues and organs and on amendments to certain acts [Electronic resource]. URL: <https://www.zakonyprolidi.cz/cs/2002-285> (date of access: 02.02.2022).

³¹Закон Республики Беларусь от 4 марта 1997 г. № 28-З «О трансплантации органов и тканей человека» [Электронный ресурс]. URL: <https://etalonline.by/document/?regnum=H19700028> (дата обращения: 02.02.2022).

³²Закон Туркменистана от 29 августа 2013 г. № 425-IV «О трансплантации органов и (или) тканей человека» [Электронный ресурс]. URL: http://base.spininform.ru/show_doc.fwx?rgn=62447 (дата обращения: 02.02.2022).

³³Закон Республики Узбекистан «О трансплантации органов, тканей и (или) клеток человека» [Электронный ресурс]. URL: <http://old.regulation.gov.uz/ru/documents/1597> (дата обращения: 02.02.2022).

Conversely, the law on transplantation in Pakistan³⁴ defines an organ as any part of a human body, organ or tissue.

In Indian law³⁵ a human organ is any part of a human body consisting of a structured arrangement of tissues which, if wholly, removed, cannot be replicated by the body.

While the conventional approach is to view an organ as a part of the body, the legal frameworks of some countries (e. g. Lithuania, the Czech Republic, or Moldova) also applies the term to a part of an organ, subject to several conditions. The Convention No. 216 and Directive of 2010, also take the same approach, treating as an organ a part thereof, if it performs the same function as the whole organ in the human body, supports its structural integrity and vascularisation.

The function of a part of an organ must be similar to that of the whole organ and or a part of the body; it must consist of different types of tissue, fulfil a distinct function and otherwise be equivalent to an organ, as laid down in art. 3 of the Swiss federal act.

In summary most states define the following distinctive characteristics of a human organ in their national legal frameworks:

- part of the body or organism, with some degree of separateness or autonomy;
- a complex arrangement of cells;
- a part of the body which is made up of different types of tissue.

In this case the part of the body or the arrangement of cells must have a distinctive structure, function, organisation or development, maintain the structure and vascularisation (blood supply), perform a physiological function with a significant degree of autonomy.

Human tissue is defined along similar lines.

Legal definitions of the term “tissue” are found in the laws of the UK, Latvia, Belarus, Turkmenistan, Uzbekistan, the Czech Republic, India, the USA, Israel, and China.

The Global glossary of terms and definitions on donation and transplantation of WHO and art. 3 of the Directive of 2004 indicate that the human tissue is any constituent part of the human body formed by cells.

National, regional, and international instruments of law also define the human tissue as all constituent parts of the human body.

Nevertheless, these definitions emphasise different aspects of the term.

Art. 3 of the Directive of 2004 and the national laws of transplantation of Finland, Poland stress that human tissue is formed by cells.

The Cabinet of Ministers of the Council of Europe adopted the definition that “includes surgical residues but excluding organs, blood and blood products as well as reproductive tissue, such as sperm, ovum, and embryos. Hair, nails, placentas, and body waste products are excluded”³⁶.

Art.1 of the Agreement of the CIS conceptualises tissue as an arrangement of cells and non-cellular structures united by a common function, structure and (or) origin³⁷.

With reference to transplantation, most countries define tissue differently. For example, art. 2 of the Law of the Republic of Lithuania of donation and transplantation of human tissues, cells, and organs of 19 November 1996 No. I-1626 prescribes that human tissue is a component of the human body that is made up of cells.

Under art. 4 of the Australian law of donation and transplantation, human tissue is “a part of a human body (other than an organ); a part of an organ; or a substance extracted from, or from a part of an organ; any other part of a human body; but does not include a substance or thing specified in the regulations”³⁸.

Similarly, art. 3 of the Federal act of 8 October 2004 on the transplantation of organs, tissues and cells states: “Human tissue is a structured association of cells, consisting of the same or different types of cells, that has a common function in the body”.

In the Law of the Republic of Armenia of 29 August 2013 No. 425-IV “On transplantation of human organs and (or) tissues”, tissue is “a community of formed cells and extracellular material”.

The Law of the Kyrgyz Republic 13 January 2000 No. 2 “On transplantation of human organs and (or) tissues” provides that organs and tissues are systems of cells and non-cellular structures or in the art. 1 of the Health Code of the Republic of Tajikistan of 30 May 2017 No. 1413 tissue is defined as cell compounds and derivatives thereof (intercellular substances).

While the legal framework of Tajikistan also determines that cells must be united by a common origin, it also provides specific examples of tissues – bone

³⁴The Pakistan law of the transplantation of human organs and tissues act 2010 [Electronic resource]. URL: http://punjablaws.gov.pk/laws/2428a.html#_ftn1 (date of access: 02.02.2022).

³⁵The transplantation of human organs and tissues act [Electronic resource]. URL: <https://www.indiacode.nic.in/handle/123456789/1962?locale=en> (date of access: 02.02.2022).

³⁶Texts of the Council of Europe on bioethical matters [Electronic resource]. URL: [https://www.coe.int/t/dg3/healthbioethic/Texts_and_documents/INF_2014_5_vol_I_textes_%20CoE_%20bio%C3%A9thique_E%20\(2\).pdf](https://www.coe.int/t/dg3/healthbioethic/Texts_and_documents/INF_2014_5_vol_I_textes_%20CoE_%20bio%C3%A9thique_E%20(2).pdf) (date of access: 02.02.2022).

³⁷Соглашение о сотрудничестве государств – участников Содружества Независимых Государств в борьбе с торговлей людьми, органами и тканями человека [Электронный ресурс]. URL: <http://www.cis.minsk.by/reestr/ru/index.html#reestr/view/text?doc=1901> (дата обращения: 02.02.2022).

³⁸Australian organ and tissue donation and transplantation authority act 2008 [Electronic resource]. URL: <https://www.legislation.gov.au/Details/C2017C00206> (date of access: 02.02.2022).

marrow, musculoskeletal, vascular, heart valves, skin, and other tissues.

Remarkably, art. 2 of the Law of the Republic of Moldova of 6 March 2008 No. 42-XVI “On transplantation of human organs, tissues and cells” states that tissues are any parts (anatomical formations) of the human body formed from cells. By comparison, the law of Spain treats as tissue any and “each component of the human body, which consists of cells held together by connective tissue of one type or another”³⁹.

Outside the realm of transplantation, human tissue may also be approached as a commodity. The constituent documents of the Eurasian Economic Union have no references to human tissue or organs. However, art. 2 of the Decision of the board of the Eurasian Economic Commission No. 30 “On measures of non-tariff regulation” refers to samples of human biological materials, defined as tissues obtained in the course of biomedical and (or) clinical research.

Organs and tissues are also mentioned in section 2.21 of the uniform list of goods to which non-tariff regulation measures are applied in trade with third countries, adopted by the Protocol on non-tariff regulation measures concerning third countries. Art. 4 of the said document states that the import and (or) export by individuals of samples of human biological materials as goods for personal requires the possession of a permit. Effectively the rules of the Eurasian Economic Union treat organs and tissues as a commodity intended for personal use, and also for biomedical and clinical research.

The import and export of human tissue are regulated by the Directive of 2004, and the exchange of organs is by the Directive of 2010. Both are allowed not only to the EU member states but also to third countries.

The export of tissue is permissible only if performed by accredited, appointed, authorised or licensed tissue institutions for this activity, only with the sanction of the competent authorities according to art. 9 of the Directive of 2004.

The exchange of human organs among the EU member states is permitted only under the supervision of the competent authorities or other authorities involved in the process from donation to transplantation or disposal of organs according to art. 10 of the Directive of 2004.

However the exchange of organs with third countries requires authorisation from the competent authorities, and also from the European organisations for the exchange of organs with valid agreements with partners in third countries (art. 20 of the Directive of 2004).

Overall, the above analysis allows us to conclude that despite the desirability of a uniform approach to the definition of human tissues and organs, the legal definitions of these terms are still far from being uniform across countries and regions.

In the CIS, a regional agreement refers to organs and tissues, but a uniform approach is lacking.

The supranational and national legal frameworks of the EU member states show a higher degree of harmonisation, provided by the Directive of 2010 and Convention No. 216.

The legislative approaches of the countries not covered by the Agreement of the CIS or the Convention No. 216 show a high degree of variation and share just one common attribute, the treatment of the human organ as a part of the human body consisting of tissue. Some national legal frameworks also views parts of an organ as an organ. Generalisations are problematic, as some legal frameworks do not define tissue separately from an organ, while others provide no definitions altogether.

As provided by the Law of the Republic of Moldova of 6 June 2008 No. 42-XVI “On transplantation of human organs, tissues and cells” and the Convention No. 216, a part of an organ may also be treated as an organ.

Even fewer national laws offer definitions of tissues. Of regional instruments, only the CIS agreement and the Directive of 2004 make references to tissues. Most national legal frameworks contain no references or definitions of tissue.

Some national legal frameworks exclude from the notion of organs and tissues those that define the distinctive features of human personality.

The Declaration of Istanbul on organ trafficking and transplant tourism of 2008, EU directives and decision of the board of the Eurasian Economic Commission of 21 April 2015 No. 30 “On measures of non-tariff regulation” define human organs in the context of commodity trade.

Conclusion

The body of the legal instruments against illegal transplantation of organs and tissues consists of international treaties (the United Nations Convention against transnational organised crime, the Protocol to

prevent, suppress and punish trafficking in persons, especially women and children, the Council of Europe Convention on action against trafficking in human beings, the Agreement of CIS, the Convention No. 216,

³⁹Real Decreto 1723/2012, de 28 de diciembre, por el que se regulan las actividades de obtención, utilización clínica y coordinación territorial de los órganos humanos destinados al trasplante y se establecen requisitos de calidad y seguridad [Electronic resource]. URL: <https://www.boe.es/buscar/pdf/2012/BOE-A-2012-15715-consolidado.pdf> (date of access: 02.02.2022).

the Oviedo convention, the Additional protocol), soft law of international organisations (Principles of WHO, acts of Eurasian Economic Union), supranational law (Directives of 2004 and 2010), acts of an advisory nature (the Declaration of WMA, the Declaration of Istanbul on organ trafficking and transplant tourism of 2008), and national acts or codes of transplantation of human organs and tissues.

However, a uniform definition of human organs and tissues is absent. The definitions found in regional treaties (Convention No. 216, Agreement of the CIS) and Directives of 2004 and 2010 provide that a human organ is a part of the human body. The Agreement of CIS defines a human organ as a part of an organism.

The definition of the Convention No. 216 is used in several other EU instruments that are not binding.

With reference to transplantation, organs and tissues are defined as parts of the body or parts of the organism. The definition depends on the obligations applicable to a party under the Convention No. 216 or the Agreement of the CIS.

However, the parties to these instruments may adopt the definitions provided by these instruments, and provide their own definitions or no definition at all.

In the most general sense, organs and tissues are understood as parts of the human body or the human organism. Other common attributes include a distinctive structure, function, and vascularisation.

Some national acts define a human organ as an arrangement of tissues, a commodity or anatomical formations that do not define personality traits.

In some legal frameworks a part of an organ may be treated as an organ, if it performs the same function as the whole organ of the human body, and supports its structural integrity and vascularisation. The relevant provisions are found in the Convention No. 216, Directive of 2010, and the laws of Lithuania, the Czech Republic and Moldova.

Only one international treaty (Agreement of CIS) provides a definition of tissue. There is also a definition of tissue in EU law (Directive of 2004). With reference to transplantation, most legal frameworks define tissue as being formed by cells, an arrangement of cells, use a different approach or provide no definitions at all. All of this makes generalisations problematic.

The variety of legislative approaches prevails despite the provisions of the Convention No. 216, Agreement of the CIS, and the trend toward harmonisation. We believe that a harmonised definition of human tissue and a human organ could encompass the descriptors and attributes singled out in our analysis.

Organs are complex systems of cells, parts of the body or organism that possess structural integrity, vascularisation and performance of bodily functions with a significant level of autonomy and cannot re-grow after removal; they may also be part of an organ if they perform the functions of the whole organ and maintain structure and vascularisation.

Tissues are systems of cells consisting of one or different cell types, or non-cellular compounds connected with intercellular substances and united by a common function, structure and origin.

Библиографические ссылки

1. Василевич ГА, Василевич ДГ. Трансплантация органов и тканей человека: основы правового статуса донора и реципиента. *Журнал Белорусского государственного университета. Право*. 2018;2:3–11.
2. Чусовитина ДМ. Проблема трансплантации органов и тканей. Трансплантация жизненно важных органов. Тканевая несовместимость и пути ее преодоления [Интернет]. 2018 [протитировано 2 февраля 2008 г.]. Доступно по: <https://scienceforum.ru/2018/article/2018006882>.
3. Салагай ОО. Трансплантация органов и тканей человека в международно-правовом и сравнительно-правовом аспектах. *Журнал зарубежного законодательства и сравнительного правоведения*. 2011;1:75–83.
4. Поспелова СИ, Сергеев ЮД. Правовые аспекты посмертного донорства: современное состояние и проблемы регулирования. *Медицинское право*. 2006;2:3–10.
5. Романовская ОВ. Законодательство в сфере трансплантологии: проблемы и перспективы развития. *Судья*. 2016;11:27–32.
6. Гашина НН, Зайцева ОВ. Трансплантации органов и тканей человека: понятие и сущность содержания. *Вестник государственного и муниципального управления*. 2014;3:47–54.
7. Sahay M. Transplantation of human organs and tissues act—“Simplified”. *Indian Journal of Transplantation*. 2018; 12(2):84. DOI: 10.4103/ijot.ijot_31_18.
8. Лаврик МА. К теории соматических прав человека. *Сибирский вестник*. 2005;3:83–89.
9. Носаненко ГЮ, Гаврилюк РВ. Трансплантация органов и тканей человека: проблемы и пути решения. *Международный научно-исследовательский журнал. Юридические науки*. 2019;2:143–145. DOI: 10.23670/IRJ.2019.80.2.028.
10. Кузнецов ВЮ. О перспективах криминализации незаконного оборота органов, тканей и (или) клеток человека. *Актуальные проблемы российского права*. 2012;1:230–247.
11. Ананич СМ, Анцух НС, Береговцова ДС, Василевич ДГ, Глинник АА, Соколыч ВН. *Обеспечение прав человека в сфере трансплантации органов и тканей человека*. Анцух НС, редактор. Минск: Экоперспектива; 2020. 128 с.

12. Галеева ГР. Международно-правовое регулирование изъятия и продажи органов человеческого тела. «Черные дыры» в российском законодательстве. 2011;3:62–65.
13. Жинкин АА. Торговля органами и (или) тканями человека: перспективы криминализации в УК РФ. Гуманитарные, социально-экономические и общественные науки. 2017;8–9:110–113.
14. Соловьев АП. Незаконная трансплантация органов и (или) тканей человека и ее предупреждение. Актуальные проблемы российского права. 2007;1:554–560.
15. Kayasseh ES. *Organ transplantation in the United Arab Emirates: legal, ethical and historical aspects*. Zurich: University of Zurich; 2014. 24 p.
16. Волож ЗЛ. Право на кровь. Вестник советской юстиции. 1928;7:215–216.
17. Кулицкая ЛИ. Правовой режим органов, тканей, клеток и тела человека после смерти лица, не оставившего завещания. Власть Закона. 2016;2:96–106.
18. Мызров СН, Нагорный ВА. К вопросу о вещно-правовом статусе органов и тканей человека: дифференцированный подход к разрешению проблемы. Медицинское право. 2014;3:35–40.
19. Маргацкая НА. Гражданско-правовые вопросы трансплантации и донорства. Вестник Московского университета. Право. 1980;2:84–85.
20. Суховерский ВЛ. Гражданско-правовое регулирование отношений по здравоохранению. Советское государство и право. 1975;6:105–109.
21. Баумова ЖС. Некоторые проблемы правового регулирования трансплантации органов и тканей человека. Юридическая наука. 2017;4:67–70.
22. Донцов ДС. Тело живого человека как нематериальное благо и гражданско-правовая защита его физической неприкосновенности. Медицинское право. 2011;2:38–42.
23. Безверхов АГ, Малков ВП. *Имущественные преступления*. Самара: Самарский университет; 2002. 359 с.

References

1. Vasilevich GA, Vasilevich DG. Transplantation of human bodies and tissues: the bases of the legal status of donor and recipient. *Journal of the Belarusian State University. Law*. 2018;2:3–11. Russian.
2. Chusovitina DM. The problem of organ and tissue transplantation. Transplantation of vital organs. Tissue incompatibility and ways to solve it. Artificial organs [Internet]. 2018 [cited 2022 February 2]. Available from: <https://scienceforum.ru/2018/article/2018006882>. Russian.
3. Salagai OO. Transplantation of human organs and tissues in the international legal and comparative legal aspects. *Journal of Foreign Legislation and Comparative Law*. 2011;1:75–83. Russian.
4. Pospelova SI, Sergeev YuD. [Legal aspects of posthumous donation: current state and regulation problems]. *Meditsinskoe pravo*. 2006;2:3–10. Russian.
5. Romanovskaya OV. [Legislation in the field of transplantation: problems and development prospects]. *Sud'ya*. 2016;11:27–32. Russian.
6. Gashina NN, Zaitseva OV. Transplantation of organs and tissues of human origin: concept and nature of the content. *Journal of Public and Municipal Administration*. 2014;3:47–54. Russian.
7. Sahay M. Transplantation of human organs and tissues act–“Simplified”. *Indian Journal of Transplantation*. 2018;12(2):84. DOI: 10.4103/ijot.ijot_31_18.
8. Lavrik MA. The theory of somatic human rights. *Siberian Law Herald*. 2005;3:83–89. Russian.
9. Nosanenko GYu, Gavriluk RV. Transplantation of human organs and tissues: problems and solutions. *International Research Journal. Legal Sciences*. 2019;2:143–145. Russian. DOI: 10.23670/IRJ.2019.80.2.028.
10. Kuznetsov VYu. [On the prospects for the criminalisation of illicit trafficking in human organs, tissues and (or) cells]. *Aktual'nye problemy rossiiskogo prava*. 2012;1:230–247. Russian.
11. Ananich SM, Antsukh NS, Beregovtsova DS, Vasilevich DG, Glinnik AA, Sokol'chik VN. *Obespechenie prav cheloveka v sfere transplantatsii organov i tkanei cheloveka* [Ensuring human rights in the field of transplantation of organs and tissues]. Antsukh NS, editor. Minsk: Ekoperspektiva; 2020. 128 p. Russian.
12. Galeeva GR. International legal regulation of withdrawal and sale in members of the body. «Chernye dyry» v rossiiskom zakonodatel'stve. 2011;3:62–65. Russian.
13. Zhinkin AA. Trade in human's bodies and (or) tissues: the prospects of criminalisation in the Criminal Code of the Russian Federation. *Humanities, Social-Economic and Social Sciences*. 2017;8–9:110–113. Russian.
14. Solov'ev AP. [Illegal transplantation of organs and (or) human tissues and its prevention]. *Actual Problems of Russian Law*. 2007;1:554–560. Russian.
15. Kayasseh ES. *Organ transplantation in the United Arab Emirates: legal, ethical and historical aspects*. Zurich: University of Zurich; 2014. 24 p.
16. Volozh ZL. [The right to blood]. *Vestnik sovetskoi yustitsii*. 1928;7:215–216. Russian.
17. Kulitskaya LI. Legal regime of human organs, tissues, cells and body after the death of the person without a will. *Vlast' Zakona*. 2016;2:96–106. Russian.
18. Myzrov SN, Nagornyi VA. Revisiting the proprietary status of human's organs and tissues: differential approach to solving this problem. *Meditsinskoe pravo*. 2014;3:35–40. Russian.
19. Margatskaya NA. [Civil law issues of transplantation and donation]. *Vestnik Moskovskogo universiteta. Pravo*. 1980;2:84–85. Russian.
20. Sukhovskii VL. [Civil-legal regulation of relations in health care]. *Sovetskoe gosudarstvo i pravo*. 1975;6:105–109. Russian.

21. Baumova ZhS. Some problems with legal regulation of human organ and tissue transplantation. *Yuridicheskaya nauka*. 2017;4:67–70. Russian.
22. Dontsov DS. [The body of a living person is an intangible good and civil legal protection of his physical integrity]. *Meditsinskoe pravo*. 2011;2:38–42. Russian.
23. Bezverkhov AG, Malkov VP. *Imushchestvennye prestupleniya* [Property crimes]. Samara: Samara University; 2002. 359 p. Russian.

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NON-STATE ACTORS AS QUASI-SUBJECTS OF TRANSNATIONAL ORGANISED CRIME: IMPLICATIONS FOR THE SECURITY OF STATES

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We discuss the legal status of non-state actors in the context of the global fight against transnational organised crime and the security of states. We address the topic from the perspectives of international law (including criminal law), international security and human rights. We conclude that non-state actors such as multinational corporations, private military and security companies, and non-governmental organisations may become quasi-actors of transnational organised crime. Contributing to this probability are their uncertain legal status under international law, certain corporate practices and attitudes, obscure financial flows, and vulnerability of international and national public authorities to corrupt practices, among others.

Keywords: non-state actors; transnational organised crime; state security; strengthening the security of states; multinational corporations; private military and security companies; non-governmental organisations.

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НЕГОСУДАРСТВЕННЫЕ АКТОРЫ КАК КВАЗИСУБЪЕКТЫ ТРАНСНАЦИОНАЛЬНОЙ ОРГАНИЗОВАННОЙ ПРЕСТУПНОСТИ: СОВРЕМЕННЫЕ ПРОБЛЕМЫ ОБЕСПЕЧЕНИЯ БЕЗОПАСНОСТИ ГОСУДАРСТВ

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Исследуются проблемы правового статуса негосударственных субъектов в контексте противодействия транснациональной организованной преступности и обеспечения безопасности государств. Эти проблемы анализируются в рамках международного права, особое внимание уделяется уголовному праву, международной безопасности и правам человека. В ходе исследования автор приходит к выводу, что такие негосударственные субъекты, как транснациональные корпорации, частные военные и охранные компании, неправительственные организации, могут выступать в качестве квазисубъектов транснациональной организованной преступности. Прежде всего это вызвано несоответствием их правового статуса международному праву. Также среди причин можно выделить определенные корпоративные интересы, неконтролируемые финансовые потоки, коррупцию в международных и национальных государственных органах и т. д.

Ключевые слова: негосударственные субъекты; транснациональная организованная преступность; государственная безопасность; обеспечение безопасности государств; транснациональные корпорации; частные военные и охранные компании; неправительственные организации.

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Introduction

In recent years non-state actors have gained prominence in international law in multiple domains, including military affairs, political security, combating international crime and international terrorism, economic relations, sustainable development, human rights and environmental protection, among others.

However, non-state actors also possess a range of characteristics that make them less open to international legal oversight, which is mainly the result of their uncertain status in international law. Objectively, they may benefit from this uncertainty *de-facto* to serve their private or corporate interest. *De-jure*, this uncertainty contravenes the imperatives of international law, especially the principles and provisions in fields such as security and the fight against crime, as laid out in chapter VIII of the UN Charter¹.

By non-state actors, we refer first and foremost to multinational corporations, private military and security companies, and sometimes [international] non-governmental organisations. On the one hand, their activity is governed by art. 2(a) of the Draft articles on the responsibility of international organisations of 2011, whereby states and other entities are entitled to establish international organisations, but the composition thereof is not specified². On the other hand, non-state actors are unlikely to participate in the implementation of chapter VIII of the UN Charter³ [1, p. 34], although such participation may seem appropriate given the new and emerging threats to the security of states.

Increasingly, the concept of the security of states is expanding. Beyond the threats of interstate and internal conflicts, it now encompasses new aspects such as post-conflict recovery, disarmament, arms control, confidence- and security-building, and other measures to reduce the hypothetical probability of conflicts, and also the fight against transnational crime, international terrorism, non-proliferation of weapons of mass destruction [1, p. 11]. Prevention and management of disasters (accidental and deliberate) is also an essential aspect of the security of states.

Security encompasses threats in the sphere of high technologies and information security, critical infrastructure, finance and banking. Increasingly, such dangers have been coming from cyber-criminals and radicalised groups of cyber-attackers, and have been exacerbated by the global crisis, the COVID-19 pan-

demic, and new forms of armed conflicts termed “hybrid warfare” [2].

Threats to state security also emanate from the more established forms of criminal activity, such as illegal trafficking in drugs, weapons, human trafficking, illegal migration, etc., and also the activity of armed groups of terrorists, extremists and neo-nazis with ambitions to gain political power and expand their spheres of influence. The latter may often involve attacks on the territorial integrity of states, interference in their internal affairs, and threats to the constitutional order, the rule of law and human rights.

The above developments are changing the status quo for the non-state actors – notably, private military and security companies, multinational corporations and international non-governmental organisations. The famous Prussian military theorist K. von Clausewitz wrote, that “war is the continuation of politics by other means” [3, p. 84]. Paraphrasing his words, we may say that *politics is the continuation of business by military means*. The influence of big business on international policy is not new, as evidenced by multiple examples from the United States and Europe [4]. As the famous author H. de Balzac has said “the secret of great fortunes without apparent cause is a crime forgotten, for it was properly done” [5]. Other non-state actors may be just as influential.

Occasionally, some non-state actors operate as a front for international organised crime rings, bypassing the principles and norms of international and national law to generate lucrative incomes and profits for their masters. More generally, the shift in the balance of interest from public good to private gain – exacerbating during the economic crisis – has led to the unravelling of the 21st century *welfare state*. Increasingly, the “natural state” is taking its place with its overriding principle, *bellum omnium contra omnes*.

Speaking at a meeting of the UN General Assembly dedicated to the 75th anniversary of the founding of the UN, the UN Secretary General A. Guterres noted that “... the world is experiencing now with the COVID-19 pandemic..., we must work together to stop such thievery and exploitation by clamping down on illicit financial flows and tax havens; tackling the vested interests that benefit from secrecy and corruption, and exercising utmost vigilance over how resources are spent nationally”⁴ (hereinafter translated by us. – V.M.).

¹UN Charter [Electronic resource]. URL: <https://www.un.org/ru/about-us/un-charter/full-text> (date of access: 05.01.2022).

²Draft articles on responsibility of international organisations, with commentaries [Electronic resource]. URL: https://legal.un.org/ilc/texts/instruments/english/commentaries/9_11_2011.pdf (date of access: 23.01.2022).

³Professor A. Douhan questions this possibility. Because such organisations are not legal persons, they cannot be held responsible for violating the norms of international law. They can only play a supporting role in maintaining international peace and security their involvement occurs indirectly – through subjects of international law who assume responsibility and risks associated with the activities of non-state actors.

⁴Коррупция представляет собой самое подлое предательство общественного доверия [Электронный ресурс]. URL: <https://www.un.org/ru/coronavirus/statement-corruption-context-covid-19> (дата обращения: 08.06.2021).

To examine the issue of non-state actors as quasi-subjects of transnational organised crime, we first need to identify the applicable instruments of international law. At present, the main tool in the global fight against transnational organised crime [6, p. 24] is the UN Convention against transnational organised crime of 2000 (UNTOC)⁵ and three additional protocols thereto: the Protocol to prevent, suppress and punish trafficking in persons, especially women and children (adopted by the General Assembly Resolution 55/25), Protocol against

the smuggling of migrants by land, sea and air (adopted by the General Assembly Resolution 55/25), and Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition (adopted by the General Assembly Resolution 55/255).

The main objective of the mentioned convention is to promote effective cooperation in preventing and combating transnational organised crime (art. 1) and build awareness of the existence, causes and dangers of transnational organised crime (art. 31 (5))⁶.

Transnational corporations as quasi-subjects of transnational organised crime

From a historical, legal and practical perspective, the risk of transnational corporations (TNCs') engagement in transnational crime as its quasi-subjects appears real. A uniform legal position on the status of TNCs is still lacking, and instances of their criminal engagement remain largely in the shadows. Yet, in a globalising world, the integrating digital economy, expanding network of high-tech facilities and multiple other systems are at risk of becoming targets of organised criminal attempts.

From the perspective of UNTOC 2000 (art. 2), structured and organised criminal groups (criminal organisations) constitute the foundation of transnational organised crime. They consist of three or more persons (individuals and (or) legal entities), have existed for some time, and act for the purpose of committing one or more serious crimes according to (art. 3 of the UNTOC) to obtain financial or other material benefits, directly or indirectly.

Earlier, in his report at the World ministerial conference on organised transnational crime (Naple) the UN Secretary General used the term "criminal transnational corporations"⁷, as actors in international crime. According to multiple experts, many transnational criminal organisations (TCOs) are being run in the same manner as legal transnational corporations, at the country and regional levels, and globally [7, p. 174].

Corroborating this observation, the 5th UN congress on the prevention of crime and the treatment of offenders (Geneva), noted under item 5 of its agenda that crimes committed by corporations and those instigated or accomplished by the crime syndicates have many common features, frequently related to corruption in law enforcement and political structures. In addition these crimes were characterised by a high degree of secrecy and, since they were "invisible crimes", their "disclosure was associated with great difficulties"⁸.

The above claims are grounded in the territorial criteria of transnational crime. Art. 3 (2) of the UNTOC stipulates that an offence is transnational in nature if *it is committed in more than one state, it is committed in one state but a substantial part of its preparation, planning, direction or control takes place in another state, it is committed in one state but involves an organised criminal group that engages in criminal activities in more than one state, or it is committed in one state but has substantial effects in another state*.

The legal definition of transnational economic activity uses the same territorial approach. For example, the UN Draft norms on the responsibilities of transnational corporations and other business enterprises with regards to human rights, define TNC as an "economic entity operating in more than one country or a cluster of economic entities operating in two or more countries – whatever their legal form, whatever in their legal home country or country of activity, and whether taken individually or collectively"⁹.

A review of the types of monopolies [TNCs], as defined in formal law and empirically, gives rise to the following conjectures. On the one hand, there appears to be a discrepancy between the economic content, economic essence and the legal form of the TNC, and on the other, the economic cohesiveness of a TNC rests on a plurality of legal forms (legal entities established under local law, branches, etc.), that benefits disproportionately the owners of TNCs [8, p. 119].

Frequently, domestic law is not fully effective in governing the global aspects of TNC operation and its enforcement does not always ensure full control of their illegal activity. At the same time, the TNCs' role as major investors and donors of technology may give them excessive leverage to resist oversight of their compliance with human rights law, environmental

⁵UN Convention against transnational organised crime and the protocols thereto [Electronic resource]. URL: https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/united_nations_convention_against_transnational_organized_crime_and_the_protocols_thereto.pdf (date of access: 08.06.2021).

⁶Ibid.

⁷Report of the World ministerial conference on organised transnational crime [Electronic resource]. URL: <https://www.imolin.org/imolin/naples.html?print=yes#:~:text=The%20World%20Ministerial%20Conference%20on%20Organized%20Transnational%20Crime%20was%20held,103%20of%2020%20December%201993> (date of access: 20.01.2022).

⁸5th United Nations Congress on the prevention of crime and the treatment of offenders [Electronic resource]. URL: https://unis.unvienna.org/pdf/2010-Crime_Congress/English_Poster_Book.pdf (date of access: 07.06.2022).

⁹UN draft norms on the responsibilities of transnational corporations and other business enterprises with regards to human rights [Electronic resource]. URL: <https://digitallibrary.un.org/record/498842> (date of access: 20.01.2022).

requirements and safeguards against illegal activity [9]. For example, the Bank of Credit and Commerce International, was found in 1991 to be a criminal organisation in the United States and Great Britain for corrupt behaviour, involvement in money laundering and terrorist financing [10].

Measures against illegal activity among transnational corporations were specifically addressed at the 6th UN Congress on the prevention of crime and the treatment of offenders in Caracas (hereinafter – the Congress). Its final document, known as the Caracas declaration of 1980¹⁰ laid out the principles of crime prevention and treatment of offenders, covering, inter alia, the key question of the development and planning of criminal justice and crime prevention policies in the context of economic development, political systems, social and cultural values and social transformations. The principles obliged the states parties to undertake such development and planning despite resistance from group or individual interests. Still, the document left many issues unresolved, relegating many of them to the realm of soft law and the national legal systems of individual states. Therefore, the norms of international law regarding public law obligations and responsibilities of commercial companies (legal entities) are advisory and belong to the scope of domestic law [11, p. 65–66].

For example, art. 10 (Liability of legal persons) of the UNTOC reads, “each state party shall adopt such measures as may be necessary, *consistent with its legal principles*, to establish the liability of legal persons for participation in serious crimes involving an organised criminal group and for the offences established in accordance with... this convention”. Some other international legal instruments also contain similar provisions, such as the United Nations Convention against corruption of 2003 (art. 26)¹¹, the International convention on the suppression of the financing of terrorism of 1999 (art. 5)¹², the Directive 2008/99/EC on the protection of the environment through criminal law¹³.

States already recognise their obligations towards individuals as an international legal imperative. For example, the International covenant on economic, social and cultural rights of 1966 (art. 12) states that “the states parties recognise the right of everyone to the en-

joyment of the highest attainable standard of physical and mental health”¹⁴.

Understandably, corporations have not yet accepted such obligations. Because international law was designed to govern relations between states, the obligations that it creates apply only to states. States are responsible under international law, including for the actions of TNCs.

TNCs are outside the realm of public legal responsibility, *de jure* and *de facto*. Their liability is mostly limited to private legal jurisdiction, such as investor-state disputes [12, p. 156], sometimes putting them in the position to force the particularistic interests of narrow social groups and corporate demands on states.

At the same time, the liability of legal persons is never limited to criminal liability, and the member states have the discretion to apply administrative or civil measures instead [9].

Therefore, there is still a probability for TNCs to engage in criminal behaviour to enhance their competitive position, engaging in practices such as corruption, blackmail, violence, or fraud. The profit-seeking motive is shared by transnational criminal organisations and legitimate businesses. The difference lies mainly in the appetite for risk.

For example, between the 1950s and 1970s, the American Lockheed Martin aircraft company was involved in several corruption scandals with political consequences for Germany, Italy, the Netherlands and Japan. In Japan connections with representatives of criminal organisations, such as the Yakuza, were exposed. Today, the Lockheed Martin corporation is still the world's largest developer and manufacturer of weapons and military equipment in terms of contracts concluded with the US government¹⁵.

The potential of TNCs becoming subjects of transnational crime exists, adding to the *poly-subjectivity*, or multiplicity of actors in international crime, collectively representing the present-day phenomenon of transnational criminal organisations. These may include individuals, legal persons and other non-state actors. For states, such non-state actors can become convenient scapegoats for their failures to meet their international obligations in the field of global security and human rights¹⁶.

¹⁰6th United Nations Congress on the prevention of crime and the treatment of offenders [Electronic resource]. URL: <https://digitallibrary.un.org/record/30439> (date of access: 20.01.2022).

¹¹Convention against corruption [Electronic resource]. URL: https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf (date of access: 20.01.2022).

¹²International convention for the suppression of the financing of terrorism [Electronic resource]. URL: <https://www.un.org/law/cod/finterr.htm> (date of access: 20.01.2022).

¹³Commission staff working document evaluation of the Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (Environmental crime directive) [Electronic resource]. URL: https://ec.europa.eu/info/sites/default/files/environmental_crime_evaluation_report.pdf (date of access: 20.01.2022).

¹⁴International covenant on economic, social and cultural rights [Electronic resource]. URL: https://treaties.un.org/doc/Treaties/1976/01/19760103%2009-57%20PM/Ch_IV_03.pdf (date of access: 20/01/2022).

¹⁵Lockheed Martin Corporation [Electronic resource]. URL: <https://www.lockheedmartin.com/> (date of access: 25.12.2021).

¹⁶In this regard, the statement of the famous American gangster Al Capone that he has been accused of every death except the casualty list of the world war is very unambiguous.

Private military and security companies as quasi-subjects of transnational organised crime

Private military and security companies (PMSCs)¹⁷ are an emerging phenomenon in international law. The collapse of the bipolar system of international relations, the end of the Cold War and the progress of globalisation and integration of the world community are some of the factors that added to its prominence.

The changing nature of modern wars and conflicts also contributed to the rise of private security companies, as evidenced by the proliferation of *local, hybrid, symmetrical, asymmetrical* warfare. Conventional armed forces and states have been overstretched by multiple engagements in military operations, peacekeeping missions, post-conflict activities, rebuilding of the social and economic infrastructure, and support for the national political institutions in post-crisis situations [2].

Regulation of PMSCs is now almost exclusively the province of domestic law. It is often prone to the influence of particularistic and narrow domestic interests. The status of PMSCs in international law is uncertain, and this gap represents a potential threat to international and national security.

As commercially oriented entities with some degree of legal independence from the military-political strategy of states, PMSCs often act as contractors of transnational businesses. Their limited transparency and accountability may bring them to the service of terrorists and extremist organisations, opposition groups and transnational mafia-type formations.

The prevailing legal approaches to the treatment of private military and security companies are conflicting, and reflect the dual legal nature of their work are foolowing:

- private military and security campaigns as a modern version of mercenary activity, considered immoral and criminalised in international law and national jurisdictions [13, p. 4];
- private military and security campaigns were a type of business service, integrated *de facto* in international commerce, regulated *de jure* only at the national level in a limited number of countries and operating offshore [14, p. 40].

Despite some commonalities with mercenaries – especially in armed conflicts (e.g. involvement in military activity or pecuniary self-interest) – PMSCs still have a fundamental distinction. Despite not having a clear international legal status, from the viewpoint of corporate law, they are legitimate commercial enterprises offering specialist services in the field of security [15, p. 15]. Unlike mercenaries, they possess offi-

cial registration that gives them legal status. However, many PMSCs are registered in offshore zones, which is a common criticism levelled against them [14, p. 40]. With reason, offshore zones have reputations as “tax havens”, where lax financial and regulatory oversight creates an elevated risk of concealment or laundering of proceeds from crime, recognised as criminal activity under international and national criminal laws.

With some reservations, we are inclined to view the modern PMSCs as a form of corporate commercial activity in the military security sector, performed on the basis of outsourcing [16, p. 149–165]. It appears to be an expanding and lucrative market. From a low-returns sector in the late 20th century, private military security companies have evolved into a highly profitable business, with annual profits far exceeding 100 bln US dollars [17, p. 575]. On the other hand, much of the demand for their services is generated by political interests and lobbying for the use of PMSCs in regional armed conflicts that are too sensitive for governments and national armed forces [18], or in operations such as supplying weapons to one of the belligerents when an overt demonstration of the national interests may destabilise international relations. At present, up to 90 % of all demand comes from governments and (or) special services¹⁸. Today, there are more than 700 registered PMSCs worldwide, mostly in the USA (about 50 %) and the UK (about 25 %).

There still is no specific instrument of international law on PMSCs. This issue is partially addressed by the instruments concerning mercenary activity: *Hague conventions of 1899, 1907, the Geneva convention relative to the treatment of prisoners of war of 1949, Protocol I is a 1977 amendment protocol to the Geneva convention relating to the protection of victims of international conflicts, Protocol II is a 1977 amendment protocol to the Geneva convention relating to the protection of victims of non-international armed conflicts, International convention against the recruitment, use, financing and training of mercenaries of 1989*.

An attempt to clarify the legal status of PMSCs and their personnel during armed conflicts was undertaken at the initiative of the government of Switzerland and the International Committee of the Red Cross at several intergovernmental expert meetings leading to the Montreux document on relevant international legal obligations and best practices of states concerning the functioning of private military and security companies during armed conflict (17 September 2008). However,

¹⁷Письмо Постоянного представителя Швейцарии при Организации Объединенных Наций от 2 октября 2008 года на имя Генерального секретаря [Электронный ресурс]. URL: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N08/537/12/PDF/N0853712.pdf?OpenElement> (дата обращения: 13.12.2021).

¹⁸Not surprisingly, the website of the PMSC (Sandline international), which ceased its activities on 16 April 2004, gave the following reason for the termination of its activities: “The general lack of governmental support for private military companies willing to help end armed conflicts in places like Africa, in the absence of effective international intervention, is the reason for this decision. Without such support, the ability of Sandline to make a positive difference in countries where there is widespread brutality and genocidal behaviour is materially diminished”. See: Sandline International [Electronic resource]. URL: <http://www.sandline.com/> (date of access: 20.01.2022).

the Montreaux document has not fulfilled its purpose because it is non-binding and only 17 states have agreed to it¹⁹.

Another document designed to provide international regulation of PMSCs was the International code of conduct for private security service providers 2010 (hereinafter – the Code)²⁰. The Code claims to establish the general principles of organisation and activity for PMSCs, particularly with regard to international humanitarian law and human rights law. However, it is not legally binding even on the companies that have signed it. Still, endorsement of the code is a mandatory requirement for the hiring of PMSCs by UN agencies²¹.

The Code has been widely criticised as an instrument for “rebranding and legitimising the PMSC industry” and a way for the states to evade their obligations on human rights [19]. Furthermore, the global database on PMSCs and current and former employees thereof proposed by the Code and open to all interested persons and bodies, this practice may create a “grey” information resource for criminal organisations seeking to recruit PMSCs and their employees.

Resolution 2005/2 of 7 April 2005 of the UN Commission on human rights established a UN working group for the drafting of the Convention on the regulation of private military and security companies²². Art. 21 of the draft proposes to establish universal jurisdiction of states in respect of persons who have committed crimes within the framework of the activities of PMSCs. We find this solution progressive and sensible.

In this regard changes are to be expected in the national criminal laws of the states to establish their jurisdiction over crimes committed by PMSC employees in the course of performing their professional duties, and to ensure its exercise in relation to such crimes by the courts of the offender’s country of citizenship and those of the country in which they committed the crime.

Combined with the national and international procedures for the extradition of criminals and the transfer of criminal proceedings from one state to another, the above changes could significantly reduce the zone of “judicial immunity” for PMSC employees, especially in armed conflicts and transnational business activity.

The specificities of the market and the undefined status of PMSCs in international law underlines another aspect of *instrumentality* [15, p. 15]: the probability of recruitment by terrorists, extremists, states in armed conflicts or opposition groups, with the subsequent risk of becoming independent quasi-subjects (actors) in transnational organised crime [20, p. 102], usually in the form of complicity.

In the calculus of some SPMCs, this transformation may give them a better combination of benefits and risks because of high potential demand and relatively low likelihood of exposure (e. g. due to customers’ greater reluctance to acknowledge their presence). Further research on this matter, however, is constrained by the poor availability of data and the need for more accurate definitions.

Non-government organisations and transnational organised crime

In recent years non-governmental organisations (NGOs) have proliferated and gained prominence on the international scene. They operate outside the policy framework of any one state, are non-profit, and, as a rule, preoccupy themselves with humanitarian, social, or environmental causes, health and development, financing and implementation of projects²³.

Depending on the level and scope of their activities, a distinction is made between national, regional and international NGOs. By organisational structure, NGOs may be divided into four groups:

- unincorporated and (or) voluntary association;
- trusts, charities and foundations;
- not-for-profit companies;

- entities formed or registered under special NGO or nonprofit law [21, p. 13–14].

Globalisation has strengthened the role and importance of international NGOs. Chapter 10 of art. 71 of the UN Charter grants consultative status to organisations that are neither governments nor member states. At the regional level, the European convention on the recognition of the legal personality of international non-governmental organisations (Strasbourg, 1986), developed by the Council of Europe, constitutes the legal framework for all European NGOs.

However well-intentioned, the tasks and specific activities pursued by international NGOs (humanitarian missions, assistance to poor and developing

¹⁹Letter dated 2 October 2008 from the Permanent Representative of Switzerland to the United Nations addressed to the Secretary-General [Electronic resource]. URL: https://www.europarl.europa.eu/meetdocs/2004_2009/documents/dv/droi_090209_33/droi_090209_33en.pdf (date of access: 30.10.2020).

²⁰International code of conduct for private security service provider [Electronic resource]. URL: <https://www.eda.admin.ch/eda/en/home/foreign-policy/international-law/international-humanitarian-law/private-military-security-companies/international-code-conduct.html> (date of access: 30.10.2020).

²¹United Nations security management system: security management operations manual. Guidelines on the use of armed security services from private security companies [Electronic resource]. URL: http://psm.du.edu/media/documents/international_regulation/united_nations/internal_controls/un_unsms-operation-manual_guidance-on-using-pmsc_2012.pdf (date of access: 30.10.2020).

²²UN experts are finalising a draft convention on private military companies exporting their services abroad [Electronic resource]. URL: <https://news.un.org/ru/story/2010/04/1161711> (date of access: 10.01.2022).

²³A practical for NGO participants [Electronic resource]. URL: <https://www.ohchr.org/en/publications/policy-and-methodological-publications/united-nations-human-rights-council-practical> (date of access: 10.01.2022).

countries, search and rescue operations, etc.), their impartiality is often questioned. Critics suspect NGOs of being vehicles of the foreign policy of powerful states, being open to particularistic (and sometimes destructive) corporate interests [4]. Some grassroots organisations – such as ISIS – act as violent non-state actors [22].

It is important to note in this regard that we apply the term “organisation” to legal entities, and also to officially unregistered (unrecognised) public structures. In the latter case, organisation is a distinct attribute of the commission of a crime (*sui generis*) associated with long-term activity, participation in a criminal organisation, complex connections between accomplices, conspiracy and a degree of autonomy of the individual actors.

The generic approach to dealing with organisational involvement in criminal activity is laid out in instruments such as the UNTOC. Under art. 10 of the said convention (liability of legal entities), each state party to the convention is obliged to take such measures as may be necessary, taking into account its legal principles, for the liability of legal entities for participation in serious crimes involving a criminal organised group and for crimes recognised as such in accordance with art. 5 (criminalisation of participation in an organised criminal group).

In Art. 10 (2) of the UNTOC, the participating states are also invited to choose the types of liability of legal entities, among which criminal liability is also provided, along with civil and administrative penalties. The convention puts forth two conditions: that such liability is in compliance with the legal principles of the state party (the provisions of national legislation) and without prejudice to the criminal liability of individuals who have committed crimes.

In this regard, let us consider the possibility of criminalising assistance (directly or indirectly) in the search and rescue (SAR) operations in the Mediterranean conducted by some international NGOs because they complement the activity of transnational criminal groups on illegal migration and people smuggling across the Mediterranean. Arguably, unauthorised SAR operations in this region could constitute a *de facto* link in the “business model” of people smugglers. In the argument of the opponents of SARs, when the trafficking attempt fails, SAR crews act as a stand-by resource, increasing the chances of the illegal migrants reaching the EU countries.

According to the Protocol against the smuggling of migrants by land, sea and air, supplementing the UNTOC (art. 6 (2)), it is permissible to criminalise attempts to commit any crime recognised as such under para 1 of art. 6 of the mentioned protocol (smuggling of migrants, performing activities to create conditions for the smuggling of migrants, production of a forged entry or exit document or identity card, etc.), as well as aiding and abetting, including participation as an accomplice (paras 2 (a), 2 (b), 2 (c) of the art. 6)²⁴.

Although, to date, no concrete facts of interaction between representatives of NGOs and transnational criminal groups engaged in human smuggling have been established, nevertheless, the possibility of bringing to criminal responsibility the NGOs and their crews onboard the vessel “for actions in tacit agreement with smugglers” is open [6, p. 29].

This conjecture is based on the current EU migration legislation pursuant to the UN protocol, namely, the “package of intermediaries” Council Directive 2002/90/EC of 28 November 2002, defining the facilitation of unauthorised entry, transit and residence²⁵ and the Council’s framework decision 2002/946/JHA of 28 November 2002 on strengthening the criminal legal framework for preventing the facilitation of unauthorised entry, transit and residence²⁶.

Moreover, the Council directive 2002/90/EC makes a distinction between *intentional assistance* (requiring the intent “to obtain, directly or indirectly, financial or other material benefits”, as in the Protocol) and *direct assistance* to the illegal entry of migrants, not requiring the intent to obtain a benefit, or not mediated by criminal conspiracy. This makes SAR humanitarian missions potentially vulnerable to criminal persecution [6, p. 29].

As a partial solution to this controversy, the Council directive 2002/90/EC, includes a provision whereby the member states may if they wish, exclude criminal liability in the case of humanitarian assistance missions.

At the same time, EU migration legislation goes beyond the minimum requirements for criminalisation (art. 6) of the Protocol and allows the criminalisation of stimulating behaviour that is not based on any conspiracy and is not committed with the intention of obtaining financial or other material benefits. In our opinion, this is the result of greater weight being given to concerns about national security and the protection of the sovereignty of [EU countries], than to the provision of human rights in the humanitarian and migration sphere.

²⁴A practical for NGO participants [Electronic resource]. URL: <https://www.ohchr.org/en/publications/policy-and-methodological-publications/united-nations-human-rights-council-practical> (date of access: 10.01.2022).

²⁵Council directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence [Electronic resource]. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32002L0090&from=EN> (date of access: 26.08.2021).

²⁶Council framework decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence (2002/946/JHA) [Electronic resource]. URL: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32002F0946> (date of access: 26.08.2021).

Conclusion

Non-state actors are in pursuit of multiple directions of development, reflecting the lack of a uniform and universally recognised approach to determining their international legal status. This evolution exceeds and sometimes equals the pace of domestic legal changes.

Concerns still exist about the impacts of this situation on the effectiveness of the international effort to maintain peace and security, cooperation among states in criminal law enforcement and combating of transnational organised crime, and on human rights. Non-state actors may become actors in transnational crime when their functionality and human potential are used to promote egocentric corporate interests, obtaining unfair financial, material and other advantages.

In a globalising world, fully legitimate actors who choose not to follow the formula “it is better to be

than to seem” contribute to such well-known phenomena in modern conditions of globalisation as hybrid wars, grey zones, the DarkNet and the shadow economy.

Under these conditions, the integrative role of international law is particularly important. International action can clarify the status of organisations, and maintain effective debate on coordination and delineation of the boundaries of national jurisdictions in conducting anti-crime and counter-terrorism operations, and sanctioning unscrupulous entities. This can help mount effective national responses to the emerging security threats and find joint, universally acceptable solutions to topical human rights issues for countries with different historical and cultural values, and religious and legal traditions.

References

1. Douhan A. *Mezhdunarodnye organizatsii i podderzhanie mezhdunarodnogo mira i bezopasnosti* [International organisations and the maintenance of international peace and security]. Minsk: MITSO; 2016. 262 p. Russian.
2. Hoffman FG. *Conflict in the 21st century: the rise of hybrid wars*. Arlington: Potomac Institute for Policy Studies; 2007. p. 17–35.
3. von Clausewitz C. *On war*. Howard ME, Paret P, translators. New Jersey: Princeton University Press; 1984. 752 p.
4. Turley J. Big money behind war: military-industrial complex. *Aljazeera* [Internet]. 2014 [cited 2021 January 2]. Available from: <https://www.aljazeera.com/opinions/2014/1/11/big-money-behind-war-the-military-industrial-complex>.
5. de Balzac H. Le Père Goriot. In: *Œuvres complètes de H. de Balzac*. Paris: A. Houssiaux; 1855. p. 303–531.
6. Kruessmann T. Human rights in combating organised crime and the problem of “illegal” migration in Europe. *Journal of the Belarusian State University. Law*. 2020;3:24–29.
7. Shelley L. The threat to world order. In: Torr JD, editor. *Organised crime*. San Diego: Greenhaven Press; 1999. p. 173–181. (Contemporary issues companion).
8. Boguslavskii MM. *Mezhdunarodnoe chastnoe pravo* [Private international law]. Moscow: Mezhdunarodnye otnosheniya; 1994. 416 p. Russian.
9. Woters J, Chané AL. Multinational corporations in international law [Internet]. 2013 [cited 2021 January 2]. Available from: https://www.researchgate.net/publication/272241501_Multinational_Corporations_in_International_Law. (KU Leuven Working Paper; No. 129). DOI: 10.2139/ssrn.2371216.
10. Tait N. Costs settlement brings to an end record-breaking BCCI litigation 12-year action. *Financial Times*. 2006 June 8.
11. Westra L. *The supranational corporation: beyond the multinationals*. Boston: Brill; 2013. 220 p. (Studies in Critical Social Sciences; volume 53).
12. Ruvinskii RZ. *Pravoporyadok v period global'nogo krizisa: transformatsii, tendentsii, ugrozy* [Legal order in times of global crisis: transformations, trends, threats]. Saint Petersburg: Aleteiya; 2020. 350 p. Russian.
13. Coady CAJ. Mercenary morality. In: Bradney AGD, editor. *International law and armed conflict: 16th annual conference; 1990 April 5–7; Leicester, Great Britain*. Stuttgart: Franz Steiner; 1992. p. 55–71.
14. Singer PW. *Corporate warriors: the rise of the privatised military industry*. New York: Cornell University Press; 2007. 351 p.
15. Moller D. *Privatisation of conflict, security and war*. Copenhagen: Danish Institute for International Studies [Internet]. 2005 [cited 2021 January 2]. 41 p. (DIIS Working paper; No. 2005/2). Available from: <https://www.jstor.org/stable/resrep13435>.
16. Gielink D, Buitenhuis M, Moelker R. No contractors on the battlefield: the Dutch military's reluctance to outsource. In: Jäger T, Kümmel G. *Private military and security companies: chances, problems, pitfalls and prospects*. Wiesbaden: Springer VS; 2007. p. 149–165. DOI: 10.1007/978-3-531-90313-2_10.
17. Cameron L. Private military companies: their status under international humanitarian law and its impact on their regulation. *International Review of the Red Cross*. 2006;88(863):573–598.
18. MacLeod S. Private security companies and shared responsibility: the turn to multistakeholder standard-setting and monitoring through self-regulation-“plus”. *Netherlands International Law Review*. 2015;62:119–140. DOI: 10.1007/s40802-015-0017-y.
19. Mitchell S. Becoming legitimate: how PMSCs are seeking legitimacy in the international system [Internet]. 2018 [cited 2021 December 25]. Available from: <http://scholarcommons.usf.edu/etd/7197>.
20. Mandel R. *Armies without states: the privatisation of security*. London: Lynne Rienner Publishers; 2002. 169 p.
21. Stillman GB. *Global standard NGOs: the essential elements of good practice*. Geneva: Grant B. Stillman; 2007. 92 p.
22. Hager EB, Mazzetti M. Emirates secretly sends Colombian mercenaries to Yemen fight. *New York Times* [Internet]. 2015 November 25 [cited 2022 January 20]. Available from: <https://www.nytimes.com/2015/11/26/world/middleeast/emirates-secretly-sends-colombian-mercenaries-to-fight-in-yemen.html>.

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