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## GRAND STRATEGY IN US AND CHINA FOREIGN POLICY: SEEKING WORLD HEGEMONY OR PROMOTING GLOBAL HARMONY?

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*Abstract.* The dawn of the 21<sup>st</sup> century has witnessed seismic shifts in the dynamics of international relations and the global strategies of leading powers. The US and China, as major players in the world arena, confront both shared threats and unique national characteristics for the first time in history. Discussion of a great power's foreign policy typically involves an exploration of its grand strategy. However, interpretations of this concept can vary significantly, influenced by each nation's political philosophy, historical trajectory, and geopolitical priorities. This article aims to elucidate the stable theoretical underpinnings of the US and Chinese global policies, to compare their ultimate aspirations within their grand strategies and the way they seek to achieve these goals, to examine their mutual perceptions in global politics, often marked by misunderstandings, to assess whether the American model of world hegemony and the Chinese vision of global harmony are compatible within contemporary international relations.

Keywords: historical background; foreign policy; grand strategy; world hegemony; global harmony; global order.

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## ГЛОБАЛЬНАЯ СТРАТЕГИЯ ВНЕШНЕЙ ПОЛИТИКИ США И КИТАЯ: В ПОИСКАХ МИРОВОЙ ГЕГЕМОНИИ ИЛИ ГЛОБАЛЬНОЙ ГАРМОНИИ?

#### **И. И. КОВЯКО**<sup>1)</sup>

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*Аннотация.* В начале XXI в. произошли тектонические сдвиги в структуре международных отношений и мировой политике великих держав. Два гиганта мирового порядка – США и Китай – впервые в истории столкнулись как с общими угрозами, так и с индивидуальными особенностями друг друга. Изучение внешней политики великого государства, как правило, сопровождается анализом его глобальной стратегии. Значение и содержание этого термина могут быть совершенно разными в зависимости от политической философии, исторического опыта и геополитического кода конкретной страны. США и Китай имеют богатую историю и обширную политическую практику, которые влияют на формирование их внешней политики. Целями статьи являются описание устойчивой теоретической основы глобальной политики США и Китая, сравнение конечных (идеалистических) целей американской и китай-ской глобальных стратегий, а также методов их реализации, оценка восприятия государствами друг друга в мировой политике. Кроме того, в настоящей статье анализируется соответствие американской модели мировой гегемонии и китайской модели мировой гармонии и обобщаются перспективы взаимодействия США и Китая в контексте современных международных отношений.

*Ключевые слова:* исторический фон; внешняя политика; глобальная стратегия; мировая гегемония; глобальная гармония; мировой порядок.

The lack of an overall strategy makes one a prisoner of events. *H. Kissinger* 

#### Introduction

Today, the geopolitical landscape is largely shaped by the US and China. These great powers endeavour to execute distinct grand strategies in their foreign policies, deeply rooted in their national histories, cultures, and mentalities. The primary aim of these grand strategies is to mould the world according to an ideal vision that serves their national interests.

This article offers a comparative analysis of the historical conditions that have shaped American and Chinese grand strategies, identifies their theoretical bases and ideal objectives, and explores the nuances of their practical application. The first two sections analyse the historical contexts that have influenced each nation's grand strategy, emphasising that a profound understanding of history is essential for comprehending a state's grand strategy, as it is inherently tied to its historical experiences [1, p. 13; 2, p. 14]. The third section compares the ideal objectives of these grand strategies, highlighting both similarities and differences. Ultimately, we will address whether the US and China can coexist as global leaders in the 21<sup>st</sup> century. This research draws on the works of ancient and modern thinkers from Europe, US, and China, including Confucius [3], Laozi [4], Sun-Tzu [5], C. von Clausewitz [6], N. Machiavelli [7], H. Kissinger [8], and contemporary scholars and statesmen such as S. Chen [9], J. Mearsheimer [10], H. Brands [11], C. Layne [12], Xi Jinping [13; 14].

The research findings hold significance both now and in the future, giving the enduring nature of the study subjects, as shaped by the long-standing political cultures of the US and China. These cultures have developed over centuries and are resistant to change due to historical events.

#### Historical foundations of China's grand strategy: the quest for great harmony

China's grand strategy is steeped in history, tracing back to ancient times with roots in both religious-philosophical and socio-political dimensions. Influenced significantly by Confucianism and Taoism, these philosophies continue to shape the nation's spiritual ethos.

Central to Confucian thought are the concepts of *da*tong 'great harmony' and *he* 'harmony', 'peace', 'accord', which dictate that a ruler's paramount objective should be to establish just governance, transcending domestic affairs to encompass external relations as well. Confucius articulated this vision stating that the true ruler considers nothing to be external. This philosophy also presupposes a hierarchical structure in relationships, where subordinates trust and follow their superiors, who in return must respect and care for their subordinates' needs. Confucius eloquently captured this ideal: "The gentleman aims at harmony, and not at uniformity; the small man does the opposite" [3, p. 111].

This vision was further enriched by Laozi, founder of Taoism, who posited: "All beings carry yin and yang within themselves and together create great harmony"<sup>1</sup> [4, p. 58]. Historically and presently, China por-

<sup>&</sup>lt;sup>1</sup>Hereinafter translated by us. – I. K.

trays the pursuit of great harmony as a cornerstone of both its domestic and international policy agendas. This approach suggests a model of leadership that should be voluntarily accepted by the majority, thereby avoiding significant or widespread international discord.

The term *Zhongguo*, the ancient name of China translated as "Middle Kingdom", reflects the socio-political aspect of its grand strategy. It underscores China's unique geographical and historical position as a civilisational hub surrounded by what were considered barbarian states. This centrality historically positioned China as a cultural magnet, drawing neighbouring peoples into its orbit as willing vassals. The arrival of foreign trade missions, bearing what was perceived as tributes to the emperor, did little to pique Chinese interest due to the country's self-sufficiency and advanced state of arts and crafts [15, p. 357]. This sentiment was famously echoed by Kang Yuwei, a reformist of the imperial court in 1898, who noted: "Everything that the West is proud of existed with us hundreds and thousands of years ago" [16, p. 605].

#### Historical roots of American grand strategy: how the US came to believe in itself

In contrast, the grand strategy of the US was formulated much more recently, emerging prominently in the mid-20<sup>th</sup> century. However, its theoretical underpinnings can be traced back to the 18<sup>th</sup> century, intertwining with Protestant values and the ideals of ancient Rome. Data of observations evidence that US' founding figures initially doubted the nation's longevity. Yet, by the 19<sup>th</sup> century, a more optimistic view prevailed, fostering a belief in US' divine election and historical mission – elements central to American messianism. This belief underpinned the notion that American hegemony served a global good, divinely sanctioned [18, p. 28–33].

Key 19<sup>th</sup>-century documents such as the Monroe doctrine (1823) and Manifest destiny (1845) outlined regional strategies but lacked a global perspective, instead justifying American leadership in the Western hemisphere. A truly global grand strategy for the US emerged post-World War I, encapsulated in W. Wilson's fourteen points and the League of Nations initiative. The term "grand strategy" gained prominence in English discourse post-World War I as American strategic thinking expanded in scope [2, p. 7; 11, p. 2]. Following a period of isolationism, World War II marked a pivotal shift. Some European thinkers, particularly British,

From this historical narrative of self-sufficiency China's confidence in its capabilities and virtues, forming the bedrock of its grand strategy that dates back approximately 3000 years springs. The foundational principles of China's governance, rooted in Confucian and Taoist philosophies, have remained largely unchanged over millennia. The Cultural revolution (1966-1976) marked a brief deviation, later officially acknowledged as a misstep. China's foreign policy continues to be influenced by its deep-rooted traditions [17]. Despite its modern communist facade, China essentially represents another iteration of Zhongguo. This historical self-sufficiency has enabled China to effectively disseminate its language and culture globally, epitomised by the establishment of Confucius institutes. These institutions bear the name of the ancient philosopher whose teachings still resonate strongly in Chinese governance. President Xi Jinping frequently incorporates quotations from ancient philosophers, historians, and writers into his speeches, underscoring their enduring relevance.

believed that earlier American engagement could have prevented the war. During the Cold War, American values were increasingly seen as a universal beacon, an idea first articulated by J. Winthrop's "City upon a hill" in the 17<sup>th</sup> century and revisited in post-war analyses of Germany [19, p. 163–164].

The Marshall plan supported the creation of a prosperous Western Europe, intended to entice socialist states towards capitalism. The metaphor of a city on a hill, later employed by J. F. Kennedy and R. Reagan in their speeches, encapsulated this vision of exemplary leadership.

During the Cold War, the grand strategies of the US and the USSR shared several elements, focusing on ideology, military capacity, political governance (democratic or non-democratic), and economic organisation (planned or market economy). Post-Cold War, American policymakers hesitated to embrace new strategic frameworks [20, p. 347], preferring traditional models despite significant changes in the international arena, notably with China assuming the role of principal challenger. Inspired by Taoist principles (like the sky does not fight, but knows how to win) Chinese strategists aim to enhance the global appeal of Chinese civilisation.

### Contemporary approaches, similarities, and dissimilarities in grand strategies of the US and China

The clash between US hegemony and Chinese leadership highlights differing concepts in their grand strategies. Central to Chinese foreign policy is the principle of great harmony, emphasising mutual interests and conflict avoidance, akin to managing a large family. The veneration of ancestors is deeply rooted in Chinese tradition. Before the "one-child policy" took hold, large families were the norm, with three or even four generations sharing a roof and cultivating a harmonious coexistence. This emphasis on great harmony became a cornerstone of daily life, supported by the tenets of traditional philosophy.

This concept extends beyond domestic life, influencing China's approach to international relations. The world is envisioned as one vast family, where all members must co-exist peacefully. Mutual respect, reciprocal benefit, and a willingness to compromise are seen as keys to shared prosperity. Recognising and delicately handling the vulnerabilities of others is paramount. However, great harmony doesn't preclude leadership. Within a family, the most senior and experienced member often takes the lead. This leadership is not based on brute force, but on contributions to the family's well-being, wisdom accumulated over a lifetime, and the power of a positive example. As one of the world's oldest civilisations, alongside India, to have continuously maintained statehood and its traditions, China sees itself as a potential leader in this global family, naturally reflecting the concept of great harmony in the international arena. This perspective is frequently articulated by president Xi Jinping, who often reminds international audiences that the whole world is one family [9; 13, p. 369]. In a notable 2017 speech at the UN Headquarters, he reiterated: "There is only one planet Earth in the Universe, and all mankind shares one home" [14, p. 512-528].

A distinctive aspect of China's grand strategy is its aversion to the concept of hegemony. In Chinese, the world "hegemony" comprises two characters: one connoting 'tyrant' or 'despot', and the other meaning 'power'. This term is traditionally contrasted with legitimate governance. H. Kissinger highlighted that during the signing of the 1972 Shanghai communiqué, the clause concerning hegemony was pivotal [8, p. 295]. It declared that neither party would pursue hegemony in the Asia – Pacific region. While the US interpreted this as China's renunciation of hegemony, for China, it signified a rejection of the concept itself. Chinese economist D. Daokui Li remarked that aspirations for hegemony, as understood in the Western context, are alien to the Confucian tradition [21, p. 68]. Intriguingly, China's dismissal of hegemony is largely influenced by the negative connotations embedded in its linguistic expression, despite not rejecting the notion of global leadership, akin to the natural leadership within a large family.

In contrast, hegemony is a cornerstone of US grand strategy. During the Cold War, references to global hegemony were scarce due to the formidable presence of the USSR, the focus was instead on deterrence. The international system then hinged on a balance between two superpowers, each acknowledging its sphere of influence and adhering to both explicit and tacit norms in dealing with its rival. Notions of world hegemony and global leadership after 1991 proliferated in American political discourse. The Cold War triumph was perceived as a historical watershed, setting the course for future US policy. As the unipolar moment dawned in international relations [22], messianic ideologies gained prominence [23; 24]. The pursuit of American hegemony was envisaged alongside the dissemination of Western values such as political pluralism, market freedom, and secularism. However, caution was advised by some scholars, including H. Kissinger, who noted America's historical unpreparedness for these new international dynamics, as it continued to see itself as safe between two oceans, and thus protected from conflict and capable of building peace on democratic principles [25, p. 9]. Others argued that a hegemonic grand strategy could be self-defeating and likely to incite geopolitical resistance [12, p. 5].

Hence, hegemony has remained central to American grand strategy into the 1990s and beyond. The global stage is viewed as a battleground where a hegemon sets and enforces the rules, maintaining order. According to J. Mearsheimer, the ultimate goal for any major power is to achieve unrivalled hegemony [10, p. 2]. The enhancement of a state's international standing is often perceived as an attempt to assert its hegemony.

#### Ideology and commerce in US and Chinese soft power and grand strategies

US soft power is deeply entwined with messianic ideologies, accompanied by a distinctive ideological flair. This messianism is not novel in US grand strategy but is a continuation of a tradition that dates back to the era of Western colonialism. Nations such as Britain, France, Spain, Portugal, the Netherlands, Belgium, and later Germany and Italy, were convinced of their divine mission in Asia, Africa, and Latin America. They often imposed their values through coercive means. However, the disintegration of the colonial system revealed that soft power elements – language, education, and trade relations – had deeper and more enduring impacts. In contrast, symbols of hard power, including statues of colonial leaders, were often vigorously eradicated. The primary hazard of employing hard power is that imposing a universal value can lead to misunderstandings or outright rejection of other values, perceived as barbaric or incorrect. There exists a misguided belief that the ends justify the means and that the descendants of those deemed barbarians will be thankful for these harsh lessons.

Post-World War II, the US successfully "civilised" former adversaries Germany and Japan under extraordinary conditions, reinforcing the notion that hard power could instil certain values. This belief influenced the later artificial revolution theory [26]. However, this messianic idealism soon clashed with realism, another cornerstone of the US political philosophy. Historically, Western thinkers connection between the geographical location of the nation and its political system, laws, customs, and traditions. Scholars such as Aristotle in tractate "Politics", C. L. Montesquieu in work "On the spirit of laws", and J. Bodin in research "Method for the easy knowledge of history" have argued against the feasibility of an universal value system. In the post-war era, G. F. Kennan contended that Western institutions might be inappropriate for people living under different climatic and societal conditions. He warned that the US would achieve little by treating other nations with emotional disdain [27, p. 135, 147]. His views were echoed by H. Morgenthau, a proponent of pragmatic foreign policy [28].

The dissolution of the USSR and the socialist bloc significantly amplified US messianism, particularly evident throughout the 1990s. Despite S. Huntington's warnings about the potential for clashes of civilisations at cultural fault lines [29], this period saw persistent attempts to "civilise" nations such as Iraq, Afghanistan, and Libya using hard power – efforts which ultimately failed. Historian N. Ferguson has critiqued this approach, stating: "We are making a big mistake if we think there is one universal model of Western democracy that absolutely everybody is going to adopt" [21, p. 56].

China's grand strategy, guided by the principle of datong, employs economic, trade, financial, and cultural methods that collectively termed "soft power" by J. Nye [30]. This approach extends China's influence not only to rapidly developing states but also to regions often overlooked by Western corporations. Such engagement is perceived as fostering harmonious relations, aligned with the vision that the whole world is one family. Concurrently, China enhances its global stature and economic footprint with minimal emphasis on ideological propagation. In contrast, although the US invests significantly in international development, it frequently promotes specific ideological values, unlike China, which adheres to Laozi's maxim: "If you do not despise the people they will despise you" [4, p. 88]. By respecting or remaining neutral towards local political systems and coupling this stance with effective economic policies, China showcases the merits of its civilisation and gains strategic advantages in regions where governance may not meet US democratic standards.

#### Enemies, partners, friends: how much does hard power matter?

Historically, China has been less inclined than other major powers to utilise military force in its foreign affairs, particularly beyond its immediate borders and neighbourhood. Predominantly, Chinese conflicts have been internal, with rare exceptions such as during the Qing Dynasty in the 18<sup>th</sup> century when it expanded into Muslim-populated western territories.

The classical rejection of war as a political tool is evident in the teachings of Chinese military strategist Sun-Tzu. His seminal work "The art of war", advocates that war is inherently destructive for both victor and vanquished, draining the state's resources and weakening its power. Therefore, avoiding direct conflict is paramount. The supreme art of war is to subdue the enemy without fighting: "The best way to fight a war is by disrupting the enemy's plans. In the second place comes patching up his alliances, and in the next to defeat his forces" [5, p. 49]. This philosophy is echoed in various Chinese stratagems that promote indirect engagement and strategic patience - principles like watch the fires burning across the river and wait at leisure while the enemy labours. Additionally, Taoist philosophy, which greatly influences Chinese strategic thought, prioritises soft power, likening supreme virtue to water: "Water benefits all beings and fights no one" [4, p. 24]. In contemporary terms, China's Belt and road initiative appears to embody these ancient philosophies, though global opinions vary on whether it truly fosters global harmony.

A distinctive aspect of China's grand strategy is its apparent lack of an external enemy in its foreign policy discourse. Chinese policy documents rarely identify any state as a permanent threat to national security, eschewing the concept of ideological adversaries on a global scale, except in specific regional conflicts such as those near its borders with India or Vietnam. This contrasts sharply with the US, which, shielded by its geographical isolation, never experienced a large-scale invasion and enjoyed the luxury of time to build its domestic power base. Surrounded historically by numerous powerful and potentially hostile neighbours, China has instead learned to cultivate a network of friendly relations [31, p. 240], underpinned by the belief that great harmony precludes the existence of enemies within the family. All issues, according to this philosophy, should be resolved through discussion and compromise.

This Chinese approach to international relations might resonate with the US, which has adhered to A. Lincoln's maxim that a house divided against itself cannot stand.

In terms of alliances, China has not maintained traditional partnerships in its foreign policy. While sharing civilisational values with Korea, Vietnam, and Japan, these relationships do not imply exclusivity. Remarkably, during the Cold War, China shifted from a close alliance with the USSR under J. Stalin to a united front with the US, Japan, and Western Europe in the 1980s. Deng Xiaoping articulated this strategy succinctly: "Chinese foreign policy is based on the principle of self-reliance and independence... China does not play either the Soviet or the American card. It does not allow others to play the Chinese card either" [32, p. 59].

The role of hard power in the US grand strategy is also critical. Western civilisation, influenced by political realism as depicted by thinkers like N. Machiavelli and C. von Clausewitz, traditionally views war as a natural extension of politics. Unlike Chinese philosophy which extols passivity, Western theory often stresses proactive offensive actions [6, p. 45; 7, p. 47–55]. The concept of an external enemy has been a staple in the US national defense strategies, sometimes serving as a pretext for the deployment of hard power. Over various periods, perceived threats such as world communism, Islamic terrorism, and the rise of powers like China and Russia have been portrayed as formidable adversaries. The absence of such a clear threat post-1991 led to a strategic crisis in the US, leaving it without a "North Star" in an unpredictable global landscape [1, p. 33; 11, p. 195; 20, p. 6]. Conversely, Western Europe, particularly the UK, has traditionally played the role of a steadfast ally. This special relationship has been formalised through participation in various international structures, primarily political and military in nature.

During the Cold War, the grand strategies of the USSR and the US displayed striking similarities: both were marked by messianism, a belief in the universality of certain values, the identification of an external enemy, and a realistic approach to warfare. Consequently, the US found its rivalry with the USSR more straightforward and comprehensible than its current nuanced soft confrontation with China. The distinctiveness of today's situation lies in the fact that China's grand strategy does not mirror either American or Soviet models. To navigate this effectively, the US must reengage with both global and national historical studies, moving away from an ahistorical stance [33, p. 4]. Sun-Tzu's wisdom underscores this point: victory comes from knowing both oneself and one's adversary. Knowing only oneself results in uncertain outcomes, while ignorance of both parties ensures defeat [5, p. 51]. This highlights the importance of a thorough exploration of both US and Chinese histories and grand strategies.

#### Is there common ground?

The development of grand strategies in the US and China occurred under different historical circumstances and conditions, leading to notable differences yet also revealing underlying similarities. Perhaps this is because the basic hopes, fears, and aspirations of humanity have remained largely constant over millennia.

Firstly, both nations aspire to global leadership, though not necessarily a shared one. Their political and philosophical frameworks suggest that having a definitive leader enhances system stability and security.

Secondly, both countries emphasise the importance of economics, investment, and trade as pillars of national power. This necessitates an active international policy and adept diplomacy that considers other nations' interests and concerns. Economic fluctuations anywhere in the world can either strengthen or weaken a nation's influence, explaining the fierce competition and mutual recriminations between the two countries on these fronts. Thirdly, both the US and China are highly sensitive to military advancements by other major powers, viewing them as challenges that warrant a robust response. This often leads to military build-ups or exercises that are largely demonstrative. Similar reactions occur in response to sensitive political issues, such as those involving Taiwan.

Another shared aspect of their grand strategies is their active involvement in international organisations, through which they seek to augment and legitimise their global influence [34, p. 242; 35, p. 101–104]. The institutionalisation of global power began with the US post-World War II when it emerged as the wealthiest and most powerful nation. In the 21<sup>st</sup> century, China has followed suit, initially by establishing regional entities like the Asian Infrastructure Investment Bank. Besides, China has increased its investment and influence in long-established international organisations. The escalating tensions between China and the US within the UN, WTO, WHO and similar bodies underscore their intense competition for control over global institutions.

#### Conclusions

The grand strategies of the US and China have evolved under distinct historical circumstances and eflect the unique characteristics of two different civilisations – Confucian and Western – as categorised by S. Huntington. The theoretical underpinnings of their foreign policy behaviours have been shaped over centuries, embodying divergent worldviews. China's grand strategy adheres to ancient philosophical principles, prioritising great harmony and the use of soft power while eschewing hard power and the concept of an external enemy. It views the world as a family, which should be led by its eldest and most experienced member. In contrast, the American grand strategy emerged in the 20<sup>th</sup> century, an era dominated by hard power. The world wars accentuated the focus on external enemies in its foreign policy, and the collapse of the USSR revitalised messianic notions. Today, US strategy is a complex mix of political realism and messianism, employing both hard and soft power and leveraging the notion of external threats to pursue its ultimate aim of global hegemony.

The likelihood of the US and China sharing global leadership remains uncertain. Attempts by the US to propose a model of joint governance (termed "bigemony") have proven unsuccessful. The concept of Chimerica, introduced by N. Ferguson and M. Schularick in late 2006 and later promoted by Z. Brzezinski and H. Kissinger, has failed to materialise beyond theoretical discussions [36, p. 12]. While China rejects the notion of hegemony, which the US frequently incorporates into its strategic planning, this discrepancy appears to be more than just linguistic. Both nations inherently understand and pursue global leadership, though historically they have viewed it as a role that is challenging to share effectively.

At first glance, the US and China appear too dissimilar to draw any definitive conclusions about the future of the global order. China continues to embrace a broad concept of strategic partnership, avoiding traditional American strategic paradigms such as hegemony, special relationships, and external enemies. A short-term alliance between them seems feasible only under extraordinary circumstances that pose a common threat to their diverse values and vital interests.

The 21<sup>st</sup> century is shaping up to be an era dominated by a competition for soft power between the US and China. This rivalry is not just about economic or military might, but it is a profound contest for the hearts and minds across the globe. The US, which had a strong position in the 1990s, saw its advantage diminish in the 2000s due to its own missteps and China's rising achievements. In this context, the ability to engage respectfully with other civilisations, acknowledging their ancient traditions and governance structures, becomes crucial in any major power's grand strategy. This also necessitates a reevaluation of the concept of an external enemy.

The question of whether the US will adapt its political strategies in response to global competition with China could be decisive for the future world order. Meanwhile, China, despite its increasing influence, struggles to attract people from diverse cultural backgrounds due to its conservative and traditional nature – a double-edged sword in its rivalry with the US.

The future remains uncertain: will we see the rise of a single global hegemon, or will we achieve a harmonious balance of states? Could China's pursuit of great harmony unexpectedly usher in global hegemony? Alternatively, might the American pursuit of global hegemony lead us towards greater harmony? The answers are still unfolding, leaving room for optimism. Although the American eagle and tails just like the Chinese *yin* and *yang* represent diametrically opposed forces, they are integral to a unified whole that derives meaning from its diversity.

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## WHY CHINA – US CONFRONTATION PERSISTS: THE UNABATED IDEOLOGICAL CONFLICT

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*Abstract.* The opposition between China and the US is a reflection of the major global contests of the 21<sup>st</sup> century. At its core, this conflict represents a rivalry between two distinct ideologies: liberal democracy and socialism with Chinese characteristics. Driven by these divergent ideological frameworks, Beijing and Washington exhibit uncompromising stances on a myriad of issues including the trade war, the Covid-19 pandemic, the special military operation in Ukraine, and the situation in Taiwan. The essence of this ongoing ideological struggle stems from the inability of US values, which champion a "free world", to reconcile with China's ideological objectives. The critical question about how will the escalating ideological conflict influence the global order amidst Sino-American rivalry still needs to be answered.

*Keywords:* China – US relations; ideological conflict; liberal democracy; socialism; Taiwan; Belt and road initiative; global conflict; attitudes; ideological objectives; Sino-American rivalry; China; the USA; Ukraine; Russia.

## ЗАТЯЖНАЯ КОНФРОНТАЦИЯ КИТАЯ И США КАК БОРЬБА ИДЕОЛОГИЙ

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*Аннотация*. Противостояние между Китаем и США отражает ведущие глобальные противоречия XXI в. По сути, речь идет о соперничестве двух различных идеологий: либеральной демократии и социализма с китайской спецификой. Действуя в пределах своих идеологий, Пекин и Вашингтон занимают бескомпромиссные позиции по множеству вопросов, включая торговую войну, пандемию Covid-19, специальную военную операцию на Украине и ситуацию на Тайване. Причиной этого противостояния является несовместимость ценностей "свободного мира", отстаиваемых США, с идеологическими устремлениями Китая. В условиях увеличивающегося разрыва между противоборствующими сторонами вопрос о возможном влиянии идеологий США и Китая на мировой порядок в целом остается открытым.

*Ключевые слова:* китайско-американские отношения; идеологический конфликт; либеральная демократия; социализм; Тайвань; инициатива "Один пояс, один путь"; глобальный конфликт; установки; идеологические цели; китайско-американское соперничество; Китай; США; Украина; Россия.

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#### Introduction

Amid escalating tensions between China and the US, encompassing trade, technology, and military supremacy, the potential for an ideological conflict remains an underexplored area. For over a century, the world experienced an American era defined by US ideologies, wealth, military prowess, alliances, and partnerships. In 1979, diplomatic relations were formally established between China and the US, acknowledging each other's presence on the global stage. Over the past four decades, despite divergences in political systems, strategic interests, and cultural values, both nations have maintained a largely cooperative stance, with bilateral relations progressing through various phases of engagement and cooperation. However, the election of D. Trump as president marked a shift towards a more confrontational approach towards China, leaving a lasting impact on bilateral relations. The inauguration of J. Biden has seen a continuation and intensification of tough rhetoric against China. This adversarial discourse has entrenched divisions, potentially complicating efforts for peaceful coexistence in the long term.

While scholars have long debated the role of ideology in international relations, ideological disparity has emerged as a prominent aspect of China – US relations. A scholar from Columbia University A. Weisiger views ideology as a theoretical framework in international politics that dictates specific policy prescriptions. However, these prescribed policies can obstruct effective communication and heighten the risk of misjudgments between states. Thus, ideological differences are intrinsically linked to international disputes and conflicts [1, p. 7]. In the context of China – US relations, competing ideologies have fostered opposing policies, escalated tensions, and can potentially precipitate an imminent conflict. In this light, ideology continues to be central to the division between China and the US.

Chinese scholars and US strategists hold divergent perspectives on the ideological confrontation between their nations. Many American analysts adopt a confrontational stance towards the China – US ideological divide. Scholars such as H. Brands [2], A. L. Friedberg [3], and T. Chhabra [4] characterise China as authoritarian and argue that ideological confrontation is an intrinsic element of great-power competition, one that the US should not shy away from addressing. Moreover, they advocate that the US and other Western countries should devise a strategy to counterbalance China's influence. These views are also reflected by several senior officials within the US administration who believe that Washington's ultimate goal is to establish an ideological order that reinforces its hegemonic status.

Conversely, Chinese intellectuals rarely promote an ideological rivalry with the US. Scholars like Yan Xuetong [5], Wang Jisi [6], and Wu Xinbo [7] maintain that Beijing does not aim to disrupt the existing international order or supplant the US as the global hegemon. From Beijing's viewpoint, the most favourable outcome for both nations might be encapsulated by the Chinese adage *dou-er-bu-po*, suggesting a strategy of engagement without severance.

Although both parties recognise that some level of ideological competition is likely unavoidable, they concur that it is in their best interests to steer clear of unnecessary ideological confrontations. This article aims to explore the underpinnings of this ideological conflict and analyse the positions of China and the US regarding this ongoing dispute.

#### US "liberal empire"

Since its War of Independence, the US has championed a series of individual liberties including freedom of speech, religious freedom, jury trials, and individual citizens' and states' intrinsic rights [8, p. 217]. During World War I and after it, leveraging its unmatched economic, technological, and military capabilities, the US promoted a progressive agenda for its "liberal empire". In 1918, president W. Wilson in his fourteen points, advocated for collective security post-World War I with a mutual guarantee of political independence and territorial integrity for all nations, big and small [9, p. 406]. At the 1944 Bretton Woods conference, the US spearheaded the creation of the World Bank, which aimed to provide loans to countries in the developing world. As World War II drew to a close in 1945, US leaders, along with their allies, established the UN. Shortly thereafter, to counterbalance the Soviet Union, the US, Canada, and several Western European nations founded the NATO. For over four decades, US policymakers viewed the country as playing a pivotal role in maintaining this liberal world order.

Following the collapse of the Soviet Union, the US has remained the sole dominant force in global politics. The world entered a new phase where the US government could intervene militarily and otherwise in foreign nations without fear of significant retaliation. In the 21<sup>st</sup> century, US leadership has persistently employed public, non-governmental, and politicised organisations to achieve its aims, primarily focusing on destabilising the internal dynamics of Russia. Concurrently, Washington has engaged in numerous military conflicts, including the Gulf War (1990-1991), the Kosovo War (1998–1999), the Afghanistan War (2001–2021), the Iraq War (2003–2011), the Libyan Civil War (2011), and various airstrikes in Syria. Additionally, under the pretext of promoting democracy, freedom, and human rights, the US goverment has extended its influence and devised strategies to orchestrate colour revolutions.

Historically, US strategists have regarded their nation as a pivotal member of liberal coalitions during critical periods: the allies in 1919, the UN in 1945, and the "free world" during the Cold War era. In 2007, to counter China's military and diplomatic influence in the Indo-Pacific region, particularly in the South China Sea, the US endorsed the Quadrilateral Security Dialogue (Quad), a strategic cooperative framework involving Australia, India, Japan, and the US [10, p. 2]. In September 2021, Washington announced the establishment of AUKUS, an enhanced trilateral security partnership with Australia and the UK. Although not explicitly aimed at China, AUKUS was designed to "uphold the international rules-based order where countries are free from all forms of military, economic, and political coercion" [11, p. 8].

However, the tenure of D. Trump marked a significant shift, with the US withdrawing from at least five major international agreements: the Paris agreement, the WHO, the UNESCO, the Iran nuclear deal, and the Trans-Pacific partnership. Despite D. Trump's aggressive rollback of his predecessor's policies, Washington and other Western democracies continued to support a "rules-based" liberal world order. On his first day in office, president J. Biden re-committed the US to the Paris agreement and renewed support for the WHO and the UNESCO<sup>1</sup>. The US government has consistently believed that its engagement with partners and allies yields substantial benefits for the American people.

From the US perspective, its liberal world order represents a "third way" between anarchy (an order with limited possibilities for cooperation) and hierarchy (an order maintained by the dominance of a leading state). As global interdependence increases, this liberal order avoids the extremes of anarchy and hierarchy, facilitating a collective approach to global challenges. The US liberal world order is layered: at its surface are internationalist ideologies and initiatives, while deeper layers consist of coalitions of like-minded states that develop and consolidate global rules and institutions.

The inner core of the US liberal order reveals its vulnerabilities and potential for failure when faced with crises and setbacks [12, p. 60]. This system champions enhanced cooperation and socio-economic progress. Consequently, the world should aim to expand rather than abandon this framework.

#### China's ideological world view

On 1 October 1949, Mao Zedong, the leader of the Communist party at China (CPC), proclaimed the establishment of the People's Republic of China. Since then, Marxism-Leninism has underpinned the official ideology of China. Initially, Marxism served as a blueprint for the nascent state, while early policymakers adapted certain tenets of communist ideology to suit national conditions, fostering its localisation in China. This adaptation led to the emergence of Mao Zedong thought, or Maoism, regarded as Marxism-Leninism tailored to the specifics of the Chinese Revolution. This ideology was later termed Chinese communism, Chinese Marxism, or the Sinicisation of Marxism.

In the late 1970s, Deng Xiaoping initiated a transformative period of reform, opening up, and socialist modernisation. The gradual formation and development of Deng Xiaoping theory integrated the principles of Marxism-Leninism and Mao Zedong thought with the practicalities of modern China. Entering the 21<sup>st</sup> century, Chinese leadership introduced the theory of three represents and the scientific outlook on development, acknowledging the dominance of Western cultural influence and identifying ideological and cultural spheres as primary targets for Western forces<sup>2</sup>.

In 2012, following his election as Secretary General of the CPC, president Xi Jinping led an exhibition at the National Museum of China titled "The road to rejuvenation". He highlighted the treachery of Western imperial powers and Japan during what is referred to as China's century of humiliation<sup>3</sup>. Xi Jinping cautioned against a repetition of history where China might again be subjugated by foreign powers. In that year, Xi Jinping also introduced the concept of the Chinese dream, which he defined as the realisation of a prosperous and robust nation, national rejuvenation, and the well-being of its people<sup>4</sup>. He proposed a two-stage development plan to achieve this dream: firstly, achieving basic socialist modernisation by 2035 and secondly, by the mid-21<sup>st</sup> century, transforming China into a leading modern socialist country<sup>5</sup>.

In 2013, China inaugurated the Belt and road initiative, creating a new paradigm for international cooperation.

<sup>&</sup>lt;sup>1</sup>The United States officially rejoins the paris agreement [Electronic resource]. URL: https://www.state.gov/the-united-states-of-ficially-rejoins-the-paris-agreement/ (date of access: 14.10.2023).

<sup>&</sup>lt;sup>2</sup>Chinese president Hu Jintao warns of cultural warfare from West [Electronic resource]. URL: https://www.telegraph.co.uk/news/ worldnews/asia/china/8988195/Chinese-President-Hu-Jintao-warns-of-cultural-warfare-from-West.html (date of access: 14.10.2023). <sup>3</sup>"The road of rejuvenation": a must-see exhibition [Electronic resource]. URL: http://www.chinadaily.com.cn/a/201807/19/ WS5b50642ba310796df4df780b.html (date of access: 15.10.2023).

<sup>&</sup>lt;sup>4</sup>A reception to celebrate the 74<sup>th</sup> anniversary of the founding of the People's Republic of China held in Beijing Xi Jinping delivers an important speech [Electronic resource]. URL: https://www.fmprc.gov.cn/eng/zxxx\_662805/202310/t20231016\_11161464.html (date of access: 15.10.2023).

<sup>&</sup>lt;sup>5</sup>Secure a decisive victory in building a moderately prosperous society in all respects and strive for the great success of socialism with Chinese characteristics for a new era [Electronic resource]. URL: https://subsites.chinadaily.com.cn/npc/2021-12/24/c\_693899\_3. htm (date of access: 15.10.2023).

To support this initiative, China established entities such as the Asian Infrastructure Investment Bank, the Silk Road fund, and the China - Pakistan economic corridor, all of which have vielded significant outcomes.

In 2017, during the opening of the 19<sup>th</sup> National Congress of the CPC, Xi Jinping proclaimed that socialism with Chinese characteristics had entered a new era<sup>6</sup>. To fortify party leadership over ideological discourse and explore innovative approaches in advancing party-related theories, Xi Jinping articulated 14 guiding principles for the Chinese nation, the CPC, and his own leadership. Echoing his predecessors, Xi thought was enshrined in the Constitution during the 19<sup>th</sup> National congress of the CPC in 2018. As a proponent of Marxism, Xi Jinping's philosophy is grounded in historical and dialectical materialism. He asserted the necessity of aligning with historical trends to foster a stable international order<sup>7</sup>. At the 2018 Asia - Pacific economic cooperation forum, Xi Jinping observed that "the world is undergoing

Since D. Trump's inauguration as president of the US, his administration initiated marked ideological shifts in America's stance towards China. These adjustments stemmed from the belief that China's ascent in comprehensive national power detracted from American dominance, and unless curtailed, China might surpass the US and assert its ideologies on the global stage. Washington perceived China's agenda of peaceful development and national rejuvenation as a significant threat, thereby labeling China as a revisionist power and a major strategic competitor. The 2017 US National security strategy accused China of challenging American power, influence, and interests, attempting to undermine American security and prosperity, appropriating US intellectual property, and striving to supplant the US in the Indo-Pacific region<sup>11</sup>.

The US administration engaged in a prolonged trade war against China, ostensibly motivated by economic disparities but fundamentally driven by ideological differences, great power rivalry, and nationalism – all intensified by deep-seated mistrust over strategic intentions. The Trump administration maintained econoprofound changes unseen in a century" - highlighting not only the shifting international landscape but also persistent developmental imbalances<sup>8</sup>. Despite facing unprecedented challenges and opportunities, Xi Jinping remained confident that "time and situation are in our favour"9.

Drawing inspiration from Mao Zedong's notion of the rise of the East and the decline of the West, Beijing has underscored rapid shifts in global power dynamics<sup>10</sup>. Chinese policymakers perceive formidable challenges including economic development, improvement of people's livelihoods, environmental governance, and climate change mitigation. Despite these daunting prospects, the Chinese government has developed robust strategies to navigate these significant transformations and has unveiled a comprehensive long-term plan. Under the stewardship of the CPC, China is progressively asserting itself at the global forefront with newfound self-assurance.

#### **Enduring ideological conflict**

mic, political, and military pressures on China. Bilateral relations plummeted despite China's efforts to re-engage America. Moreover, this trade conflict represented merely a fraction of a broader, long-term ideological confrontation between the two nations.

Following the global outbreak of the coronavirus pandemic in 2020, China implemented a stringent zero-Covid policy that astonished the international community. For nearly three years, the Chinese government enforced widespread lockdowns, rigorous contact tracing programmes, and bans on international travel, resulting in comparatively low coronavirus cases and fatalities relative to Western nations. During this period, Beijing largely disengaged from diplomatic interactions with Washington. Despite mounting criticism, which labeled his rhetoric as racist and anti-Chinese, president D. Trump persistently referred to the coronavirus as the "Chinese virus"<sup>12</sup>. In response, the Chinese government accused the US of being unscientific, inequitable, and irresponsible, asserting that such attitudes severely compromised the American public's right to health and life<sup>13</sup>. Consequently, ideological tensions escalated.

<sup>&</sup>lt;sup>6</sup>Socialism with Chinese characteristics enters new era: Xi [Electronic resource]. URL: http://www.xinhuanet.com/english/2017-10/18/ c 136688475.htm (date of access: 15.10.2023).

<sup>&</sup>lt;sup>7</sup>Forge ahead with confidence and fortitude to jointly create a better post-Covid world [Electronic resource]. URL: https://www. fmprc.gov.cn/eng/wjdt\_665385/zyjh\_665391/202201/t20220117\_10601026.html (date of access: 15.10.2023).

<sup>&</sup>lt;sup>3</sup>Jointly charting a course toward a brighter future [Electronic resource]. URL: https://language.chinadaily.com.cn/a/201811/18/ WS5bf0df19a310eff30328958f.html (date of access: 16.10.2023).

<sup>&</sup>lt;sup>9</sup>Xi focus: Xi stresses good start for fully building modern socialist China [Electronic resource]. URL: http://www.xinhuanet.com/ english/2021-01/12/c 139659544.htm (date of access: 16.10.2023).

<sup>&</sup>lt;sup>10</sup>Xi Jinping's Chinese wisdom on ruling the country [Electronic resource]. URL: http://www.news.cn/politics/2022-10/14/ 1129063609.htm (date of access: 17.10.2023).

<sup>&</sup>lt;sup>11</sup>National security strategy of the United States of America [Electronic resource]. URL: https://trumpwhitehouse.archives.gov/ wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf (date of access: 17.10.2023). <sup>12</sup>Trump defends using "Chinese virus" label, ignoring growing criticism [Electronic resource]. URL: https://www.nytimes.com/

<sup>2020/03/18/</sup>us/politics/china-virus.html (date of access: 18.10.2023).

<sup>&</sup>lt;sup>3</sup>Reality check: falsehoods in U.S. perceptions of China [Electronic resource]. URL: https://www.mfa.gov.cn/eng/wjbxw/202206/ t20220619\_10706059.html (date of access: 19.10.2023).

When president J. Biden assumed office in 2021, his administration sought to undo several Trump-era restrictions on China. Nevertheless, bilateral relations continued to deteriorate as J. Biden maintained industry and trade policies that exhibited protectionist tendencies. Following the onset of the special military operation in Ukraine, despite China's proposed 12-point peace plan, Washington disparaged Beijing's policies, alleging that China supplied weapons to Russia and that a China - Russia axis had formed. J. Biden has framed the China - US confrontation as "a battle between the utility of democracies and autocracies in the twenty-first century"<sup>14</sup>. China has actively countered these narratives, which it views as unsupported by evidence from US officials. From Beijing's perspective, the special military operation in Ukraine could have been avoided had the Biden administration acknowledged Russia's legitimate security concerns about Ukraine joining NATO<sup>15</sup>.

Taiwan remains a critical focal point in the US - China ideological conflict. Taiwan is considered an integral part of China's territory. In 1979, the US acknowledged this stance through the one-China principle and the provisions of the three China – US joint communiqués. However, as ties between the US and Taiwan have strengthened, Washington has significantly infringed upon China's sovereignty and territorial integrity. While official diplomatic relations with Taiwan have not been severed by Washington, high-profile visits have exacerbated tensions. In 2022, US House of Representatives speaker N. Pelosi visit to Taiwan provoked strong opposition from China. In 2023, following Taiwan's leader Tsai Ing-wen visit to the US, Beijing conducted three days of military exercises as a protest against what it perceives as interference in its internal affairs. Concurrently, the US has pursued a long-standing policy of arms sales to Taiwan. In 2023, the Biden administration approved a potential sale of 619 mln US dollars in new weapons to Taiwan<sup>16</sup>. Shortly thereafter, for the first time, the US approved the transfer of weapons to Taiwan under a programme typically reserved for sovereign states, further jeopardising peace and stability across the Taiwan Strait.

The incident involving a Chinese balloon on 28 January 2023, exemplified the ideological rifts that continue to destabilise China - US relations. After US forces downed the balloon, Chinese authorities repeatedly claimed that it was an unmanned civilian airship employed for meteorological research, asserting that its passage over the US was an unforeseen, isolated event<sup>17</sup>. Conversely, American officials contended that the balloon was equipped with sophisticated surveillance technology designed to gather imagery and communications data<sup>18</sup>. This led Secretary of State Antony J. Blinken to postpone a scheduled visit to Beijing, marking a nadir in bilateral relations.

#### **Conclusions**

If the latter half of the 20<sup>th</sup> century was characterised by the ideological conflict between the US and the USSR pitting liberal democracy and market capitalism against communist party rule and central planning the 21<sup>st</sup> century is defined by the US – China dynamics. Western academics have posited that China is perpetuating the ideological confrontation initiated by the Soviet Union [13, p. 98]. Currently, China and the US are embroiled in a protracted rivalry. Unlike the Cold War, today's superpower clash involves the world's two largest economies, which are intricately linked.

To navigate this ideological battleground, Washington has leveraged alliances and international organisations to consolidate its global influence and contain China. In contrast, China advocates for peaceful development towards a new multipolar world order. Both nations acknowledge the severe risk of conflict their tensions pose, preferring a stable relationship to mitigate the threat of significant military engagement. However, despite its growing strength, China faces challenges in pivotal technological sectors such as quantum computing, biotechnology, artificial intelligence, and clean energy, underscoring the need for increased self-reliance and reduced susceptibility to external pressures.

The optimal approach for both countries to address their ideological disparities lies in mutual respect, peaceful coexistence, non-confrontation, and win-win cooperation. As major global and nuclear powers, China and the US must avoid comprehensive confrontation and avert a new cold war [14, p. 8].

Recent divergent reactions from Beijing and Washington to the Israel - Hamas war that erupted in October 2023

<sup>&</sup>lt;sup>14</sup>Biden defines his underlying challenge with China: "Prove democracy works" [Electronic resource]. URL: https://www.nytimes.com /2021/03/26/us/politics/biden-china-democracy.html (date of access: 19.10.2023).

<sup>&</sup>lt;sup>15</sup>Gabbard: Ukraine conflict avoidable if U. S. had recognized Russia concerns about Ukraine's NATO entry [Electronic resource]. URL: https://www.foxnews.com/politics/gabbard-ukraine-conflict-avoidable-russia-concerns-ukraine-nato-entry (date of access: 19.10.2023).

<sup>&</sup>lt;sup>16</sup>Brigadier General Pat Ryder, Pentagon press secretary, holds a press briefing [Electronic resource]. URL: https://www.defense. gov/News/Transcripts/Transcript/Article/3317661/brigadier-general-pat-ryder-pentagon-press-secretary-holds-a-press-briefing/ (date of access: 19.10.2023). <sup>17</sup>Balloon case demonstrates U. S. hysteria vis-à-vis China [Electronic resource]. URL: https://www.chinadaily.com.cn/a/202302/10/

WS63e57f34a31057c47ebadf48.html (date of access: 20.10.2023).

<sup>18</sup> China has paused its spy balloon operations, U. S. officials say [Electronic resource]. URL: https://www.nytimes.com/2023/09/15/us/ politics/china-spy-balloon-program-paused.html (date of access: 20.10.2023).

further illustrate these tensions. China advocated for a ceasefire and reiterated support for a two-state solution, while Washington unilaterally provided military backing to Israel, exacerbating regional tensions and amplifying the humanitarian crisis. The US adminis-

tration portrayed this conflict as part of a broader ideological struggle between autocracies and democracies, encompassing China as well. Thus, the ideological war may persist for decades, though its outcome remains uncertain.

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## THE HISTORY OF THE ESTABLISHMENT AND STAGES IN THE DEVELOPMENT OF CONFUCIUS INSTITUTES (2004–2021)

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*Abstract.* The author of the article examines the history of the establishment and distinct stages in the development of Confucius institutes, including their objectives, principles, and funding mechanisms. The challenges faced by Confucius institutes in various countries are also indentified. The author delineates stages of the development of Confucius institutes: 2004–2011 (the formative stage of the cultural-educational institution), 2012–2019 (the advanced operational stage), and 2020–2021 (the transformational stage characterised by comprehensive reforms in the institutes' activities).

Keywords: China; Confucius Institute; "soft power"; Chinese language; culture; reform; stages; development challenges.

## ИСТОРИЯ СОЗДАНИЯ И ЭТАПЫ РАЗВИТИЯ ИНСТИТУТОВ КОНФУЦИЯ (2004–2021)

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**Аннотация.** Рассматриваются история создания и особенности развития институтов Конфуция, цели, принципы и механизм финансирования этих учреждений, а также выявляются проблемы, с которыми сталкиваются институты Конфуция в различных странах. Выделены этапы развития институтов Конфуция: 2004–2011 гг. (этап становления и развития культурно-образовательного учреждения), 2012–2019 гг. (этап активного функционирования), 2020–2021 гг. (трансформационный этап, в основе которого лежит реализация всестороннего реформирования деятельности институтов).

*Ключевые слова*: Китай; институт Конфуция; "мягкая сила"; китайский язык; культура; реформирование; этапы; проблема развития.

#### Introduction

At the beginning of the 21<sup>st</sup> century, state programmes on cultural development proposed by the presidents of China Hu Jintao and Xi Jinping became benchmarks for promoting China's cultural and humanitarian interaction with foreign countries and strengthening national power in a new era. Confucius Institutes (CIs) were entrusted with the crucial role of

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tions on the international stage.

Zhang Hongchao. The history of the establishment and stages in the development of Confucius institutes (2004–2021). *Journal of the Belarusian State University. International Relations*. 2024;1:17–24. EDN: FSBFRM

advancing China's external cultural policy. To achieve

greater effectiveness in their activities, significant

efforts were made by the Chinese side to adapt this

cultural-educational organisation to changing condi-

global expert attention. The foundation for writing this

The activities of Confucius institutes have attracted

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article includes scholarly works by S. V. Mikhnevich [1], N. V. Selezneva [2], Liu Xu [3], L. Chi-Cheung and H. Du Cros [4], N. V. Kosteeva [5]), J. Gil [6], R. Peterson, Y. Flora and I. Oxnevad [7].

The basic principles and features of the CIs system, the main directions of their activities, as well as the key tasks of the development of these institutions are examined by S. V. Mikhnevich [1]. N. V. Selezneva analyses the problems of CIs activity and, accordingly, reveals the efforts of the Chinese government to build up its "soft power" taking into account modern challenges and problems. The author pays special attention to the reorganisation of the management system of this organisation [2]. N. V. Kosteeva's research work is also devoted to reforming the system of CIs. The author analyses the activities of this cultural and educational project through the prism of three universal concepts, such as "cultural diplomacy", "knowledge diplomacy" and "internationalisation" [5]. L. Chi-Cheung and H. Du Cros examine multiple reactions on the activities of CIs and affims the role of them in promoting a positive image of China in

the world arena [4]. J. Gil outlines the specifics of CIs development as a tool of China's "soft power" strategy. He has made a significant contribution to the study of the functioning of CIs, outlined the peculiarities of their development in different countries, analysed the role of these institutions in expanding educational and cultural contacts and identified the problems and limitations faced by these organisations in Western countries [6].

Additionally, the author utilised materials from news agencies such as "Renmin", "China News Network" and official information resources from Chinese ministries and departments.

This article aims to identify the main stages of development of CIs over the period from 2004 to 2021. In line with this aim, the objectives of this study are as follows:

• to examine the establishment and development of CIs worldwide;

• to determine the main stages of development of CIs and elucidate their content;

• to identify the specific features of CIs functioning in different countries.

#### Materials and methods

This study is grounded on the principles of historicism, comprehensiveness, and objectivity. General scientific methods such as analysis, synthesis, induction, generalisation, and statistics were employed.

#### **Results and discussion**

To enhance mutual understanding and strengthen friendly relations between the Chinese people and other nations, as well as to promote scientific and cultural-humanitarian exchanges with foreign countries, the Chinese government established the National Office for Teaching Chinese as a Foreign Language in 1987. In October 1989, the development of the Chinese proficiency test (HSK) commenced. In 2002, the Office of the International Council for Chinese language (hereinafter – Hanban), was established to provide resources and services for teaching the Chinese language and culture on a global scale. Following the examples of the United Kingdom, France, and Germany, China began opening CIs worldwide in 2004, designating them as non-profit educational institutions to teach the Chinese language and promote its culture.

Confucius institutes are jointly established by Chinese and foreign partner institutions based on principles of mutual respect, friendly consultations, equality, and mutual benefit. The Chinese side emphasised that these institutes adhere to the laws and regulations of the countries in which they operate and respect local cultural and educational traditions [1, p. 88].

Regarding the chosen name "Confucius Institute" (CI) Hanban explained that "Confucius is a historically significant figure in Chinese culture. In the hearts of the Chinese people, he is considered the greatest teacher of all time. He was a philosopher who taught people to treat others with respect and consideration, to coexist harmoniously with nature, and to strive for a better future based on their current environment" [6, p. 34]. Nevertheless, the activities of the Confucius Institute are not associated with Confucianism as a philosophical-religious doctrine but serve as a foundation for traditional Chinese culture.

The main areas of activity of the CI include the following:

• teaching Chinese language and familiarising students with Chinese culture and history;

• conducting scientific research in other related disciplines or fields using Chinese language as the primary medium;

• training and retraining teachers of Chinese language;

• preparing educational resources for teaching Chinese;

organising cultural events;

• administering the HSK;

• arranging internships for those studying Chinese;

• providing consultancy services in education, culture, economics, tourism, etc.<sup>1</sup>

Based on the analysis of CI activities, three stages of development of this cultural-educational organisation can be identified.

The period from 2004 to 2011 is the initial stage marked the development of CIs. On 15 June 2004, the

<sup>&</sup>lt;sup>1</sup>Global portal of the Confucius Institute [Electronic resource]. URL: https://ci.cn/gywm/pp (date of access: 27.04.2024) (in Chinese).

first-ever agreement to establish a CI was signed with Tashkent State University of Oriental Studies in Uzbekistan. On 24 November of the same year, the first CI was opened in Seoul (South Korea). It was a historic event for the international dissemination of Chinese language and culture. In total, in 2004, CIs were established in South Korea, Uzbekistan, Kenya, Cameroon, the USA and Sweden [3, p. 235].

In July 2005, the Ministry of Education of the People's Republic of China published a document titled "Introduction to the "Chinese bridge" project". According to this document, the objectives of the CIs were defined as promoting diversity in the world, facilitating China's integration into the international educational community, actively advancing the teaching of the Chinese language abroad, and providing educational materials to various countries. The document indicated that CIs could collaborate with overseas universities to establish centres for Chinese language learning and conduct language proficiency testing<sup>2</sup>. This laid a solid regulatory foundation for promoting Chinese language and culture globally, primarily through the platform of CIs.

In October 2006, the Centre for the development of teaching Chinese as a foreign language under the Ministry of Education of the People's Republic of China promulgated the constitution of the CI. This document outlined the purpose, principles, primary activities, rights and responsibilities of CIs, and specified the application procedure for establishing a CI. For instance, an applicant (an educational institution in a foreign country) must apply to the CI headquarters, where the application materials are reviewed. The review methods include document examination, personal hearings of reports, on-site inspections, and expert consultations. Once the CI headquarters approves the application, it signs an agreement with the applicant<sup>3</sup>. This provides a clear explanation for establishing CIs and conducting their cultural and educational activities.

According to the constitution of the CI, the CI headquarters is the highest governing body for CIs worldwide. The CI headquarters, established in Beijing on 9 April 2007, is designated by the Chinese side as a non-profit organisation with independent legal status, owning the name, logo, and brand of CI. A council was established within the CI headquarters. A member of the State Council of the People's Republic of China Chen Zhili, became the chairperson of the first session of the council. Moreover, to enhance operational efficiency, the headquarters began inviting Chinese and foreign specialists and experts to serve as senior consultants.

The CI headquarters undertook the following tasks: • planning the establishment and determining evaluation standards for CIs;

• approving the creation of CIs;

• reviewing and approving annual project implementation plans, budgets, and final reports of CIs;

• supervising and managing the quality of CI operations;

• providing educational resources and services to CIs;

 selecting Chinese directors and teachers, and being responsible for training CI managers and teachers;

• organising annual CI conferences;

• developing a capital and asset management system for the Chinese side<sup>4</sup>.

Regarding funding for CIs activities, according to the constitution of CIs, each new institution received a certain amount of initial funding from the Chinese side. Annually, funds are jointly raised by both foreign and Chinese parties, with their contributions in a ratio of approximately 1:1 typically<sup>5</sup>. On 4 July 2008, the document titled "Interim measures for the administration of special funds for the international development of the Chinese language", issued by the Ministry of Finance of the People's Republic of China and the Ministry of Education of the People's Republic of China specified that the initial funding for each CI amounted to 150000 US dollars (with 30000 US dollars allocated for each Confucius Classroom). The operational expenses showed slight variations but were generally maintained between 150000 and 200000 US dollars per annum for each CI (and 50 000 US dollars annually for each Confucius classroom)<sup>6</sup>. Funding for CIs was sourced from both China and foreign countries, as well as from the institutions themselves. The CIs offered a variety of fee-based courses in language and cultural studies. The revenue generated provided crucial financial support for the institutes' day-to-day operations<sup>7</sup>.

The global financial crisis of 2008 presented China with an opportunity to achieve its economic development goals at a faster pace and to be perceived in a new light by countries that had previously been critical of its economic model. Following 2008, the global network of CIs expanded rapidly. Many countries demonstrated an interest in enhancing cooperation with China, includ-

<sup>&</sup>lt;sup>2</sup>Introduction to the "Chinese bridge" project [Electronic resource]. URL: http://www.moe.gov.cn/jyb\_xwfb/xw\_zt/moe\_357/3579/ moe\_1017/tnull\_10586.html (date of access: 27.04.2024) (in Chinese).

<sup>&</sup>lt;sup>3</sup>Constitution of the Confucius Institute [Electronic resource]. URL: http://www.moe.gov.cn/srcsite/zsdwxxgk/200610/t20061001\_62461.html (date of access: 02.04.2024) (in Chinese).

<sup>&</sup>lt;sup>4</sup>Ibid.

<sup>&</sup>lt;sup>5</sup>Ibid.

<sup>&</sup>lt;sup>6</sup>Notice on the issuance of the "Interim measures for the management of special funds for the international promotion of Chinese Language" by the Ministry of Finance and the Ministry of Education [Electronic resource]. URL: http://202.204.169.201/html/ contentpage.aspx?NewsID=177&systemName (date of access: 02.04.2024) (in Chinese).

<sup>&</sup>lt;sup>7</sup>Interim measures for the management of Chinese funds for Confucius institutes [Electronic resource]. URL: http://www.moe. gov.cn/srcsite/zsdwxxgk/200608/t20060801\_62246.html (date of access: 02.04.2024) (in Chinese).

ing in cultural and educational domains. Notably, the number of new institutes reached a record high in 2009, with 249 establishments. By 2011, there were 858 CIs worldwide [6, p. 48]. Thus, from 2004 to 2011, an average of 122 new CIs were added annually. Under these conditions, activities on the CI platform consistently expanded.

Analysing the role of CIs since their inception in 2004, L. Che-Chung and H. DuCros argued in their scholarly article that it was still too early to discuss the global impact of CIs, as the institution was in its early stages of development and building mutual trust [4, p. 82].

It appears that from 2004 to 2011, foreign countries viewed CIs as venues for learning the Chinese language, opportunities to closely observe China's development trends, and platforms for cooperation with China in education, culture, and economics. CIs evolved into a brand for international Chinese language education and a means for fostering friendly exchanges between China and other countries. Consequently, at this initial stage, CIs successfully developed cultural and educational activities that were welcomed by most countries.

The period from 2012 to 2019 marked an advanced phase in the development of CIs, characterised by the adoption of the Development plan for Confucius institutes from 2012 to 2020. This document clearly outlined development goals, primary tasks, key projects, and other aspects of CI advancement. This event had a positive significance for deepening China's interaction with foreign countries in culture and education and for highlighting the role and potential of CIs as platforms for promoting Chinese culture globally<sup>8</sup>.

To commemorate the 10<sup>th</sup> anniversary of the establishment of CIs, a decision was made at the Global Confucius Institute conference in December 2013 to hold the first world Confucius Institute day on 27 September 2014. On this day, approximately 1200 CIs and Confucius classrooms across 123 countries and regions organised over 3000 events. These activities included open Chinese language classes, exhibitions of Chinese textbooks, lectures on Chinese culture, and student performances<sup>9</sup>. In honour of the 10<sup>th</sup> anniversary celebration, Chinese president Xi Jinping, in a letter addressed to all teachers and students, highlighted that the Chinese government and people support the development of CIs. He called upon all nations to collaborate in promoting the progress of human civilisation, fostering closer ties among peoples, and creating a better future for humanity<sup>10</sup>.

In June 2016, during a seminar at the annual conference of the International association for Chinese management research, an analysis of the development of CIs was conducted. It was noted that within ten years, CIs had surpassed the achievements of agencies from the United Kingdom, France, Germany, and Spain in promoting their languages over decades or even centuries. However, alongside the development of CIs, numerous challenges emerged. These included obstacles and conflicts between Chinese and foreign staff in the context of intercultural communication, as well as misunderstandings and suspicions regarding CI activities<sup>11</sup>.

During this period, there was a further expansion in the geographical reach of CIs. Among Asian countries. Thailand, Japan, and South Korea took leading positions in terms of the number of CIs and students enrolled. In Europe, CIs were relatively densely distributed, with the highest numbers operating in Germany, the United Kingdom, and France. Among CIS countries, Russia led in the number of institutes, with Belarus occupying an honourable second place. CIs were established in the US, Canada, and Mexico. In Africa, learning the Chinese language and culture became a fashionable trend as these skills positively impacted China's cooperation with countries in the region. In Oceania, the CI at the University of Western Australia established the Confucius Institute fund to promote language learning and charitable activities. The opening of more CIs in various countries and regions was undoubtedly influenced by factors such as the size of their territories, geographical remoteness from China, and their significance as trade and economic partners of China.

In April 2017, a report titled "Confucius institutes and soft power in American higher education" was published on network-attached storage (NAS) platforms in the US. The report indicated that CIs represent a Chinese project aimed at fostering a positive attitude among Americans towards China's communist government. These institutions were located within American universities, with their numbers exceeding one hundred. NAS recommended that all American universities and schools hosting CIs or Confucius classrooms should close these centres and terminate all contracts with Hanban to protect the integrity of American education and intellectual freedom<sup>12</sup>. The influence of CIs on education sparked significant debate in the US. Some American experts argued that these institutes threatened free discussion

<sup>&</sup>lt;sup>8</sup>Confucius Institute development plan (2012–2020) [Electronic resource]. URL: http://www.moe.gov.cn/jyb\_xwfb/gzdt\_gzdt/ s598/7/201302/t201302/t20130228\_148061.html (date of access: 02.04.2024) (in Chinese).

 <sup>&</sup>lt;sup>9</sup>Confucius Institute day [Electronic resource]. URL: https://baike.baidu.com/item//%E5%AD%94%E5%AD%90%E5%AD%A6%E9%
 99% A2%E6%97%A5/15847337(date of access: 02.04.2024) (in Chinese).
 <sup>10</sup>Xi Jinping sent a congratulatory letter on the 10<sup>th</sup> anniversary of the establishment of Confucius institutes worldwide and the

<sup>&</sup>lt;sup>10</sup>Xi Jinping sent a congratulatory letter on the 10<sup>th</sup> anniversary of the establishment of Confucius institutes worldwide and the first global Confucius Institute day [Electronic resource]. URL: http://cpc.people.com.cn/n/2014/0928/c64094-25748929.html (date of access: 27.04.2024) (in Chinese).

<sup>&</sup>lt;sup>11</sup>International association for Chinese management research 2016 annual conference seminar: research on the development of Confucius institutes [Electronic resource]. URL: https://hk.aconf.org/conf\_72297.html (date of access: 27.04.2024) (in Chinese).

<sup>&</sup>lt;sup>12</sup>Outsourced to China: Confucius institutes and soft power in American higher education. New York : Natl. Association of Scholars, 2017. P. 11–12.

and could impact academic freedom in universities. However, some did not share this viewpoint.

Western countries' concerns regarding the activities of CIs were not so much about China's right to disseminate its language and culture but rather stemmed from the fact that China is a communist nation that has pursued a markedly different path of modernisation compared to Western countries. Consequently, China holds divergent views on significant global issues [6, p. 65].

Members of the State Council of the People's Republic of China, the premier minister, and the president of the country regularly participated in CI ceremonial events, which caused a certain degree of discontent among Western countries. On one hand, Hanban was directly subordinate to the State Council of the People's Republic of China. On the other hand, CIs received widespread support through Chinese diplomatic missions abroad. The active involvement of the Chinese government drew the attention of state structures in certain Western countries to CI activities, prompting efforts to either close down CIs or reclassify them as independent legal entities. In their view, these educational organisations' activities extended beyond the scope of inter-university collaboration [2, p. 271–272]. In 2017–2018, a rapid wave of CI closures swept across the US, growing each year. A crisis of trust in CIs also began to manifest in Europe. The closure of these cultural and educational institutions in Western countries led to a global decline in the number of CIs for the first time in 2019.

In contrast to the developments in the West, cooperation between China and Asian and African countries in education, culture, science, and economics continued to expand. Specifically, a course titled "Chinese language + vocational education" was developed to meet enterprises' staffing needs and help students advance successfully in their careers, particularly within the framework of the Belt and road initiative. It is important to note that CIs in Asia and Africa consider regional development characteristics in their activities.

The period of 2020–2021 marked a transformational phase in the history of CI development. The Covid-19 pandemic served as a significant stress test for CI operations. This was evident as the shift to online education during the pandemic exacerbated issues related to educational quality due to the lack of effective online teaching methodologies. Additionally, CI students' motivation was low. According to professor Sun Yixue of Tongji University, the Covid-19 pandemic presented CIs with a new mission and pushed them towards a new stage of development. CIs were tasked with redefining their positioning, establishing educational goals, and improving teaching methodologies for sustainable development<sup>13</sup>.

In June 2020, the Chinese International Education Foundation (CIEF) was established in Beijing, comprising 27 Chinese universities and companies. The foundation aims to promote cultural and humanitarian exchanges, strengthen mutual understanding and learning between different civilisations, and jointly build a community of a shared future for mankind. The initial fund amounted to 36.3 million yuan, contributed by 24 entities, including Beijing Language and Culture University. The Ministry of Civil Affairs of the People's Republic of China serves as the registration and management authority for the foundation, while the Ministry of Education of the People's Republic of China acts as the competent business unit. The CIEF has been granted an exclusive licence to use the CI trademark and has commenced managing CIs under a brand authorisation model. Applications for establishing CIs now require approval from this foundation (figure).

According to the general provisions of the foundation charter, approved at the 1<sup>st</sup> meeting of the CIEF Council during its inaugural session on 16 June 2020, the CIEF is tasked with the following positions:

• exploring and proposing prospective directions for the development of CIs and Sinology worldwide;

• establishing standards and criteria for the CI brand, with the authority to set up CIs and Confucius classrooms;

• evaluating the quality of educational organisation within CIs and Confucius classrooms;

• undertaking other activities related to international Chinese language education that align with the foundation's objectives.

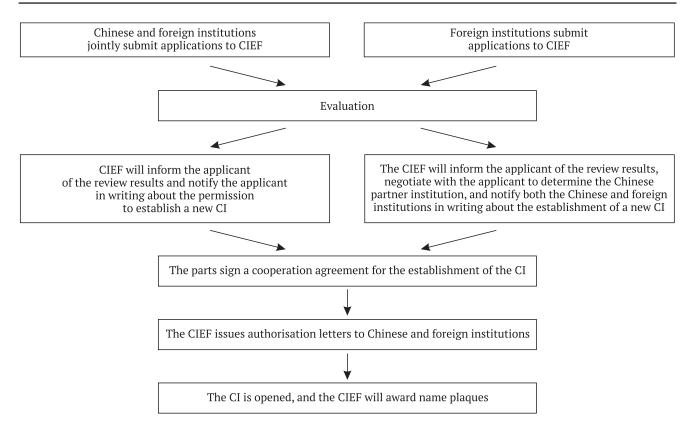
To date, a new CI charter has not yet been adopted [2, p. 274].

The CIEF has become a significant support mechanism for promoting the development of CIs globally. According to annual reports for 2020 and 2021, the CIEF expended 18 mln yuan and 37 mln yuan respectively to support the functioning and development of CIs. The revenue sources of the CIEF include funds donated by initiators, voluntary donations from individuals, legal entities, or other organisations<sup>14</sup>, investment income, other legal revenues, etc.

Additionally, significant funding sources for CI activities include Chinese and international partner universities, as well as revenue generated from CI activities themselves.

<sup>&</sup>lt;sup>13</sup>After the epidemic, the development of Confucius institutes should press four fast-forward buttons [Electronic resource]. URL: https://ishare.ifeng.com/c/s/v0041mXOkUW9zTj1yuCQ0U41RTTpEdNHeG3D6w-\_OteiZfh0Agd-QdZhSMmYNI-spvG7CCTM78Z-vSNef C7Zi00F00Tg?spss=np&aman=700b00R22bhde4ufb5rfbbIfd46d38Acd8q28cV20a&gud=7f260z079k492F700f000b004&from=timeline &from=timeline (Date of access: 18.04.2024) (date of access: 18.04.2024) (in Chinese).

<sup>&</sup>lt;sup>14</sup>Annual report on the work of the Chinese International Education Foundation for 2020 [Electronic resource]. URL: https:// www.cief.org.cn/xxgk\_ndbg (date of access: 02.04.2024) (in Chinese) ; Annual report on the work of the Chinese International Education Foundation for 2021 [Electronic resource]. URL: https://www.cief.org.cn/xxgk\_ndbg\_2021 (date of access: 02.04.2024) (in Chinese).



#### The process of the new CI establisment

As a result of the reforms, the CIEF no longer directly participates in specific managerial affairs of CIs. Operational activities are managed by partner universities, thereby expanding institutional capacities for direct inter-university cooperation between China and foreign countries [5, p. 116–117].

According to the head of Shenyang Normal University Hao Deyong, the method of cooperative management and the operational mode have changed. However, the guiding ideology, fundamental rules, and principles for establishing CIs remain unchanged. It has changed the specific functions of CI management entities. The CI educational system has undergone fundamental changes, including reforms aimed at enhancing educational standards, developing specialised courses, and creating a high-quality professional team<sup>15</sup>. In October 2021, the news agency "Huanqiu Shibao" highlighted that the structural reforms were aimed at "dispelling the Western misconception that Confucius institutes serve as China's ideological marketing machine"<sup>16</sup>.

On 5 July 2020, the Centre for Language Education and Cooperation (CLEC) was established under the Ministry of Education of the People's Republic of China, replacing the CI headquarters. This centre is tasked with coordinating and promoting international Chinese language education, actively implementing language cooperation with foreign countries, and expanding intercultural exchange. The primary responsibilities of the centre include participating in the overall strategy for international Chinese language education, promoting international language education projects, and facilitating global cultural and humanitarian interaction. Following the reorganisation, CLEC operates under the Ministry of Education of the People's Republic of China and offers various forms of cooperation to international partners.

As a result of these reforms, the management structure of CIs was restructured. This reorganisation alleviated the issue of extensive involvement by the Chinese government in CI activities and represents a significant intention to diversify CI funding sources [2, p. 270–274]. However, the reform did not immediately improve the situation regarding CI closures. In the US, the number of closed institutions continued to rise in 2020–2021, with 27 closures in 2020 and 34 in 2021 [8, p. 33]. Judging by changes in the number of CIs worldwide, the negative growth trend persisted in 2020. According to the chairman of the CIEF Yang Wei, the door for CIs as a window

<sup>&</sup>lt;sup>15</sup>Confucius Institute undergoes "restructuring": non-governmental foundations manage brands and introduce external partner support [Electronic resource]. URL: https://www.chinanews.com.cn/cul/2021/07-24/9527533.shtml (date of access: 27.04.2024) (in Chinese).

<sup>&</sup>lt;sup>16</sup>Song K. Beijing renamed Confucius institutes in response to growing international criticism [Electronic resource]. URL: https://www.epochtimes.ru/china/pekin-izmenil-nazvanie-institutov-konfutsiya-v-otvet-na-rastushhuyu-mezhdunarodnuyu-kritiku-125216/ (date of access: 30.04.2024) (in Russ.).

and bridge for linguistic and cultural exchange between China and foreign countries will not be closed, nor will the door for teaching the Chinese language<sup>17</sup>.

As of July 2021, marking the first anniversary of the establishment of CIEF, over 500 CIs and Confucius classrooms worldwide had received brand authorisation letters issued by the foundation. Consequently, all these cultural and educational organisations completed their transition to CIEF management. Moreover, since the foundation's inception, more than 60 Chinese and foreign educational institutions have expressed their intention to establish new CIs abroad. Yang Wei stated that the CI brand is managed by a non-governmental foundation, which allows for mobilising enthusiasm from all sectors of society both domestically and internationally, promoting the global dissemination of the Chinese language, and achieving sustainable and high-quality development of CIs<sup>18</sup>.

In 2020–2021, despite Covid-19 significantly impacting international Chinese language education, CIs achieved new successes with support from both Chinese and international partners. As of 31 December 2021, there were 489 CIs and 817 Confucius classrooms worldwide, located in 158 countries and regions. These included 135 institutes and 112 classrooms in Asia, 63 institutes and 46 classrooms in Africa, 180 institutes and 332 classrooms in Europe, 92 institutes and 249 classrooms in North America and South America, and 19 institutes and 78 classrooms in Oceania. In 2021, the total number of registered learners in CIs and Confucius classrooms worldwide exceeded 1.05 mln people<sup>19</sup>.

In 2021, a global portal for the CI was launched, the journal "Confucius Institute" was republished in 11 languages, and a commemorative medal system for CI directors was established. In December of the same year, during the international week of Chinese language learning, several key resources were introduced, including the Reference system for Chinese culture and society in international Chinese language education, the Action plan for international online Chinese language education (2021-2025), the Report on the development of educational resources for international Chinese language education, and various other educational materials<sup>20</sup>. All these initiatives laid the theoretical and practical groundwork for more rapid and successful development of CIs in the third decade of the 21<sup>st</sup> century. On 25 July 2022, at the 12<sup>th</sup> meeting of the 1<sup>st</sup> council, the Development plan of the China International Educational Foundation (2022–2025) was adopted. This also means that CIs have entered a new stage of development since 2022.

#### Conclusions

The naming of CIs after the ancient Chinese philosopher and educator Confucius signifies that the core principle guiding this cultural and educational organisation is harmony. This concept encompasses mutual respect, recognition of diversity, learning from one another, friendly consultations, equality, and mutual benefit. CIs are non-profit institutions established through collaboration between Chinese universities and foreign partner educational institutions. Based on a comprehensive analysis of CI activities, their development can be divided into three stages: 2004–2011 (the period of establishment and development), 2012–2019 (the advanced stage) and 2020–2021 (the transformational stage). The reform of the CI was completed in 2021. This marked the beginning of a new phase for the sustainable development of CIs and international Chinese language education in a new era.

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## PROBLEM AREAS OF THE SCHOLARSHIP ON CHINA'S MARITIME POLICY IN CONTEMPORARY INTERNATIONAL RELATIONS STUDIES

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*Abstract.* This study explores the degree of the scholarly examination of China's maritime policy within modern political science. Through this analysis, several key problem areas have been identified: the influence of China's historical perception as a regional leader on its maritime policy, the evaluation of China's naval capabilities, the foundational role of foreign policy principles for China's maritime strategy, the consensus among international relations theorists that the intensification of China's maritime policy is partly driven by US–China rivalry in the Asia–Pacific region, and the territorial disputes in the South China Sea as a primary source of regional instability. The study also proposes a new inquiry into the historical and contemporary contexts of China's maritime policy evolution in the Asia–Pacific region, highlighting specific factors that shape the contemporary understanding of maritime security.

*Keywords:* China's maritime policy; maritime security concept; international relations; Asia–Pacific region; military modernisation; naval forces; territorial disputes.

## НАПРАВЛЕНИЯ АНАЛИЗА МОРСКОЙ ПОЛИТИКИ КИТАЯ В СОВРЕМЕННЫХ ИССЛЕДОВАНИЯХ ПО МЕЖДУНАРОДНЫМ ОТНОШЕНИЯМ

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*Аннотация.* Оценивается степень научной разработанности вопроса о морской политике Китая в современной политической науке. Выделены направления в исследовании морской политики Китая: изучение морской политики Китая сквозь призмы исторически сложившегося восприятия государства как регионального лидера, оценка потенциала военно-морских сил Китая, определение внешнеполитических принципов, на которых выстраивается общее стратегическое позиционирование страны, в качестве основ морской политики, установление согласованности позиций исследователей об активизации морской политики Китая за счет американо-китайского соперничества в Азиатско-Тихоокеанском регионе, придание территориальному спору в Южно-Китайском море статуса конфликта, способствующего региональной нестабильности. Обоснована постановка новой научной проблемы, касающейся интерпретации исторического и современного контекстов эволюции морской политики Китая в Азиатско-Тихоокеанском региональной нестабильности.

*Ключевые слова*: морская политика Китая; концепция морской безопасности; международные отношения; Азиатско-Тихоокеанский регион; военная модернизация; военно-морские силы; территориальные споры.

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#### Introduction

As China continues to expand its influence, scholars are increasingly focusing on various aspects of its foreign policy. The relevance of China's foreign policy is underscored by the strengthening of bilateral ties with other states and Beijing's growing influence within international organisations. This trend has led researchers to look deeper into specific areas of Chinese policy. However, amidst numerous dissertations, monographs, and analytical reports, it remains challenging to synthesise existing research and identify gaps that have yet to be addressed.

In Belarusian scholarship, China's maritime policy is one of the least explored facets of its foreign policy. China's maritime policy is evolving in response to other nations' efforts to contain China's growth and emerging threats to its ascent. To enhance its relations

The research employed a range of methodologies, including specialised historical and comparative historical methods, a system approach, content analysis, scenario planning, the principle of historicism, expert assessments, as well as general scientific methods such as with China, it is crucial for Belarus to comprehend the complex aspects of China's contemporary foreign policy. Consequently, a thorough examination of China's maritime policy, particularly concerning regional stability, is imperative.

In preparing this study, the author selected seminal works on China's foreign policy, with a particular focus on historical and contemporary aspects of its maritime strategy. The analysis of these key studies has yielded significant conclusions for the field of international relations.

The primary objective of this article is to identify methodological approaches to studying Chinese maritime policy within modern political science. The analysis draws on representative studies by scholars who have extensively examined China's maritime policies.

#### Materials and methods

synthesis, comparison, and analogy. The study addresses a novel scientific problem: interpreting the historical and contemporary contexts of China's maritime policy evolution in the Asia – Pacific region and identifying factors influencing the modern concept of maritime security.

#### **Results and discussion**

The first problem area involves examining the development of China's maritime policy and its current positioning within the regional security framework, particularly concerning the modernisation of the People's Liberation Army Navy (PLAN). China's maritime policy, like its broader foreign policy, is deeply intertwined with its historical legacy. Scholars such as L. Jacobson and R. Medcalf have highlighted the connections between historical events and contemporary Chinese politics. Their analysis suggests that China's perception of its foreign policy goals is heavily influenced by its prolonged period of weakness starting in the 1840s when foreign powers divided China and subjected its people to numerous humiliations. The Communist Party of China (CCP) derives much of its legitimacy from its claim to have rescued China from foreign domination, vowing never again to allow external powers to dictate China's future [1, p. 7]. Consequently, China's concept of maritime security is predicated on the notion that it should not be subordinate to any other state and that its maritime security policies should be autonomously determined.

This finding is corroborated by historical narratives enshrined in the Constitution of the People's Republic of China and their interpretation by contemporary Chinese leadership: "After 1840, feudal China gradually became a semi-colonial, semi-feudal country. The Chinese people, wave upon wave, waged heroic struggles for national independence and liberation and for democracy and freedom. In the 20<sup>th</sup> century, momentous historical changes took place in China. The Revolution of 1911, led by Sun Yat-sen, abolished the feudal monarchy and gave birth to the Republic of China. However, the historic mission of the Chinese people to oppose imperialism and feudalism was not yet accomplished. In 1949, after prolonged and arduous struggles, both armed and otherwise, the Chinese people, under the leadership of the Communist Party of China and chairman Mao Zedong, successfully overthrew the reign of imperialism, feudalism, and bureaucratic capitalism. This monumental victory in the New Democratic Revolution led to the establishment of the People's Republic of China, empowering the Chinese people to become masters of their own destiny"<sup>1</sup>.

Chinese international affairs scholar Wu Xiaoyan observes a significant intensification in maritime security policies after 2012, coinciding with China's ambition to become a major maritime power. The primary objective is to safeguard national maritime sovereignty and ensure the secure and uninterrupted operation of maritime communication routes. Effective maritime security necessitates substantial sea power; thus, China is compelled to develop a formidable and modern navy that aligns with its international stature and can protect its maritime interests. Without such protection, the en-

<sup>&</sup>lt;sup>1</sup>Constitution of the People's Republic of China [Electronic resource]. URL: https://english.www.gov.cn/archive/lawsregulations/201911/20/content\_WS5ed8856ec6d0b3f0e9499913.html (date of access: 14.03.2024).

tire concept of becoming a maritime power is rendered meaningless [2, p. 8].

To realise its goal of becoming a preeminent maritime power and fortify its maritime security framework, China is modernising the PLAN. Russian researcher A.V.Gubin notes that driven by extensive economic reforms and the imperative to safeguard national interests since the late 1980s, China has been striving to create naval forces capable of operating on the high seas. This marks a transition from merely defending coastal areas to ensuring comprehensive security both nearshore and offshore [3, p. 187]. Consequently, China is not only establishing a regional but also a global maritime security system. On the global stage, China aims to forge alliances with friendly states that recognise it as a key partner in maritime security. An illustrative example is China's attempt to cultivate a new relationship with the Solomon Islands, centred on enhancing regional maritime security in Oceania.

The ongoing modernisation of the Chinese navy is addressed in the study "The Chinese navy: expanding capabilities, evolving roles". The authors highlight that surface combat vessels, amphibious assault ships, and aircraft carriers are integral to broader Chinese military modernisation goals. These vessels can be deployed for port calls, routine missions, humanitarian aid, and disaster relief operations. Additionally, surface ships, supported by land-based naval aviation and submarines, could be utilised to land troops on contested islands or atolls, thereby bolstering Chinese diplomacy in maritime territorial disputes [4, p. 168].

The modernisation of the Chinese navy in recent years has progressed at a rapid pace, drawing on the experiences of Western countries. The Chinese military is upgrading the aircraft carriers acquired from other nations and enhancing the capabilities of warships. In 2017, China unveiled its first domestically-built aircraft carrier called "Shandong".

The significance of maritime strategy in the foreign policy of China in the 21<sup>st</sup> century was analysed by Yu. V. Manuylova. By examining key government documents, including white papers, the researcher identified the primary objectives of China's maritime policy:

- protection of maritime rights and interests;
- development and modernisation of naval forces;
- resolution of territorial disputes in the South China
- Sea, East China Sea, and Taiwan Strait [5, p. 132–133].

The analysis of government documents is crucial for a systematic understanding of China's maritime policy. These publications outline China's strategic goals for developing its national maritime sector.

The monograph "China's maritime security strategy: the evolution of a growing sea power", edited by E. Sing and Yue Chan, elucidates the development of Chinese maritime security policy from Deng Xiaoping to Xi Jinping. Each generation of Chinese leaders has shaped the overarching direction of maritime security strategy. Over four decades, China has prioritised territorial integrity, national development, and regional and international maritime cooperation [6]. The approach to maritime security has evolved significantly, with China now aspiring to become a prominent maritime power.

Sun Tom Guozui and A. Payette have examined various facets of Chinese maritime policy. They introduced the concept "two oceans" to characterise China's maritime strategy since the early 21<sup>st</sup> century. This concept underscores the strategic importance of the Pacific and Indian oceans in China's quest to become a global power. The authors argue that the PLAN is pivotal in achieving this objective. In the Pacific, China's political ambitions face challenges such as the American presence in South Korea and Japan, territorial disputes with Vietnam, the Philippines, and Japan, and the Taiwan issue. Therefore, Sun Tom Guozui and A. Payette emphasise the necessity for the PLAN to operate effectively in the Pacific Ocean [7, p. 5]. The Indian Ocean represents the next frontier for China's maritime power projection.

China's initiatives to ensure regional economic and security stability in East Asia are examined in the study by Ge Jianhua and Pu Jingyi. The construction of the maritime Silk Road, proposed by China, leverages the Asian Infrastructure Investment Bank and the Silk Road fund to develop railways, pipelines, and multiple trade corridors in countries along the route [8, p. 77]. According to Ge Jianhua and Pu Jingyi, the economic integration of these states into Chinese policy within the Asia – Pacific region could gradually resolve contentious maritime security issues [8, p. 77].

The dissertation by Chen Jinling highlights the importance of stable economic ties for maritime security, using the Strait of Malacca as a case study. Chen Jinling argues that escalating conflicts and piracy in the strait could severely impact the Chinese economy, particularly in terms of oil trade [9, p. 39]. Consequently, the author suggests that China should reduce its dependence on this crucial maritime passage. Nonetheless, the Strait of Malacca is likely to remain a vital artery for the Chinese economy and a key aspect of regional security.

Current studies on international relations and Chinese foreign policy portray the evolution of China's maritime strategy as a constant. Historically, China has transitioned from a nation subjected to external humiliation to an autonomous actor capable of shaping regional order. The ambition to transform the country into a major maritime power signifies a shift in the country's regional positioning.

Another significant area focuses on the conflict in the South China Sea and its impact on China's maritime security strategy. Chinese scholarly literature extensively addresses territorial disputes in this region. The conflict, driven by competing claims from ASEAN member states over islands in the South China Sea, significantly influences Chinese maritime policy. Xie Zhihai identifies the reasons behind China's naval expansion, linking it to escalating tensions in adjacent seas. As China asserts its maritime interests more directly, territorial disputes in both the South and East China seas have intensified. The future international order in East Asia will likely be shaped by the maritime strategies and policies of regional states and external powers. China has long advocated for a peaceful rise, claiming that its ascent would not conflict with other nations' interests. However, its ambitious maritime policies have raised concerns in Japan, the US, and Southeast Asian countries. Xie Zhihai suggests that China will continue to bolster its naval capabilities [10, p. 120].

Researcher A. V. Gubin synthesises various scientific perspectives on the East Asian regional security complex and the challenges of maritime control in the South China Sea. He frames the South China Sea as a theatre of Sino-American rivalry, where some ASEAN member states align with Washington, while others seek compromise with China [11, p. 132]. Numerous scholars also examine China's maritime policy within the broader context of Sino-American competition for influence in the Asia - Pacific region. M. A. Terskikh asserts that "the US strategy in the Asia - Pacific region cannot overlook China, whose growing power challenges America's global dominance" [12, p. 32]. Yu. A. Manuylova views the intensification of China's maritime policy as a manifestation of the geopolitical clash between the US and China [13].

The interest of the US in reshaping its partnerships within the Asia–Pacific region is undoubtedly driven by concerns over Beijing's rapid economic and political ascent. This strategic pivot towards Asian states has provoked clear discontent in China. By the early 2010s, China had established robust economic partnerships with numerous regional states, and the potential erosion of its influence in the Asia–Pacific region became a pressing foreign policy issue during the leadership of Hu Jintao and subsequently Xi Jinping.

Unresolved territorial disputes over islands in the South China Sea and East China Sea hinder the development of comprehensive and trusting cooperation between China and other Asia – Pacific nations. China faces competing sovereignty claims from several ASEAN member states over the Spratly Islands in the South China Sea, involving Vietnam, Malaysia, and the Philippines. Additionally, China and Vietnam contest control over the Paracel Islands, while China and Japan dispute sovereignty over the Diaoyu (Diaoyudao) Islands in the East China Sea. China's claims to these territories are underpinned by their strategic importance for national security. The current Chinese leadership advocates for a peaceful resolution of these disputes through diplomatic channels and supports establishing codes of conduct in the South China Sea.

Dissertation "The impact of territorial disputes in the South China Sea on Vietnamese-Chinese relations" by E. I. Narkhova addresses these contentious issues. The Vietnamese-Chinese relationship serves as a particularly illustrative case for identifying conflicting approaches to determining the status of disputed islands.

The dissertation's assertion that the militarisation of the South China Sea, coupled with China's overwhelming geopolitical, military, and economic dominance over Vietnam, "forces it to seek allies against China to defend its interests, thereby complicating the search for compromise" highlights the divergence of positions within the ASEAN itself [14, p. 161].

Malaysia's role in regional stability further illuminates the contradictions between China's and ASEAN's approaches to maritime security. A.S.Korolev's dissertation explores this topic by rethinking the foreign policy strategies of small and medium powers within the framework of neoclassical realism that means specifically, contiguity and hedging. The scientist identifies the main structural limitations of these existing approaches using Malaysia as a case study [15, p. 19].

Under the 4<sup>th</sup> and 5<sup>th</sup> generations of Chinese leadership, China's maritime policy has become more proactive, extending beyond merely ensuring economic growth. Several factors have driven this rethinking of the maritime dimension in Chinese foreign policy, which also poses challenges to China's aspiration to become a great maritime power. Firstly, the increased conflict potential around the islands in the South China Sea necessitates China's search for new energy sources amid its rapid economic and industrial growth. Competing claims from neighbouring ASEAN states compel China to assert its sovereignty over these islands. Secondly, Taiwan's status significantly influences regional security dynamics. The expansion of the US influence in the Asia – Pacific region through its close ties with Taiwan has prompted China to adopt a more cautious and comprehensive approach to resolving the Taiwan issue while criticising American interference in its internal affairs. Since the founding of China, all Chinese leaders have maintained that Taiwan's status is a domestic matter and should not be subject to international discourse [16, p. 575].

#### Conclusions

Based on the analysis of scholarly research on China's maritime policy, it is evident that this policy is a strategically vital component of the nation's foreign agenda, aimed at safeguarding national maritime sovereignty.

In examining the maritime policy of China, political scientists have identified the following problem areas:

• the influence of China's historical perception as a regional leader on its maritime policy;

an analysis of the capabilities of China's naval forces;

• the establishment of foreign policy principles as the foundation for China's maritime strategy;

• the consensus among scholars about the intensification of China's maritime policy that is partly driven by US – China rivalry in the Asia – Pacific region;

• the identification of territorial disputes in the South China Sea as a major factor contributing to regional instability.

This research indicates that the issue of Chinese maritime security in the Asia – Pacific region remains underexplored. A promising avenue for future research involves interpreting the historical and contemporary contexts of China's maritime policy evolution and identifying the factors shaping its modern maritime security concept.

Undoubtedly, China's maritime policy will consider regional security concerns, aiming to resolve disputes peacefully and mitigate military tensions in the Asia – Pacific region. Nonetheless, China will continue to shape its maritime security strategy based on its priorities and interests.

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## BELARUSIAN NATIONAL INTERESTS CONCERNING THE NORTHERN SEA ROUTE

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*Abstract.* This article examines the national interests of the Republic of Belarus concerning the Northern Sea Route, encompassing both economic aspects related to trade with East and Southeast Asian countries and strategic aspects of accessing northern oceanic ports. It outlines the policies of major Arctic and sub-Arctic states (Russia, China, Canada, the USA, Japan, and Northern European countries) regarding the Northen Sea Route, supported by historical and economic context. The article also analyses assessments by Western and Russian-speaking experts, highlighting key approaches to studying the Northen Sea Route and the Arctic region. Finally, the author hypothesises how the Northen Sea Route could facilitate trade between Eastern Europe and East and Southeast Asia, underlining Belarus' potential role as a connecting state between these regions.

*Keywords:* Northern Sea Route; Arctic policies of Russia, China, Canada, the US, Japan; national interests of the Republic of Belarus in the Arctic; foreign policy of the Republic of Belarus; world sea routes; Chinese foreign policy; Russian foreign policy.

## БЕЛОРУССКИЕ НАЦИОНАЛЬНЫЕ ИНТЕРЕСЫ НА СЕВЕРНОМ МОРСКОМ ПУТИ

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*Аннотация.* Рассматриваются национальные интересы Республики Беларусь на Северном морском пути, касающиеся как экономического аспекта (торговли между Республикой Беларусь и странами Восточной и Юго-Восточной Азии), так и стратегического аспекта (выхода Республики Беларусь к северным океаническим портам). Дается описание подходов основных арктических и субарктических государств (России, Китая, Канады, США, Японии, стран Северной Европы) к использованию Северного морского пути, которое сопровождается исторической и экономической справкой о возможностях Северного морского пути. Исследуются мнения западных и отечественных экспертов, выделяющих основные подходы к изучению Северного морского пути и Арктики. Выдвигается предположение, как с помощью Северного морского пути стимулировать торговые отношения между Восточной Европой и Восточной и Юго-Восточной и Юго-Восточной Азией. Республике Беларусь в данном взаимодействии отводится роль государства-коннектора для этих двух регионов.

*Ключевые слова*: Северный морской путь; арктическая политика России, Китая, Канады, США, Японии; национальные интересы Республики Беларусь в Арктике; внешняя политика Республики Беларусь; мировые морские пути; внешняя политика Китая; внешняя политика России.

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#### Introduction

The Northern Sea Route (NSR) is an international maritime corridor running through the northern seas along Russia's coastline, representing the shortest route between European Russia and the Far East. Historically, it has served as Russia's established Arctic transportation link, traversing the Arctic Ocean's Barents, Kara, Laptev, East Siberian, and Chukchi seas, as well as part of the Pacific Ocean (Bering Sea). The NSR's length from the Kara Strait to Providence Bay is approximately 5600 km [1, p. 55].

The NSR facilitates domestic transportation of minerals extracted in Russia's Arctic zone and transit between East and West as an alternative to existing sea routes via the Suez Canal or the Cape of Good Hope.

A key advantage of the NSR for transit transportation is significant time savings. Compared to routes via the Suez Canal, the NSR offers substantial economies of time and fuel for shipments to 20 of the world's 24 largest seaports. For instance, the journey from Dalian (China) to Rotterdam (the Netherlands) via the NSR takes around 33 days, compared to 48 days via the Suez Canal [2].

This article focuses primarily on the geopolitical dimensions of the NSR from the perspective of Belarusian national interests. The research aims to characterise the current geopolitical environment surrounding the NSR and define Belarus' national interests therein.

Historical and economic references will be provided, although they do not constitute the primary focus of this research. Arctic doctrines of key nations such as Russia, China, the US, and Canada will be examined and analysed, along with the policies of Japan, South Korea, and Northern European nations. The topic of the Arctic Council is deliberately excluded to avoid overburdening the reader with the intricacies of this international softlaw organisation, within which each player pursues its interests uniquely. The Arctic Council's role warrants a separate article.

Although Belarus is not an Arctic nation and currently lacks an Arctic policy or doctrine, developments over the past two years (since 2022) indicate a record-high level of Belarusian interest in the NSR. Unprecedented close cooperation between the Republic of Belarus and Russian Arctic regions, as well as numerous high-level government visits, have been observed. This has resulted in ambitious projects and plans announced by the Belarusian president and government in 2023 concerning the Arctic region, making it a topical issue for research.

While the scientific literature has examined this topic, publications addressing the same issues are not numerous. The established tradition of describing the Arctic as a collision of interests among the main Arctic players (Russia, Canada, the US, and China) still prevails over the approach of exploring how small nations can benefit from utilising the Arctic and the NSR.

Numerous journalistic publications in 2023 have focused on current developments on the NSR, with Western authors particularly concerned about the rapid increase in Russian-Chinese Arctic cooperation.

In post-Soviet countries, V. N. Konyshev, A. A. Sergunin [1], R. U. Amiraev<sup>1</sup> and M. A. Nikulin<sup>2</sup> have dedicated monographs and dissertations to this topic, primarily focusing on Arctic geopolitics in general and touching upon the NSR as part of their broader research.

Among European scientists, T. Martins from Portugal [2], A. Dávid, A. Galieriková, J. Tengler, and V. Stupalo from Slovakia [3] have produced relevant recent studies on current developments on the NSR. However, they focus more on documenting the growing Chinese-Russian cooperation on the NSR rather than providing a comprehensive political study of the region and the interests of the parties involved.

Specific research on the NSR has been conducted by V. Yu. Karandashova [4], A. P. Danilov [5], N. M. Antyushina [6], V. G. Egorov and N. V. Lopatkina [7], although these were published before 2022 and thus describe the subject from a different geopolitical standpoint. It is assumed that few attempts have been made to characterise the current geopolitical situation surrounding the NSR within the changing system of international relations.

With this in mind, the present article seems relevant and important for further in-depth research into the geopolitics surrounding the NSR and identifying Belarusian national interests therein.

#### The importance of the NSR for world trade

In 2022, the total cargo volume transported along the NSR was 34 mln tons. In 2023, this figure had already reached 36 mln tons, representing a 6 % increase in cargo turnover<sup>3</sup>.

Company "Rosatom", the main NSR operator, notes that these indicators are achieved due to the route's utilisation by Russian corporations such as "Novatek", which liquefied natural gas accounts for over half of the

<sup>&</sup>lt;sup>1</sup>*Amiraev R. U.* The Arctic in the world political processes of the 21<sup>st</sup> century: scenarios for the development of the region (political and legal analysis) : diss. abstr. ... doct. polit. science : 23.00.02. Bishkek : Jusur Balasagyn Kyrguz Natl. Univ., 2012. 52 p. (in Russ.). <sup>2</sup>*Nikulin M. A.* Arctic in the foreign policy of the Russian Federation, the USA and the PRC in the context of regional security

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<sup>&</sup>lt;sup>3</sup>Cargo transportation along the Northern Sea Route in 2023 amounted to 36.254 million tons [Electronic resource]. URL: https:// www.interfax.ru/russia/939623 (date of access: 23.01.2024) (in Russ.).

cargo traffic, as well as "Gazprom Neft", "Lukoil", and "Nornickel", which rerouted cargo traffic from western to eastern directions in 2022 and 2023<sup>4</sup>.

Net cargo transit along the NSR in 2023 reached 2.1 mln tons. The main transit cargo was oil (1.5 mln tons), followed by iron ore concentrate (approximately  $350\,000$  tons) and liquefied natural gas (approximately  $250\,000$  tons)<sup>5</sup>.

In 2023, 80 voyages transited the NSR, compared to 47 in 2022 (an increase of nearly 50 %). Large ice-free class vessels, the bulk carriers "Gingo" and "Platos", were escorted from the port of Murmansk to the Chinese ports of Qingdao and Dalian, respectively.

#### Russian Arctic strategy policies for the development of the NSR

The Russian authorities have ambitious plans for the NSR. In April 2022, president V. Putin held a council on the development of Russia's Arctic zone, which became the starting point for implementing a new indepth state policy.

Regarding the NSR, the following issues were discussed: creating modern port and rescue infrastructure, modernising Arctic ports and terminals, expanding the icebreaker and cargo fleet, establishing a single logistics operator for this route, implementing priority investment projects considering sanctions, adjusting and providing further support for flexible financing solutions for investment projects, and addressing ecology and the environment<sup>8</sup>.

Subsequently, in August 2022, the Russian government approved the Northern Sea Route development plan until 2035. This plan responds to the objectives set by V. Putin. It includes over 150 measures, ranging from constructing a transportation and logistics hub in the seaport "Korsakov" on Sakhalin to developing the Murmansk and Arkhangelsk transportation hubs and building new terminals for liquefied natural gas, oil, and coal. The total financing for the plan's activities exceeds 200 mln US dollars<sup>9</sup>.

Simultaneously, in June 2022, V. Putin signed a law granting the company "Rosatom" authority as the primary navigation operator on the NSR<sup>10</sup>.

Furthermore, in May 2023, the Russian government expanded the NSR development plan, introducing new activities: constructing icebreaker fleet vessels, ice-class cargo ships, rescue vessels, and their financial support by the Company "Rosatom" also reported an increase in the number of permits issued for navigation in NSR waters, including those granted to foreign companies. In 2023, 1218 permits were issued, compared to 1163 in 2022 (again, an increase of nearly 50 %)<sup>6</sup>.

However, historically, cargo traffic flow along the NSR has been uneven. Since the 1930s, cargo it displayed steady growth from 130 000 tons to a record 6.5 mln tons in 1986. After the peak of the 1980s, cargo turnover stagnated, amounting to 1.8 mln tons in 1996 and 2006. Only after 2010 was there an upward trend, with cargo turnover exceeding the record of the 20<sup>th</sup>-century, reaching 7.4 mln tons in 2016<sup>7</sup>.

Ministry of Industry and Trade of the Russian Federation and the Ministry of Finance of the Russian Federation. Thereby, Russia's plans for the NSR are highly ambitious, and recent years' cargo turnover statistics demonstrate their consistent realisation.

Moreover, due to global warming, the ice on the NSR will become thinner, and the regions where it thaws will remain ice-free for longer periods annually. Consequently, navigation along this route will become more accessible in the next 20–30 years. It is noted that pre-existing ice fields in the Bering, Chukchi, and East Siberian seas are disappearing, indicating profound changes in the Arctic's accessibility for all vessel types. The melting of the Arctic Sea ice provides a key advantage for navigating the NSR, and analysts expect the NSR could be ice-free by 2050 [2].

However, developing the NSR has its nuances. For example, some researchers express doubts about its benefits for international commercial use due to the difficulty in assessing the route's profitability.

Firstly, the gain in nautical miles compared to the Southern route may be lost due to travel time along the NSR. On the high seas between Southeast Asia and Europe, a container ship can reach speeds of 21–24 knots, whereas, on the NSR, speeds can drop to 14 knots due to drifting ice and unfavourable weather conditions. Using the NSR implies additional fuel and engineering costs for tankers and container ships [1, p. 56].

Secondly, according to M. Nikitina, the founder of the information and analytical portal "N.TransLab",

<sup>&</sup>lt;sup>4</sup>Cargo transportation along the Northern Sea Route in 2023...

<sup>&</sup>lt;sup>5</sup>Transit along the Northern Sea Route in 2023 reached a record of 2.1 million tons [Electronic resource]. URL: https://www. interfax.ru/business/930429 (date of access: 23.01.2024) (in Russ.).

<sup>&</sup>lt;sup>6</sup>Cargo transportation along the Northern Sea Route in 2023 amounted to 36.254 million tons [Electronic resource]. URL:https:// www.interfax.ru/russia/939623 (date of access: 23.01.2024) (in Russ.).

<sup>&</sup>lt;sup>7</sup>Latitudes of high importance. Arctic shipping [Electronic resource]. URL: https://www.kommersant.ru/doc/3254502 (date of access: 23.01.2024) (in Russ.). <sup>8</sup>Meeting on the development of the Arctic zone [Electronic resource]. URL: http://kremlin.ru/events/president/news/68188

<sup>&</sup>quot;Meeting on the development of the Arctic zone [Electronic resource]. URL: http://kremlin.ru/events/president/news/68188 (date of access: 23.01.2024) (in Russ.).

<sup>&</sup>lt;sup>9</sup>Mikhail Mishustin approved the plan for the development of the Northern Sea Route until 2035 [Electronic resource]. URL:http://government.ru/news/46171/ (date of access: 23.01.2024) (in Russ.).

<sup>&</sup>lt;sup>10</sup>The government has expanded the plan for the development of the Northern Sea Route [Electronic resource]. URL: http:// government.ru/news/48389 (date of access: 23.01.2024) (in Russ.).

the NSR's prospects are threatened by the deteriorated relations between Russia and foreign Arctic powers. Opportunities for attracting credit and third-party investments have decreased, as many public-private partnerships in the northern seas were designed for this financing format<sup>11</sup>.

Thirdly, there are physical and geological limitations to positioning the NSR as a global transit gateway and competitor to the Suez Canal. The existence of two shallow straits - Sannikov and Laptev - with a through draught of 11–15 m allows unimpeded passage of container ships with a capacity of no more than 6000 TEU, while the Suez Canal can service vessels with a capacity exceeding 20000 TEU<sup>12</sup>.

It is also emphasised that the NSR requires "landbased support" to maximise the commercial benefits of using its separate, most in-demand sections. It is necessary to connect the NSR with the capabilities of the Eastern railway polygon and the Northern Latitudinal railway in the Russian Federation<sup>13</sup>.

International status of the Arctic and the NSR

The international status of the Arctic and the NSR remains contentious. Russia asserts the NSR as its domestic transportation link, while the US, China, and Scandinavian countries advocate for its "internationalisation" to ensure unrestricted passage for all nations. Proponents of this view argue that arteries of global significance should not be under the sole control of a single country.

Consequently, two distinct positions have emerged among states regarding the Arctic. The first group comprises Russia and Canada, which enjoy direct Arctic access and possess the right to manage their 200-mile exclusive economic zones under the 1982 UN Convention on the law of the sea. The second group encompasses states with a growing interest in the Arctic but no direct access, such as the US, China, Japan, South Korea, and most Scandinavian countries (excluding Norway and Denmark).

Geopolitical interests in the development of Arctic shipping lanes have led to tensions even between traditional allies such as the US and Canada. The US challenges Canada's claim that the Northwest Passage, an alternative Arctic route through the Canadian Arctic Archipelago, constitutes internal waters, advocating instead for its recognition as an international strait. This stance, supported by China, raises concerns for Canada.

Many scholars contend that the current US Arctic policy is largely rhetorical. Historically, the US has paid

According to Western researchers, it will take about two more decades for the NSR to be integrated into the main maritime trade routes. One of the biggest disadvantages noted is the lack of rescue opportunities in case of a dangerous situation. For the successful development of this route, effective solutions are necessary for the following issues: unification of the process of issuing permits for ship passage through this zone, introduction of uniform tariffs for transportation throughout the NSR, involvement of the world's largest shipping companies in developing routes along the NSR, and coordination of all ports through which the NSR passes from a single centre [3, p. 78].

The numerous measures undertaken by the Russian presidency and government indicate a clear intent to solidify Russia's position in the Arctic and significantly develop the NSR. The remaining barriers are not insurmountable, and a strong political will is already in place in Russia to address them, raising the probability of success in developing this critical transportation artery.

limited attention to Arctic sea lanes, as evidenced by its non-ratification of the 1982 UN Convention on the law of the sea and its possession of only one Arctic icebreaker. These factors hinder the US' ability to safeguard its interests in Arctic mineral resources and to extend its exclusive economic zone. A known treaty between the US and Canada stipulates that while US ships must always be allowed passage through Canadian waters, the US must notify Canada and seek permission each time<sup>14</sup>.

The US advocates for the internationalisation of both the NSR and the Northwest Passage, though it does not plan to utilise these routes shortly. Canada, on the other hand, asserts sovereignty over the Northwest Passage, requiring all transit vessels to obtain Canadian authorisation. Despite this, Canada has been compelled to grant concessions to the US regarding ship passage. Additionally, the two countries are embroiled in a territorial dispute over the undefined border in the Beaufort Sea<sup>15</sup>.

Canada is keen to develop its own Arctic route. However, experts suggest that the Canadian Northwest Passage is less navigable than the NSR due to numerous islands which contribute to thicker ice formation. Currently, the Northwest Passage lacks significant transportation infrastructure and commercial shipping, making the NSR the only commercially viable Arctic route<sup>16</sup>.

In June 2017, China's National Development and Reform Commission and the State Oceanic Administration

<sup>&</sup>lt;sup>11</sup>Rosatom became the only shipping operator on the Northern Sea Route [Electronic resource]. URL: https://neftegaz.ru/news/ transport-and-storage/742062-rosatom-stal-edinstvennym-operatorom-sudokhodstva-na-severnom-morskom-puti-/ (date of access: 23.01.2024) (in Russ.). <sup>12</sup>Northern Sea Route cools down under the influence of geopolitics and economy [Electronic resource]. URL: https://www.

dp.ru/a/2023/11/23/sevmorput-ostivaet-pod-vlijaniem (date of access: 23.01.2024) (in Russ.). <sup>3</sup>Ibid.

<sup>&</sup>lt;sup>14</sup>Nikulin M. A. Arctic in the foreign policy of the Russian Federation, the USA and the PRC... P. 16 (in Russ.).

<sup>&</sup>lt;sup>15</sup>Ibid. P. 17.

<sup>&</sup>lt;sup>16</sup>Ibid. P. 18.

issued a memorandum on prospects for maritime cooperation under the Belt androad initiative, expressing intentions to establish a "blue corridor" across the Arctic Ocean to Europe, termed the Ice Silk Road.

China also pushes for broadening the definition of sub-Arctic states in international law. There is a growing discourse in China suggesting that the term "Arctic states" be replaced with interested party, a change that would significantly broaden China's influence in Arctic affairs.

In 2018, China released a White paper outlining its Arctic strategy, positioning itself as a near-Arctic state and emphasising the global significance of the Arctic for humanity. The document asserts China's role as a key player in Arctic political dialogue, reflecting Beijing's dissatisfaction with its current level of involvement in the region [4, p. 27].

China also seeks to diversify its oil and gas supply routes to reduce its strategic dependence on the Strait of Malacca. Coined by Hu Jintao in 2003, the Malacca dilemma highlights China's vulnerability to potential naval blockades due to its reliance on this critical passage, which is under indirect US influence [2].

To mitigate this vulnerability, China and Russia have collaborated in the Arctic, with the Chinese shipping company "COSCO" participating in approximately 30 % of voyages along the NSR. Over the next decade, China aims to route 5–15% of its container shipments via this corridor.

At the 3<sup>rd</sup> Belt and road forum in Beijing in October 2023, Russian president V. Putin invited other nations to invest in the development of the NSR. He announced that ice-class cargo ships would navigate the NSR yearround starting the following year, a development likely to heighten China's interest in this route [2].

Japan and South Korea also show economic interest in the NSR. Japan, which began receiving liquefied natural gas deliveries from Norway via the NSR in 2012, possesses the world's largest merchant marine fleet and advocates for the Arctic to be recognised as a common heritage of mankind. Japan estimates that up to 40 % of its exports to Europe could be transported via this route [3, p. 77-78].

South Korea's interest in the NSR is generally similar to Japan's interest. A global leader in shipbuilding, it has technologies through companies like "Samsung heavy industries" to construct merchant ships with icebreaking capabilities and aims to expand its fleet for navigating the northern seas [5, p. 54].

Norway, Denmark, Finland, and Sweden also show substantial interest in the NSR. Norway, actively engaged in Arctic mining, seeks to develop Russian Arctic deposits, leveraging its technological and financial capabilities that Russia has historically lacked. For example, the Norwegian oil company "Statoil" actively collaborates with Russia and has been granted concessions for developing complex fields in the Russian Arctic. Norway, despite sharing cultural, historical, and geopolitical ties, competes with Denmark, Sweden, and Finland for influence in the Arctic [1, p. 84].

In terms of Arctic development forecasting, researchers acknowledge that international law in this domain is evolving to reflect the actual state of affairs. Hence, it is only a matter of time before the interests of the stakeholders gain international recognition.

Analysts predict that the future of the Arctic will be determined by those states equipped with the necessary resources for its development. Possessing cutting-edge scientific advancements and technologies for navigation and extraction in extreme weather conditions will be crucial in establishing dominance in the Arctic [1, p. 144].

#### The Republic of Belarus and Belarusian national interests in the NSR

Primarily, Belarusian national interests involve utilising the logistical opportunities of the route and securing strategically important access to ocean ports in the northern seas under the control of a friendly state, ensuring unhindered and non-discriminatory access.

The Belarusian presence in the Arctic region is facilitated through the Union State. Within this framework, fund the "Arctic-SG" has been established to provide financial and technological support for the modernisation and technological renewal of Union State enterprises operating in the Arctic. These enterprises engage in natural resource extraction, transport infrastructure development, and preservation of the Arctic ecosystem<sup>17</sup>.

Interregional cooperation has seen active development of business relations between the Murmansk region of Russia and the Republic of Belarus. The annual trade turnover between them exceeds 100 mln US dollars. Over a hundred large-tonnage BelAZ trucks are employed at mining enterprises in the Murmansk region, and more than a hundred MAZ buses facilitate passenger transportation in the polar region. Apatite concentrate from the Murmansk region is also supplied to Belarusian chemical plants<sup>18</sup>. There is significant potential for cooperation in industrial sectors, transportation, construction, agriculture, healthcare, and tourism<sup>19</sup>.

<sup>&</sup>lt;sup>17</sup>Concept of the fund [Electronic resource]. URL: https://arcticasg.ru/o-fonde/obshhaya-informatsiya/ (date of access: 23.01.2024)

<sup>(</sup>in Russ.). <sup>18</sup>President of the Republic of Belarus: meeting with the governor of Murmansk region of Russia Andrei Chibis [Electronic resource]. URL: https://president.gov.by/ru/events/vstrecha-s-gubernatorom-murmanskoy-oblasti-rossii-andreem-chibisom (date of access: 23.01.2024) (in Russ.).

<sup>&</sup>lt;sup>19</sup>Let's involve Belarus in the Arctic projects [Electronic resource]. URL: https://xn----7sbhwjb3brd.xn--p1ai/news/city/murmansk/vpryagaem-belarus-v-proekty-arktiki (date of access: 23.01.2024) (in Russ.).

The strategic importance of the Arctic region for Belarus is underscored by frequent official visits between Belarus and the northern regions of Russia in 2022 and 2023. For instance, in September 2022, the governor of the Murmansk region visited Belarus where President A. Lukashenko discussed logistics and the reorientation of certain Belarusian export cargoes, primarily potash fertilisers, to the port of Murmansk<sup>20</sup>.

The President of the Republic Belarus has expressed optimism about utilising the Arctic Ocean, specifically the NSR, to enhance cargo supply to Asia. He remarked: "I remain confident that the Arctic Ocean (Northern Sea Route) will become a key player in rapidly supplying cargo to Asia. Through successful collaboration, we can seriously accelerate development in this direction"<sup>21</sup> (hereinafter translated by us. – *A. F.*)

In February 2023, during a press tour with journalists from the Russian Far East, the Belarusian leader reiterated the country's interest in using the NSR for exports to Asian nations and in constructing a Belarusian terminal in Murmansk<sup>22</sup>.

In May 2023, a Belarusian delegation led by Prime minister R. Golovchenko visited Murmansk, where discussions focused on building a terminal in the Polar region for transshipping Belarusian potash fertilisers<sup>23</sup>. This project is particularly advantageous for Belarus as it ensures unrestricted access to two oceans, thereby avoiding the sanctions-related shipping constraints experienced in the Baltic Sea<sup>24</sup>.

By September 2023, Belarus and the Magadan region had agreed to utilise the NSR for bilateral trade. Following discussions with the governor of Magadan region, the Belarusian ambassador to Russia, D. Krutoy, confirmed plans to export goods to Magadan and import products from this Russian region via the NSR<sup>25</sup>.

As of January 2024, Belarus harbours ambitious plans for both the NSR and the construction of its terminal in Murmansk. The upcoming year is expected to see significant developments in this project, enhancing Belarusian exports from Murmansk to Vladivostok and building logistical expertise for managing exports across the northern seas.

One key goal is to regularise Belarusian exports via the NSR to Southeast Asian countries such as China, Japan, South Korea, and Vietnam, and to position the Republic of Belarus as a pivotal connector in East-West transit flows through the NSR.

From a geopolitical perspective, several nuances must be considered in planning Belarus' engagement with the NSR. These include potential competition with the terrestrial infrastructure of China's Belt and road initiative, differing perspectives between China and Russia on the Arctic's international status, and Western sanctions that currently impede trade with the far arc countries and global commerce more broadly.

In light of these considerations, what further steps for Belarus could be recommended?

Firstly, the collaborative Belarusian-Russian development of transit chains from Minsk to Murmansk, from Murmansk to Vladivostok, and from Minsk to East and Southeast Asian countries is crucial. Given Russia's pivotal role in the NSR, it is essential to fully exploit the potential of bilateral agreements and the Union State framework to secure non-discriminatory access to Russian northern ports.

Secondly, intensifying interregional cooperation with Russian regions along the NSR, including the Murmansk region, Arkhangelsk region, Far Eastern federal district, and Magadan region, is vital. Enhancing trade with these entities will facilitate the establishment of logistics and develop mutually beneficial transit schemes involving the Republic of Belarus.

Thirdly, the structure of recent Belarusian exports to Southeast Asia suggests a focus on transiting Belarusian potash fertilisers through the NSR to China. Consequently, engaging Chinese partners in discussions on this matter is advisable.

It is also hypothesised that using the NSR as a transit corridor between East and West could benefit Central-Eastern European (CEE) states that are either landlocked or distant from major European ports. For example, consider trade between CEE countries such as Poland, the Czech Republic, Slovakia, Hungary and key East and Southeast Asian nations such as China, South Korea, and Japan. These countries are selected based on their significant trade volumes with the CEE region.

For more precise economic estimations in future research, an expanded analysis could include all countries

 $<sup>^{20}{\</sup>rm Meeting}$  with the governor of Murmansk region of Russia Andrei Chibis...  $^{21}{\rm Thid}$ 

<sup>&</sup>lt;sup>22</sup>Lukashenko: we want to build a port in Murmansk and use the Northern Sea Route [Electronic resource]. URL: https://www. belta.by/president/view/lukashenko-my-hotim-postroit-port-v-murmanske-i-ispolzovat-severnyj-morskoj-put-550649-2023 (date of access: 23.01.2024) (in Russ.).

<sup>&</sup>lt;sup>23</sup>Prime minister of the Republic of Belarus Roman Golovchenko paid a working visit to Murmansk [Electronic resource]. URL: https://murman.tv/news-n-11896--premer-ministr-respubliki-belarus-roman-golovchenko-posetil-murmansk-s-rabochim-vizitom (date of access: 23.01.2024) (in Russ.).

<sup>&</sup>lt;sup>24</sup>Golovchenko discussed options for the construction of a port in Murmansk with the governor of the region [Electronic resource]. URL: https://www.belta.by/economics/view/golovchenko-obsudil-varianty-stroitelstva-porta-v-murmanske-s-gubernatorom-oblasti-568549-2023/ (date of access: 23.01.2024) (in Russ.).

<sup>&</sup>lt;sup>25</sup>Belarus and Magadan region agree on the use of the Northern Sea Route in mutual trade [Electronic resource]. URL: https:// www.sb.by/articles/belarus-i-magadanskaya-oblast-dogovarivayutsya-ob-ispolzovanii-severnogo-morskogo-puti-vo-vzaimnoy-t.html (date of access: 23.01.2024) (in Russ.).

within the CEE and Southeast and East Asia regions. This would encompass Romania, Bulgaria, Slovenia, Croatia, Baltic and Balkan states, Indonesia, Philippines, Vietnam, Thailand, Malaysia, etc. Data from 2021 are used here due to the unavailability of certain comparative indicators for 2022 and 2023.

Analysis of mutual trade reveals that China notably dominates imports into the CEE region. For instance, in the Czech Republic, China accounts for 12 % (20 bln US dollars) of total imports, in Poland this number is also 12 % (40 bln US dollars), in Hungary it is 6 % (7.5 bln US dollars), and in Slovakia it is 2.5 % (\$2.5 bln US dollars)<sup>26</sup>.

Imports from Japan and South Korea include Poland (10 bln US dollars), the Czech Republic (6.2 bln US dollars), Hungary (5.75 bln US dollars), and Slovakia (3.9 bln US dollars)<sup>27</sup>. The total imports from the Asian region exceed 95 bln US dollars.

Next, consider the exports from CEE countries to South-East and East Asia. Poland's exports to this region total approximately 8.5 bln US dollars, followed by the Czech Republic at 7.85 bln US dollars, Hungary at 5.8 bln US dollars, and Slovakia at 4 bln US dollars<sup>28</sup>. Collectively, CEE countries export over 26 bln US dollars worth of goods to these Asian regions annually.

This trade flow, valued at 120 bln US dollars, is significant. It equates to half of the trade turnover between the US and South Korea and double that of Russia's combined trade with Japan and South Korea<sup>29</sup>.

Consequently, Eastern European states, many of which are landlocked or distant from major European ports, rely heavily on directing their trade through Dutch or Belgian ports and subsequently through the Suez Canal or around the Cape of Good Hope.

Trade between these regions is expected to increase over time, primarily due to the growth of the Chinese economy and the annual increase in Chinese exports. Notably, trade with China alone accounts for about 60 % of the total 120 bln US dollars trade turnover, highlighting China's interest in finding faster and more cost-effective routes to CEE countries.

Considering the development prospects of the NSR and the Republic of Belarus involvement in this project, coupled with its developed rail and road logistics, it is plausible that the Republic of Belarus could become a key connector linking Eastern Europe with the NSR.

To evaluate this hypothesis, it is essential first to compare the costs of transporting goods from Poland, the Czech Republic, Slovakia, and Hungary to Rotterdam by land with the costs via the Republic of Belarus to Russian Arctic ports. The NSR could potentially halve delivery times, offering significant economic benefits. However, the choice of transit routes is also influenced by political factors. Thus, improving Belarusian-European relations is crucial for testing this hypothesis.

#### Conclusions

The increasing importance of the NSR in global trade cannot be overstated. Its potential to drastically reduce travel time and fuel costs between global seaports places it at the forefront of geopolitical interests. Russia has ambitious plans for its development, while other nations including China, the US, and European countries also show keen interest in its utilisation.

The cargo volume along the NSR has consistently increased, reaching unprecedented levels in recent years. Russian corporations are notably active on this route, primarily for transporting natural resources such as liquefied natural gas, oil, and iron ore. With the anticipated reduction in Arctic sea ice, the NSR is expected to become more navigable in the coming decades.

The international status of the NSR is contentious, with divergent perspectives from Russia, the US, China, and European nations. These countries have articulated their interests in the region, leading to geopolitical tensions and divergent views on the route's management and utilisation.

The Republic of Belarus is increasingly interested in using the NSR for its trade and logistics, aiming to de-

velop strategic access to Arctic Ocean ports. The country is actively seeking collaborations with Russian regions along the NSR and is keen on exporting goods to Asian markets via this route. Belarus' involvement aims to establish a long-term strategic presence in the NSR for trade and logistics enhancement.

The use of the NSR as a transit corridor between East and West could significantly benefit CEE states and East and Southeast Asian countries. The substantial annual trade turnover exceeding 120 bln US dollars underscores the need for faster and more cost-effective delivery methods. The development of the NSR, along with potential Belarusian participation, could position Belarus as a pivotal connector between Eastern Europe and the NSR. However, further research, including cost comparison analyses and consideration of political factors, is essential to substantiate this hypothesis. Overall, the future appears promising for bolstering trade links between Eastern Europe and Southeast and East Asia through the NSR. This development could potentially transform regional trade dynamics, enhancing economic efficiency and geopolitical cooperation.

<sup>26</sup>CIA world facebook [Electronic resource]. URL: https://www.cia.gov/the-world-factbook/countries/ (date of access: 23.01.2024).
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 <sup>28</sup>Ibid.

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# WATERWAY SHIPPING AND TRANSIT IN SOVIET-POLISH RELATIONS IN 1924–1933

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Abstract. This article examines the nuances of Soviet-Polish relations from 1921 to 1939, focusing on efforts to establish an effective transport and logistics model for border waterways. Although the Riga peace treaty of 18 March 1921, broadly addressed this issue, several political challenges needed to be overcome to fully resolve it, including devising suitable forms for transit trade operations, concluding a trade agreement, and finding a compromise in the Polish-Lithuanian conflict. Optimal export - import operations between the two parties hinged on their willingness to reach bilateral agreements and conventions. The study finds that using border rivers as secondary routes for transporting export goods from the BSSR to Poland and other Western markets was practical primarily for timber supplies. Wood rafting occurred along the rivers Viliya, Iliya, Dvinosa, Western Dvina, Sluch, Moroch, and Neman. Belarusian and allied timber processing organisations (such as "Zapadoles", "Lesbel", "Belsplavkontora", and "Soyuzlesosplav") sought to maximise the efficiency of these waterways due to their proximity to rich forests. The article highlights that following the Non-aggression treaty on 25 July 1932, and the subsequent warming of Soviet-Polish relations, the issue of water navigation and rafting was addressed by the Convention on the rafting of forest materials along border rivers of 9 June 1933. Before this convention, local agreements between border officials were used to manage the transportation of forest materials along these waterways. Despite the Königsberg convention of 1925 and the organisation of timber rafting to Memel via Latvia along the Western Dvina, the use of Polish commercial intermediaries (such as company "Dawa-Britopol") did not resolve the issue of rafting wood along the river Neman in 1924–1925. By the early 1930s, as the Neman problem became less relevant due to logistical inefficiencies, Soviet authorities sought alternative routes via the rivers Sluch and Moroch. These routes also faced political obstacles, with the Polish side leveraging economic means to address political issues, including the illegal crossing of the Soviet-Polish border and the subsequent detention of individuals sympathetic to the Soviet regime and Communist party.

Keywords: water navigation and transit; timber; rafting; Soviet-Polish relations; convention.

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# ВОПРОС ВОДНОГО СУДОХОДСТВА И ТРАНЗИТА В СОВЕТСКО-ПОЛЬСКИХ ОТНОШЕНИЯХ В 1924–1933 гг.

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*Аннотация.* Рассматривается специфика советско-польского взаимодействия в 1924–1933 гг. по вопросу создания эффективной транспортно-логистической модели функционирования пограничных водных артерий. Решение данной проблемы, хоть и было в общих чертах оговорено в Рижском мирном договоре от 18 марта 1921 г., требо-

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вало преодоления ряда политических противоречий (определения подходящей формы осуществления транзитных торговых операций, заключения торгового договора, нахождения компромисса в польско-литовском конфликте). Процесс оптимизации экспортно-импортных операций между сторонами напрямую зависел от желания советского и польского руководства находить приемлемые варианты сотрудничества путем заключения двусторонних соглашений и подписания конвенций. Установлено, что использование пограничных рек в качестве второстепенного маршрута транспортировки экспортных товаров из БССР в Польшу и на другие западные рынки сбыта было целесообразным исключительно для поставок лесных материалов. При этом сплав древесины происходил по рекам Вилия, Илия, Двиноса, Западная Двина, Случь, Морочь, Неман. Белорусские и союзные организации по лесопереработке и эксплуатации ("Западолес", "Лесбел", "Белсплавконтора", "Союзлесосплав" и др.) стремились наиболее эффективно задействовать данные водные артерии по причине близости к ним богатейших лесных массивов. Акцентируется внимание, что после заключения Договора о ненападении от 25 июля 1932 г., а также общего потепления советскопольских отношений и их нормализации вопрос водного судоходства и сплава был решен путем подписания 9 июня 1933 г. Конвенции о сплаве лесных материалов по пограничным рекам. До этого момента проблема эффективной транспортировки лесных материалов по пограничным водным артериям решалась при помощи заключения местных соглашений между представителями пограничных корпусов обеих сторон. Утверждается, что, несмотря на подписание Кенигсбергской конвенции 1925 г. и организацию сплава лесных материалов на Мемель через Латвию по Западной Двине, использование посреднических услуг польских коммерческих компаний ("Дава-Бритополь" и др.), вопрос сплава древесины по реке Неман в 1924–1925 гг. так и не был решен положительно. В начале 1930-х гг., когда "неманская проблема" отошла на второй план по причине нерентабельности использования данного логистического маршрута, советское руководство в поиске альтернативного транспортного решения сосредоточило свое внимание на реках Случь и Морочь. При организации сплава по данным водным артериям возникали трудности политического характера. Польская сторона умело использовала рычаг экономического давления для решения отдельных политических задач. Одной из них стал нелегальный переход советско-польской границы с последующим задержанием пограничной охраной лиц, симпатизирующих советской власти и коммунистической партии.

Ключевые слова: водное судоходство и транзит; древесина; сплав; советско-польские отношения; конвенция.

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#### Introduction

The foundation of Soviet-Polish relations during the interwar period was established through the peace treaty and legal documents signed at the Riga peace conference (September 1920 – March 1921). The practical implementation of these provisions spanned from March 1921 to February 1939. Among the immediate issues was the problem of free navigation and timber rafting, as stipulated in Art. II of the Riga peace treaty. However, it took twelve years to devise an acceptable framework for managing border waterways.

The unresolved Polish-Lithuanian conflict and the reluctance of both sides to compromise on a Soviet-Polish treaty led to economic difficulties, notably the inability to export timber from the BSSR to the west via waterways like the river Neman. This resulted in significant financial losses for the nascent Soviet economy. Temporary local agreements regulating timber transport on rivers such as the Sluch and Western Dvina merely underscored the necessity for a comprehensive bilateral convention.

The general thaw in Soviet-Polish relations following the Non-aggression treaty on 25 July 1932 provided the impetus needed to address border interaction issues. Consequently, on 10 April 1932, the Agreement on legal relations at the state border between the USSR and the Republic of Poland was signed, on behalf of the USSR, by member of the People's Commissariat of Foreign Affairs (PCFA) board B. S. Stomonyakov, and head of the Western department of the PCFA M. Raivid and on behalf of Poland, by representative of the Ministry of Foreign Affairs of the Republic of Poland W. Rasinsky. Article III of this agreement stipulated that both parties would take measures to protect border markers and prevent the intentional destruction of water structures along border rivers and streams. It also mandated that those responsible for damaging border markers would be prosecuted according to the state parties' respective laws. To resolve border disputes, mixed commissions comprising border guard officers were to be established. Issues that could not be resolved through these commissions were to be referred for diplomatic resolution.

The Agreement on legal relations at the state border was concluded for five years. On 3 June 1933, the USSR, represented by acting people's commissar of foreign affairs N. N. Krestinsky, and Poland, represented by Polish ambassador J. Lukasewicz, signed an agreement outlining procedures for investigating and resolving border conflicts. Six days later, the Convention on the rafting of forest materials along border rivers was also signed.

In historiography, the issue of timber rafting and the establishment of trade relations between the BSSR and Poland has not been extensively studied as an independent subject. Initial discussions on the topic can be found in journalistic articles by I. Adamaitis [1] and I. Teumin [2], as well as in annual reviews of the activities of the Office of the authorised people's commissar of foreign trade (PCFT) of the RSFSR under the Council of people's commissars of the BSSR<sup>1</sup>. Among Soviet historical studies, P. K. Kravchenko's dissertation is noteworthy<sup>2</sup>, although it overlooks some contentious points between the Administration of the authorised PCFT of the RSFSR and the Council of people's commissars of the BSSR. Polish historiography includes studies by M. Leczyk [3; 4] and S. Łopatniuk [5], while contemporary Russian and Belarusian historiography is marked by the works of A. V. Barykin and D. V. Ramanovsky<sup>3</sup>.

The scarcity of works directly addressing trade relations between the BSSR and Poland during the interwar period despite a sufficient source base, underscores the relevance of this issue. Interest in economic history has waned in modern historiography compared to a few decades ago, particularly before the 1980s, which also applies to the study of economic relations between the BSSR and Poland.

The purpose of this study is to examine Soviet-Polish relations from 1924 to 1933 concerning water navigation and transit. To achieve this objective, the following tasks must be completed:

• to identify the unprofitability of using wood rafting along the river Neman;

• to investigate the peculiarities of water logistics for timber between the BSSR and Poland from 1924 to 1933;

• to determine the significance of the Convention on the rafting of forest materials along border rivers of 9 June 1933, within the context of Soviet-Polish trade relations during the interwar period.

#### **Research methodology**

The study employs special historical methods and adheres to principle of objectivity to examine wood rafting in Soviet-Polish relations from 1924 to 1933. Historical-comparative and historical-typological methods facilitate identifying the periodisation of these relations concerning wood rafting: the period of 1924–1931, characterised by technical and political challenges related to timber transportation along the rivers Neman, Sluch, Moroch; and the period of 1932–1933, when Soviet and Polish leadership favoured signing a bilateral agreement to regulate timber water logistics along border rivers. The historical-genetic method helps to establish causal relationships and patterns in the development of Soviet-Polish trade relations during the interwar period.

#### **Results and discussion**

The development of trade and economic relations between the Soviet Union and Poland was significantly impeded by the absence of a pertinent trade agreement. While this factor was influential, it was not the sole cause of the stagnation. The primary obstacle was political discord. During the protracted negotiations of 1923, which were crucial for Poland's trade restoration, the USSR linked the agreement to the cessation of bandit attacks originating from Polish territory. Conversely, when the agreement became vital for the USSR, Poland insisted on payment in gold, as stipulated by the Riga peace treaty [6].

The negotiations eventually led to the establishment of the Polish company "Polrus" in May 1925, which facilitated trade with the USSR. This was followed by an agreement of 20 January 1926 to create the Soviet-Polish trade joint-stock company, which operated until 1934. The USSR primarily exported raw materials, a significant portion of which were destined for Western Europe [3]. Both countries also exchanged delegations of industrialists multiple times.

A particularly critical issue in Soviet-Polish relations from 1924 to 1933 was the transportation of export timber from the BSSR to Poland. Article II of the 1921 Riga peace treaty mandated both parties to ensure free navigation and rafting. However, the strained Polish-Lithuanian relations complicated the utilisation of the river Neman as a viable waterway. The Soviet leadership made numerous attempts to reach a compromise through diplomatic notes and meetings between officials.

Transit on the river Neman required permission from both Polish and Lithuanian authorities. Disputes over the status of the river Neman and the port of Memel further complicated Soviet transit efforts. Great Britain and France advocated for the international status of the Neman and opposed Soviet involvement in negotiations concerning Memel's future. Poland's blockade of the Neman exacerbated regional economic conditions.

The Council of Ambassadors' decision of 13 March 1924 regarding Memel's status did not meet Soviet expectations. Despite attempts to safeguard its interests and Lithuania's sovereign rights, the USSR's efforts proved futile. Subsequent demands for timber passage along the river Neman yielded no results. Neither the Polish-Lithuanian negotiations in September – October 1925 nor the Soviet-Lithuanian meetings in November – December 1925 resolved the issue. In February 1931, Minister of foreign affairs of Lithuania D. Zaunis

<sup>&</sup>lt;sup>1</sup>The foreign trade of Belarus in 1923–1924 year. An outline of the activities of the Office of the commissariat of the people's commissar of foreign trade under the Council of people's commissars of the BSSR and the state export – import office "Gostorgbel". Minsk, 1925. 74 p. Russian.

<sup>&</sup>lt;sup>2</sup>Kravchenko P. K. Economic and cultural relations of the BSSR with foreign countries (1921–1932). Minsk, 1976. 331 p. (in Russ.).
<sup>3</sup>Barynkin A. V. Poland in the foreign policy strategy of Soviet Russia (1918–1919). St.-Petersburg, 2013. 254 p. (in Russ.); *Romanovsky D. V.* Foreign economic relations of the BSSR with foreign countries (on the example of the work of "Gostorgbel" in 1922–1931). Minsk, 2003. 137 p. (in Russ.).

informed secretary of the USSR's plenipotentiary representative body in Lithuania M. A. Karski, that the river Neman between Grodno and Druskininkai formed part of the demarcation line, with Lithuania on one side and Poland on the other<sup>4</sup>. Consequently, in the 1930s, Soviet goods were transported through Latvia to Memel in accordance with the 1925 Königsberg railway convention.

In February 1924, the timber exploitation state trust "Zakhodneles", through the USSR's plenipotentiary representative body in Poland, sought permission to transport timber across the Polish-Lithuanian border. Correspondence between the foreign affairs departments revealed that Lithuania permitted free transit from the USSR to Memel, but Warsaw conditioned rafting along the river Neman on improved relations with Lithuania. The PCFA of the USSR communicated to Ministry of Foreign Affairs of the Republic of Poland that the Polish proposal to divert timber through Danzig and Königsberg, avoiding Lithuanian territory due to the poor state of the Augustow Canal and high freight costs, was unacceptable<sup>5</sup>.

In September 1922, commissioner for rafting under the All-Russian Council of National Economy of the RSFSR I. S. Graysbard, noted that almost all timber rafting had ceased. This cessation was due to a lengthy waterway, uncertain rafting conditions exacerbated by wartime disruptions, and the poor condition of the Augustów Canal. Consequently, timber rafting from the resource-rich Neman basin nearly halted<sup>6</sup>. Despite efforts, "Zakhodneles" failed to secure permission from the Polish government, prompting negotiations with private companies for timber rafting along the river Neman. A contract was signed with Memel "Naftal", which also failed to obtain the necessary permits. Protracted negotiations resulted in missing the optimal rafting season.

By mid-July, the state trust of timber exploitation and forestry "Lesbel" engaged in negotiations in Moscow with the company "Dawa-Britopol", which agreed to manage timber rafting and secure all required permits from Polish and Lithuanian authorities. The agreement was finalised on 19 July 1924.

A report by authorised representative of "Lesbel" L. G. Rubo dated 10 December 1924, highlighted various logistical challenges faced by "Lesbel" while exporting timber to Poland. The primary transport routes included waterways (the rivers Neman, Viliya, Iliya, Dvinosa, Sluch, and Moroch) and railways (from station "Negoreloe" to station "Stolbtsy"). Water transport faced issues such as shallow waters, freezing conditions, and political tensions due to the Polish-Lithuanian conflict. Rail transport was complicated by differing track gauges (wide in the USSR and narrow in Poland), necessitating time-consuming transhipment that could degrade timber quality (e. g., blue stain or rot)<sup>7</sup>.

As a result, management of "Lesbel" was compelled to enter concession agreements with Polish commercial entities like "Dawa-Britopol" to circumvent many of these transport difficulties, including increased railway tariffs and rafting bans on the river Neman<sup>8</sup>. In January 1925, "Zakhodneles" also transferred rights to raft approximately 50 000 m<sup>3</sup> of timber along the rivers Neman, Dzvinosa, and Ilia to "Dawa-Britopol"<sup>9</sup>.

The Procedure for timber rafting along the rivers Dvinosa, Viliya, Iliya, and Neman, developed by the United State Political Administration for the western territory on 14 April 1924, stipulated that navigation along these rivers required coordination with border detachments (Pleschenitsy-11 for the rivers Dvinosa, Viliya, and Iliya, and Koydanovski-13 for the river Neman). Control over rafting operations was to be exercised in specific areas: near the Kalyskovka mill on the river Viliya by two controllers (excluding customs representatives), near the farm "Borovaya" on the river Iliya, and near the farm "Zamarozze" on the river Neman.

The document specified that employees seconded by "Zakhodneles" for rafting purposes in the border zone needed to obtain a corresponding visa from the border guard and register it at checkpoints upon arrival. Raft drivers and caravanners were required to carry appropriate identification, including a card of "Zakhodneles" and a military record book. Given that rafting along the rivers Dvinosa and Viliya occurred directly along the state border between the USSR and Poland, a prior agreement was necessary if rafts needed to touch the Polish shore or use raft twine. The authority to negotiate with Polish representatives was granted to 11 border guards, authorised representatives of "Lesbel" L. G. Rubo and I. A. Kharlanchuk, and the representative of "Dawa Britopol" L. Ryvin<sup>10</sup>.

On 20 September 1924, the representative office of the trust "Zakhodneles" in Poland (at the Trade Representative Office of the USSR in Poland) informed the management board of "Lesbel" that permission from the Polish government had been obtained to pass timber along the river Neman, with acceptance at the border crossing point "Sverynava"<sup>11</sup>. However, concerns were raised about the safety of using the river Neman

<sup>&</sup>lt;sup>4</sup>Foreign Policy Arch. of the Russ. Federation (FPA RF). Fund 010. Inv. 2. Vol. 13. File 202. Sh. 42.

<sup>&</sup>lt;sup>5</sup>FPA RF. Fund 122. Inv. 7. Vol. 31. File 2. Sh. 125.

<sup>&</sup>lt;sup>6</sup>Nat. Arch. of the Repub. of Belarus (NARB). Fund 72. Inv. 1. File 102. Sh. 171–173.

<sup>&</sup>lt;sup>7</sup>NARB. Fund 148. Inv. 1. File 181a. Sh. 56.

<sup>&</sup>lt;sup>8</sup>Ibid. Sh. 94.

<sup>&</sup>lt;sup>9</sup>Ibid. Sh. 268.

<sup>&</sup>lt;sup>10</sup>NARB. Fund 148. Inv. 1. File 191a. Sh. 95.

<sup>&</sup>lt;sup>11</sup>Ibid. Sh. 211.

as a logistical route. Delays in obtaining permission from Poland led to fears that timber might be stranded over winter, forcing the abandonment of plans to raft timber abroad<sup>12</sup>. Political difficulties were compounded by significant economic changes in the timber market, falling prices rendered the use of the Neman waterway economically inefficient.

Nonetheless, during a meeting between the plenipotentiary representative of the USSR in Poland V. A. Antonov-Ovseenko, and J. Piłsudski in April 1933, the issue of rafting timber along the river Neman was revisited. In a letter from B. S. Stomonyakov dated 4 April 1933, a member of the board of the PCFT of the USSR, to V. A. Antonov-Ovseenko, it was noted that "the Soviet party is interested in the passage of its timber materials along the river Neman; Lithuania has agreed to this, and the delay is solely due to the Polish side"<sup>13</sup>.

In the early 1930s, the implementation of timber exports encountered significant challenges. During the 1920s, Soviet economic organisations had freely conducted timber rafting along the rivers Sluch and Moroch. However, in July 1931, the mayor of Luninets informed the Soviet authorities of the cancellation of a local border commission protocol in the Zhytkovichi district, which had established rafting regulations. This decision was justified by citing unresolved border disputes.

After protracted negotiations, Poland formally agreed to permit Soviet rafting. In the spring of 1932, the People's Commissariat of Forestry of the USSR prepared approximately 50000 m<sup>3</sup> of commercial timber for rafting in this area. Nevertheless, once navigation commenced and the timber was assembled into rafts, Poland issued a ban on the activity<sup>14</sup>. The Ministry of Foreign Affairs of the Republic of Poland linked the lifting of this ban to the extradition of W. Granitski, a Polish citizen detained by Soviet border guards.

On 17 May 1932, B. S. Stomonyakov, a member of the board of the PCFT of the USSR, informed people's commissar for forestry S. S. Lobov about the impracticality of halting timber rafting along the rivers Sluch and Moroch in 1932. Despite not delving into the intricacies of PCFT's negotiations with Poland, S. S. Lobov communicated to J. V. Stalin that they had accepted comrade Stomonyakov's directive for implementation.

To mitigate inevitable losses, the People's Commissariat for Forestry requested that the Central Committee of the All-Union Communist party (bolsheviks) instruct the PCFT to expedite negotiations with Poland to enable both the rafting of that year's timber and the future exploitation of the rich zones in the area<sup>15</sup>. The political bureau of the Central Committee of the party declined to approve a cessation of rafting in the Mozyr region until 1933<sup>16</sup>, primarily due to currency issues.

Under the chairmanship of L. M. Kaganovich, a temporary commission of the political bureau on currency reserves developed proposals to reduce currency costs by the end of June. These proposals were approved by the political bureau on 23 June. Consequently, "Exportles" and the PCFT were instructed to increase rafting traffic to Tilsit, Memel, and other north – west trade centres while reducing reliance on Lithuanian, Polish, German, and Finnish railways. This strategy aimed to achieve approximately one-third of foreign exchange savings on timber exports (230 out of 665 thsnd roubles)<sup>17</sup>.

On 9 June 1933, the Convention on the rafting of timber materials on border rivers between the USSR and the Republic of Poland was signed by plenipotentiary representative of the USSR in Poland V. A. Antonov-Ovseenko, and Polish foreign minister J. Bek <sup>18</sup>. The convention was ratified by the Central Executive Committee of the USSR on 27 September 1933 and by the Polish government on 5 March 1934. The exchange of ratification instruments took place in Moscow on 5 June 1934.

The provisions of the convention were implemented promptly, as evidenced by the exchange of notes between the plenipotentiary representative of the USSR in Poland and the Polish foreign minister on 19 June 1933. Subsequently, on 9 July 1933, a protocol was signed to the Convention on the rafting of timber materials on border rivers, which was ratified on 27 September 1933. The ratification instruments were exchanged in Moscow on 5 June 1934.

The convention stipulated that timber rafting along the rivers Sluch, Moroch, Viliya, Iliya, Neman, Dvinosa, and Western Dvina would commence from 16 July, pending ratification. All operations were required to occur during daylight hours, with rafts halting overnight. Each rafter or caravanner was mandated to carry an identity card bearing a border guard visa. This card had to display the individual's name, patronymic, surname, age, place of residence, validity period, place of departure and destination, stamp, and, if possible, a photograph. The card was issued by the rafting office or the authority dispatching the timber. Additionally, the dimensions and configuration of the rafts were precisely defined. Each raft had to display a red flag measuring at least 50 cm in length and 30 cm in width, affixed to a four-meter

<sup>&</sup>lt;sup>12</sup>NARB. Fund 148. Inv. 1. File 191a. Sh. 212.

<sup>&</sup>lt;sup>13</sup>Letter from a member of the board of the People's Commissariat of Foreign Trade of the USSR B. S. Stomonyakov to the plenipotentiary representative of the USSR in Poland V. A. Antonov-Ovseenko of 4 April 1933 // Documents and mater. on the history of Soviet-Polish relations. M., 1969. Vol. 6: 1933–1938. P. 35 (in Russ.).

<sup>&</sup>lt;sup>14</sup>Russ. State Arch. of Socio-Polit. History (RSASPH). Fund 17. Inv. 162. File 11. Sh. 95.

<sup>&</sup>lt;sup>15</sup>FPA RF. Fund 09. Inv. 7. Vol. 35. File 5. Sh. 163.

<sup>&</sup>lt;sup>16</sup>RSASPH. Fund 17. Inv. 162. File 11. Sh. 163–164.

<sup>&</sup>lt;sup>17</sup>RSASPH. Fund 17. Inv. 162. File 12. Sh. 196.

<sup>&</sup>lt;sup>18</sup>NARB. Fund 152. Inv. 1. File 36. Sh. 8–10.

pole in the middle of the raft unit, along with a board indicating the name of the sending authority and the raft unit number. Lighting equipment had to include a lamp model "Bat"<sup>19</sup>.

According to Art. 17 of the Convention on the rafting of timber materials on border rivers between the USSR and the Republic of Poland any issues concerning the regulation of timber launching and rafting, measures for ensuring the smooth passage of raft crews on border rivers, and violations of the convention's articles by either party were to be addressed by supervisors of the border guard detachment within whose territory the rafting was conducted. The mentioned convention of annulled existing local agreements with Poland concerning rafting on specific border rivers and areas<sup>20</sup>.

Moreover, Art. 17 provided for the appointment of special authorised persons by both parties to oversee the rafting process at designated border stations. The USSR nominated eight individuals: M. Kazakov (head of the border station "Drysa" on the river Western Dvina, border post No. 0-76), Z. Fishgapt (head of the border station "Sakavichi" on the river Viliya, border posts No. 379–380; 383–384; 388–395), Ya. Fedarau (head of the border station "Krai" on the rivers Viliya, Dvinosa, and Iliya, border posts No. 400–402; 402–403;

412–413; 417–419; 477–488), A. Matavilin (head of the border station "Chyrvonaya Slabodka" on the river Moroch, border posts No. 946–988), M. Paulavets (head of the border station "Starobin" on the rivers Moroch and Sluch, border posts No. 1034–1048; 1048–1063), D. Kudryavtsov (head of the border station "Yurkevichi" on the river Sluch, border posts No. 1063–1137), I. Ruden (head of the border station "Turov" on the river Stvig, border posts No. 1175–1176), F. Azarenka (head of the border station "Bukchy" on the river Stvig, border posts No. 1227–1238)<sup>21</sup>.

General oversight was assigned to head of "Belsplaukantora" M. I. Shapira. The Polish authorities, in turn, appointed their representatives: W. Mygrodski (a consultant from the Vilna voivodeship for the border stations along the rivers Western Dvina, Viliya, Dvinosa, and Iliya) and M. Malachynski (a consultant from the Polesye voivodeship for the stations along the rivers Moroch, Sluch, and Stvig)<sup>22</sup>. The conclusion of the Convention on the rafting of timber materials on border rivers positively influenced timber rafting between the Soviet Union and Poland. It addressed all critical procedural issues, established control mechanisms, and defined penalties for violations, thereby significantly facilitating the export of timber from the BSSR to Western markets, including Poland.

#### Conclusions

Political challenges stemming from the lack of a trade agreement between the USSR and Poland – an agreement stipulated by the Riga peace treaty – along with difficulties in transporting timber via waterways such as the rivers Neman, Sluch, and Moroch, impacted the specifics of export organisation but were not the primary obstacles. Transportation of forest materials by water faced technical problems (delay in unloading timber, rising water, etc.), which led a slowdown in the process and sharply reduced the quality and price of wood. The organisation and execution of timber export operations between the BSSR and Poland in the 1930s were influenced by the overall situation in the European timber market and were directly dependent on the industrial and logistical capabilities of the BSSR. Soviet-Polish relations concerning timber rafting along border waterways from 1924 to 1933 were marked by a lack of regulation and the absence of a bilateral agreement addressing key aspects of waterway timber transport. It was only with the general thaw in Soviet-Polish relations following the Non-aggression treaty of 25 July 1932 that progress was made in resolving border cooperation issues, culminating in the Convention on the rafting of timber materials on border rivers of 9 June 1933.

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<sup>&</sup>lt;sup>19</sup>NARB. Fund 152. Inv. 1. File 36. Sh. 1.

<sup>&</sup>lt;sup>20</sup>Ibid. Fund 152. Inv. 1. File 36. Sh. 42.

<sup>&</sup>lt;sup>21</sup>Ibid. Sh. 4.

<sup>&</sup>lt;sup>22</sup>Ibid. Sh. 37.

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# THE IMPACT OF INCREASED INTERNATIONAL MIGRATION ON FRENCH IMMIGRATION POLICY

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*Abstract.* In this article the author looks into the transformation of French immigration policy under the influence of burgeoning international migration. Initially focused on controlling of labour market access, the policy has evolved to encompass immigrant integration and citizenship criteria. This shift marks a transition from restrictive to selective immigration regulation, with the French establishment viewing it as a means to depoliticise the immigration issue. However, the challenge of successfully integrating of non-European immigrants into French society remains unresolved, largely due to the perceived supremacy of French culture over those of African and Asian origins.

Keywords: international migration; immigration policy; migration networks; imagined community; France.

# ВЛИЯНИЕ РОСТА МЕЖДУНАРОДНОЙ МИГРАЦИИ НА ИММИГРАЦИОННУЮ ПОЛИТИКУ ФРАНЦИИ

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*Аннотация*. Проанализирован процесс трансформации иммиграционной политики Франции под влиянием роста международной миграции. Данная политика перешла от контроля доступа к рынку труда к решению проблемы интеграции иммигрантов и определению критериев предоставления гражданства. В стране осуществлен переход от ограничительного принципа регулирования иммиграции к избирательному принципу, в котором французский истеблишмент увидел возможность деполитизировать иммиграционный вопрос. Однако проблема успешной интеграции неевропейских иммигрантов во французское общество остается нерешенной. Причиной данной ситуации стало представление о верховенстве французской культуры над культурами африканских и азиатских народов.

*Ключевые слова:* международная миграция; иммиграционная политика; сети миграции; воображаемое сообщество; Франция.

#### Introduction

The final third of the 20<sup>th</sup> century and the dawn of the 21<sup>st</sup> century witnessed a significant surge in international migration. According to the Institute of Labour Economics in Germany, the number of international migrants worldwide tripled during this period<sup>1</sup>. Several factors underpin this phenomenon. Firstly, the decolonisation of Asian and African countries expanded the range of states involved in international migration.

<sup>1</sup>*Ferrie J.-P., Hatton T.-J.* Two centuries of international migration [Electronic resource]. URL: https://ftp.iza.org/dp7866.pdf (date of access: 20.02.2024).

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Secondly, newly developing states experienced high population growth rates. Thirdly, there remains a stark contrast in living standards between developed and developing nations.

The relevance of this research topic is underscored by France's exemplary status in illustrating the challenges faced by European societies from increased international migration. As the oldest migrant-receiving country in Europe, France saw widespread immigration beginning in the 19<sup>th</sup> century. The influx of immigrants continued into the 20<sup>th</sup> century, save for interruptions during the two world wars. Labour immigration notably increased during this time. However, by the late 20<sup>th</sup> century, immigration began to be perceived as a pressing issue.

Several factors contributed to the changing attitudes of French society and policymakers towards immigration. The economic slowdown post-1974 reduced the French state's capacity to integrate new arrivals into its national economy. Additionally, the influx of immigrants from France's former colonies in Africa and Asia heightened ethno-religious diversity within French society. The arrival of individuals from countries with markedly different cultural and religious traditions – viewed through a colonial lens – began to be perceived as a threat. As French culture gradually dissolved in the global information space, a crisis of national identity began to emerge. The growing sense of disunity among French citizens and the sociocultural autonomy of foreign diasporas brought the question of integrating immigrants into French society to the forefront.

This study aims to examine how French immigration policy has evolved in response to the rise in international migration. The study spans from 1974, when the French government first imposed restrictions on immigration, to 2006. This period began with the decision to ban permanent labour migration on 3 July 1974, marking a shift from attracting foreign labour to limiting its influx. The period concludes with the final approval of the Code on the entry and stay of foreigners and the right to asylum (CESEDA) on 15 November 2006. Since then, French governments have transitioned from a restrictive to a selective immigration policy. Despite these efforts, the proportion of immigrants in the overall population increased from 7.4 % to 8.1 %<sup>2</sup>. Moreover, immigration regulation became a political hot potato, with various approaches to reforming policy being tried and tested.

#### Theoretical basis

Publications on this topic are divided into two main streams. The first stream focuses on describing French immigration policy using a challenge-solution approach. A prime example is the book by French historian V. Viet "Immigrant France: construction of a policy 1914–1997" [1]. The second stream looks at specific aspects of immigration. French historian Y. Gastaut examined the evolution of French society's attitudes towards immigrants [2]. Russian-speaking researchers have also contributed to these areas. Russian historian E. O. Obichkina attributes the tightening of France's immigration policy to the country's deteriorating economic situation [3]. Historian E. B. Demintseva explored the unique dynamics between Arab immigrants and French society [4]. The diversity of publications masks the lack of a unified picture that reflects the transformation of French immigration policy.

One of the hurdles in the scientific study of French immigration policy is the insufficient conceptualisation of terms and the complexity inherent in international migration, which is studied across various disciplines: economics, sociology, history, political science, and law. Two fundamental questions need addressing. The first is the lack of consensus on terminology. Russian political scientist A. A. Ashmarina analysed Russian and European migration-related terms and concluded: "Comprehensive work is needed to systematise the diversity of migration definitions at all levels of decision-making, involving experts from academia and government agencies"<sup>3</sup> [5, p. 961]. The second question is closely tied to the first. It lies in the significant differences in how various disciplines approach the analysis of migration. Demographers discuss the varying population densities across different regions. Economists focus on disparities in income levels and labour market demands. Sociologists explore the underlying motives that drive people to move. Political scientists scrutinise shifts in party rhetoric and government actions. Legal experts determine the status of migrants.

Creating a unified scientific approach to the study of international migration and immigration policy seems unlikely shortly. However, it is feasible to integrate theories from different disciplines in specific studies. To analyse French immigration policy between 1974 and 2006, the author of this article employed the migration network theory developed by American sociologist D. S. Massey [6].

Migration networks are social connections that link people in the sending region with those in the receiving region. These networks influence the scale and direction of migration flows as well as the adaptation outcomes for migrants at their destination. As more individuals rely on these networks to migrate, they expand even further. Through this feedback loop, migration flows become self-sustaining and eventually decouple from the economic conditions that initially triggered them.

<sup>&</sup>lt;sup>2</sup>Population immigrée en France [Electronic resource]. URL: https://www.insee.fr/fr/statistiques/fichier/2381757/demo-etranpart-pop-immig.xlsx (date of access: 31.01.2024).

<sup>&</sup>lt;sup>3</sup>Hereinafter translated by us. – K. S.

In the host country, migration networks form spatially confined enclaves of immigrants, which in large cities often coincide with ethnic or racial ghettos. These enclaves maintain transnational ties that link sending and receiving societies.

Migration network theory views immigration as a social issue. To translate this into the political realm, the author of the article introduced the concept of the immigration issue. The immigration issue represents a contradiction in the relationship between the host society and immigrants. It is associated with changes in the immigration process, difficulties in immigrant adaptation, and how residents of the host country perceive them, thereby shaping the political agenda. The transformation of the immigration issue from a social to a political matter is driven by processes of politicisation and depoliticisation. According to Russian political scientist M. V. Danilov, these processes can be either organic or technological<sup>4</sup>. Organic politicisation occurs issue gains political significance and activists bring it to party agendas. Technological politicisation arises from individuals seeking to exploit the political system for their interests. The media play a crucial role in this process by bringing societal attention to specific problems.

as a result of natural socio-political processes, where an

The outcome of immigration policy can lead to either the integration of immigrants into a cohesive community or their segregation into disparate groups. To scrutinise these outcomes, scholars often turn to the theory of the nation, particularly the notion of "imagined communities" as articulated by British political scientist B. Anderson. He observed: "In an anthropological spirit, then, I propose the following definition of the nation: it is an imagined political community – and imagined as both inherently limited and sovereign" [7, p. 5–6]. What is paramount in defining a nation is not the binary of falsity versus authenticity, but rather how it is conceptualised and represented.

#### The evolution of the immigration issue in France

Since 1974, France has embarked on a policy aimed at curtailing immigration. This shift was driven by the French establishment's desire to reassert state control over the immigration process. Following World War II, France's primary source of labour was its colonial territories in North Africa. This was facilitated by a simplified regime for entry and residency for individuals from Algeria, Morocco, and Tunisia. By the mid-1950s, the state had effectively ceded control over external labour migration to entrepreneurs. French business owners viewed workers from North Africa as a source of cheap and temporary labour. As historian V. Viet pointed out: "Need we recall that migration from European countries was perceived as a search for work and permanent housing, while migration from the North African colonies was considered the migration of workers who had "accepted celibacy"?" [1, p. 508]. The political upheaval of May – June 1968 saw trade unions and left-wing political forces seek to rally immigrant workers in their struggle for labour rights, causing consternation among the ruling elite. Secretary of state for labour immigrants A. Postel-Vinay remarked: "Our unstable and restless society could well have perished back in May 1968 if it had been supported by a sufficient mass of foreign workers"<sup>5</sup>.

Moreover, relations between North African immigrants and the French were further strained by the lingering memories of France's defeat in the Algerian War of 1954–1962. The consolidation of far-right forces led to the formation of the National front party in 1972. In 1973, a wave of crimes against North African immigrants swept across the country. Historian Y. Gastaut noted: "The outbreak of racism caused concern in French society about immigration from North Africa, a concern that has since become widespread" [2, p. 61]. French politicians largely turned a blind eye to this surge in racism.

Consequently, on 3 July 1974, the government decided to prohibit the entry of long-term labour migrants into the country without engaging in widespread public discussion or considering the unique dynamics between the French populace and immigrants from non-European countries.

The lack of public consensus on the decision led, over time, to its adaptation to the socio-economic and socio-cultural dynamics prevailing in society. Consequently, we can identify the period from 1974 to 1980 as a significant phase in the formation of France's immigration restriction policy. During this era, French governments implemented immigration policies using established methods of administrative regulation. This phase culminated in 1980 with the enactment of the Law of the French Republic of 10 Janyary 1980 No. 80-9 on the prevention of illegal immigration. The process of drafting and enforcing this law brought the issue of immigration regulation into the political spotlight.

Since the early 1980s, the immigration debates have come to the fore in France. Due to restrictions on hiring foreign workers, the nature of immigration shifted dramatically. Family reunification, rather than employment, became the primary reason for entering the country. Between 1974 and 1980, the number of permanent foreign workers in France plummeted from 68 000 to

<sup>&</sup>lt;sup>4</sup>Danilov M. V. Institutes, mechanisms and technologies of society politisation in post-Soviet Russia (1990s–2000s) : diss.... doct. of political science : 23.00.02. Saratov; 2015. p. 35. (in Russ.)

<sup>&</sup>lt;sup>5</sup>Laurens S. «1974» et la fermeture des frontières. Analyse critique d'une décision érigée en turning-point // Politix. 2008. Vol. 82. P. 69–94.

17 000<sup>6</sup>. Conversely, the number of immigrant family members surged from 4900 to 42 000<sup>7</sup>. This transition from labour-based to family-based immigration expanded migration networks and led to the formation of immigrant enclaves. The influx of women, children, and elderly individuals resulted in a decline in economic activity among newcomers.

Most labour immigrants took on jobs that were generally unattractive to French citizens, primarily in industries such as manufacturing, construction, and agriculture. However, the shift towards a post-industrial economy led to a reduction in jobs within these sectors. Specifically, between 1975 and 1990, more than half a million jobs occupied by foreigners were eliminated in French industry<sup>8</sup>. As a result, unemployment rates among foreign workers soared to nearly double the national average. Many immigrants found themselves trapped in poverty despite their standard of living being higher than in their countries of origin; it remained low compared to the majority of the French population. This disparity fuelled increased protest activity, crime, and reliance on government assistance.

Social inequality was further exacerbated by the significant cultural gap between North African immigrants – who brought with them Arab culture rooted in Islamic traditions – and the French populace. North African immigrants often identified themselves based on religion or ethnicity, which clashed with the secular and individualistic values underpinning French national identity.

The negative perception of North African immigrants among the French was also influenced by stereotypes dating back to the colonial era. As Russian historian E. B. Demintseva observed: "For many French, Africa seemed to be a region where concepts like "civilisation" and "culture" were deemed inapplicable" [4, p. 27]. The far-right National front party seized the moment, portraying immigration from non-European countries as the root cause of rising crime rates, unemployment, and the erosion of national identity. Under their influence, the immigration debate in France took on a more technological and media-savvy character.

Historically, the political engagement of French immigrants had been stifled due to stringent regulations, particularly under the Decree-law of 12 April 1939 "On foreign associations and organisations including foreigners". The repeal of this decree in 1981 coincided with the waning popularity of traditional political parties. Consequently, French immigrants began to assert their rights through public demonstrations and actions. Meanwhile, the National front adeptly captured media attention, reshaping the immigration discourse to align with their narrative.

### Transformation of French immigration policy

The 1980s marked a fierce tug-of-war between the leading political factions. This began with F. Mitterrand's victory in the 1981 presidential elections as the candidate of the French Socialist party. F. Mitterrand was the first to propose comprehensive reforms to the nation's immigration policy as part of his electoral platform. By 1986, centre-right parties had also jumped into the fray, initiating their own set of reforms.

This political struggle unveiled a stark contrast between two divergent approaches to immigration control: the liberal and the conservative. The liberal approach championed human rights, advocating for freedom of movement and residence. In contrast, the conservative stance prioritised national interests, calling for stricter immigration controls. During this period, various parties proposed radical changes to immigration regulation, but these often failed to align with the realities on the ground or meet public expectations. Consequently, they struggled to devise a sustainable solution to the immigration issue. Despite efforts to reform integration and naturalisation processes, successive governments largely confined their actions to tweaking entry and residency conditions for foreigners.

By 1993, after much political wrangling, a consensus emerged among the ruling parties. The aim of regulating immigration was now framed as serving national interests while still respecting human rights standards. This consensus-building occurred against a backdrop of increasing support for the far-right National front party. In the 1981 parliamentary elections, they garnered a mere 0.17 % of the vote, but by 1993, their share had surged to 12.47 %<sup>9</sup>. Russian historian E. O. Obichkina observed: "If we can talk about a clearly expressed ideological and political identity of any party in modern France, then this is the National front. It was he who became the refuge of the radical protest electorate in the last decade of the 20<sup>th</sup> century" [3, p. 59]. Indeed, the ruling parties' victory over the far right has increasingly hinged on depoliticising the immigration issue for the French electorate.

The period from 1993 to 2006 marked the final phase of stringent immigration policies. This era was set in

<sup>&</sup>lt;sup>6</sup>Travailleurs permanents salariés étrangers entrés en France (Délivrance d'un premier titre de séjour) selon la nationalité, de 1946 à 1999 [Electronic resource]. URL: https://www.insee.fr/fr/statistiques/fichier/2118519/rp99pipe\_cd-ax3.xls (date of access: 31.07.2022).

<sup>&</sup>lt;sup>7</sup>Membres de familles de travailleurs permanents salariés étrangers entrés en France, selon la nationalité du travailleur, de 1947 à 1999 [Electronic resource]. URL: https://www.insee.fr/fr/statistiques/fichier/2118519/rp99pipe\_cd-ax4.xls (date of access: 31.07.2022). <sup>8</sup>Marie C.-V. «A quoi sert l'emploi des étrangers ?» // Les lois de l'inhospitalité. Les politiques de l'immigration à l'épreuve des

sans-papiers / D. Fassin, A. Morice, C. Quiminal, eds. Paris : La Découverte, 1997. P. 145–175.

<sup>&</sup>lt;sup>9</sup>Delwit P. Le Front national et les élections In Le Front national. Mutations de l'extrême droite française / P. Delwit. Bruxelles : Editions de l'Université de Bruxelles, 2012. P. 113–145.

motion by a series of events. In May 1993, significant changes were made to the conditions for obtaining French citizenship, signalling a broadening of immigration policy measures. These now encompassed not only control over the entry and residence of foreigners but also the process of granting citizenship. Additionally, in November 1993, the Treaty on the European Union came into force, establishing a single EU citizenship and underscoring the need for unified rules on border crossing, asylum, and immigration policy. From that point onwards, French politicians had to align their reforms with broader European directives.

This period saw the development of new facets of immigration regulation and a gradual shift towards the communitarianisation of French immigration policy. The unexpected entry of J.-M. Le Pen, leader of the ultra-right National front, to the second round of the 2002 presidential elections served as a wake-up call for the nation's ruling elite, prompting a reassessment of immigration regulation approaches. Initially, government policy viewed immigration as a barrier to the labour market, by 1993, it began incorporating requirements for obtaining citizenship. By the early 21<sup>st</sup> century, the focus had shifted to integrating immigrants into French society.

There emerged an urgent need to codify immigration laws. Consequently, in 2004, work commenced on the CESEDA. The mass unrest among youth of immigrant origin in October – November 2005 further spurred the government to introduce several amendments aimed at bolstering social integration. Following the publication of its normative part on 15 November 2006, CESEDA came into force.

This legislation epitomised the communitarianisation of French immigration policy. Influenced by European Union initiatives, French politicians began to embrace selective regulation of immigration. Key features included efforts to attract highly skilled foreign labour and combat abuses related to immigration (such as sham marriages and asylum fraud). Thus, it can be argued that by 2006, France had transitioned to a policy of selective immigration.

The new trajectory of French immigration policy has emphasised the compulsory social integration of immigrants. Any foreigner arriving in France for permanent residence must enter into a Reception and integration agreement with the authorities. This agreement obliges them to learn the French language, understand the fundamentals of French law, and assimilate into the culture and core values of their new home. The principle of enforced social integration is rooted in the notion of the supremacy of French culture over others. French sociologist A. Touraine expressed: "My culture is universal. Yours is private. The particular is lower than the universal. It is necessary to strive for a universal level"<sup>10</sup>.

This ideology stems from the unique formation of French national identity, which historically aimed to transcend ethnic differences by subordinating them to the institutions of a unified state power. Russian historian Yu. Rubinskii observed: "The Germans and Italians could maintain state fragmentation for one and a half millennia, without ever losing the consciousness of belonging to one people. While the French always needed a common denominator, which initially did not have a single ethnic basis. It became a political and administrative instrument designed to purposefully shape the cultural identity of the nation from above - as it was already in the times of Roman Gaul. It could only become a single centralised state. Therefore, the concepts of nation and state became synonymous in France, with the second preceding the first<sup>11</sup>." The intertwining of immigrant social integration with nation-building efforts, coupled with a desire to uphold a hierarchical structure in intercultural relations, has complicated interactions between the French populace and immigrants.

Revisions in immigration legislation have successfully depoliticised the immigration issue, thereby diminishing electoral support for far-right factions. In the 2007 parliamentary elections, the National front garnered only 4.29 % of the vote<sup>12</sup>.

### Conclusions

In response to escalating international migration, French immigration policy has evolved into a multifaceted framework. French governments have shifted from merely controlling access to the labour market to defining criteria for citizenship and enforcing social integration. This evolution marks a transition from restrictive to selective immigration regulation, with the latter seen by the French establishment as a means to depoliticise immigration issues. However, the challenge

of effectively integrating non-European immigrants into French society remains unresolved.

In today's interconnected world, where social networks and international alliances abound, the state continues to play a crucial role in regulating immigration processes. Its responsibilities encompass addressing labour market needs, ensuring law and order within its borders, and maintaining a unified stance on the fundamental principles underpinning civil society.

<sup>&</sup>lt;sup>10</sup>Touraine A., Badinter E. Une France plurielle... ou éclatée? // Le Nouvel Observateur. 2003. 19 juin. P. 20–23.

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# Международное право

# INTERNATIONAL LAW

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# INTERNATIONAL COOPERATION IN COMBATING ONLINE SEXUAL ACTS AGAINST CHILDREN DURING ARMED CONFLICTS: CONTEXT OF THE UN DRAFT CONVENTION AGAINST CYBERCRIME

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*Abstract.* The draft text of the UN Convention against cybercrime represents a significant collaborative effort by the UN Ad Hoc Committee, member states, and various stakeholders. However, additional considerations are warranted, particularly regarding the detrimental impact of cybercrime on human rights during armed conflicts. Children, as the most vulnerable social group in such scenarios, are at heightened risk of both offline and online sexual exploitation and abuse. In the absence of a robust legal framework, authorities in conflict zones are unlikely to engage effectively in international cooperation to combat these transnational crimes. Therefore, it is imperative to include a specific provision within the draft convention to ensure its applicability in addressing transnational crimes related to child pornography and other forms of online sexual exploitation and abuse of children during armed conflicts.

Keywords: cybercrime; child pornography; transnational crime; United Nations; draft convention.

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## МЕЖДУНАРОДНОЕ СОТРУДНИЧЕСТВО В БОРЬБЕ С АКТАМИ СЕКСУАЛЬНОГО ХАРАКТЕРА, СОВЕРШЕННЫМИ ОНЛАЙН ПРОТИВ ДЕТЕЙ ВО ВРЕМЯ ВООРУЖЕННЫХ КОНФЛИКТОВ, В КОНТЕКСТЕ ПРОЕКТА КОНВЕНЦИИ ООН ПРОТИВ КИБЕРПРЕСТУПНОСТИ

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*Аннотация.* Проект Конвенции ООН против киберпреступности является результатом серьезных усилий специального комитета ООН по разработке всеобъемлющей международной конвенции о противодействии использованию информационно-коммуникационных технологий в преступных целях, государств – участников ООН и всех других заинтересованных сторон, внесших вклад в ее разработку. В то же время существуют определенные вопросы, которые также могут быть приняты во внимание в контексте негативного воздействия киберпреступности на реализацию прав человека в ситуации вооруженного конфликта. Дети, которые являются наиболее уязвимой социальной группой во время вооруженных конфликтов, могут подвергаться сексуальной эксплуатации и насилию как офлайн, так и онлайн. В отсутствие необходимой правовой базы компетентные органы государств – участников вооруженного конфликта вряд ли будут осуществлять международное сотрудничество по борьбе с транснациональной преступностью такого рода. Поэтому в проект конвенции целесообразно внести специальное положение, обеспечивающее возможность применять данный документ при международном сотрудничестве по борьбе с транснациональными преступлениями, связанными с детской порнографией или любыми другими актами сексуальной эксплуатации детей или надругательства над ними, совершаемыми онлайн во время вооруженных конфликтов.

*Ключевые слова:* киберпреступность; детская порнография; транснациональная преступность; Организация Объединенных Наций; проект конвенции.

#### Introduction

The digital environment plays an increasingly crucial role in children's development and the promotion of their rights. Nonetheless, as highlighted by the Committee on the Rights of the Child, it also poses significant risks for their violation or abuse<sup>1</sup>. Children in armed conflicts are particularly susceptible to such abuses.

According to the 2023 report of the UN Secretary-General to the Security Council, there are over 100 ongoing armed conflicts worldwide, with an average duration exceeding 30 years<sup>2</sup>. The report underscores that children continue to be disproportionately affected by these conflicts<sup>3</sup>. In 2022 alone, grave violations verified by the UN impacted 18 890 children<sup>4</sup>, with 1165 cases involving conflict-related sexual violence against minors<sup>5</sup>.

The pervasive use of information and telecommunication technologies in nearly all facets of social life has also led to their exploitation for committing illegal acts against children during armed conflicts. The latest report from WeProtect Global Alliance, published in 2023, documents an 87 % increase in reported cases of child sexual abuse material since 2019, amounting to over 32 million reports globally<sup>6</sup>. The report further notes that global instability, including wars, contributes significantly to the rise in child sexual exploitation and abuse<sup>7</sup>.

As emphasised by the special representative of the Secretary-General on violence against children, children may be subjected to multiple forms of online violence, often intertwined with offline experiences of violence<sup>8</sup>.

Moreover, while the risks to children in the digital environment are well-recognised, the lack of comprehensive global data on violence against children in this context remains a significant challenge. Considering that sexual violence against children in armed conflicts is grossly underreported<sup>9</sup> and that children are disproportionately affected by such conflicts<sup>10</sup>, it is crucial to ensure accountability for all forms of abuse against minors.

<sup>&</sup>lt;sup>1</sup>General comment No. 25 (2021) on children's rights concerning the digital environment [Electronic resource]. URL: https://digitallibrary.un.org/record/3906061 (date of access: 13.03.2024).

<sup>&</sup>lt;sup>2</sup>Protection of civilians in armed conflict. Report of the Secretary-General [Electronic resource]. URL: https://digitallibrary. un.org/record/4011635 (date of access: 13.03.2024).

<sup>&</sup>lt;sup>3</sup>Children and armed conflict. Report of the Secretary-General. Para 4 [Electronic resource]. URL: https://digitallibrary.un.org/record/4013848 (date of access: 13.03.2024).

<sup>&</sup>lt;sup>4</sup>Ibid. <sup>5</sup>Ibid. Para 7.

<sup>&</sup>lt;sup>6</sup>Alarming escalation in child sexual abuse online revealed by Global threat assessment – 2023 [Electronic resource]. URL: https:// www.weprotect.org/wp-content/uploads/Global-Threat-Asssesment-2023-Press-Release.pdf (date of access: 13.03.2024). <sup>7</sup>Ibid.

<sup>&</sup>lt;sup>8</sup>Annual report of the special representative of the Secretary-General on violence against children. Para 52 [Electronic resource]. URL: https://digitallibrary.un.org/record/4002097 (date of access: 13.03.2024).

<sup>&</sup>lt;sup>9</sup>Report of the special representative of the Secretary-General for children and armed conflict. Para 7 [Electronic resource]. URL: https://digitallibrary.un.org/record/4019372 (date of access: 13.03.2024).

<sup>&</sup>lt;sup>10</sup>Children and armed conflict. Report of the Secretary-General. Para 4 [Electronic resource]. URL: https://digitallibrary.un.org/ record/4013848 (date of access: 13.03.2024).

Despite children enjoying special protection under international humanitarian law, this legal framework is insufficient to guarantee their sexual inviolability during armed conflicts. Crimes that do not meet the threshold of grave violations of international humanitarian law are not covered by provisions for international cooperation in combating war crimes. Armed conflict can create conditions conducive to transnational online crimes against children by organised criminal groups. According to G. Waly, executive director of the United Nations Office on Drugs and Crime, "states and regions affected by conflict are considered environments conducive to crime - and particularly organised crime, which takes advantage of weak institutions and the absence of law enforcement and good governance"<sup>11</sup>. Instability and the lack of resources in conflict-affected states to maintain legal order and prevent crime, especially those committed by organised criminal groups, pose serious risks to children.

The Committee on the Rights of the Child stresses that "children should be protected from all forms of exploitation prejudicial to any aspects of their welfare in relation to the digital environment"<sup>12</sup> and highlights the need for stronger international and regional cooperation. However, it did not address the issue of sexual exploitation while providing recommendations concerning the protection of children in armed conflicts<sup>13</sup>.

The problem raised in this article is multifaceted. The three domains of international law most relevant to the discussion are the protection of children in armed conflicts [1–4], international cooperation in combating crimes related to the sexual abuse of children [5-8], and

the effects of armed conflicts on treaties [9-12], which have been thoroughly addressed in academic literature. However, aspects related to international cooperation in combating transnational online sexual abuse against children that do not meet the threshold of international crimes (war crimes or crimes against humanity) during armed conflicts have not received sufficient scholarly attention [13].

In light of the development of the UN Convention against cybercrime, the detrimental impact of armed conflicts on children's rights must be a focal point for states, the UN, and other relevant stakeholders. Regrettably, the revised draft of the UN Convention against cybercrime, adopted during the concluding session of the Ad Hoc Committee to elaborate a comprehensive international convention on countering the use of information and communications technologies for criminal purposes (29 January - 9 February 2024), lacks provisions specifically addressing its applicability during military conflicts<sup>14</sup>.

The commitment to safeguarding children's rights should not be hindered by a lack of political will to foster international legal cooperation among conflict parties in combating online sexual abuse against children. Freedom from sexual violence is a fundamental human right that must not be compromised during armed conflicts.

Therefore, this research aims to examine the effect of armed conflicts on treaties that establish a legal framework for protecting children from online sexual abuse that does not meet the threshold of war crimes or crimes against humanity. Additionally, it seeks to formulate academically grounded proposals for the draft text of the UN Convention against cybercrime.

### Online sexual acts committed against children

There is no universally accepted term in international law to encompass the various types of online sexual offences committed against children. The Optional protocol to the Convention on the rights of the child on the sale of children, child prostitution and child porno-

graphy refers to the "sale of children, child prostitution and child pornography" (Art. 2)<sup>15</sup>. Other documents use terms such as "child sexual exploitation and abuse"<sup>16</sup>, "acts of sexual exploitation of children"<sup>17</sup>, "child sexual exploitation and sexual abuse online"<sup>18</sup>, "sexual ex-

<sup>&</sup>lt;sup>11</sup>(Transnational) Organized crime and corruption in conflict settings: interview with Ms Ghada Waly [Electronic resource]. URL: https:// international-review.icrc.org/articles/transnational-organized-crime-interview-with-ms-ghada-waly-923 (date of access: 13.03.2024). <sup>12</sup>General comment No. 25 (2021) on children's rights in relation to the digital environment. Para 123 [Electronic resource]. URL:

https://digitallibrary.un.org/record/3906061 (date of access: 13.03.2024). <sup>13</sup>Ibid. Para 121–122.

<sup>&</sup>lt;sup>14</sup>Ad Hoc Committee to elaborate a comprehensive international convention on countering the use of information and communications technologies for criminal purposes [Electronic resource]. URL: https://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=A/AC.291/22/Rev.2&Lang=E (date of access: 17.05.2024).

<sup>&</sup>lt;sup>15</sup>Optional protocol to the Convention on the rights of the child on the sale of children, child prostitution and child pornography [Electronic resource]. URL: https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-sale-children-child (date of access: 13.03.2024).

<sup>&</sup>lt;sup>16</sup>INTERPOL and UNICEF signed a cooperation agreement to address child sexual exploitation and abuse [Electronic resource]. URL: https://www.interpol.int/News-and-Events/News/2023/INTERPOL-and-UNICEF-sign-cooperation-agreement-to-address-childsexual-exploitation-and-abuse (date of access: 13.03.2024).

 $<sup>^{17}</sup>$ The Rio de Janeiro declaration and call for action to prevent and stop sexual exploitation of children and adolescents [Electronic resource]. URL: https://www.mofa.go.jp/policy/human/child/congress0811-d.pdf (date of access: 13.03.2024).

<sup>&</sup>lt;sup>18</sup>Strengthening national and international efforts, including with the private sector, to protect children from sexual exploitation and abuse : resolut. 77/233 adopt. by the UN Gen. Assembly on 15 Dec. 2022 [Electronic resource]. URL: https://digitallibrary.un.org/ record/4000175 (date of access: 13.03.2024); Countering child sexual exploitation and sexual abuse online : resolut. 74/174 adopt. by the UN Gen. Assembly on 18 Dec. 2019 [Electronic resource]. URL: https://digitallibrary.un.org/record/3847147 (date of access: 13.03.2024).

ploitation and abuse as well as sexual harassment"<sup>19</sup>, and "online child sexual exploitation and abuse"<sup>20</sup>. The United Nations Office on Drugs and Crime Teaching module on cybercrime uses the term "sexual abuse and sexual exploitation through the use of information and communications technology, including the use of real-time video streaming of sexual abuse"<sup>21</sup>.

The UN Special rapporteur on the sale and sexual exploitation of children, along with other special procedures of the UN Human Rights Council, advocates for the elimination of "all forms of child sexual exploitation, abuse, and violence, both online and offline"<sup>22</sup>. She highlights that numerous studies, publications, and reports reveal an increase in the scale and methods of online child sexual abuse and exploitation. This includes risks such as child sexual abuse material, grooming, soliciting children for sexual purposes, online sexual harassment, intimate image abuse, financial sexual extortion, and technology-assisted child sexual abuse material<sup>23</sup>.

Despite some terminological discrepancies in this field, most international organisations use the term "child sexual exploitation and abuse".

At the regional level, the Organisation for Security and Co-operation in Europe employs "sexual exploitation of children"<sup>24</sup>, the Association of Southeast Asian Nations refers to "online exploitation and abuse"<sup>25</sup>, and the Organisation of American States addresses "sexual exploitation of children"<sup>26</sup>

The revised draft text of the UN Convention against cybercrime prohibits offences related to online child sexual abuse or child sexual exploitation material (Art. 13) and solicitation or grooming for committing a sexual offence against a child (Art. 14)<sup>27</sup>. The list of prohibited acts is extensive, encompassing most forms of online child sexual abuse or exploitation, including online streaming ("broadcasting, displaying or otherwise making available child sexual abuse or child sexual exploitation material through an information and communications technology system")<sup>28</sup>. However, it does not address certain acts identified by the UN Special rapporteur, such as online sexual harassment and financial sexual extortion, including those using computer-generated imagery like deep fakes and deep nudes.

Within the CIS, the distribution of materials or objects with pornographic pictures of minors is prohibited<sup>29</sup>. The Council of Europe addresses sexual exploitation and abuse in its Convention on the protection of children against sexual exploitation and sexual abuse<sup>30</sup>.

Regional conventions on cybercrime primarily prohibit offences related to child pornography. This includes the Council of Europe Convention on cybercrime (Art. 9), the Arab convention on combating information technology offences (Art. 12(1-2)), the African Union Convention on cyber security and personal data protection (Art. 3(1)(a-d)), and the Agreement on cooperation between participating states of the CIS in the fight against crimes in the field of information technology (Art.  $3(1)(\pi)$ ).

In academic literature, the term "child sexual abuse and exploitation" is frequently used as a general descriptor [14-16]. Various publications also address specific forms and manifestations of such crimes. For instance, B. Netkova and M. A. Qosaj use the term "child sexual abuse, including online sexual abuse and exploitation" [5]. A. Lavorgna discusses "grooming" as a complex issue requiring attention [17, p. 99], while N. Sanette highlights the problem of child pornography [18]. F. Avery focuses on the challenges of prosecuting the live streaming of child sexual abuse occurring abroad [19].

<sup>&</sup>lt;sup>19</sup>International cooperation for access to justice, remedies and assistance for survivors of sexual violence: resolut. 76/304 adopt. by the Gen. Assembly on 2 Sept. 2022 [Electronic resource]. URL: https://digitallibrary.un.org/record/3987243 (date of access:

<sup>13.03.2024).</sup> <sup>20</sup>The role of social media in facilitating online child sexual exploitation and abuse [Electronic resource]. URL: https://safeonline. global/wp-content/uploads/2023/12/DH-data-insights-7-EVAC-131223.pdf (date of access: 13.03.2024) ; Protecting children from sexual exploitation and abuse [Electronic resource]. URL: https://www.unicef.org/protection/protecting-children-from-sexual-exploitation-and-abuse (date of access: 13.03.2024).

<sup>&</sup>lt;sup>21</sup>Online child sexual exploitation and abuse [Electronic resource]. URL: https://sherloc.unodc.org/cld/en/education/tertiary/ cybercrime/module-12/key-issues/online-child-sexual-exploitation-and-abuse.html (date of access: 13.03.2024). <sup>22</sup>The global emergency of child exploitation and abuse needs global action [Electronic resource]. URL: https://www.ohchr.org/en/

statements/2022/11/global-emergency-child-exploitation-and-abuse-needs-global-action-un-experts (date of access: 13.03.2024). UN expert alarmed by new emerging exploitative practices of online child sexual abuse [Electronic resource]. URL: https://

www.ohchr.org/en/press-releases/2024/02/un-expert-alarmed-new-emerging-exploitative-practices-online-child-sexual (date of ac-

cess: 13.03.2024). <sup>24</sup>Decision Nr. 6, strengthening efforts to prevent and combat child trafficking, including of unaccompanied minors [Electronic ding (date of access: 13.03.2024).

Regional plan of action for the protection of children from all forms of online exploitation and abuse in ASEAN [Electronic resource]. URL: https://asean.org/wp-content/uploads/2021/11/4.-ASEAN-RPA-on-COEA\_Final.pdf (date of access: 13.03.2024)

<sup>&</sup>lt;sup>26</sup>Commercial sexual exploitation of children and the Internet [Electronic resource]. URL: http://scm.oas.org/pdfs/2011/IIN/ CP25719E.pdf (date of access: 13.03.2024). <sup>27</sup>Further revised draft text of the convention [Electronic resource]. URL: https://daccess-ods.un.org/access.nsf/Get?OpenA-

gent&DS=A/AC.291/22/Rev.2&Lang=E (date of access: 13.03.2024).

Ibid.

<sup>&</sup>lt;sup>29</sup>Model law about the basic of Internet regulation (new edition) [Electronic resource]. URL: https://iacis.ru/public/upload/ files/1/658.pdf (date of access: 13.03.2024) (in Russ.).

Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse (CETS No. 201) [Electronic resource]. URL: https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatynum=201 (date of access: 13.03.2024).

It is evident that "online child sexual abuse and exploitation" is a widely accepted term in academia and among international organisations<sup>31</sup>. In contrast, regional conventions on cybercrime often specifically target child pornography, adopting a narrower scope that excludes other forms of online abusive materials involving children. As previously mentioned, there are emerging forms of illegal acts against the sexual integrity of children facilitated by information and communication technologies. These include live streaming of

#### The effects of armed conflict on treaties against cybercrime

None of the existing treaties governing international cooperation in combating cybercrime<sup>32</sup> at either the universal or regional level contains specific provisions addressing their applicability during armed conflict<sup>33</sup>.

The principle of continuity and stability of treaties implies that the mere existence of an armed conflict does not automatically terminate or suspend the operation of treaties between conflicting states or between a conflicting state and a non-conflicting state. The Vienna convention on the law of treaties of 1969 does not include provisions that consider armed conflict as a basis for the suspension or termination of treaties per se<sup>34</sup>. This perspective is also upheld by the International Law Commission in its Draft articles on the effects of armed conflicts on treaties of 2011 (Art. 3)<sup>35</sup> and the Institute of International Law in its resolution on the effects of armed conflicts on treaties of 1985 (Art. 2, 5, 6)<sup>36</sup>.

However, it is generally accepted that bilateral treaties of a political or economic nature are often suspended during armed conflicts [9]. Articles 60 (termination or suspension of the operation of a treaty as a consequence of its breach), 61 (supervening impossibility of performance), and 62 (fundamental change of circumstances) of the Vienna convention on the law of treaties of 1969 sexual abuse, grooming, soliciting children for sexual purposes, online sexual harassment, and financial sexual extortion.

Thus, the term "offences related to online child sexual abuse, child sexual exploitation material, or other sexually related online acts against children prohibited by state parties" appears sufficiently comprehensive to encompass various types of sexually related online acts against children. This terminology aligns with established legal frameworks in international law and doctrine.

may provide grounds for terminating or withdrawing from a treaty due to armed conflict<sup>37</sup>. When assessing whether a specific treaty is subject to termination, suspension, or withdrawal due to armed conflict, the nature of the treaty and the characteristics of the conflict must be considered, as outlined in Art. 6 of the Draft articles on the effects of armed conflicts on treaties of 2011.

Therefore, it can be concluded that multilateral treaties against cybercrime are not automatically suspended or terminated by states involved in a conflict, nor between a conflicting state and a non-conflicting state. Nonetheless, the nature of the treaty and the characteristics of the armed conflict may influence its operation. Additionally, an armed conflict may constitute a fundamental change of circumstances, a material breach, or a supervening impossibility to perform a treaty, potentially leading to its termination or withdrawal by one or more state parties.

Thus, if the Draft comprehensive international convention on countering the use of information and communications technologies for criminal purposes does not include provisions regarding its applicability during armed conflicts, it may be subject to suspension or termination between future state parties engaged in an armed conflict.

<sup>&</sup>lt;sup>31</sup>Implementation handbook for the Convention on the rights of the child [Electronic resource]. URL: https://digitallibrary.un.org/ record/620060?ln=ru&v (date of access: 22.05.2024).

The United Nations Convention against transnational organized crime [Electronic resource]. URL: https://digitallibrary.un.org/ record/427192 (date of access: 13.03.2024); Optional protocol to the Convention on the rights of the child on the sale of children, child prostitution and child pornography [Electronic resource]. URL: https://digitallibrary.un.org/record/496737 (date of access: 13.03.2024).

<sup>&</sup>lt;sup>33</sup>Arab convention on combating information technology offences [Electronic resource]. URL: https://www.asianlaws.org/gcld/cyberlawdb/GCC/Arab%20Convention%20Combating%20Information%20Technology%20Offences.pdf (date of access: 13.03.2024); Convention on cybercrime [Electronic resource]. URL: https://rm.coe.int/1680081561 (date of access: 13.03.2024); Additional protocol to the Convention on cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems [Electronic resource]. URL: https://rm.coe.int/168008160f (date of access: 13.03.2024) ; African Union Convention on cyber security and personal data protection [Electronic resource]. URL: https://au.int/sites/default/files/treaties/29560-treaty-0048 - african union convention on cyber security and personal data protection e.pdf (date of access: 13.03.2024); CSTO protocol on counteracting crimes in the information security area [Electronic resource]. URL: https://docs.cntd.ru/document/561354812 (date of access: 13.03.2024) ; Agreement on cooperation of the member states of the CIS in fighting crimes in the sphere of information technologies [Electronic resource]. URL: https://cis-legislation.com/document.fwx?rgn=110821 (date of access: 13.03.2024) ; Agreement between the governments of the SCO member states on cooperation in the field of ensuring international information security [Electronic resource]. URL: https://cis-legislation.com/document.fwx?rgn=28340 (date of access: 13.03.2024).

<sup>&</sup>lt;sup>34</sup>Vienna convention on the law of treaties [Electronic resource]. URL: https://legal.un.org/ilc/texts/instruments/english/conventions/1\_1\_1969.pdf (date of access: 13.03.2024).

Draft articles on the effects of armed conflicts on treaties, with commentaries [Electronic resource]. URL: https://legal.un.org/ ilc/texts/instruments/english/commentaries/1\_10\_2011.pdf (date of access: 13.03.2024).

<sup>&</sup>lt;sup>36</sup>The effects of armed conflicts on treaties [Electronic resource]. URL: https://www.idi-iil.org/app/uploads/2017/06/1985\_ hel 03 en.pdf (date of access: 13.03.2024).

Vienna convention on the law of treaties [Electronic resource]. URL: https://legal.un.org/ilc/texts/instruments/english/conventions/1\_1\_1969.pdf (date of access: 13.03.2024).

#### Rationale for including a clause on the applicability of the UN Convention against cybercrime during armed conflict in the context of combating offences related to online child sexual abuse

From a practical standpoint, armed conflicts can significantly hinder a state's ability to combat cybercrime. States involved in conflicts may face shortages in resources, technical capabilities, and trained law enforcement personnel. Additionally, such states might lose control over parts of their territory. Nevertheless, certain provisions of treaties against cybercrime should remain in force for these states.

According to Annex (a) of the Draft articles on the effects of armed conflicts on treaties of 2011, "treaties on the law of armed conflict, including treaties on international criminal law", remain operative during armed conflict<sup>38</sup>. International humanitarian law affords special protection to children in both international and non-international armed conflicts. Article 77 of Protocol 1 to the Geneva conventions of 1949 mandates that "children shall be the object of special respect and shall be protected against any form of indecent assault. The parties to the conflict shall provide them with the care and aid they require, whether because of their age or for any other reason<sup>39</sup>. Similarly, Art. 4 of Protocol 2 stipulates that "children shall be provided with the care and aid they require".

However, these international instruments lack specific provisions addressing online child sexual abuse or exploitation during armed conflicts that do not meet the threshold of grave breaches under the respective protocols. Furthermore, existing international mechanisms for monitoring and assessing violations against children in armed conflicts are limited to grave violations. Transnational crimes that do not constitute grave violations may be addressed through international cooperation in criminal matters between states, as per relevant international instruments. Yet, as previously mentioned, such cooperation based on treaties may be terminated or suspended in the event of armed conflict. Regional treaties also do not include clauses regarding their applicability during armed conflicts.

Articles 18, 34 of the Convention on the rights of the child of 1989<sup>40</sup> obligate state parties to protect children from sexual abuse. The Optional protocol to the Convention on the rights of the child on the sale of children, child prostitution, and child pornography of 2000 mandates the prohibition of child pornography (Art. 1) and requires states to "take all necessary steps to strengthen international cooperation by multilateral, regional, and bilateral arrangements for the prevention, detection, investigation, prosecution, and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography, and child sex tourism", and to "promote international cooperation and coordination between their authorities, national and international non-governmental organisations, and international organisations" (Art.  $(11(1))^{41}$ . However, this optional protocol does not contain any provisions regarding its applicability during armed conflicts. Noting the provisions of the aforementioned international instruments, Art. 24 of the International covenant on civil and political rights of 1966<sup>42</sup> and various United Nations General Assembly resolutions, it is imperative to enhance both national and international efforts to protect children from sexual exploitation and abuse. Some resolutions call upon states to ensure legal protection for children from violence, both online and offline, in accordance with their obligations under international law, including international human rights law<sup>43</sup>. Furthermore, para 53 of resolution of the United Nations General Assembly A/RES/78/187 urges states to criminalise conduct related to violence against children, including forms of sexual exploitation and abuse<sup>44</sup>.

The importance of strengthening international cooperation within the United Nations framework is underscored in the preamble to resolution of the UN General Assembly A/RES/78/187<sup>45</sup>. Additionally, para 24 of the resolution of the UN General Assembly A/RES/76/147<sup>46</sup> emphasises the need to end impunity for violations of international humanitarian law and human rights law against children affected by armed conflict, by ensuring accountability and punishing perpetrators. The

<sup>&</sup>lt;sup>38</sup>Vienna convention on the law of treaties [Electronic resource]. URL: https://legal.un.org/ilc/texts/instruments/english/conventions/1\_1\_1969.pdf (date of access: 13.03.2024).

Protocol additional to the Geneva conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol 1) [Electronic resource]. URL: https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-additional-geneva-conventions-12-august-1949-and (date of access: 13.03.2024).

Convention on the rights of the child [Electronic resource]. URL: https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child (date of access: 13.03.2024). <sup>41</sup>Optional protocol on the sale of children, child prostitution and child pornography [Electronic resource]. URL: https://www.ohchr.org/

en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-sale-children-child (date of access: 13.03.2024). <sup>42</sup>International covenant on civil and political rights [Electronic resource]. URL: https://www.ohchr.org/en/instruments-mecha-

nisms/instruments/international-covenant-civil-and-political-rights (date of access: 13.03.2024).

See: Strengthening national and international efforts, including with the private sector, to protect children from sexual exploitation and abuse : resolut. 77/233 adopt. by the UN Gen. Assembly on 15 Dec. 2022 [Electronic resource]. URL: https://digitallibrary.un.org/record/4000175 (date of access: 13.03.2024).

Rights of the child : resolut. 78/187 adopt. by the UN Gen. Assembly on 19 Dec. 2023 [Electronic resource]. URL: https://digitallibrary.un.org/record/4032437 (date of access: 13.03.2024).

<sup>&</sup>lt;sup>45</sup>Rights of the child : resolut. 78/187 adopt. by the UN Gen. Assembly on 19 Dec. 2023 [Electronic resource]. URL: https://digitallibrary.un.org/record/4032437 (date of access: 13.03.2024).

Rights of the child : resolut. 76/147 adopt. by the UN Gen. Assembly on 16 Dec. 2021 [Electronic resource]. URL: https://digitallibrary.un.org/record/3954144 (date of access: 13.03.2024).

preamble to the resolution of the UN General Assembly A/RES/74/174<sup>47</sup> further stresses the necessity of enhancing coordination among member states to prevent and combat child sexual exploitation and abuse online, identify child victims, and bring perpetrators to justice.

The report of the Special rapporteur of the Human Rights Council on the sale and sexual exploitation of

Conclusions

Given that states involved in armed conflict may suspend or terminate cooperation on transnational criminal matters, it is unrealistic to expect them to fully cooperate on cases related to online child sexual abuse due to the political complexities associated with armed conflicts. Therefore, it is reasonable to propose a clause in the draft UN Convention against cybercrime mandating states to take all necessary measures "to ensure accountability and punish perpetrators present in their territory" for such acts. This provision would establish a minimum standard for measures taken in good faith by any state party to an armed conflict, ensuring the criminal protection of children's basic rights against various forms of online abuse or exploitation committed within their territories.

This clause aligns with fundamental principles for asserting criminal jurisdiction, such as territoriality (if the crime was partly committed within the state's territory) and passive personality [20]. It also echoes the UN General Assembly's call to enhance international cooperation in criminal justice, including providing mutual legal assistance in investigating and prosecuting crimes of sexual violence, in accordance with member states' obligations under international law<sup>49</sup>.

Ensuring the protection of children's fundamental human right to be free from sexual abuse during armed conflict is consistent with states' human rights obligations as outlined in the Convention on the rights of the child<sup>50</sup>. This is based on the principle that "no violence against children is justifiable"<sup>51</sup>. Furthermore, as recommended in the reacts of sexual exploitation or abuse facilitated by communication technologies. sions port of the Special rapporteur of the Human Rights Council on the sale and sexual exploitation of children, including child prostitution and child pornography, it is imperative

children also highlights the critical need for international

cooperation in combating online child sexual exploitation and abuse<sup>48</sup>. This cooperation should extend to criminal

matters even between states engaged in armed conflict,

covering crimes related to child pornography and other

for the rights of the child in the digital context"<sup>52</sup>. This effort also contributes to achieving the sustainable development goals. Notably, the 2030 Agenda for sustainable development prioritises the dignity of children and their right to live free from violence through various goals and targets<sup>53</sup>, particularly goal 16.

"to make states more accountable for enacting safeguards

Therefore, a provision to ensure the applicability of the UN Convention against cybercrime in combating online child abuse during armed conflict is necessary. Based on the above considerations, the following provision is proposed for the draft UN Convention on combating the use of information and communication technologies for criminal purposes:

1) in the event of an armed conflict between two or more high contracting parties, this convention shall not automatically cease to apply either between them or concerning third states;

2) in any event of suspension or termination of this convention during armed conflict, the parties shall nonetheless continue their cooperation to the maximum practicable extent in combating offences related to online child sexual abuse, child sexual exploitation material, or other online sexual acts against children. This is to ensure accountability and to punish perpetrators present in their territory.

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# CONTENTS

# INTERNATIONAL RELATIONS

<i>Kaviaka I. I.</i> Grand strategy in US and China foreign policy: seeking world hegemony or promoting global harmony?	3
Liu Mingyue. Why China – US confrontation persists: the unabated ideological conflict	11
<i>Zhang Hongchao</i> . The history of the establishment and stages in the development of Confucius institutes (2004–2021)	17
<i>Yao Zengyi</i> . Problem areas of the scholarship on China's maritime policy in contemporary international relations studies	25
Frantsuzau A. I. Belarusian national interests concerning the Northern Sea Route	31
Borovskaya O. N. Waterway shipping and transit in Soviet-Polish relations in 1924–1933	39
Snisarenko K. L. The impact of increased international migration on French immigration policy	46

# INTERNATIONAL LAW

Maroz N. A. International cooperation in combating online sexual acts against children during armed	
conflicts: context of the UN draft Convention against cybercrime	52

# СОДЕРЖАНИЕ

# международные отношения

<i>Ковяко И. И.</i> Глобальная стратегия внешней политики США и Китая: в поисках мировой гегемонии или глобальной гармонии?	3
Лю Минюе. Затяжная конфронтация Китая и США как борьба идеологий	11
<i>Чжан Хунчао</i> . История создания и этапы развития иститутов Конфуция (2004–2021)	17
<i>Яо Цзэни</i> . Направления анализа морской политики Китая в современных исследованиях по меж- дународным отношениям	25
Французов А. И. Белорусские национальные интересы на Северном морском пути	31
<i>Боровская О. Н.</i> Вопрос водного судоходства и транзита в советско-польских отношениях в 1924–1933 гг.	39
<i>Снисаренко К. Л.</i> Влияние роста международной миграции на иммиграционную политику Фран- ции	46

# международное право

Мороз Н. О. Международное сотрудничество в борьбе с актами сексуального характера, совершен-	
ными онлайн против детей во время вооруженных конфликтов, в контексте проекта Конвенции ООН	
против киберпреступности	52

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