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Table of Contents • 3(4) • 2024

RESEARCH ARTICLES

Vol. 3, No. 4, 2024

International Law

- 4 Rustam A. Kasyanov, Ekaterina A. Torkunova – Law as a Tool to Counter Political Coercion. What Shall Russian Citizens Know About Their Rights in Case of Criminal Prosecution in the EU?
- 26 Alexander M. Solntsev – Combating Plastic Pollution in International Law: Lex Lata and Lex Ferenda
- 42 Yuliya V. Puzyreva – The Evolution of the International Legal Regulation of Cultural Property Protection During Armed Conflicts

International Relations

- 63 Philipp O. Trunov – Burden-Sharing Between Western States in Deterring Russia and China: Case of Land Forces Usage
- 92 Mark L. Entin, Ekaterina G. Entina, Sofia K. Babkina – The Food and Energy Crisis of the 2020s as a Vehicle of Western Anti-Russian Policy
- 114 Ivan D. Loshkariov – Anthropomorphizing The State in IR Theory What Is At Stake?

Law as a Tool to Counter Political Coercion. What Shall Russian Citizens Know About Their Rights in Case of Criminal Prosecution in the EU?¹

Rustam A. Kasyanov, Ekaterina A. Torkunova

MGIMO University

Abstract. The restrictive measures introduced by the European Union are damaging the Russian economy, putting political cooperation on hold. Businesses receive support from the state and have already started to adapt to the new conditions. Meanwhile, ordinary Russian citizens living in EU countries, who for this very reason may not be able to count on prompt assistance from Russia, are particularly vulnerable. The report “On Violations of the Rights of Russian Citizens and Fellow Citizens in Foreign Countries,” submitted by the Ministry of Foreign Affairs of the Russian Federation in the middle of 2022, indicates the “overwhelming discrimination of Russians,” which “was shocking by its absurdity.” In other words, the rights of Russians are violated by the “collective West” on a large scale. The report provides information on the numerous recorded facts of the violations in most Member States of the European Union. Russian citizens who have been arrested and facing trial are in an especially precarious position. The present article includes information and analytical materials that Russian citizens and fellow citizens can use to better protect their rights in the EU countries. For this reason, we have analysed the relevant provisions of the EU law and the Convention for the Protection of Human Rights and Fundamental Freedoms. We also scrutinized the attainability of the right to interpretation and translation, the right to information about one’s rights and a clear explanation of the charges one is facing, the right to legal advice and legal aid, and the right to communicate with relatives, employers, and consular authorities in criminal proceedings. The European Court of Human Rights caselaw was studied to identify the basic rules governing remuneration and the quality of legal counsel and translation services. Certain recommendations that may help Russian citizens better protect their rights when facing criminal prosecution in the EU Member States are laid down in the conclusion, which is especially relevant given the unprecedented political pressure the West is putting on Russia.

Keywords: Russian citizen; criminal procedure; interpretation and translation; legal advice; Council of Europe law; European Court of Human Rights caselaw; European Union law

¹ English translation from the Russian text: Kasyanov R., Torkunova E. 2024. Pravokak instrument protivodeystviya politicheskomu davleniyu. Chto nuzhno znat' grazhdanam Rossii v sluchaye ugovnogo presledovaniya v stranakh ES? *Mezhdunarodnye protsessy*. [International Trends]. No 22(1). P. 42-62. (In Russ.) DOI: [10.46272/IT.2024.22.1.76.1](https://doi.org/10.46272/IT.2024.22.1.76.1)

In mid-2022, the Ministry of Foreign Affairs of the Russian Federation released a report titled “On Violations of the Rights of Russian Citizens and Fellow Citizens in Foreign Countries.” The report describes what it calls the “overwhelming discrimination of Russians,”² highlighting widespread violations of Russian’ rights in the so-called “collective West.” It includes data concerning most European Union Member States, revealing numerous verified violations. Russian citizens facing criminal prosecution are especially at risk.

This article provides an analytical summary of the materials that will enable Russian citizens and compatriots to more effectively protect their rights within EU countries. To achieve this, it examines the relevant European Union legislation, the Convention for the Protection of Human Rights and Fundamental Freedoms, and the opportunities to exercise rights to interpretation and translation in criminal proceedings, the right to information on rights and information about the charges, the right to legal advice and legal aid, as well as the right to communicate with relatives, employers, and consular authorities. Additionally, the article reviews the case law of the European Court of Human Rights to identify fundamental principles governing the remuneration for and quality of legal and interpreter/translator services. In its concluding section, the article offers recommendations designed to assist Russian citizens in better defending their rights if subjected to criminal prosecution in EU Member States, a matter of particular importance given the unprecedented political pressure exerted by the West on Russia.

Legal instruments guaranteeing the rights of Russian citizens in EU criminal proceedings

The 2022 Report from the Ministry of Foreign Affairs highlighted significant violations arising in criminal prosecutions. These include instances where Russian nationals experience pressure, mistreatment by prison personnel, denial of essential medical care, and restricted access to a lawyer. Furthermore, consular visits by representatives of Russian diplomatic missions are often hindered or outright denied. *The report documents confirmed cases of such violations across multiple European Union Member States.*³

Two particular examples illustrate this. First, in Denmark, law enforcement agencies have been delaying the approval process for consular access to detained Russian nationals. It has been documented that Danish authorities have informed the Russian Embassy late about incidents involving the detention of Russians and have failed to provide timely

² Report by the Ministry of Foreign Affairs of the Russian Federation, *On Violations of the Rights of Russian Citizens and Fellow Citizens in Foreign Countries* (Moscow, 2022). URL: https://mid.ru/ru/foreign_policy/humanitarian_cooperation/1815559/?lang=en (Accessed: February 20, 2024).

³ Ibid.

medical care to those detained. Second, in Lithuania, it has become common legal practice to apply laws retroactively and to violate the principle of presumption of innocence and the right to a fair trial. This practice has affected Russian citizens such as G. Ivanov, Yu. Mel, and K. Nikulin.

As of the end of 2023, the 27 EU Member States, national investigative and judicial authorities are required to respect the rights of suspects and accused persons as established by national criminal and procedural laws, as well as supranational legal standards. Under the EU's rule of law, these supranational norms have supremacy over national legislation and are binding throughout the Union. In this regard, the EU Charter of Fundamental Rights of 2000 (the "Charter")⁴ is particularly relevant, as it guarantees the right to an effective remedy and to a fair trial (Article 47), along with respect for the right of defence (Article 48(2)).

Supranational EU bodies involved in criminal judicial cooperation, such as Eurojust (Jimeno-Bulnes, 2003), and those responsible for conducting criminal prosecutions, including Europol and the European Public Prosecutor's Office (EPPO) (Öberg, 2021), are expressly bound by the Charter's provisions. Any suspect or accused person in criminal proceedings within an EU Member State may invoke international legal norms, foremost among them the Council of Europe's fundamental regional human rights instrument – the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)⁵ – as well as other key international instruments, such as the 1948 Universal Declaration of Human Rights,⁶ the 1966 International Covenant on Civil and Political Rights,⁷ the 1963 Vienna Convention on Consular Relations,⁸ the 1988 Convention on the Rights of the Child,⁹ and others.

Although Russia has withdrawn from the Council of Europe and consequently denounced the ECHR, Russian citizens in the EU can still invoke its provisions, as it guarantees the rights of all individuals under the jurisdiction of its Member States, regardless of nationality. While the European Union itself, as a supranational organization, has not acceded to the Convention, all EU Member States are parties to it and are therefore bound to uphold its provisions.

A Russian citizen facing prosecution in the EU has access to a wide array of legal instruments to protect their rights. These include the national laws of the Member States as well as international and European legal norms. The key universal international documents mentioned above are generally familiar to Russians. Knowing the

⁴ Charter of Fundamental Rights of the European Union // Official Journal of the European Union, C 326, 26.10.2012, p. 391–407. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012P%2FTXT> (Accessed: February 20, 2024).

⁵ Convention for the Protection of Human Rights and Fundamental Freedoms (Rome, 4.XI.1950). Its application in relation to the Russian Federation was terminated effective March 16, 2022, by Russian Federal Law No. 43-FZ dated February 28, 2023.

⁶ Universal Declaration of Human Rights (adopted by the UN General Assembly on December 10, 1948).

⁷ International Covenant on Civil and Political Rights (adopted by the UN General Assembly on December 16, 1966). United Nations, Treaty Series, 1976, Vol. 999, p. 171.

⁸ Vienna Convention on Consular Relations (Vienna, April 24, 1963). United Nations, Treaty Series, 1967, Vol. 596, p. 261.

⁹ Convention on the Rights of the Child (adopted by the UN General Assembly on November 20, 1989). United Nations, Treaty Series, 1990, Vol. 1577, p. 3.

key provisions of universal and regional international legal instruments – particularly the ECHR – empowers individuals and reduces feelings of helplessness when interacting with investigative or judicial authorities in the EU.

However, these international treaties alone are insufficient to fully protect individuals' rights, as they establish only broad principles that can be challenging to apply in specific circumstances, particularly during procedural actions. In this context, the norms of secondary EU law, developed by the EU institutions, are especially important. These norms typically provide detailed rules tailored to particular situations. For example, Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty ("Directive 2013/48/EU"), emphasizes that "strengthening mutual trust requires detailed rules on the protection of the procedural rights and guarantees arising from the Charter, the ECHR and the ICCPR. It also requires, by means of this Directive and by means of other measures, further development within the Union of the minimum standards set out in the Charter and in the ECHR."¹⁰

EU secondary law¹¹ is applied uniformly across all Member States and takes precedence over national legislation. This means that there is no need to analyze the specific criminal procedure laws of individual countries such as Austria, Bulgaria, Germany, the Netherlands, France, or Lithuania. However, unlike EU regulations, EU directives allow Member States some discretion in how they implement the objectives of these instruments. Regardless, the fundamental principles underlying these legal acts remain consistent across all Member States. Furthermore, these secondary law norms must not conflict with EU primary law, which includes the Charter. They also incorporate international experience in regulating similar matters. As a result, having knowledge of the main sources of secondary EU law regarding the procedural rights of suspects and accused persons in criminal proceedings equips a Russian citizen with a strong legal knowledge, increased preparedness, and greater confidence when interacting with authorities in any EU Member State.

In this context, it is important to highlight a number of EU legal instruments developed in response to the Resolution of the Council of 30 November 2009 on a Roadmap for strengthening procedural rights of suspected or accused persons in criminal pro-

¹⁰ Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty. OJ L 294, 6.11.2013, p. 1.

¹¹ Secondary law includes legal acts such as directives, regulations, and decisions adopted by EU institutions. Primary law comprises founding treaties, the EU Charter of Fundamental Rights, and similar sources, which hold the highest legal authority.

ceedings¹² (the “Roadmap”). Taking a step-by-step approach, the Roadmap called for the adoption of measures regarding the right to interpretation and translation (measure A), the right to information on rights and information about the charges (measure B), the right to legal advice and legal aid (measure C), the right to communication with relatives, employers and consular authorities (measure D), and special safeguards for suspects or accused persons who are vulnerable (measure E). Additionally, the Roadmap anticipated the adoption of a Green Paper on pre-trial detention (measure F). Since the European Union lacks explicit competence to regulate aspects of detention, specifically regarding prison conditions, only a recommendation has been adopted in this area, rather than binding legislation.

On December 11, 2009, the European Council incorporated the Roadmap into the Stockholm Programme (Weis, 2010), titled “An open and secure Europe serving and protecting the citizens,” (paragraph 2.4).¹³ The Roadmap laid the foundation for significant legislative work. Between 2010 and 2016, five key directives were adopted by the European Parliament and the Council: Directive 2010/64/EU of 20 October 2010 on the right to interpretation and translation in criminal proceedings (“Directive 2010/64/EU”);¹⁴ Directive 2012/13/EU of 22 May 2012 on the right to information in criminal proceedings (“Directive 2012/13/EU”);¹⁵ Directive (EU) 2016/343 of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (“Directive (EU) 2016/343”);¹⁶ Directive (EU) 2016/800 of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (“Directive (EU) 2016/800”);¹⁷ and the previously mentioned Directive 2013/48/EU. Collectively referred to as the procedural directives, these instruments address various aspects of safeguarding procedural rights during criminal prosecution. Adopted by the European institutions as a robust tool for advancing integration (Fichera, 2013), they have become fundamental to the evolving framework of European criminal law (Albrecht, Braum, 1999; Rubi-Cavagna, 2018).

Based on the foregoing analysis, the following conclusion can be drawn: Russian citizens should consider numerous legal instruments offered by the EU when seeking to protect their rights. Central among these are universal and regional international human rights treaties, notably the Convention for the Protection of Human Rights

¹² Council Resolution of 30 November 2009 on a Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings, OJ C 295, 4.12.2009, p. 1.

¹³ The Stockholm Programme – An open and secure Europe serving and protecting citizens. OJ C 115, 4.5.2010, p. 1.

¹⁴ Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings, OJ L 280, 26.10.2010, p. 1–7.

¹⁵ Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings, OJ L 142, 1.6.2012, p. 1–10.

¹⁶ Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings, OJ L 65, 11.3.2016, p. 1–11.

¹⁷ Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings, OJ L 132, 21.5.2016, p. 1–20.

and Fundamental Freedoms. In addition, the EU applies the Charter of Fundamental Rights alongside several directives that address various aspects of procedural rights in criminal prosecution. These EU directives provide detailed rules, enabling more effective protection of individuals' rights in criminal proceedings.

Applicability of EU procedural directives to Russian citizens

The title of the Stockholm Programme suggests that its primary focus is on the citizens of the European Union. The document explicitly states that “[a]ll actions taken in the future should be centred on the citizen and other persons for whom the EU has a responsibility.” (paragraph 1.1).¹⁸ When examining the procedural directives adopted to fulfill the objectives of this programme, one notices recurring language emphasizing that “[c]ommon minimum rules should lead to increased confidence in the criminal justice systems of all Member States, which, in turn, should lead to more efficient judicial cooperation in a climate of mutual trust.”¹⁹

This consistency is rooted in the fact that the procedural directives were enacted pursuant to Article 82(2) of the Treaty on the Functioning of the European Union (TFEU). This provision empowers the EU to establish minimum rules aimed at facilitating mutual recognition of judgments and judicial decisions across Member States, as well as police and judicial cooperation in criminal matters having a cross-border dimension (Öberg et al., 2021). In particular, paragraph (b) of Article 82(2) TFEU specifically refers to the rights of individuals in criminal procedure as an area where such minimum rules may be established.

Can Russian citizens invoke the provisions of EU procedural directives to defend their rights in case of criminal prosecution? The answer is unequivocally yes. *First*, an examination of these legal instruments reveals that their provisions are not exclusively directed at European Union citizens. The directives consistently specify that their rules apply “to persons from the time that they are made aware by the competent authorities of a Member State, by official notification or otherwise, that they are suspected or accused of having committed a criminal offence until the conclusion of the proceedings, which is understood to mean the final determination of the question whether they have committed the offence, including, where applicable, sentencing and the resolution of any appeal.”²⁰ None of the procedural directives restricts their application solely to EU nationals. For instance, Directive 2012/13/EU explicitly states that it “should apply to suspects and accused persons regardless of their legal status, citizenship or nationality.”²¹

¹⁸ The Stockholm Programme – An open and secure Europe serving and protecting citizens. P. 4.

¹⁹ See, e.g., Directive 2010/64/EU, p. 2; Directive 2012/13/EU, p. 2.

²⁰ See, e.g., Directive 2010/64/EU, p. 4; Directive 2012/13/EU, p. 5.

²¹ See Directive 2012/13/EU, p. 2.

Second, in adopting these legal acts, the EU institutions aimed for them and other measures to contribute to the “further development within the Union of the minimum standards set out in the ECHR and the Charter.”²² Each directive also explicitly states that nothing in it “shall be construed as limiting or derogating from any of the rights or procedural safeguards that are ensured under the Charter, the ECHR, other relevant provisions of international law or the law of any Member State which provides a higher level of protection.”²³ At the same time, EU institutions acknowledge that “[a]lthough all the Member States are party to the ECHR, experience has shown that that alone does not always provide a sufficient degree of trust in the criminal justice systems of other Member States.”²⁴ Consequently, “[s]trengthening mutual trust requires a more consistent implementation of the rights and guarantees set out in Article 6 of the ECHR.”²⁵ Article 6, which guarantees the right to a fair trial, is frequently referenced across all procedural directives.

Accordingly, the EU directives are founded on adherence to the ECHR that guarantees the rights of all individuals within the jurisdiction of Member States. Applying these directives selectively based on whether a person holds European Union nationality would contradict both the letter and the spirit of the Convention. Moreover, the procedural directives are designed to establish uniform minimum human rights standards. Introducing a separate set of rules specifically for third-country nationals would raise significant concerns. Such a move could either undermine the rights of EU citizens or result in reverse discrimination, ultimately undermining the credibility of the Union’s legislative efforts.

Third, the response to the above question is reflected in the case law of the Court of Justice of the European Union (CJEU), which has addressed matters involving third-country nationals and the procedural directives. On August 1, 2022, the CJEU issued a preliminary ruling in Case C-242/22 PPU²⁶ at the request of the Tribunal da Relação de Évora (Court of Appeal, Évora, Portugal). This ruling concerned the interpretation of certain provisions of Directive 2010/64/EU and Directive 2012/13/EU in the context of a dispute between TL, a Moldovan national, and the Ministério Público (Public Prosecutor’s Office, Portugal) concerning the consequences of the lack of assistance of an interpreter and the failure to translate various documents relating to the criminal proceedings against TL.

The CJEU, dealing with the request under the urgent preliminary ruling procedure, ruled that these directives, read in the light of the fundamental rights to a fair trial and respect for the right of defence (Articles 47 and Article 48(2) of the Charter, as well as Article 6 of the ECHR) and the principle of effectiveness, must be interpreted

²² See, e.g., Directive 2010/64/EU, p. 2.

²³ See, e.g., Directive 2012/13/EU, p. 6; Directive 2013/48/EU, p. 11.

²⁴ See, e.g., Directive 2010/64/EU, p. 2.

²⁵ *Ibid.*

²⁶ Judgment of the Court of Justice of the European Union (First Chamber) (1 August 2022). Criminal proceedings against TL. Case C-242/22 PPU. Court reports – general. ECLI identifier:ECLI:EU:C:2022:611.

as precluding certain conflicting national (Portuguese) laws under which the infringement of the rights to information, interpretation, and translation established by the directives must be invoked by the beneficiary of those rights within a prescribed period, where that period begins to run before the person concerned has been informed, in a language which he or she speaks or understands, *first*, of the existence and scope of their right to interpretation and translation and, *secondly*, of the existence and content of the essential document in question and the effects thereof. Importantly, the principle of effectiveness requires that national rules and procedures do not render the exercise of the rights conferred by EU law impossible in practice.

The CJEU found that the rights of a third-country national had been violated. This individual was entitled to the protections guaranteed by the EU procedural directives. This finding is particularly significant because these directives had not been transposed or fully transposed into the Portuguese legal system. Nevertheless, the court of appeal and the Moldovan citizen's lawyer cited the directives, and the CJEU recognized their direct effect within Portuguese law, as their provisions appear, so far as their subject matter is concerned, to be unconditional and sufficiently precise, and directly confer rights on individuals.

Accordingly, the directives adopted in line with the Roadmap, which govern procedural rights in criminal proceedings, primarily target EU citizens and aim to establish an area of freedom, security, and justice (Voynikov, Entin, 2019). However, third-country nationals subject to the jurisdiction of Member States also have the right to invoke the provisions of EU Directives 2010/64/EU and 2012/13/EU, even if these directives have not been transposed into national law within the required timeframe. A similar conclusion applies to other directives, such as Directive 2013/48/EU, Directive (EU) 2016/343, and Directive (EU) 2016/800, since the European institutions that adopted them emphasize that “[t]he Roadmap is designed to operate as a whole; only when all its component parts have been implemented will its benefits be felt in full.”²⁷

Moving forward, this study will undertake a more detailed examination of the provisions in these legal instruments. Although the Roadmap notes that the order in which the rights are listed therein is indicative, this analysis will follow a chronological order when reviewing the relevant directives. The focus will be on three procedural directives corresponding to measures A, B, C, and D of the Roadmap, as these provide rules addressing the most common situations encountered by suspects or accused persons.

The right to interpretation and translation

The right to interpretation and translation for individuals who do not speak or understand the language of the proceedings is established in Article 6 of the ECHR, as interpreted by the European Court of Human Rights (ECtHR) (see below). Directive 2010/64/

²⁷ See, e.g., Directive 2012/13/EU, p. 2.

EU supports the practical application of this right at the EU level. It grants suspects and accused persons the right to interpreter and translation services in criminal proceedings, ensuring the right to a fair trial. It is important to highlight that Article 6 of the ECHR and Article 47 of the Charter guarantee the right to a fair trial, while Article 48(2) of the Charter guarantees respect for the right of defence. Directive 2010/64/EU is therefore grounded in the obligation to implement these rights and is applied accordingly.

This Directive – which does not apply to Denmark²⁸ – corresponds to measure A and establishes common minimum rules in the fields of interpretation and translation in criminal proceedings, as well as in proceedings for the execution of a European Arrest Warrant. The right to interpretation and translation arises from the time the individual is made aware by the competent authorities of a Member State, by official notification, that they are suspected or accused of having committed a criminal offence. In certain EU countries, such as France, minor offences may be sanctioned by an authority other than a court having jurisdiction in criminal matters.²⁹ Their decisions are usually subject to appeal in a court. In these situations, Directive 2010/64/EU applies only to the proceedings before the court following such an appeal.

The Directive differentiates between interpretation and translation, which should be provided in the native language of the suspect or accused person or in any other language that they speak or understand. The prosecution, police, and judicial authorities are required to ensure that suspects or accused individuals with physical or mental impairments affecting their ability to communicate effectively are able to fully exercise the rights set out in Directive 2010/64/EU.

Suspected or accused persons should be provided, without delay, with interpretation in criminal proceedings before investigative and judicial authorities, including during police questioning. Member States should ensure that, where necessary for the purpose of safeguarding the fairness of the proceedings, interpretation is available for communication between suspected or accused persons and their legal counsel in direct connection with any questioning or hearing during the proceedings or with the lodging of an appeal or other procedural applications (such as bail applications). Additionally, it is important to assess the suspected or accused person's language proficiency to ensure effective communication.

Member States' criminal procedure legislation should provide for procedures enabling a person to challenge a decision finding that there is no need for interpretation, as well as to complain that the quality of the interpretation is not sufficient to ensure the exercise of their right to a fair trial. In the latter instance, the competent authorities should ensure that the interpreter is replaced. For interpretation and quick communication with an interpreter, communication technology, such as videoconferencing,

²⁸ See Recital 36 of Directive 2010/64/EU.

²⁹ Recital 16 of Directive 2010/64/EU notes that this practice is particularly common for traffic offences, which in some EU Member States are dealt with by non-judicial authorities responsible for imposing sanctions.

telephone, or the internet, may be used. If the suspected or accused person has been subject to questioning or hearings by an investigative or judicial authority with the assistance of an interpreter, this fact must be recorded.

A written translation of essential documents should be provided to the suspected or accused person within a reasonable period of time to enable the exercise of their right of defence. Essential documents include any decision depriving a person of their liberty, any charge or indictment, and any judgment. The national competent authorities shall decide on a case-by-case basis whether a written translation of any other document is necessary. Suspected or accused persons, or their legal counsel, may submit a reasoned request to that effect. As with interpretation, procedures should be established whereby a person can challenge a refusal by the prosecution to provide a translation of documents or passages thereof, as well as lodge a complaint about the quality of the translation.

The Member State executing the European Arrest Warrant is obliged, where necessary, to provide a translation of the warrant to the person concerned. In certain cases, interpretation may be provided instead, provided that this does not infringe the right to a fair trial. Where a written translation is not feasible, an oral summary of the essential documents shall be provided and recorded in accordance with the applicable national procedures. The suspected or accused person has the right to waive the translation of the essential documents after being advised of the consequences of such a decision, and this waiver shall also be recorded.

The costs of interpretation and translation shall be borne by the Member States. They are required to establish a register or registers of independent translators and interpreters who are appropriately qualified. Once established, such register or registers shall, where appropriate, be made available to legal counsel and relevant authorities. National authorities shall ensure that interpreters and translators observe confidentiality regarding interpretation and translation provided under Directive 2010/64/EU.

Accordingly, Directive 2010/64/EU sets out rules guaranteeing a high level of protection for persons in criminal proceedings, thereby ensuring the effective exercise of the rights to interpretation and translation. A significant achievement of the Directive is the establishment of clear rules governing the provision of translation services.

The right to information on rights and information about the charges

Like Directive 2010/64/EU, Directive 2012/13/EU is grounded in the necessity to safeguard, at the EU level, the rights guaranteed by Article 6 of the ECHR and Article 47 of the Charter (right to a fair trial), as well as Article 48(2) of the Charter (respect for the right of defence). Furthermore, Article 6 of the Charter and Article 5 of the ECHR protect the right to liberty and security of person. Directive 2010/64/EU acknowledges that any limitations on this right must not exceed those authorized under Article 5 of the ECHR and must be consistent with the case law of the ECtHR.

Directive 2012/13/EU, corresponding to measure B of the Roadmap (and not applicable to Denmark), sets out the rules for informing suspects or accused persons of their rights and the charges against them. These provisions also apply to individuals against whom a European Arrest Warrant has been issued.

The rules established by the Directive apply from the time persons are made aware by the competent authorities of a Member State that they are suspected or accused of having committed a criminal offence. These rules remain applicable until a final judgment is made or any appeal is resolved. Where the law of a Member State provides for the imposition of a sanction regarding minor offences (such as traffic violations) by an authority other than a court having jurisdiction in criminal matters, and the imposition of such a sanction may be appealed to such a court, Directive 2012/13/EU applies only to the proceedings before that court, following such an appeal.

The Directive also includes a provision mandating the delivery of a Letter of Rights to any suspect or accused person who is detained or arrested. It provides an indicative model Letter of Rights. As a result, Member States have harmonized both the content and format of this document, thereby establishing a minimum standard for informing individuals subject to criminal prosecution of their rights.

The Letter of Rights is structured into eight sections, each corresponding to a specific right, accompanied by a summary of its content. Pursuant to Section A, "Assistance of a Lawyer/Entitlement to Legal Aid," a suspect or accused person has the right to speak confidentially to a lawyer, who must be independent from the police. Police officers are required to facilitate contact with the lawyer. In certain cases, legal assistance may be provided free of charge. Further information regarding this right can be obtained from the police. However, foreign legal scholars have noted that the process of selecting a lawyer at the police station may involve certain risks, as national law often lacks clear regulation of the selection procedure. Consequently, the absence of a formal and transparent system for choosing a defence counsel may undermine the effective exercise of the right to legal aid (Daly, Conway, 2021; Cape, Hodgson, 2014).

Pursuant to Section B, "Information about the accusation," a person has the right to know why they have been arrested or detained and what they are suspected or accused of having done.

Section C, "Interpretation and translation," sets out the right to be assisted by an interpreter, free of charge. The interpreter may help the person to talk to their lawyer and must keep the content of that communication confidential. The person has the right to translation of at least the relevant passages of essential documents, including any order by a judge allowing their arrest or keeping them in custody, any charge or indictment, and any judgment.

According to Section D, "Right to remain silent," while questioned by the police or other competent authorities, the person does not have to answer questions about the alleged offence. Any person who is detained or arrested has the right to request the assistance of their lawyer to decide on that. The provisions of Section D reflect

national practices across the Member States and the ECtHR's jurisprudence (Daly, 2014), though not every aspect has been fully harmonized at the domestic level (Pivaty et al. 2021).³⁰

Section E, "Access to documents," provides that a detained or arrested person has the right to access essential documents necessary to challenge the arrest or detention. If the case goes to court, the person concerned, or their lawyer, has the right to access the material evidence.

Section F, "Informing someone else about your arrest or detention/informing your consulate or embassy," grants the detained or accused individual the right to request that the police inform a third party, such as a family member or employer, about the detention or arrest. If the person is a foreign national, they may also ask the police to inform the consular authority or embassy of their country and to arrange contact with an official from the consulate or embassy.

According to Section G, "Urgent medical assistance," any person who is arrested or detained has the right to urgent medical assistance, which may be requested through a police officer.

According to Section H, "Period of deprivation of liberty," a person must be informed immediately after arrest or detention of the maximum duration of their custody, specifying the exact number of days or hours. They should also be separately advised that once this period expires, they must either be released or be heard by a judge who will decide on their further detention. In this context, the individual has the right to consult their lawyer or the judge regarding the possibility to challenge the arrest, to have the detention reviewed, or to ask for provisional release.

These sections establish a harmonized minimum set of rules. The Letter of Rights may also include additional procedural rights applicable within individual Member States. This document must be provided to the person promptly upon their arrest or detention, before their first official interview by the police or another competent authority. The arrested or detained individual has the right to read the Letter of Rights and shall be allowed to keep it in their possession throughout the time that they are deprived of liberty. The Letter of Rights shall be drafted in simple and accessible language. Member States shall ensure that suspects or accused persons receive the Letter of Rights written in a language that they understand. Where a Letter of Rights is not available in the appropriate language, suspects or accused persons shall be informed of their rights orally in a language that they understand. A Letter of Rights in a language that they understand shall then be given to them without undue delay.

Persons subject to a European Arrest Warrant have the right to receive a Letter of Rights, the content of which is provided in the Annex to Directive 2012/13/EU. The indicative model Letter of Rights comprises five sections (information about

³⁰ For instance, in the Netherlands, the scope of the right to remain silent is not set out in national legislation, unlike in Belgium and Italy, where the duty to inform suspects about that right is duly provided for by law.

the European Arrest Warrant; assistance of a lawyer; interpretation and translation; possibility to consent; and hearing). The sections corresponding to the general Letter of Rights are substantively identical, whereas the additional provisions specifically address procedural issues related to the European Arrest Warrant framework.

Directive 2012/13/EU guarantees suspects and accused persons the right to receive information of the charges against them. They must be informed of the reasons for their arrest or detention, including the criminal offence they are suspected or accused of having committed. This right is reflected in Section B of the Letter of Rights. The information shall be provided promptly and in such detail as is necessary to safeguard the fairness of the proceedings and the effective exercise of the rights of the defence. Suspects and accused persons, or their lawyers, have the right to challenge, in accordance with procedures in national law, the possible failure or refusal of the competent authorities to provide information.

Directive 2012/13/EU recognizes the right of suspects and accused persons to access case materials, including photographs, video, and audio recordings, which are held by the competent authorities and are essential to challenging effectively the lawfulness of an arrest or detention in accordance with national law. These documents must be made available to the person concerned or their lawyer. Access should be granted in due time, free of charge, to allow the effective exercise of the right of defence, and in any case no later than before the court renders its decision on the merits of the charge.

Access to certain documents may be refused where such access may lead to a serious threat to the life or fundamental rights of another person or where refusal of such access is strictly necessary to safeguard an important public interest. This includes, for example, situations where the disclosure might compromise an ongoing investigation or cause substantial harm to the national security of the Member State conducting the criminal proceedings. In such cases, the decision to deny access must be taken by a judicial authority or, at the very least, be subject to judicial review. Pursuant to Directive 2012/13/EU, restrictions on such access should be interpreted strictly and in accordance with the principle of the right to a fair trial under the ECHR and as interpreted by the ECtHR's case law.

Accordingly, Directive 2012/13/EU elaborates on the right to be informed of one's rights and the nature of the charge by specifying related safeguards, which include the right to legal assistance, detailed information about the charge, interpretation and translation services, the right to remain silent, urgent medical assistance, and limits on the maximum duration of deprivation of liberty. A significant advancement introduced by the Directive is the mandatory delivery of a Letter of Rights to suspects or accused persons, with a model template annexed to the Directive.

The right to legal advice and legal aid

The right to communication with relatives, employers, and consular authorities

The adoption of Directive 2013/48/EU was driven by the need to ensure compliance, at the EU level, with Articles 47 and 48(2) of the Charter, as well as Article 6 of the ECHR.

Directive 2013/48/EU corresponds to measures C and D of the Roadmap and does not apply in Ireland and Denmark³¹ (Soo, 2017).

The Directive applies to suspects or accused persons from the time when they are made aware by the competent authorities of a Member State, by official notification or otherwise, that they are suspected or accused of having committed a criminal offence, and irrespective of whether they are deprived of liberty. Furthermore, a person who is not initially a suspect or accused but becomes one in the course of questioning by the police or by another law enforcement authority is also entitled to invoke the rights guaranteed by this Directive. In such cases, the questioning must be suspended immediately upon the change in status to suspect or accused.

The provisions of the Directive apply until the conclusion of the proceedings. For minor offences that may be sanctioned by an authority other than a court having jurisdiction in criminal matters, procedures analogous to those established in Directives 2010/64/EU and 2012/13/EU apply.

The latter also applies to individuals subject to a European Arrest Warrant, from the moment of their arrest in the executing EU Member State.

The right of access to a lawyer in criminal proceedings constitutes a fundamental element of Directive 2013/48/EU. A suspect or accused person must be granted such access without undue delay. Member States should endeavour to make general information available, for instance on a website or by means of a leaflet that is available at police stations, to facilitate the obtaining of a lawyer by suspects or accused persons. In any event, suspects or accused persons shall have access to a lawyer from whichever of the following points in time is the earliest: (1) before they are questioned by the police or by another law enforcement or judicial authority; (2) upon the carrying out by investigating or other competent authorities of an investigative or other evidence-gathering act; (3) without undue delay after deprivation of liberty; and (4) where they have been summoned to appear before a court having jurisdiction in criminal matters, in due time before they appear before that court. For the purposes of the Directive, questioning does not include preliminary questioning by the police or by another law enforcement authority the purpose of which is to identify the person concerned, to verify the possession of weapons or other similar safety issues or to determine whether an investigation should be started, for example in the course of a road-side check, or during regular random checks when a suspect or accused person has not yet been identified.

³¹ See Recitals 58 and 59 of Directive 2013/48/EU.

The right of access to a lawyer comprises the following guarantees: (1) suspects or accused persons have the right to meet in private and communicate with the lawyer representing them, including prior to questioning by the police or by another law enforcement or judicial authority; (2) suspects or accused persons have the right for their lawyer to be present and participate effectively when questioned; (3) suspects or accused persons have the right for their lawyer to attend certain investigative or evidence-gathering acts where those acts are provided for under national law (such as identity parades, confrontations, and crime scene reconstructions).

Access to a lawyer shall be provided in all circumstances where a suspect or accused person is deprived of liberty at any stage of the criminal proceedings. In exceptional circumstances and only at the pre-trial stage, Member States may temporarily derogate from that rule where the geographical remoteness of a suspect or accused person makes it impossible to ensure the right of access to a lawyer without undue delay after deprivation of liberty. During such a temporary derogation, the competent authorities should not question the person concerned or carry out any of the investigative or evidence-gathering acts. Where a suspect or accused is deprived of liberty, Member States shall take all necessary measures to facilitate the effective exercise of the right of access to a lawyer.³² These measures may include conditions related to legal assistance.

Similarly, Member States may derogate temporarily from the right of access to a lawyer on the basis of compelling grounds. *First*, when there is a need, in cases of urgency, to avert serious adverse consequences for the life, liberty or physical integrity of a person. *Second*, when immediate action by the investigating authorities is imperative to prevent substantial jeopardy to criminal proceedings, in particular to prevent destruction or alteration of essential evidence. During a temporary derogation on these grounds, the competent authorities may question suspects or accused persons without a lawyer being present, provided that they have been informed of their right to remain silent. Questioning may be carried out for the sole purpose and to the extent necessary to obtain information that is essential to avert serious adverse consequences for the life, liberty or physical integrity of a person, or to prevent substantial jeopardy to criminal proceedings.

Face-to-face meetings, correspondence, telephone conversations, and any other forms of communication with a lawyer, as permitted under national law, shall be conducted in accordance with confidentiality requirements. The confidentiality requirements are without prejudice to special procedures that address the situation where there are objective and factual circumstances giving rise to the suspicion that the lawyer is involved with the suspect or accused person in a criminal offence. They are also without prejudice to any mechanisms that are in place in detention facilities with the

³² For instance, the competent authorities may arrange for the assistance of a lawyer on the basis of a list of available lawyers from which the suspect or accused person could choose.

purpose of avoiding illicit enclosures being sent to detainees, such as screening correspondence, provided that such mechanisms do not allow the competent authorities to read the communication between suspects or accused persons and their lawyer. Furthermore, the confidentiality requirements should also be without prejudice to lawful surveillance activities carried out by national competent authorities, such as intelligence services, including for the purpose of safeguarding national security.

If a person waives the right to legal assistance, the consequences of the waiver must be clearly explained to them. When providing such information, the specific conditions of the suspects or accused persons concerned should be taken into account, including their age and their mental and physical condition. Any such waiver must be voluntary, unequivocal, and duly recorded alongside the circumstances under which the waiver was given. The individual may revoke the waiver at any stage of the criminal proceedings.

Directive 2013/48/EU also includes key provisions regarding the right to inform a third party of one's deprivation of liberty and to communicate with that person. Suspects or accused persons who are deprived of liberty should have the right to have at least one person, such as a relative or an employer, nominated by them, informed of their deprivation of liberty without undue delay. Member States may limit or defer the exercise of that right in view of imperative requirements or proportionate operational requirements. Such requirements could include, *inter alia*, the need to avert serious adverse consequences for the life, liberty or physical integrity of a person, the need to prevent prejudice to criminal proceedings, and the need to prevent a criminal offence. If the suspect or accused person is a child, *i.e.*, a person below the age of 18 years, Member States shall ensure that the holder of parental responsibility of the child is informed as soon as possible of the deprivation of liberty and of the reasons pertaining thereto. Where a Member State temporarily, by virtue of the aforementioned imperative requirements, derogates from the application of the child's right to have a third party informed of their deprivation of liberty, the Member State shall ensure that an authority responsible for the protection or welfare of children is informed without undue delay of the deprivation of liberty of the child. Finally, a suspect or accused person who is deprived of liberty has the right to communicate with at least one third party – such as a family member, employer, or another close person – nominated by them.

According to Directive 2013/48/EU, Member States shall ensure that suspects or accused persons who are non-nationals and who are deprived of liberty have the right to have the consular authorities of their State of nationality informed of the deprivation of liberty without undue delay and to communicate with those authorities. Where suspects or accused persons have two or more nationalities, they may choose which consular authorities are to be informed. Suspects or accused persons also have the right to be visited by their consular authorities, the right to converse and correspond with them, and the right to have legal representation arranged for by their consular authorities. Consular protection may be exercised by diplomatic authorities where they act as consular authorities.

Directive 2013/48/EU thus elaborates on the practical application of the fundamental right to legal assistance. In addition, it establishes separate provisions for communication with relatives, employers, and consular authorities. These rules significantly enhance the safeguards ensuring the rights of persons subject to criminal proceedings in the EU Member States.

Analysis of the ECHR case law

The provisions of the analyzed directives establish a general principle requiring consideration of law enforcement practices, with particular emphasis on the role of the ECtHR – a focus that is readily justified. The protection of human rights in the EU is a comparatively recent development, as the Charter – the Union’s key human rights instrument – was adopted only in 2000. In contrast, the Council of Europe’s contribution to safeguarding human rights is widely acknowledged and long-standing. Over several decades, the ECtHR has established an extensive body of case law. Notably, Article 6 of the ECHR, which guarantees the right to a fair trial, has generated significant judicial interpretation, reflecting the fundamental importance of this right among universally recognized human rights (Gadzhiev, 2022).

In critical situations, it is essential not only to be aware of one’s rights but also to be able to effectively exercise them. For Russian citizens, challenges may arise due to language barriers and limited access to legal assistance. Often, financial constraints – such as the costs of hiring an interpreter and a lawyer – pose a greater obstacle than administrative hurdles. The quality of interpretation/translation is particularly important in this context. The directives under review include certain provisions addressing these issues. Additionally, reference to law enforcement practice is valuable for a deeper understanding of how these rights are implemented, especially with regard to compensation and the quality of services provided.

According to Article 6(3)(c) of the ECHR, everyone charged with a criminal offence has the right “to defend himself in person or through legal assistance of his own choosing, or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require.”³³ Thus, under this provision, the right to legal assistance is contingent upon the individual’s financial capacity and the requirement that it aligns with the interests of justice. Notably, the ECtHR does not provide a specific definition of what constitutes the “means to pay for legal assistance.”

In each case, the specific circumstances of the case must be carefully considered, including the applicant’s status (such as whether they were in custody), the information they have provided regarding their financial situation, and any evidence that contradicts their assertions.³⁴ This assessment is necessary to determine whether granting

³³ Convention for the Protection of Human Rights and Fundamental Freedoms (Rome, 4.XI.1950).

³⁴ ECtHR. *Pakelli v. Germany*. Application no. 8398/78. 25 April 1983. Para. 34.

free legal assistance to the suspect or accused is justified. However, the burden of proving a lack of sufficient means should be borne by the person who pleads it.³⁵ If the applicant received legal assistance free of charge in the proceedings before the lower court based on claimed financial hardship, denying free legal assistance during the appeal would constitute a violation of Articles 6(1) and 6(3) of the ECHR.³⁶

The Strasbourg Court has affirmed that free legal assistance must be provided in criminal cases to applicants who cannot afford it, particularly when the charge is serious and/or the accused faces language or comprehension difficulties.³⁷ In evaluating the ‘interests of justice’ criterion, at least one of the following factors should be considered: the seriousness of the offence and the potential severity of the sentence; the complexity of the case; or the social and personal circumstances of the defendant.³⁸ Moreover, if the suspect or accused is a vulnerable individual – such as a minor, refugee, or person with mental health issues – granting free legal assistance is deemed to be in the interests of justice.³⁹

Even educated individuals may require legal assistance if they are unable to defend themselves effectively without the help of a lawyer.⁴⁰ Legal representation is mandatory in all cases where a person risks being deprived of their liberty. According to the ECHR, the right to legal assistance applies even when a custodial sentence is only anticipated.⁴¹ In interpreting Article 6 of the ECHR, the ECtHR has confirmed that the right of access to a lawyer applies throughout the entirety of criminal proceedings, from the initial police interrogation through to the conclusion of the appeal process.⁴² The ECtHR has also consistently held that this right arises from the very moment a suspect is first questioned by the police (Beernaert, 2022). Restrictions on this right are permissible only when justified by sufficient grounds, and such limitations are strictly evaluated based on the specific circumstances of each case. In particular, the Court examines whether the restriction has prejudiced the overall right to a fair trial (Deharo, 2016).

Pursuant to Article 6(3)(a) of the ECHR, everyone charged with a criminal offence has the right “to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him,” and Article 6(3) (e) further guarantees the right “to have the free assistance of an interpreter if he cannot understand or speak the language used in court.”⁴³ Regarding the payment for interpretation services, the ECtHR has affirmed that these services must be provided

³⁵ ECtHR. *Croissant v. Germany*. Application no. 13611/88. 25 September 1992. Para. 37.

³⁶ ECtHR. *Tsonyo Tsonov v. Bulgaria* (No. 2). Application no. 2376/03. 14 January 2010. Para. 39.

³⁷ ECtHR. *Twalib v. Grèce*. Application no. 42/1997/826/1032. 9 June 1998. Para. 53.

³⁸ ECtHR. *Quaranta v. Switzerland*. Application no. 12744/87. 24 May 1991. Paras. 33–35.

³⁹ *Ibid*, para. 35.

⁴⁰ ECtHR. *Zdravko Stanev v. Bulgaria*. Application no. 32238/04. 6 November 2012. Para. 40.

⁴¹ ECtHR. *Quaranta v. Switzerland*. Application no. 12744/87. 24 May 1991. Para. 33.

⁴² ECtHR. *Salduz v. Turkey*. Application no. 36391/02. 27 November 2008. Para. 52.

⁴³ Convention for the Protection of Human Rights and Fundamental Freedoms (Rome, 4.XI.1950).

free of charge, even if the individual is convicted. The Court holds that the term ‘free assistance’ is absolute and unconditional and cannot be suspended or revoked under any circumstances.⁴⁴

Regarding the quality of services, it is important to note that the European Court of Human Rights’ case law prioritizes the right to interpretation over the right to translation under Article 6(3)(e) of the ECHR (Callewaert, 1991). As early as 1989, the ECtHR held that Article 6(3)(e) does not go so far as to require a written translation of all items of written evidence or official documents in the procedure; rather, it clarified that the obligation of national competent authorities is not limited to the appointment of an interpreter but may also extend to a degree of subsequent control over the adequacy of the interpretation provided.⁴⁵ This approach has been reaffirmed in subsequent ECtHR judgments. In 2006, the Court further concluded that the interpretation assistance is sufficient as long as it enables the defendant to have knowledge of the case against him and to defend himself.⁴⁶

Although the ECHR and the ECtHR already offer relevant guarantees, the adoption of Directive 2010/64/EU introduced additional procedural safeguards for suspects and accused persons specifically concerning written translation, with several detailed provisions addressing this issue. Moreover, a significant positive aspect of Directive 2010/64/EU is the formal establishment of quality standards for translations.

Western legal scholarship highlights a growing number of judgments by the Court of Justice of the European Union (CJEU) concerning procedural directives adopted under the Roadmap. It is rightly observed that from the outset, adopting such procedural directives posed a challenge for the EU, as it required carefully codifying the extensive and evolving area of procedural rights derived from the ECtHR case law, particularly under Article 6 of the ECHR. In crafting these directives, the EU had to strike a balance between being overly detailed – thus risking rigidly freezing case law – and being too vague, which could create regulatory gaps.

An analysis of recent CJEU judgments interpreting these directives demonstrates that CJEU jurisprudence is converging with ECtHR case law, which in turn facilitates the work of national courts. At the same time, the Convention itself remains a vital reference point for EU judges (Callewaert, 2023). This assertion, grounded in the application of EU procedural directives, reinforces the view that the ECHR “serves as an international legal framework consolidating the shared public interests of states in the field of human rights.” (Kasyanov, 2013; Kovler, 2019).

⁴⁴ ECtHR. *Luedicke, Belkacem et Koç v. Germany*. Applications no. 6210/73; 6877/75; 7132/75. 28 November 1978. Para. 40.

⁴⁵ ECtHR. *Kamasinski v. Austria*. Application no. 9783/82. 19 December 1989. Para. 74.

⁴⁶ ECtHR. *Hermi v. Italy*. Application no. 18114/02. 18 October 2006. Para. 70.

* * *

Among the international legal instruments through which a Russian citizen can seek to protect their procedural rights in criminal proceedings within the EU, the ECHR holds a central role for several reasons. *First*, Russia has extensive experience from its many years as a member of the Council of Europe and considerable expertise in applying the ECHR. *Second*, all EU member States are bound by the Convention, and EU institutions have drawn upon it and related enforcement practices to shape their own legislation. The EU institutions responsible for drafting criminal procedure directives pursued four main objectives: (1) to codify the accumulated experience in applying the ECHR at the EU level; (2) to consolidate new rules by clarifying and further developing the provisions of universal or regional instruments; (3) to ensure more effective application of these rules through the principles of supremacy and direct effect of EU law; and (4) to integrate existing EU mechanisms, such as the European Arrest Warrant, which marks a significant advance in intra-European cooperation on criminal matters (Mancano, 2021).

Referring to the Convention provides a clear starting point for quickly understanding one's rights and available options. In EU Member States, a Russian citizen may invoke the provisions of European directives to safeguard their rights. This grants access to a comprehensive set of more detailed rules enjoyed by EU citizens. To effectively exercise these rights, it is important to be aware of a special information document known as a Letter of Rights, which must be made available to any suspect or accused person. A Letter of Rights must be provided immediately – specifically, before the suspect or accused person undergoes their first official questioning by the police or another competent authority.

To better understand the content of this document, as well as other essential documents,⁴⁷ the right to a written translation is guaranteed. Although interpretation services are more commonly used, the suspect or the accused, or their lawyer, has the right to submit a justified request for a written translation. Interpretation and translation services are offered free of charge, and complaints can be made regarding their poor quality. Legal representation can be accessed from the moment of detention, with the provision of free legal assistance depending on the specific circumstances of the case and the need to demonstrate insufficient personal financial resources. Additionally, if an interpreter is provided free of charge due to language barriers, this may also justify granting free legal representation.

The directives adopted under the Roadmap do not guarantee the protection of the rights of persons deprived of liberty. In this context, the ECHR mechanism imposes restrictions on States' actions by requiring them to provide legal remedies aimed at preventing or remedying violations of these rights (Sanchez, Rodríguez, 2021; Kamber, 2020).

⁴⁷ Essential documents include any decision depriving a person of their liberty, any charge or indictment, and any judgment.

About the Authors:

Rustam A. Kasyanov — Dr. of Sciences (Law), Professor, Department of Integration Law and Human Rights, MGIMO University, 76, Prospect Vernadskogo Moscow, Russia 119454.
E-mail: r.kasyanov@inno.mgimo.ru

Ekaterina A. Torkunova — Cand. of Sciences (Law), Associate Professor, Department of Integration Law and Human Rights, MGIMO University, 76, Prospect Vernadskogo Moscow, Russia 119454.

Conflict of interest:

The authors declare the absence of conflicts of interest.

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Combating Plastic Pollution in International Law: *Lex Lata* and *Lex Ferenda*¹

Alexander M. Solntsev

RUDN University

Abstract. Global plastic production increased from 1.5 million tons in 1950 to 390 million tons in 2021, of which only 9% was recycled, 19% was incinerated, almost 50% was disposed of in landfills and 22% was dumped in areas where this waste could be openly burned or released back into the environment. Plastics have changed the global economy and the lives of billions of people for the better. However, their use comes with significant environmental and social costs. Plastic waste negatively affects human health and the environment. The life cycle of plastics covers the entire spectrum of activities, from raw material extraction, production, distribution, and use, to its disposal as waste, and environmental problems can arise at any stage of the plastic life cycle. Most plastic degrades very slowly in the environment. There are currently a number of international commitments to reduce marine litter and plastic waste, particularly from land-based sources, as well as several applicable international agreements and soft law instruments related to trade in plastics or reducing impacts on marine life. However, none of the international documents provides a global, mandatory, specific, and measurable targets for reducing plastic pollution. In this regard, many states, as well as commercial actors and civil society, are calling for the adoption of a global instrument to regulate marine pollution from litter and plastics. In this article, significant attention is paid to the analysis of a future treaty aimed at combating plastic pollution.

This study is based on the analysis of a large volume of materials, including international legal acts, advisory acts, and modern doctrinal studies by Russian and foreign authors. The methodological basis of the study was general scientific (logical and systemic analysis, dialectical method, methods of deduction and induction) and special scientific (historical-legal, comparative-legal, formal legal methods, legal modelling and forecasting), and methods of cognition.

In the course of the study, various international acts of a mandatory and recommendatory nature were analysed, the doctrinal positions set out in the scientific literature and put forward by domestic and foreign legal scholars were summarized, and the main problems of combating plastic pollution were identified.

¹ English translation from the Russian text: Solntsev A. M. 2023. Borba s zagryazneniem plastmassami v mezhdunarodnom prave: lex lata i lex ferenda. *Moskovskiy Zhurnal Mezhdunarodnogo Prava* [Moscow Journal of International Law]. No 3. P. 35–49. DOI: 10.24833/0869-0049-2023-4-35-49

Within the framework of this article, an attempt has been made to give answers to the following questions: To what extent is the problem of plastic pollution an important challenge for modern international law? Does current international law effectively regulate the problem of plastic pollution? What should the content of a new treaty on plastic be? And what are the positions of states on the content of such a treaty?

Keywords: international environmental law, international environmental agreements, combating plastic pollution

Introduction

Plastic is a synthetic or altered natural material composed of polymers or a blend of high molecular weight polymers, often enhanced with additives like fillers, plasticizers, stabilizers, flame retardants, and colorants. Different international and national documents offer various definitions of plastic. For instance, the International Organization for Standardization (ISO) defines plastic as “a material which contains as an essential ingredient a high polymer and which, at some stage in its processing into finished products, can be shaped by flow.”²

Plastics rank among the most adaptable materials ever developed by humans. Many items once crafted from traditional materials like glass, metal, wood, leather, and natural fibers are now produced using synthetic polymers or composites derived from them. This shift is driven by plastics’ low cost and broad range of beneficial properties, including chemical inertness and light weight. Plastics have profoundly influenced the global economy and the daily lives of billions. However, their use comes with significant environmental and social costs. Today, plastics – including microplastics and nanoplastics – are ubiquitous: they are present in every individual (with human inhalation of airborne plastic microparticles estimated at 26 to 130 particles daily), found in remote regions such as the Himalayas and the Arctic, and can even cross the placental barrier (Ragusa 2021). Current estimates place the volume of plastic waste in the oceans between 75 and 199 million tons (Borrelle 2020).

Most plastic waste ultimately ends up in the marine environment (Chen 2015). Most of this pollution originates from land-based sources, such as agriculture, sewage treatment plants, construction sites, transportation, and plastics that are either single-use or difficult to recycle, along with various personal care and healthcare products.³ The COVID-19 pandemic notably increased plastic waste volumes due to widespread

² International Standards Organisation (ISO). 2013. ISO 472:2013 Plastics – vocabulary. URL: <https://www.iso.org/standard/44102.html> (accessed: 10.09.2023).

³ UNEP: Mapping of Global Plastics Value Chain and Plastics Losses to the Environment: With a Particular Focus on Marine Environment. 2018. URL: <https://www.unep.org/resources/report/mapping-global-plastics-value-chain-and-plastics-losses-environment-particular> (accessed: 1.12.2023).

use of personal protective equipment (Adyel 2020). Marine pollution sources include fishing activities – especially abandoned, lost, or otherwise discarded fishing gear (Bekyashev 2018) – as well as aquaculture, shipping, maritime operations, and nautical tourism. The movement of marine litter on- and offshore is controlled by ocean tides, currents, waves and winds, with floating plastics accumulating in the ocean gyres and sinking items concentrating in the deep sea, river deltas, mangroves and mud belts. Plastics are the largest, most harmful and most persistent fraction of marine litter, accounting for at least 85 per cent of total marine waste. They cause lethal and sub-lethal effects in whales, seals, turtles, birds, and fish, as well as invertebrates. When plastics break down in the marine environment, they transfer microplastics, synthetic and cellulosic microfibrils, toxic chemicals, metals and micropollutants into waters and sediments, and eventually into marine food chains. Estimates of annual global emissions from land-based sources vary according to the approaches used. Under a business-as-usual scenario and in the absence of necessary interventions, the amount of plastic waste entering aquatic ecosystems could nearly triple from some 9–14 million tons per year in 2016 to a projected 23–37 million tons per year by 2040. Using another approach, the amount is projected to approximately double from an estimated 19–23 million tons per year in 2016 to around 53 million tons per year by 2030.⁴

Plastic pollution poses serious risks not only to the environment but also to human health. Risks to human health and well-being arise from the open burning of plastic waste, plastic production and disposal, ingestion of seafood contaminated with plastics (including in coastal and indigenous communities where marine species are the main source of food), exposure to pathogenic bacteria transported on plastics, leaching out of substances of concern to coastal waters, and intense pollution of beaches (Jung 2023).

At the same time, the industrial sector recognizes that the environmental costs associated with plastic production are increasing annually. By comparison, the global plastic market in 2020 was estimated at around \$580 billion while the monetary value of losses of marine natural capital is estimated to be as high as \$2500 billion per year.

There is some optimism regarding the planet's natural ability to self-purify, as certain microbes have evolved to break down specific types of plastics by decomposing them into molecules. According to the doctrine, genetic resources play a crucial role in mitigating the impacts of marine pollution through bioremediation (Vylegzhanin 2023: 34).

Approximately 7000 million of the estimated 9200 million tons of cumulative plastic production between 1950 and 2017 became plastic waste, three quarters of which was discarded and placed in landfills. Plastic recycling rates are less than 10 per cent

⁴ From Pollution to Solution: A global assessment of marine litter and plastic pollution. Synthesis report. Nairobi, 2021. P. 3. URL: <https://www.unep.org/resources/pollution-solution-global-assessment-marine-litter-and-plastic-pollution> (accessed: 20.11.2023).

and plastics-related greenhouse gas emissions are significant. One of the main reasons for such a low recycling rate is the lack of information about the constituents of plastic products, with a subsequent loss of quality and value through mixing of waste streams.

Monitoring pollution presents challenges as concerns remain about sampling biases when determining the absolute volumes of microplastics found in different habitats owing to high variability in physical and chemical characteristics and the need for greater consistency among different sampling and observation platforms and instruments. There are currently 15 major operational monitoring programmes linked to marine litter action coordination, data collection frameworks, and large-scale data repository and portal initiatives, but the data and information obtained from them is largely unconnected.⁵ In Russia, scientific research on this topic remains limited and fragmented (Kazmiruk 2020).

What steps can be taken to address this situation? A single-solution strategy will be inadequate to reduce the amount of plastics entering the oceans. Multiple synergistic system interventions are needed upstream and downstream of plastic production and use. These include circularity policies, the phasing out of unnecessary, avoidable and problematic products and polymers, fiscal instruments such as taxes, fees and charges, extended producer responsibility (EPR)⁶ schemes, tradeable permits, the removal of harmful subsidies, green chemistry innovations for safer alternative polymers and additives, and initiatives to change consumer attitudes.

Restructuring national economies into “circular economies” is crucial. This is one of the current sustainable economic models, in which products and materials are designed in such a way that they can be used continuously (reused), recovered, recycled, or extracted, maximizing their value without generating waste. In a circular economy, all by-products are effectively utilized and thus maintained in the economy for as long as possible, along with the resources of which they are made. Additionally, the generation of waste, especially hazardous waste, is avoided or minimized, and greenhouse gas emissions are prevented or reduced. Together, these practices can contribute significantly to sustainable consumption and production.⁷

There are already some international commitments to reduce marine litter and plastic pollution, especially from land-based sources, as well as several applicable international agreements and soft law instruments relating to trade in plastics or to reducing impacts on marine life. However, none of the international policies includes a global, binding, specific, and measurable target limiting plastic pollution (Maes 2023). This has led many governments, as well as business and civil society, to call for a global instrument on marine litter and plastic pollution.

⁵ From Pollution to Solution: A global assessment of marine litter and plastic pollution. Synthesis report. P. 4.

⁶ Extended producer responsibility (EPR) is an environmental policy approach in which a producer's responsibility for a product is extended to the waste stage of that product's life cycle. In practice, EPR involves producers taking responsibility for the management of products after they become waste, including: collection; pre-treatment, e.g., sorting, dismantling or depollution; (preparation for) reuse; recovery (including recycling and energy recovery) or final disposal

⁷ Glossary of Key Terms. 8.09.2022. URL: <https://wedocs.unep.org/bitstream/handle/20.500.11822/40683/K2221529%20-%20UNEP-PP-INC.1-6%20-%20Advance.pdf> (accessed: 2.10.2023)

Current international legal instruments addressing plastic pollution

While there is no single global treaty to reduce marine plastic pollution, many global and regional commitments and activities are helping to mobilize the global community to bring an end to marine plastic pollution (Vince 2017). The various international commitments that do exist include those aimed at reducing marine plastic pollution, especially from land-based sources. It should be noted that the author has previously conducted a comprehensive review of international legal instruments that directly regulate or significantly influence activities related to the production, management, and disposal of plastics and associated chemicals, as well as the reduction and elimination of plastic pollution (Solntsev 2023). Accordingly, this information will be concisely summarized here to serve the specific objectives of the present research.

International treaties related to plastics can generally be classified into the following categories.

The first category comprises international treaties that specifically regulate certain chemicals and types of waste classified as hazardous, conditionally hazardous, or otherwise subject to control.⁸ These treaties cover chemicals used in plastic manufacturing, including additives, as well as particular types of plastic-containing waste. Under these agreements, numerous substances, including those involved in plastic production, face bans or strict limitations on their extraction/production, and/or use. They also impose specific disposal requirements and regulate the transboundary movement of such substances and hazardous waste, often restricting their transport or subjecting it to stringent procedures.

The second category consists of international treaties focused on protecting the marine environment.⁹ These agreements establish measures to prevent the introduction of various kinds of plastic waste and litter into marine ecosystems from multiple sources – land, air, and sea (including shipping and other maritime activities). To this end, the parties commit to regulating and effectively controlling activities that pose pollution risks. Among other obligations, they are required to provide adequate facilities for the disposal of prohibited substances and materials on land, such as accepting ship-generated waste at ports.

⁸ The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989 (the “Basel Convention”); the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, 1998 (the “Rotterdam Convention”); the Stockholm Convention on Persistent Organic Pollutants, 2001 (the “Stockholm Convention”); the Montreal Protocol on Substances that Deplete the Ozone Layer, 1987 to the Vienna Convention for the Protection of the Ozone Layer, 1985 (the “Montreal Protocol”); and the Minamata Convention on Mercury, 2013 (the “Minamata Convention”).

⁹ The 1982 UN Convention on the Law of the Sea; the Agreement for the Implementation of the Provisions of the UN Convention on the Law of the Sea of December 10, 1982, relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, 1995; the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 and its London Protocol, 1996; the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78).

Regional mechanisms play a vital role in speeding up the implementation of policies and initiatives. Among the most important tools for tackling marine litter and plastic pollution are regional seas conventions and action plans. These frameworks include a range of measures aimed at reducing marine debris, alongside monitoring efforts and public awareness campaigns. For instance, in 2015, the Baltic Marine Environment Protection Commission adopted a Regional Action Plan for Marine Litter under the 1992 Convention on the Protection of the Marine Environment of the Baltic Sea Area.¹⁰ Similarly, to implement the 1992 Convention on the Protection of the Black Sea Against Pollution, the Black Sea Marine Litter Regional Action Plan was adopted during the 34th Meeting of the Commission on the Protection of the Black Sea against Pollution (Black Sea Commission) in October 2018.¹¹

The third category consists of international treaties focused on biodiversity conservation, which primarily establish general obligations to protect various ecosystems and natural habitats from pollution, including plastic pollution.¹² In particular, these treaties require states to implement measures for the sustainable management of their territories to prevent pollution, as well as to identify and remediate contaminated sites.

The final category includes international treaties that do not fit into the previous classifications but still address the regulation of plastics. These include the Antarctic Treaty of 1959 along with its 1991 Madrid Protocol on Environmental Protection, as well as the International Labour Organization Convention No. 170 Concerning Safety in the Use of Chemicals at Work, 1990.¹³

Some of the agreements mentioned above are framework treaties that do not outline specific practical measures in relation to plastics and other substances and waste but instead establish general obligations to prevent and control pollution. In these cases, the governing bodies of the respective conventions (such as Conferences of the Parties) often play an active role by highlighting the importance of pollution control, adopting policies and programs focused on plastics, and issuing various guidelines and recommendations. These efforts aim to support parties in fulfilling their general obligations under the treaties through both individual and collective actions to combat plastic pollution.

Overall, although numerous legally binding international instruments address different aspects of the plastics life cycle, the regulatory framework remains fragmented. While certain agreements regulate – and in some cases ban – specific chemicals, many plastic-related substances fall outside these regulations due to limited research and a lack of comprehensive risk assessments. Currently, there is no harmonized approach

¹⁰ Marine litter. URL: <http://stateofthebalticsea.helcom.fi/pressures-and-their-status/marine-litter/> (accessed: 2.10.2023).

¹¹ Black Sea Marine Litter Regional Action Plan. Istanbul, 2018. URL: http://www.blacksea-commission.org/Downloads/BS_Marine_Litter_RAP_adopted.pdf (accessed: 2.10.2023).

¹² The Convention on Biological Diversity, 1992; the Convention on the Conservation of Migratory Species of Wild Animals, 1979; and the International Convention for the Regulation of Whaling, 1946.

¹³ Currently, 23 states are parties to the latter (with Russia not participating). This convention is unique in that it governs the protection of workers' rights, including those related to the production of plastics and plastic products.

to managing microplastics, despite environmental contamination from them being a critical issue. Additionally, many technical aspects of plastic management that could significantly improve pollution control and reduction – such as circular design principles and labelling of plastics and related substances – are inadequately regulated.

In their resolutions, the Conferences of the Parties to Multilateral Environmental Agreements (MEAs) endorse the creation of a new treaty to combat plastic pollution and signal their readiness to contribute to its drafting. For many of these MEAs, initiating the drafting of a new instrument to tackle plastic pollution offers an opportunity to supplement their existing frameworks with universal obligations applicable to all states. Compliance with such a treaty would then support the objectives of the other MEAs.

The evidence outlined above underscores the necessity for a dedicated international treaty focused on combating plastic pollution, despite the existing, albeit fragmented, regulatory efforts at the international level.

Creating a new international treaty

In March 2022, at the resumed fifth session of the UN Environment Assembly (UNEA-5.2), a historic Resolution was adopted to develop an “international legally binding instrument on plastic pollution, including in the marine environment.” The resolution (5/14) requested the Executive Director of the UN Environment Programme (UNEP) to convene an Intergovernmental Negotiating Committee (INC) to develop “the instrument,” which is to be based on a comprehensive approach that addresses the full life cycle of plastic, including its production, design, and disposal. The INC began its work during the second half of 2022, with the ambition to complete the negotiations by the end of 2024. The first session of the INC (INC-1) took place in Punta del Este, Uruguay, from November 28 to December 2, 2022, followed by a second session (INC-2) from May 29 to June 2, 2023, in Paris, France. The third session (INC-3) was conducted from November 13 to November 19, 2023, at the UNEP headquarters in Nairobi, Kenya.¹⁴ Two additional sessions are scheduled for 2024: one in Canada (April 21–30) and another in South Korea. Accordingly, as of the time of writing, three out of five INC sessions have been completed. A draft treaty exists, featuring multiple options for each article.¹⁵ While the process of reconciling the interests of various states is ongoing, it is already possible to draw some preliminary conclusions at this stage of the negotiations.

¹⁴ Representatives of the Russian NGO “International and Comparative Law Research Center”, accredited by UNEP, are taking part in the negotiations as observer. See: The ICLRC took part in the third session of negotiations on an international instrument on plastic pollution. 24.11.2023. URL: <https://iclr.ru/en/news/199> (accessed: 25.11.2023).

¹⁵ Zero draft text of the international legally binding instrument on plastic pollution, including in the marine environment. 4.09.2023. URL: <https://ambienonsole.com/wp-content/uploads/2023/09/ZERODRAFT.pdf> (accessed: 25.11.2023).

The creation of a new convention will inevitably require the harmonization of national legislations in this field. This is a highly complex legal challenge, largely due to significant differences in the positions of developed and developing countries, oil-producing and non-oil-producing nations, as well as those countries that are the world's largest producers of plastics. Several key issues must be addressed in the process of drafting the convention, including environmental concerns (such as plastic waste management and the development of alternatives to plastics), industrial considerations (such as which types of plastics countries are willing to restrict or ban in the short or long term), climate-related impacts (since plastics contribute to climate change throughout their life cycle, including through greenhouse gas emissions during production and disposal, especially when exposed to sunlight or incinerated in open air)¹⁶ (Abashidze 2018) and trade concerns (such as how to regulate international trade in plastic-containing goods, including within the framework of the World Trade Organization (WTO)). The negotiations within the INC framework are intended to address and resolve these complex issues.

The main producers of plastic globally are primarily the USA and China. Approximately half of all single-use polymers are exported from countries such as Saudi Arabia, the US, South Korea, Belgium, and Germany. In contrast, the largest net importers of single-use plastics are low-income countries, which often lack the necessary waste management infrastructure to properly sort and recycle the cheap polymers produced abroad. For instance, China – the world's largest producer of single-use plastics by volume – generates about 18 kg of plastic waste per person annually, while the United States generates around 60 kg per person per year (with Russia generating approximately 15 kg per person).¹⁷

The primary obstacle in the negotiations concerns the scope of the future treaty. States have differing interpretations of the key concept of the “full life cycle of plastic”: some view it as encompassing the stages from product use to waste management, while others argue that regulation should begin earlier, at the stage of raw material extraction and polymer production. Additionally, several countries have pointed out that virgin polymers fall outside the mandate of Resolution 5/14, which specifically addresses pollution rather than the regulation of plastics manufacturing.

Oil-producing countries, including Russia, advocate for a more limited scope of the future treaty. Their negotiating position, as reflected in UNEA Resolution 5/14, specifically references the “life cycle of plastic”:

¹⁶ In the ocean, plastic waste releases methane and ethylene gases and breaks down into microplastic particles that harm marine organisms such as plankton, which play a crucial role in absorbing carbon dioxide. According to the UNEP report *From Pollution to Solution: A Global Assessment of Marine Litter and Plastic Pollution* (2021), the level of greenhouse gas emissions associated with conventional fossil fuel-based plastics is forecast to grow to approximately 2.1 gigatons of carbon dioxide equivalent by 2040. This would account for 19% of the global carbon budget – the total allowable annual emissions to limit global warming to 1.5°C – up from just 3% in 2021.

¹⁷ Just 20 polymer companies are responsible for half of all single-use plastic waste: report. 18.05.2021. URL: <https://www.eco-business.com/news/just-20-polymer-companies-are-responsible-for-half-of-all-single-use-plastic-waste-report/> (accessed: 1.11.2023).

- “Noting that plastic pollution, in marine and other environments, can be of a transboundary nature and needs to be tackled, together with its impacts, through a *full-life-cycle* approach, taking into account national circumstances and capabilities” (preamble);

- “Recognizing the wide range of approaches, sustainable alternatives and technologies available to address the *full life cycle of plastics*, further highlighting the need for enhanced international collaboration to facilitate access to technology, capacity-building, and scientific and technical cooperation, and stressing that there is no single approach” (preamble);

- “Decides that the intergovernmental negotiating committee is to develop an international legally binding instrument on plastic pollution, including in the marine environment, <...> which could include both binding and voluntary approaches, based on a comprehensive approach that addresses the *full life cycle of plastic*, taking into account, among other things, the principles of the Rio Declaration on Environment and Development, as well as national circumstances and capabilities, and including provisions <...>” (paragraph 3).¹⁸

Russia’s position regarding the scope of the future treaty is as follows: “This Instrument applies to the full life cycle of end-use *plastic products* that have lost their consumer properties, including environmentally sound waste management (including collection, sorting, disposal etc.), as well as recycling and reuse of such products, based on the principles of circular economy”.¹⁹ It further clarifies that “the following substances and materials are exempted from the scope of this Instrument: raw materials, such as hydrocarbons and their derivatives; intermediate products, such as virgin polymers, which have to be further processed for serving end uses; any dual-use items.” Russia advocates for using the term “plastic products” instead of “plastics,” which would exclude activities related to raw materials and polymers from the scope of the future treaty. At the same time, Russia emphasizes that all substances and wastes should continue to be regulated under existing international environmental agreements, as previously discussed.

Here are the key points that have sparked controversy during the INC discussions:

- Setting a treaty target to eliminate plastic pollution by 2040;
- Establishing limits that require the production of polymers (as well as chemicals and polymers of concern) to be reduced or restricted by a specific deadline;
- Addressing problematic and avoidable plastic products, including short-lived and single-use plastic products and intentionally added microplastics;
- Introducing a global uniform tax on plastic waste (Telesetsky 2023);

¹⁸ End plastic pollution: towards an international legally binding instrument. 7.03.2022. URL: <https://docs.un.org/en/UNEP/EA.5/Res.14> (accessed: 27.11.2023).

¹⁹ See: Proposed response template on written submissions prior to INC-3 (part a). URL: https://resolutions.unep.org/resolutions/uploads/russian_15092023_a_eng.pdf (accessed: 1.11.2023).

- Allowing exemptions for certain critical sectors, for example, medical uses like disposable syringes, face masks, and shoe covers;
- Establishing and operating Extended Producer Responsibility (EPR) systems to incentivize increased recyclability, promote higher recycling rates, and enhance the accountability of producers and importers for safe and environmentally sound management, of plastics and plastic products throughout their life cycle and across international supply chains.

Trade in chemicals, polymers, plastic products, and plastic waste warrants separate consideration. A future treaty is expected to impose trade restrictions by introducing a prior informed consent (PIC) procedure, similar to those established under the Minamata, Stockholm, and Rotterdam Conventions. This matter is currently being discussed with input from the WTO.²⁰ Such a treaty could result in a mandatory reduction in the production of and trade in plastics, which currently account for about 4% of global trade. The agreement may require countries, including Russia, to commit to reducing plastic production and consumption at every stage of the plastic life cycle, with decisions potentially being made by a two-thirds majority of the parties instead of the traditional consensus. Three sessions of the INC have taken place without approved rules of procedure, with two articles posing major obstacles: Rule 38.1 (“The Committee shall make every effort to reach agreement on all matters of substance by consensus. If all efforts to reach consensus have been exhausted and no agreement has been reached, the decision shall, as a last resort, be taken by a two-thirds majority of the representatives of Members who are present and voting.”) and Rule 37 (“A regional economic integration organization shall, on matters within its competence, exercise its right to vote...” – meaning, for example, that the European Union’s representative effectively holds 27 votes).²¹ This voting system would prevent Russia and other oil-producing countries from blocking decisions that could negatively affect their business interests and, by extension, their national economies.²² Additionally, it is important to note that the European Union’s Carbon Border Adjustment Mechanism (CBAM) (Petrova 2023) may soon include plastics, which would require plastic exporters to pay extra taxes based on the CO₂ emissions generated during the production of traded plastic products.

Pollution control measures have also sparked significant debate, particularly regarding proposals to impose restrictions on the production of certain categories of plastic products, set packaging requirements, eliminate existing plastic pollution, establish monitoring systems, and require disclosure of the chemical composition of all

²⁰ Plastics pollution and environmentally sustainable plastics trade. URL: https://www.wto.org/english/tratop_e/ppesp_e/ppesp_e.htm (accessed: 1.11.2023).

²¹ Draft rules of procedure for the work of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment. 24.07.2023. URL: <https://wedocs.unep.org/bitstream/handle/20.500.11822/43146/DraftsRulesofProcedureRu.pdf> (accessed: 27.11.2023).

²² Kolomina A. Plastik – zapretit’ nel’zya pererabotat’ [Plastics – Ban or Recycle]. WTO. (In Russian) URL: https://www.wto.org/english/tratop_e/ppesp_e/ppesp_e.htm (accessed: 27.11.2023).

types of plastics and plastic products throughout their life cycle. For instance, it has been suggested that the treaty formally include provisions to control so-called lost or otherwise discarded fishing gear, which contributes to over 10% of plastic pollution in the marine environment (Bekyashev 2018). The proposed provision states:

“Each Party shall cooperate and take effective measures, including appropriate marking, tracing and reporting requirements, to prevent, reduce and eliminate, abandoned, lost or otherwise discarded fishing gear containing plastic, taking into account internationally agreed rules, standards and recommended practices and procedures.”²³

Alongside the substantive obligations outlined in the future treaty, discussions are also underway regarding its implementation measures and tools, such as financing, capacity-building, technical assistance, and technology transfer. The primary point of contention concerns financial support: developed countries prefer utilizing the existing financial mechanism – the Global Environment Facility (GEF) – whereas developing countries advocate for establishing a new, dedicated fund.

To fulfill the obligations under the treaty and achieve its objectives, states will be required to regularly submit national plans. The contents of these plans are being discussed and may include at least relevant elements related to: primary plastic polymers; chemicals and polymers of concern; problematic and avoidable plastic products; product design and performance; efforts to reduce, reuse, refill and repair plastics and plastic products; use of recycled plastic contents; EPR; emissions and releases of plastic through its life cycle; waste management; fishing gear; existing plastic pollution, including in the marine environment; and just transition. Additionally, the treaty will require states to submit periodic national reports on the measures they have taken to implement the provisions of the treaty and on the effectiveness of such measures and the possible challenges in meeting the objective of the treaty.

With respect to tracking and reporting, many countries support more detailed chemical data disclosure regarding polymer types and products, along with mandatory reporting requirements for companies.

As for institutional mechanisms, all states have agreed that the Conference of the Parties would serve as the governing body responsible for making decisions regarding the implementation of the future treaty (Brunnée 2002). However, several countries have emphasized that the specific powers of this body should be thoroughly discussed after the treaty's adoption, rather than during the negotiating committee sessions. Additionally, proposals have been made for establishing essential subsidiary bodies, such as a scientific body, a compliance committee (Otrashevskaya 2023), a mechanism for gathering data on best practices, an implementation committee, and a finance committee to support developing countries.

²³ This might include rules, standards and recommended practices and procedures developed under the FAO (URL: https://resolutions.unep.org/resolutions/uploads/230106_food_and_agriculture_organization_of_the_united_nations_0.pdf) (accessed: 20.11.2023)), the International Maritime Organization, Regional Fisheries Management organizations and other relevant bodies (URL: <https://www.fao.org/fishery/en/rfb>) (accessed: 20.11.2023)). The terms “fishing gear” and “abandoned”, “lost” and “discarded” fishing gear are used with the same meaning as under Article 16 of the 2019 FAO Voluntary Guidelines on the Marking of Fishing Gear (URL: <https://www.fao.org/3/ca3546t/ca3546t.pdf>) (accessed: 20.11.2023)).

At the same time, an interesting trend has emerged highlighting similarities between international negotiations on climate change and plastic pollution. Specifically, there is a growing number of court rulings that demonstrate a broad exercise of judicial discretion in the absence of strict international obligations (Bodansky 2017). These rulings are intended to encourage states to increase their commitments. By early 2023, courts in over 30 countries had issued decisions related to plastic pollution control (Varvastian 2023). The judiciary is playing an increasingly significant role in addressing plastic pollution, ranging from holding private polluters accountable to assessing the constitutionality of restrictions on certain plastic products and instructing regulators to adopt or enforce such measures (Morath 2021).

Combating plastic pollution in Russia

Many countries worldwide have already banned the production, sale, and use of plastic bags, dishes, and other single-use plastic products.²⁴ However, Russian legislation currently lacks clear legal definitions for terms such as “plastic,” “microplastic,” and “plastic waste.” To ensure legal certainty regarding the definition of “microplastic” as an environmental pollutant, it is necessary to specify the types of polymers involved, possible exceptions (such as natural polymers or slightly modified natural polymers), and their characteristics (including hardness, insolubility, size, *etc.*) that would fall under relevant environmental legal regulations (Luneva 2022). A differentiated approach to *primary* and *secondary* microplastics is also important, which could be reflected in the introduction of targeted legal incentives and restrictions. This may include defining the specific types of negative impacts for which fees would be applied, based on the various ways microplastics enter the environment. Such approach would encompass all stages of managing plastic products, materials, and items containing plastic microparticles. This is necessary because existing terms such as “pollutants” and “suspended solids” do not cover microplastics. Currently, there are no established norms for maximum permissible concentrations (MPC) or approximate permissible levels (APL) for microplastics, nor are there any state-led environmental monitoring programs targeting microplastics. Additionally, national legislation does not include requirements to prohibit the distribution of products containing microplastics, such as packaging, cosmetics, cleaning products, or medical items. In Russia, plastic pollution issues are generally addressed through waste control measures, the implementation of the “circular economy” concept, the application of the EPR mechanism, the adoption of best available technologies, and improvements to the national waste management strategies for production and consumption waste.

²⁴ For instance, the Republic of Belarus implemented a ban on the use and sale of disposable plastic dishes in public catering establishments starting in 2021 (Resolution of the Council of Ministers of the Republic of Belarus No. 797 of November 27 2019, amending Resolution No. 703 of July 22 2014). Similarly, Georgia prohibited the import and sale of all plastic bags beginning in 2019 (Resolution of the Government of Georgia No. 472 of September 14 2019). The Republic of Armenia also introduced a ban on the retail sale of polyethylene bags (Law No. ZR 226 of April 29 2020, “On Amendments to the Law on Commerce and Services”).

On July 25, 2023, the Russian State Duma passed a law, in its second and third readings, aimed at enhancing the EPR mechanism for goods and packaging. Subsequently, on August 4, 2023, amendments to Federal Law No. 89-FZ of June 24, 1998, “On Production and Consumption Waste,” were published. These amendments will take effect on January 1, 2024. Under the new law, producers will be responsible for the recycling of packaging. A phased increase in recycling targets has been set: 55% of packaging weight must be recycled in 2025, 75% in 2026, and from 2027 onward, 100% of packaging put into use must be recycled. In 2024, packaging waste must be recycled in accordance with recycling standards established by the Government. The obligation to ensure waste recycling may be fulfilled in any Russian region, regardless of where the manufacturer operates within the Russian Federation. The Federal Service for Supervision of Natural Resources (*Rosprirodnadzor*) will oversee compliance with these requirements. Producers and importers who fail to handle the recycling of waste generated from their products will be subject to an environmental levy.

As for importers, their obligation to ensure recycling applies to goods and packaging imported from member states of the Eurasian Economic Union (EAEU) starting from the date these goods are registered in Russia. For goods imported from countries outside the EAEU, importers must either pay an environmental levy or notify about their intention to handle waste recycling themselves, supported by a bank guarantee equal to the levy amount. Additionally, the government may designate certain goods as critical to the Russian economy, exempting importers of these products from paying the environmental levy.

EAEU member states are currently discussing improvements to their customs legislations aimed at establishing packaging safety requirements, including regulations concerning the use of “non-sustainable” materials. Proposals and feedback are regularly exchanged as part of the ongoing work on draft amendments No. 4 to the Technical Regulations of the Customs Union “On the Safety of Packaging” (TR CU 005/2011), as well as on the draft Decision of the Council of the Eurasian Economic Commission (EEC) regarding the introduction of packaged water labelling. For example, in November 2022, discussions took place on banning the production and import of thin plastic bags – specifically those under 20 microns thick, which are essentially non-recyclable due to their thinness and lack of demand; in contrast, bags made from thicker materials can be recycled. The discussions also covered PVC labels, polystyrene foam packaging, and biodegradable materials. This document is currently under review by the EEC, with consultations ongoing among the parties involved. Additionally, the leaders of the EAEU countries have adopted the Eurasian integration strategy through 2025, which already includes measures addressing this issue.²⁵

²⁵ V stranah EAES rassmotryat zapret plastikovykh paketov i upakovki iz polistirola [EAEU countries set to discuss a potential ban on plastic bags and polystyrene packaging]. TASS. 23.11.2022. URL: <https://tass.ru/ekonomika/16401825> (accessed: 20.11.2023).

It is also worth noting that the State Duma is discussing, in second reading, draft amendments to the Federal Law “On Amendments to Article 6 of the Federal Law ‘On Protection of Lake Baikal’” concerning restrictions on the use of plastics.²⁶ The aim of this draft legislation is to reduce pollution of Lake Baikal, its watercourses, and the soil of coastal areas within the central and buffer ecological zones of the Baikal natural territory. This would be achieved by regulating the use of disposable products made from various types of plastic materials, thereby addressing plastic and microplastic contamination.

During the INC-3 session held in Kenya in November 2023, the Russian Ministry of Industry and Trade submitted the final list of plastics proposed for a ban starting in 2024 to the stakeholder agencies for approval. The restrictions will mainly target colored plastic bottles and multilayer packaging. Notably, the Ministry has revised its stance on alternatives: whereas it previously suggested replacing plastics with glass and aluminum, it now favors recyclable polymers. The document identifies 23 types of packaging, six of which are planned to be restricted starting in 2024, while the other 17 are set to face restrictions beginning in 2030.²⁷

Conclusion

Plastic made from cellulose was first produced over a century ago, but it became widely adopted in the 1950s, leading to a rapid increase in production in the following years. Today, plastic is predominantly manufactured from fossil fuels, such as crude oil and natural gas. Post-consumer recycled plastics and bioplastics represent only 8.3% and 1.5% of global plastic output, respectively. Since 1950, global plastic production has surged from 1.5 million tons to 390 million tons in 2021.

The dramatic rise in plastic production has resulted in a significant increase in plastic waste, underscoring the urgent need to reduce plastic manufacturing, transition gradually to alternative technologies, minimize the amount of uncontrolled or unregulated plastic waste entering the oceans, and boost recycling rates, which currently

²⁶ Recent scientific studies indicate that microplastic pollution in Lake Baikal has reached high levels and continues to rise each year. For example, in 2019, the average concentration of microplastic particles (ranging from 300 microns to 5 mm) in the lake's surface waters was recorded at 42,000 particles per square kilometer. By 2021, this figure increased to 62,000 particles. These values are comparable to the average levels of microplastic pollution found in lakes worldwide. However, if mini-microplastic particles (ranging from 20 microns to 5 mm) are also considered, the estimated pollution level could be 100 to 1,000 times higher. A significant source of plastic and microplastic contamination in the Baikal natural territory – including the lake itself, its watercourses, and surrounding soils – is household plastic waste. Items such as plastic bags, single-use dishes, and cutlery are often discarded by coastal residents and the many tourists visiting both the central and buffer ecological zones. With the expected growth in domestic tourism and the lack of effective plastic waste management systems, plastic pollution along the shores and watercourses of Lake Baikal is likely to worsen. The increasing concentration of microplastics poses a serious threat to the lake's ecosystem, its endemic species, and human health. Further details can be found in the explanatory note to the proposed amendments (URL: <https://sozd.duma.gov.ru/bill/154856-8> (accessed: 20.11.2023)).

²⁷ Proschitali vse polimery [Every Polymer Calculated]. *Kommersant*. 15.11.2023. URL: <https://www.kommersant.ru/doc/6337587> (accessed: 20.11.2023).

remain below 10%. Additionally, it is crucial to acknowledge that plastic production generates substantial greenhouse gas emissions, contributing to the worsening impacts of climate change.

Currently, plastic pollution is addressed in a fragmented way through various international treaties. To effectively tackle the escalating problem, it is essential to develop and adopt a comprehensive international treaty specifically focused on plastic pollution control. Such a treaty would provide a systematic framework to help humanity combat this growing issue. The content and scope of this treaty will ultimately be determined by states through a negotiation process. Alongside the creation of a universal regulatory framework, significant reforms are also needed in national legislation to strengthen efforts against plastic pollution. It is crucial to understand that addressing plastic pollution is a complex challenge that demands multifaceted regulatory approaches at both the national and international levels.

About the Author:

Alexander M. Solntsev – Candidate of Legal Sciences, Associate Professor, Deputy Head of the Department of International Law, Patrice Lumumba Peoples' Friendship University of Russia (RUDN University), 6, Miklukhina-Maklaya str., Moscow, Russian Federation, 117198. E-mail: solntsev_am@rudn.ru

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The Evolution of the International Legal Regulation of Cultural Property Protection During Armed Conflicts¹

Yuliya V. Puzyreva

MGIMO University

Abstract. Recent decades have seen a growing number of armed clashes in Africa, the Middle East, and Central Asia involving military units and international terrorist groups that readily use the practice of attacking and looting cultural property as a military strategy. In this regard, a comprehensive study of the legal and organizational foundations of the international legal regulation of the protection of cultural property during armed conflicts, as well as an assessment of their effectiveness, and the identification of promising tasks for the development of additional measures and strategies for the preservation of cultural heritage, with due account of new challenges and threats, is of scientific and practical interest. This paper examines the provisions of key international treaties, as well as decisions of the main bodies and specialized agencies of the UN, which together form the existing international legal regime for the protection of cultural property in armed conflict. The author also analyses the decisions of international criminal justice bodies on holding individuals accountable for deliberate attacks on cultural sites as part of military actions. Special attention is paid to the study of scientific works of both Russian and foreign researchers which contribute to the formation of international legal concepts designed to resolve existing problems in the current international legal regulation of the issue under study and produce promising concepts for the development of the doctrine of international law. General scientific and special research methods are used as the methodological basis of the study. The study found that, throughout the 20th century, states have consistently developed norms for the protection of cultural property from threats associated with armed conflicts, while the 21st century has been marked by the use of best practices in the activities of international justice bodies regarding the application of the rules on liability for attacks on cultural property during armed conflicts. In addition, the study revealed that, for the first time in the history of UN peacekeeping activities, the UN Security Council field tested the mandate of the Multidisciplinary Integrated Stabilization Mission in Mali, in which the peacekeeping contingent, among other things, performed the tasks of protecting, safeguarding, and restoring cultural heritage sites together with UNESCO. It would be wise to identify and generalize the prospects for the development of new international legal measures for the preservation of cultural heritage for future genera-

¹ English translation from the Russian text: Puzyreva A. M. 2023. Evoliutsiia mezhdunarodno-pravovogo regulirovaniia zashchity kul'turnykh tsennostei v usloviyakh vooruzhennykh konfliktov. *Moskovskiy Zhurnal Mezhdunarodnogo Prava* [Moscow Journal of International Law]. No 3. P. 65–83. DOI: [10.24833/0869-0049-2023-3-65-83](https://doi.org/10.24833/0869-0049-2023-3-65-83)

tions, taking into account the changing nature of armed conflicts, the intensification of the activities of international terrorist groups, and the growing practice of destroying the centuries-old cultural heritage of peoples in the name of so-called “cultural cleansing.” The relevance of this study lies in the establishment of new approaches of states to the protection of cultural heritage as a means of ensuring international peace and security. This paper presents the author’s objective assessments of the established international legal framework, judicial practice of international criminal justice bodies, and doctrinal approaches of both Russian and foreign scientists on the issue of the international legal regulation of the protection of cultural property during armed conflicts. The forms of international legal cooperation of states at the United Nations within the framework of UNESCO on the development of modern regulatory and organizational foundations for the interaction of the competent authorities of states to prevent and suppress the destruction of cultural heritage, as well as the looting and illegal export of cultural property in the event of an armed conflict, especially by terrorist groups, are considered separately.

Keywords: international humanitarian law, armed conflict, international terrorist groups, cultural property, UNESCO, World Heritage List, cultural genocide

Introduction

Among all civilian objects that require legal protection during armed conflicts, those of cultural significance have a particularly important status. As integral components of humanity’s cultural and historical heritage, they are vital for preserving the peoples’ identity, memory, and dignity that have developed over centuries and help safeguard their future.

Throughout the 20th century, states have steadily established legal rules to shield cultural property from the dangers posed by military actions. Key international agreements in this field include the 1907 Hague Convention respecting the Laws and Customs of War on Land and its annexed Regulations, the 1949 Geneva Conventions and their Additional Protocols of 1977, as well as the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Protocols of 1954 and 1999. The adoption of the Second Protocol in 1999 marked the culmination of treaty development within the international legal framework for protecting cultural property during armed conflict. By this point, relevant international customs and soft law had also been formalized within this area of inter-state relations.

The 21st century has seen a significant increase in the enforcement of legal norms regarding the protection of cultural property during armed conflicts. In 2004, the International Criminal Tribunal for the Former Yugoslavia (ICTY) delivered the first-ever conviction in international criminal law for the intentional attacks on cultural heritage, holding M. Jokić accountable for such offenses. Later, in 2016, the International Criminal Court (ICC) issued its first conviction for the deliberate destruction of cultural and religious sites in the Al Mahdi case.

Furthermore, in 2013, following intense fighting and the destruction of UNESCO-protected cultural sites in Mali, the UN Security Council, for the first time in peace-keeping history, included the protection, preservation, and restoration of cultural heritage as part of the mission's mandate, working in partnership with UNESCO. As the leading UN agency for education, science, and culture, UNESCO has since played a central role in developing innovative approaches and strategies to protect culture and promote cultural pluralism in the event of armed conflict.

The expansion of armed conflicts in the Middle East and Africa, coupled with the increasingly complex involvement of illegal actors such as international terrorist organizations, has sharply heightened the need to reinforce the protection of cultural property. The deliberate large-scale destruction of centuries-old cultural heritage by these groups has sparked discussions around the emergence of practices described as “cultural cleansing” and “cultural genocide,” aimed at erasing the memory, identity, and distinctiveness of affected peoples.

In response to these alarming trends, states adopted a series of landmark UN Security Council resolutions in 2015 and 2017 focused on safeguarding cultural property from the impacts of military operations. These resolutions condemn a broad spectrum of unlawful acts that violate the sanctity of cultural heritage during conflicts, regardless of where the cultural property is located or the status of the perpetrators – whether they are banned terrorist organizations or other armed groups. The historical significance of these resolutions lies in their recognition of the vital role cultural heritage plays in maintaining peace and security, linking it inseparably to centuries-old legacy. Moreover, they outline further steps for preserving cultural heritage amid the evolving nature of armed conflicts.

The formation and development of the international legal framework for the protection of cultural property during armed conflicts in the 19th and 20th centuries

The idea that historical monuments, religious sites, and works of art should be spared from destruction during wartime dates back to ancient times. As M.M. Boguslavskii highlights in his research, “the earliest protests against the destruction and looting of cultural property during war were voiced in ancient Rome, notably in the speeches of Cicero” (Boguslavskii 2006: 9).

The first formal rules aimed at protecting cultural property from attacks during armed conflicts were established in the 1899 Hague Convention with Respect to the Laws and Customs of War on Land and later reaffirmed in the revised Convention in 1907 (Puzyreva 2023: 13).² According to the 1899 Hague Convention, in sieges and

² The significance of the 1874 Brussels International Conference, organized with the support of the Russian government and Emperor Alexander II, in codifying the rules of armed conflict cannot be underestimated. At this conference, the Russian delegation presented a draft international convention on the laws and customs of war, authored by F.F. Martens –

bombardments, parties engaged in hostilities are required to take all necessary steps “to spare as far as possible edifices devoted to religion, art, science, and charity, hospitals, and places where the sick and wounded are collected, provided they are not used at the same time for military purposes (Puzyreva 2012: 100). The besieged should indicate these buildings or places by some particular and visible signs, which should previously be notified to the assailants.” (Article 27 of the Annex to the 1899 Convention).

The protection of cultural property during armed conflicts was further advanced in the 1907 Convention respecting the Laws and Customs of War on Land and the annexed 1907 Regulations³ (Documents on International Humanitarian Law 2010: 28). However, the devastating experience of World War I, which saw widespread destruction of numerous cultural and religious monuments across several European countries, exposed the limitations of the existing “Hague Regulations” in effectively safeguarding cultural heritage. In response, the League of Nations initiated efforts to draft a dedicated convention on this issue. Although two draft agreements had been prepared by 1938, these proposals ultimately were not implemented.

An important milestone in the evolution of international legal regulation for the protection of cultural property during armed conflict was the adoption of the Washington Pact, or the Treaty on the Protection of Artistic and Scientific Institutions and Historic Monuments, in 1935. Although primarily of regional significance, it was the first international treaty specifically focused on the protection of cultural heritage (Boguslavskii 2006: 69).⁴ The treaty set out broad, fundamental provisions for cultural property protection, including the establishment of special safeguards, the registration of monuments, and the placement of distinctive signs on them, designed by an artist (Lipnikov 1999: 294). The Washington Pact applies to the protection of cultural property in both peacetime and wartime (Documents on International Humanitarian Law: 35).

The extensive destruction of world cultural heritage caused by Hitler’s forces during World War II highlighted the urgent need to strengthen the international legal framework for the protection of cultural property. In response, on May 14, 1954,

a Russian publicist, scholar, diplomat, and professor at St. Petersburg University. Of particular scholarly interest are Articles 6 and 8 of the draft, which stipulated that occupying forces were prohibited from seizing the property of churches, charitable and educational institutions, and all organizations devoted to scientific, artistic, and humanitarian purposes. Moreover, any intentional destruction or seizure of such institutions, monuments, artworks, or scientific collections was to be prosecuted by the competent authorities. Unfortunately, due to various political factors, the 1874 Brussels Conference did not result in the adoption of a binding international agreement. Instead, the Russian draft was adopted only as a declaration, although the conference’s final protocol acknowledged the importance of codifying the laws and customs of war. See: (Martens, 1879).

³ Under Article 27 of the Convention, “[i]n sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments <...> provided they are not being used at the time for military purposes. It is the duty of the besieged to indicate the presence of such buildings or places by distinctive and visible signs, which shall be notified to the enemy beforehand.”

⁴ It became known as the “Roerich Pact,” named after the renowned Russian artist Nicholas Roerich, as it was founded on his proposed draft convention for the protection of cultural monuments.

the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (the “1954 Convention”), along with the Regulations for its execution and the Protocol, was adopted.

The 1954 Hague Convention was the first universally applicable international treaty to codify numerous rules aimed at safeguarding cultural property during armed conflict. It covers both movable and immovable cultural property. However, the Convention had certain limitations: its special protection and international control mechanisms proved somewhat ineffective; its protective provisions were largely overshadowed by those introduced in the 1977 Additional Protocols to the Geneva Conventions, including the enforcement of sanctions for violations; and notably, it lacked a prohibition against unauthorized archaeological excavations by occupying forces, which has been recognized as a significant shortcoming (O’Keefe 2009: 236-301).

These factors, along with shifts in the nature of military operations observed in armed conflicts during the latter half of the 20th century – particularly in the Balkans during the former Yugoslavia – highlighted the need to update certain provisions of the 1954 Convention. This led to the adoption of the Second Protocol in 1999,⁵ which scholars recognize as having brought greater clarity and precision to the original Convention (Solis 2021: 579).

Beyond these treaties, the protection of cultural property during armed conflict is also addressed in the 1949 Geneva Conventions and their Additional Protocols of 1977. Specifically, Article 53 of Additional Protocol I and Article 16 of Additional Protocol II focus on protecting cultural objects and places of worship during international and non-international armed conflicts, respectively.

It is appropriate to focus on the key provisions related to the protection of cultural property during armed conflict found in the above-mentioned treaties by examining the legal protection regimes they establish. These regimes form the basis for the measures states take to respect and safeguard cultural property.

First, we will review the provisions of the 1954 Convention and its 1999 Second Protocol, which outline three distinct protection regimes for cultural property: general protection, special protection, and enhanced protection (Baty’ 2023: 109-112; Lipnikov 1999: 296).

General protection. All assets classified as cultural property under the 1954 Convention are entitled to at least general protection. According to Article 1 of the Convention, cultural property includes, “irrespective of origin or ownership: movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; <...> buildings whose main and effective purpose is to preserve or exhibit

⁵ The 1999 Protocol entered into force on March 9, 2004, following Costa Rica’s accession as the 20th State to ratify the Protocol. The Russian Federation, however, is not a party to the Second Protocol of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

the movable cultural property <...> such as museums, large libraries and depositories of archives, and <...> centres containing a large amount of cultural property”.⁶ Therefore, protection extends not only to civilian objects that are cultural property themselves but also to the places where such property is stored or exhibited.

It is important to note that doctrinal sources (Frigo 2004: 67-80; Molchanov 2000: 20-27) and legal instruments use various terms related to the topic addressed in this article, such as cultural property,⁷ cultural objects,⁸ and cultural heritage.⁹ This article does not seek to differentiate between these conceptual terms. Instead, the primary term used will be “cultural property,” which, in the author’s view, is synonymous with “cultural objects,” particularly when translating documents and materials into Russian.

It should be noted that the 1954 Convention defines a broad concept of “protection,” which encompasses two distinct components: safeguarding and respect (Article 2). Article 3 clarifies that “safeguarding” refers to a set of measures aimed at preserving cultural property. This primarily involves the responsibility of each state to prepare, even in time of peace, for the safeguarding of cultural property within its territory against the foreseeable effects of an armed conflict. This duty stems from the understanding that cultural heritage and its preservation are concerns shared by the entire international community and that the country which holds this cultural property remains accountable (or even responsible) to that community for the safeguarding of such property (Toman 2005: 64). The Convention allows each participating state the discretion to determine the specific measures it will implement to protect cultural property on its territory.¹⁰

Under the 1954 Convention, “respect” for cultural property entails the obligation of each state to prohibit using cultural property for purposes which are likely to expose it to destruction or damage in the event of armed conflict, as well as to refrain from any act of hostility directed against such property (Article 4(1)).¹¹

⁶ These centers may encompass a section of a city or, in some cases, an entire city, such as Venice or Suzdal.

⁷ Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954), and Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970).

⁸ UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (1995).

⁹ Convention Concerning the Protection of the World Cultural and Natural Heritage (1972), and Convention on the Protection of the Underwater Cultural Heritage (2001).

¹⁰ This principle of internal discretion allows each state to tailor the protection of cultural property to its specific financial, material, and technical capabilities. This involves setting priorities and determining appropriate measures on a case-by-case basis. Therefore, while the 1954 Convention mandates that states take action, it grants them the flexibility to choose which actions to take.

¹¹ Moreover, the High Contracting Parties undertake to 1) prohibit any use of cultural property and its immediate surroundings or of the appliances in use for its protection for purposes which are likely to expose it to destruction or damage in the event of armed conflict; 2) refrain from any act of hostility directed against cultural property; 3) prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation of, and any acts of vandalism directed against, cultural property; 4) refrain from requisitioning movable cultural property situated in the territory of another High Contracting Party; and 5) refrain from any act directed by way of reprisals against cultural property.

Furthermore, according to Article 4(5), contracting parties may not evade their obligations to respect cultural property during armed conflict by reason of the fact that the opposing party has not applied the measures of safeguard referred to in Article 3 of the Convention.

Special protection. Special protection is granted to cultural property by its entry in the “International Register of Cultural Property under Special Protection” (Article 8(6) of the 1954 Convention). According to the 1954 Hague Convention, “[t]here may be placed under special protection a limited number of refuges intended to shelter movable cultural property in the event of armed conflict, of centres containing monuments and other immovable cultural property of very great importance” (Article 8). The same provision also outlines the conditions for granting such protection, which somewhat complicate the process of securing immunity from potential attacks. For instance, Article 8 requires that protected property be situated at an “adequate distance” (emphasis added) from any large industrial centre or from any important military objective constituting a vulnerable point, such as, for example, an aerodrome, broadcasting station, establishment engaged upon work of national defence, a port or railway station of relative importance or a main line of communication. Unfortunately, the treaty does not define the term “adequate distance” nor provide a general criterion to determine what this distance should be.¹² As Toman J. observes, this ambiguity means that, despite tens of thousands of state-protected monuments, only a small number could benefit from special protection under the conditions set out in the 1954 Convention (Toman 2005: 119).

Enhanced protection. Chapter 3 of the 1999 Second Protocol establishes enhanced protection for cultural property during armed conflict, applicable to property on the International List of Cultural Property under Enhanced Protection (the “List”). The criteria for inclusion on the List, as outlined in the 1999 Second Protocol, are less restrictive than those required for entry in the International Register of Cultural Property under Special Protection.

A significant advantage of the Second Protocol is that it does not recognize “military necessity” as a justification for attacks on property granted enhanced protection. According to Article 13 of the 1999 Protocol, cultural property under enhanced protection may only lose such protection through a complicated legal procedure involving the UN Secretary-General and the Director-General of UNESCO.

At the same time, the 1954 Convention allows for the suspension of general protection of cultural property during armed conflict if “*military necessity* imperatively requires such a waiver” of the relevant protection obligations (Article 4(2)).¹³ Similarly,

¹² This issue was emphasized in the Soviet Union’s report on the implementation of the Convention. The majority of monuments designated for special protection are situated in major cities – such as Moscow, Leningrad, Kiev, Riga, Tallinn, and others – which also serve as important urban, political, industrial, and communication hubs.

¹³ The clause on military necessity was included in the text under pressure from the U.S. and the UK, who made its acceptance a condition for their participation in the treaty.

Article 11 permits the withdrawal of immunity from cultural property under special protection in cases of “unavoidable military necessity.” It is important to note that the Convention does not explicitly define what constitutes military necessity. This gap is addressed by Article 6 of the 1999 Second Protocol, which sets out clear conditions under which the obligations to respect cultural property, as established by the 1954 Convention, may be waived on the basis of military necessity.

However, the reservation regarding military necessity appears to undermine the overall effectiveness of the 1954 Convention. The allowance of military necessity in the context of special protection is viewed as an even more significant flaw, as it gives the impression that “one might legitimately take back with one hand something which had been parsimoniously granted with the other to an extremely limited number of cultural properties of very great importance” (Toman 2005: 156).

In this context, the enhanced protection regime for cultural property sets higher standards than both the general and special protection regimes, thereby offering more effective protection of cultural property during armed conflict. As of August 2023, 86 states have ratified the 1999 Protocol.¹⁴

The 1977 Additional Protocols to the 1949 Geneva Conventions, which focus on the protection of war victims, establish two protection regimes for civilian objects: the general regime and the special regime.¹⁵

The *general regime* applies to all civilian objects under Article 48 of Additional Protocol I, which requires parties to the conflict to distinguish between civilian objects and military objectives, and Article 52(1) of the same Protocol, which protects civilian objects from attacks and reprisals. Assuming there is no doubt about the “civilian nature” of cultural property, it is reasonable to apply the provisions of Articles 48 and 52 of Additional Protocol I to cultural property as defined in Article 1 of the 1954 Convention.

Special regime. Article 53 of Additional Protocol I and Article 16 of Additional Protocol II set forth rules for the special protection of cultural property (objects) and places of worship, specifically referring to “historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples.”

The protection of cultural property during armed conflicts is grounded not only in treaty law but also in international customary law that has evolved in this field. In their authoritative work, *Customary International Humanitarian Law*, J.-M. Henckaerts and L. Doswald-Beck outline several universally recognized customary rules concerning cultural property protection. These include the obligation of all parties to a conflict to

¹⁴ Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, 26 March 1999. International Humanitarian Law Databases. URL: <https://ihl-databases.icrc.org/en/ihl-treaties/hague-prot-1999/state-parties?activeTab=default> (accessed: 10.07.2023).

¹⁵ Although Additional Protocol II does not explicitly include an article dedicated to the general protection of civilian objects, it is reasonable to assume that both Protocols nonetheless recognize these two types of protection for civilian objects.

respect and safeguard cultural property; the prohibition against using culturally significant objects for military purposes that would endanger their preservation; and the principle that, during the occupation of territory, the illicit export of cultural property is forbidden, with mechanisms in place to ensure the return of such illicitly exported property (Henckaerts, Doswald-Beck 2005: 127-138).

When examining the international legal framework for the protection of cultural property during armed conflicts, it is important to recognize UNESCO's significant role in these efforts, particularly through the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage. This Convention obliges states to compile a *World Heritage List*.¹⁶ States Parties submit to the World Heritage Committee¹⁷ – a body established under Section III of the Convention – an inventory of cultural and natural heritage sites within their territories for inclusion. This inventory, which shall not be considered exhaustive, shall include documentation about the location of the property in question and its significance (Article 11 (1) and (2) of the 1972 Convention).¹⁸ As of now, the World Heritage List comprises 1,157 properties, including 43 mixed properties,¹⁹ in 167 States Parties to the Convention.²⁰

Of particular interest are the provisions of Article 11 of the 1972 Convention, which mandate that the Committee establish, keep up to date and publish, whenever circumstances so require, under the title of “list of World Heritage in Danger”, a list of the property appearing in the World Heritage List for the conservation of which major operations are necessary and for which assistance has been requested under the Convention. The list may include only such property forming part of the cultural and natural heritage as is threatened by serious and specific dangers, such as the threat of disappearance caused by accelerated deterioration; calamities and cataclysms; *the threat of an armed conflict* (emphasis added); and other dangers (Article 11(4) of the 1972 Convention).²¹

According to information on the official UNESCO website, this list is not separate but rather “integrated” into the overall World Heritage List, with sites on it identified by a special symbol – a red diamond. Currently, World Heritage sites at risk of destruction due to military conflict include locations in the Syrian Arab Republic (such

¹⁶ World Heritage List // UNESCO. URL: <https://whc.unesco.org/en/list/?lother=ru&> (accessed: 10.07.2023).

¹⁷ An Intergovernmental Committee for the Protection of the Cultural and Natural Heritage of Outstanding Universal Value, called “the World Heritage Committee”, is established within the United Nations Educational, Scientific and Cultural Organization (Article 8 of the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage).

¹⁸ 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage. URL: <https://whc.unesco.org/archive/convention-en.pdf> (accessed: 10.07.2023).

¹⁹ Such as, e.g., the Curonian Spit (Russia and Lithuania). See: Curonian Spit // UNESCO. URL: <https://whc.unesco.org/en/list/994> (accessed: 10.07.2023).

²⁰ The List includes the following properties located within the Russian Federation: the Historic Centre of Saint Petersburg and Related Groups of Monuments, the Kremlin and Red Square, the Cultural and Historical Ensemble of the Solovetsky Islands, the Historic Monuments of Novgorod and Surroundings, the White Monuments of Vladimir and Suzdal, the Petroglyphs of Lake Onega and the White Sea, among others.

²¹ 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage. URL: <https://whc.unesco.org/archive/convention-en.pdf> (accessed: 10.07.2023).

as the ancient cities of Damascus, Bosra, and Aleppo, the site of Palmyra, the Crac des Chevaliers and Qal'at Salah El-Din castles, and the ancient villages of Northern Syria), Afghanistan (including the minaret and archaeological remains of Jem and the cultural landscape and archaeological remains of the Bamiyan Valley), among others.

It is noteworthy that on January 25, 2023, the list of endangered sites was expanded when the UNESCO World Heritage Committee officially recognized the “Historic Centre of Odessa” as a cultural site threatened by military conflict.²² This designation enables Ukrainian authorities to request international technical and financial assistance for the site’s preservation, protection, and restoration. In the nomination dossier submitted for this decision, Ukraine emphasized that, due to Russia’s military aggression, there is an urgent need to include Odessa’s historic centre on the World Heritage List, as the city faces the risk of missile attacks that could devastate its historical character, architectural landscape, and cultural heritage.²³

It is important to note that the Historic Centre of Odessa was inscribed on the List of World Heritage in Danger on an emergency basis under the Operational Guidelines for the Implementation of the 1972 World Heritage Convention – a procedure which, in the view of Russian legal experts, was not properly followed.²⁴ In particular, in the summer of 2022, a group of experts from Ukraine, Italy, and Greece was formed at the initiative of Italy and under the auspices of UNESCO to prepare the necessary documentation for the site’s nomination. In October 2022, Ukrainian President V. Zelensky announced the official submission of the nomination in a video address to UNESCO, prompting the relevant evaluation bodies to begin their review. A few months later, the World Heritage Committee decided to inscribe the Historic Centre of Odessa on the World Heritage List. Notably, this decision was made during a technical session, and the issue of Odessa – supported by European countries and Japan – was introduced under the “Miscellaneous” agenda item, which is typically reserved for less significant matters. Furthermore, the resolution did not receive broad support: only 6 out of 21 Committee members voted in favor, while 14 abstained and the Russian Federation voted against.

The Russian Foreign Ministry characterized this decision as politically biased and scientifically unsubstantiated.²⁵ The Russian side raised substantial concerns regarding the documentation that had been submitted. T.E. Dovgalenko, Acting Permanent Delegate of the Russian Federation to UNESCO, commented that “sections of the dossier

²² The Historic Centre of Odesa // UNESCO. URL: <https://whc.unesco.org/en/list/1703/documents/> (accessed: 10.07.2023).

²³ The Historic Center of the Port City of Odesa Nomination file. Nomination dossier for inscription on the World Heritage List // UNESCO. 2022. P. 7, 10. URL: <https://whc.unesco.org/en/list/1703/documents/> (accessed: 10.07.2023).

²⁴ Odesa inscribed on UNESCO's World Heritage List in the face of threats of destruction // UNESCO. 25.01.2023. URL: <https://www.unesco.org/en/articles/odesa-inscribed-unesco-world-heritage-list-face-threats-destruction> (accessed: 10.08.2023).

²⁵ Press release on the addition of Odessa's historic centre to UNESCO's World Heritage List in the face of threats of destruction // Ministry of Foreign Affairs of the Russian Federation. 25.01.2023. URL: https://www.mid.ru/ru/foreign_policy/news/1849774/?lang=en (accessed: 10.07.2023).

have been copied from publicly available sources and tourist guides <...> No cultural certificates for the monuments, archival documents, or academic publications on the subject have been provided. Furthermore, the International Council on Monuments and Sites (ICOMOS), a UNESCO advisory body, has expressed numerous concerns regarding Ukraine's nomination <...> Kiev had withheld information from the Committee about the deliberate destruction of monumental art within the site's boundaries as part of decommunization efforts²⁶ and declined to provide additional information requested by the advisory bodies, citing military secrecy. There have also been attempts to pressure independent experts by accusing them of politicization and pro-Russian bias simply for referencing Catherine II as the city's founder. During the Committee meeting, none of the evidence-based objections calling for revisions to the dossier have been acknowledged.²⁷ Furthermore, the Russian Foreign Ministry stated that the Committee did not condemn the Ukrainian authorities' decision to deploy and use military installations and weaponry in the port area of Odessa.²⁸

This case exemplifies how foreign policy can significantly impact the enforcement of international law.

Concluding our overview of UNESCO's role in shaping international legal frameworks and principles for protecting cultural property during armed conflicts, it is important to highlight the Strategy for Reinforcement of UNESCO's Action for the Protection of Culture and the Promotion of Cultural Pluralism in the Event of Armed Conflict, adopted in 2015.²⁹ The Strategy aims to establish mechanisms that reduce the vulnerability of cultural heritage throughout all phases of armed conflict, as well as during peacetime, when states are expected to implement preventive measures to protect such property. It also outlines specific recommendations to effectively carry out priority activities under UNESCO's guidance.

²⁶ In late December 2022, the Odessa city council decided to dismantle the monument to the city's founders – Empress Catherine II and her associates José de Ribas (Iosif Deribas), Platon Zubov, Francois-Paul Sainte de Wollan, and Grigory Potemkin – as well as the monument to Generalissimo Alexander Suvorov, in accordance with the decommunization law. The Russian Foreign Ministry noted that these monuments were integral parts of the city's centuries-old historical heritage and architectural ensemble. In early January 2023, the Chapel of the Miraculous Image of Christ the Savior in Odessa was damaged, with frescoes depicting icons of Tsar Nicholas II, the Passion-Bearer, and the Holy Righteous Warrior Fyodor Ushakov being destroyed. Additionally, over recent years, sections of several historic buildings within the nomination boundaries or its buffer zone have collapsed.

²⁷ Interview of Acting Permanent Delegate T.E. Dovgalenko to the Russia-24 TV channel regarding the inscription of Odessa on the List of World Heritage in Danger, January 26, 2023 // Permanent Delegation of the Russian Federation to UNESCO. 26.01.2023. URL: https://russianunesco.mid.ru/ru/press_service/news/intervyu_t_e_dovgalenko_rossiya_24_v_svyazi_s_vklyucheniem_odessy_v_unesco/ (accessed: 10.07.2023).

²⁸ Press release on the addition of Odessa's historic centre to UNESCO's World Heritage List in the face of threats of destruction. Ministry of Foreign Affairs of the Russian Federation. 25.01.2023. URL: https://www.mid.ru/ru/foreign_policy/news/1849774/?lang=en (accessed: 10.07.2023).

²⁹ Reinforcement of UNESCO's action for the protection of culture and the promotion of cultural pluralism in the event of armed conflict. General Conference, 38th session, Paris. 2015. URL: <https://unesdoc.unesco.org/ark:/48223/pf0000235186> (accessed: 13.07.2023).

Emerging trends in international legal protection of cultural property in 21st century armed conflicts

The modern era can be seen as a period marked by landmark judgements concerning the protection of cultural heritage in armed conflict. In 2004, the International Criminal Tribunal for the Former Yugoslavia (ICTY)³⁰ delivered the first-ever conviction in international criminal law, holding M. Jokić accountable for deliberate attacks on cultural heritage sites.³¹ Jokić, who was the commander of the 9th Military Naval Sector of the Yugoslav Navy, was held responsible for the attack on the southern Croatian city of Dubrovnik and its surrounding areas in late 1991.³² Under his command, soldiers shelled the Old City of Dubrovnik, a UNESCO World Heritage site. As a result, two civilians were killed and three were wounded. The military attacks also caused irreparable damage to religious, scientific, educational, cultural, and charitable institutions, as well as to historic monuments.³³ According to the ICTY website, as a commander and superior officer of the Yugoslav Army, M. Jokić failed to take the necessary measures to prevent or stop the shelling or subsequently punish or discipline those responsible.³⁴

In 2001, M. Jokić voluntarily surrendered to the Tribunal, pleaded guilty to the bombing of Dubrovnik, cooperated actively with the Tribunal, and participated in political activities aimed at promoting a peaceful solution to the conflicts in the region. He was sentenced to 7 years' imprisonment in 2003 but was granted early release in 2008.³⁵

Another significant judgement was issued by the International Criminal Court (ICC) in relation to proceedings concerning the situation in the Republic of Mali.³⁶ The Government of Mali referred the situation to the ICC in July 2012, prompting an

³⁰ To complete the work of the ICTY and the International Criminal Tribunal for Rwanda (ICTR), the UN Security Council adopted Resolution 1966 (S/RES/1966) on December 22, 2010, establishing the International Residual Mechanism for Criminal Tribunals (IRMCT) as a "small, temporary and efficient structure." The Mechanism commenced operations on July 1, 2012, in Arusha, United Republic of Tanzania, and on July 1, 2013, in The Hague, Netherlands. The Arusha branch assumed the functions of the ICTR, while the Hague branch took over those of the ICTY. Initially, the Mechanism operated alongside the ICTY and ICTR. Following the closure of the ICTR on December 31, 2015, and the ICTY on December 31, 2017, the Mechanism has continued to operate as an independent institution. See: Mechanism for International Criminal Tribunals. URL: <http://www.unmict.org/en/about> (accessed: 10.07.2023).

³¹ Some scholars have observed that the verdict of the International Military Tribunal (IMT) against A. Rosenberg, one of the principal ideologists of Nazism, represented an early example of international judicial enforcement concerning attacks on cultural property during armed conflict. However, we contend that this view is not entirely definitive, as the specific crime of attacking cultural property was not explicitly included in the IMT Charter. Consequently, Rosenberg was convicted of war crimes related to the looting of public and private property, which encompassed cultural assets. For further details, see (Arutyunyan, 2017: 118-132; Batyr' 2023: 98-118).

³² See: (Grishin 2014: 359–365).

³³ Judgement in the case the Prosecutor V. Miodrag Jokić. URL: https://www.icty.org/x/cases/miodrag_jokic/tjug/en/040318_Jokic_Miodrag_summary_en.pdf (accessed: 10.07.2023).

³⁴ «DUBROVNIK» (IT-01-42/1) Miodrag Jokić. URL: https://www.icty.org/x/cases/miodrag_jokic/cis/en/cis_jokic_en.pdf (accessed: 10.07.2023).

³⁵ Miodrag Jokić. URL: <https://www.icty.org/en/content/miodrag-jokic> (accessed: 10.07.2023).

³⁶ Situation in the Republic of Mali. URL: <https://www.icc-cpi.int/mali> (accessed: 10.07.2023).

investigation into alleged war crimes committed since January 2012. These crimes primarily occurred in the northern regions of Gao, Kidal, and Timbuktu, with certain incidents reported in the southern cities of Bamako and Sévaré. According to the report issued by the Office of the Prosecutor, a rebellion erupted in northern Mali in January 2012, leading to armed groups seizing control of the region and subsequently staging a coup d'état. The ensuing military operations involved deliberate damaging of shrines of Muslim saints in the city of Timbuktu, attacks on military bases in Gao, Kidal, and Timbuktu, alleged execution of between 70 and 153 detainees at Aguelhok, and incidents of looting and rape. Separately, incidents of torture and enforced disappearances were reported in the context of the military coup.

In this case, one of the suspects was Al Mahdi, whom the ICC unanimously found guilty as a co-perpetrator of the war crime consisting in intentionally directing attacks against religious and historic buildings in Timbuktu, Mali, in June and July 2012, amid the ongoing internal armed conflict. It is important to note that at the time of these attacks, Al Mahdi served as the head of the *Hezbah* police, one of the four administrative branches of the radical group *Ansar Eddine*, which is affiliated with the *Al Qaeda*³⁷ branch operating in the Islamic Maghreb region.³⁸ His duties included enforcing measures against actions deemed contrary to Islamic law. Following the verdict, Al Mahdi stated: "I saw myself as a link in the chain of command and felt that the consequences should be the responsibility of those who made the decision and gave the orders. I knew all too well that if I did not carry out the orders, I would be dismissed <...>"³⁹

The ICC acknowledged that the targeted buildings were not only religious buildings but had also a symbolic and emotional value for the inhabitants of Timbuktu. The mausoleums of saints and mosques of Timbuktu were an integral part of the religious life of its inhabitants and constituted a common heritage for the community. They reflected their commitment to Islam and played a psychological role to the extent that they were perceived as protecting the people of Timbuktu. Their destruction carries a message of terror and helplessness, destroys part of humanity's shared memory and collective consciousness, and renders humanity unable to transmit its values and knowledge to future generations.⁴⁰ Furthermore, all the sites but one were UNESCO World Heritage sites. As such, their attack appears to be of particular gravity as their destruction does not only affect the direct victims of the crimes, but also people throughout Mali and the international community.⁴¹

³⁷ An international terrorist organization banned in the Russian Federation.

³⁸ The group had occupied northern Mali in 2012. It had set up its headquarters in Timbuktu in April that year, having routed fighters of the National Movement for the Liberation of Azawad (known by its French acronym, MNLA).

³⁹ See: Ahmad Al Faqi Al Mahdi: "I plead guilty". // The UNESCO Courier. 2017. URL: <https://courier.unesco.org/en/articles/ahmad-al-faqi-al-mahdi-i-plead-guilty> (accessed: 10.07.2023).

⁴⁰ Timbuktu. World Heritage List // UNESCO. URL: <https://whc.unesco.org/en/list/119> (accessed: 10.07.2023).

⁴¹ Summary of the Judgment and Sentence in the Case of The Prosecutor v. Ahmad Al Faqi Al Mahdi. URL: <https://www.icc-cpi.int/sites/default/files/itemsDocuments/160926Al-MahdiSummary.pdf> (accessed: 10.07.2023).

As previously mentioned, in 2016, the ICC convicted Al Mahdi and sentenced him to 9 years' imprisonment for attacks on cultural heritage sites in Mali, categorizing these acts as war crimes. However, there is ongoing scholarly debate regarding the legal classification of the crimes committed. Some experts argue that, in the Al Mahdi case, the Court was unable to definitively establish that the situation in Mali constituted a non-international armed conflict as defined by Additional Protocol II of 1977 to the 1949 Geneva Conventions. Without this classification, Article 8 of the Rome Statute, which governs war crimes, could not be invoked. Nevertheless, the situation in Mali "did not preclude the possibility of classifying attacks on cultural property as crimes against humanity <...> According to both customary international law and the Rome Statute, such attacks may also be considered crimes against humanity in the form of persecution" (Arutyunyan 2017: 131-132). Despite this, the current international court rulings in the Al Mahdi case specifically frame these acts as war crimes. Furthermore, the defining conceptual features of crimes against humanity are extensively analyzed in the works of international legal expert S.V. Glotova (Glotova 2016: 36-49). Based on the concept formulated by her, it remains challenging to categorize attacks on cultural property during armed conflicts as crimes against humanity.

In 2017, during the final phase of the proceedings, the ICC Trial Chamber issued a reparations order, concluding that Al Mahdi is liable for 2.7 million euros in expenses for individual and collective reparations to the Timbuktu community.⁴² The legal reasoning behind the distribution of the amount among the victims is interesting.

The amount of reparations was based on the need to pay for three categories of damage. The first category was compensation for damage to historical and religious buildings that had been attacked, consequential economic loss, and moral harm. In this regard, reparations should be collective in order to restore the sites and the Timbuktu community as a whole in connection with the financial losses and emotional distress suffered as a result of the attack. Reparations should also include symbolic measures – such as a forgiveness ceremony – to give public recognition of the moral harm suffered by the Timbuktu community and those within it. Finally, individual reparations were awarded to those whose livelihoods exclusively depended on the buildings that had been attacked, as well as to those whose ancestors' burial sites were damaged in the attack.⁴³ Since Al Mahdi was found to be indigent, the burden of payment was placed on the Trust Fund for Victims (ICC).

The Al Mahdi case at the ICC marked the first international trial to address crimes involving the destruction of historical and religious monuments, and it was also the first ICC case in which the defendant entered a guilty plea. Notably, during the 2016

⁴² Public redacted Judgment on the appeal of the victims against the «Reparations Order». URL: <https://www.icc-cpi.int/court-record/icc-01/12-01/15-259-red2> (accessed: 10.07.2023).

⁴³ Al Mahdi case: ICC Trial Chamber VIII issues reparations order // International Criminal Court. 17.08.2017. URL: <https://www.icc-cpi.int/news/al-mahdi-case-icc-trial-chamber-viii-issues-reparations-order> (accessed: 10.07.2023).

trial, Al Mahdi admitted to the crimes he committed and appealed to “all the world’s Muslims never to carry out this kind of action, which has such terrible consequences, is unjustified and cannot yield any benefits.”⁴⁴

The events in Mali involving the destruction of UN-protected cultural property significantly influenced the subsequent approach to law enforcement in protecting cultural property during armed conflicts. Following UN Security Council Resolution 2085 (2012) adopted on December 20, 2012, concerning the situation in Mali, the International Support Mission in Mali (AFISMA) was established under the leadership of the African Union and the Economic Community of West African States (ECOWAS). Its mandate included supporting the ICC’s efforts to investigate incidents in the north of Mali, including the destruction of cultural property, and to hold perpetrators accountable. In 2013, pursuant to UN Security Council Resolution S/RES/2100 (2013) of April 25, 2013, AFISMA was transformed into the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA). The mandate of MINUSMA included collaborating with UNESCO experts to preserve Malian cultural heritage and assisting the transitional authorities of Mali, as necessary and feasible, in protecting from attack the cultural and historical sites in Mali.

MINUSMA personnel maintained order and security during UNESCO-led restoration efforts aimed at reinforcing the protection of Timbuktu’s heritage sites, the Tomb of Askia, and the Old Towns of Djenné – all listed as World Heritage sites.⁴⁵ The MINUSMA mission is currently being phased out, with its contingent scheduled to withdraw from the country by December 30, 2023.⁴⁶

The emergence of large-scale conflicts in Syria, Libya, several African countries, and the Middle East has compelled the international community to reassess its legal frameworks for protecting cultural property during armed conflicts. In today’s context, with escalating terrorist threats, cultural heritage sites are not only subjected to illegal attacks and destruction but are also exploited as commodities in illicit trade and trafficking. These activities generate revenue that enables armed groups to sustain their unlawful military and terrorist operations. In response, the international community – primarily through the United Nations – adopted what C. Fiankan-Bokonga describes as “a historic resolution to protect cultural heritage” (Fiankan-Bokonga 2017). This is embodied in UN Security Council Resolution 2199 (2015), adopted on February 12, 2015, which condemns key sources of funding for criminal groups, including, for the first time, the trade in cultural property coming from Iraq and Syria.⁴⁷

⁴⁴ See: Ahmad Al Faqi Al Mahdi: “I plead guilty”. // The UNESCO Courier. 2017. URL: <https://courier.unesco.org/en/articles/ahmad-al-faqi-al-mahdi-i-plead-guilty> (accessed: 10.07.2023).

⁴⁵ Emergency international assistance for the enhanced protection of the properties “Timbuktu”, the “Tomb of Askia” and the “Ancient Cities of Djenné” inscribed on the UNESCO World Heritage List. URL: <https://whc.unesco.org/en/intassistance/2477> (accessed: 10.07.2023).

⁴⁶ Resolution 2690, adopted by the Security Council at its 9365th meeting, on 30 June 2023. URL: <https://digitallibrary.un.org/record/4014208> (accessed: 10.07.2023).

⁴⁷ Resolution 2199, adopted by the Security Council at its 7379th meeting, on 12 February 2015. URL: [https://docs.un.org/S/RES/2199%20\(2015\)](https://docs.un.org/S/RES/2199%20(2015)) (accessed: 10.07.2023).

It is important to highlight that this resolution was adopted at the initiative and with the support of the Russian Federation, which advocated for a comprehensive strategy to halt the flow of illicit income to terrorist groups in Iraq, Syria, and other Middle Eastern countries. This strategy targets various revenue streams, such as the terrorists' oil trade, hostage-taking for ransom, and trafficking in stolen cultural property. Such activities must be firmly suppressed.⁴⁸

It is with deep regret that we acknowledge the irreparable damage inflicted on the cultural heritage of the Syrian people by ISIS⁴⁹ (Mahnad 2017: 1037–1074). This devastation notably includes the destruction of monuments in Palmyra and Aleppo, which are on the List of UNESCO World Heritage in Danger. As I. Bokova⁵⁰ aptly observed, the attacks carried out by the Islamic State⁵¹ in Syria resemble the destruction of manuscripts by Islamist militants in Mali in 2013 and the Taliban's demolition of the Buddha statues in Bamiyan, Afghanistan.⁵² The extensive and systematic destruction of historically and culturally significant sites by Islamist terrorist groups over several years of conflict in Syria has been described by some experts as “cultural cleansing.”⁵³ Specifically, S.A. Egorov notes that “the destruction of cultural property and cultural heritage sites has become a key element of the military strategies of certain states and a prerequisite for terrorist organizations to establish a new world order. It is imperative to take measures to combat this form of cultural genocide targeting the cultural heritage of entire nations and peoples” (Egorov, Anisimov 2017: 131–132). Alongside the term “cultural cleansing,” the phrase “cultural genocide” is also frequently used in academic literature (David 2010: 7; Schabas 2009: 55–57). Like “cultural cleansing,” the concept of cultural genocide lacks a formal legal definition. Nevertheless, history records instances of mass cultural cleansing carried out as part of genocidal policies. A notable example is the systematic destruction during World War II of synagogues, Jewish schools, cemeteries, and other monuments that bore witness to the Jewish presence within the Reich and much of occupied Europe. As F. Bugnion observes in one of his scholarly works, “only in Prague did the synagogue, Jewish cemeteries, and the

⁴⁸ Commentary by V.I. Churkin, Permanent Representative of the Russian Federation to the United Nations, on the adoption of UN Security Council Resolution 2199 // Permanent Mission of the Russian Federation to the United Nations. 12.02.2015. URL: https://russiaun.ru/ru/news/sc_cm2199#:~:text=12%20февраля%20Совет%20Безопасности%20ООН,торговли%20сирийской%20и%20иракской%20нефтью (accessed: 10.07.2023).

⁴⁹ An international terrorist organization banned in the Russian Federation.

⁵⁰ Director-General of UNESCO (2009–2017).

⁵¹ An international terrorist organization banned in the Russian Federation.

⁵² See: Irina Bokova Condemns the New Destruction of Palmyra's Cultural Monuments in Syria // UNESCO. 20.04.2023. URL: <https://www.unesco.org/ru/articles/irina-bokova-osudila-novye-razrusheniya-kulturnykh-pamyatnikov-palmiry-v-sirii> (accessed: 10.07.2023).

⁵³ In August 2014, UNESCO Director-General Irina Bokova introduced the term “cultural cleansing” in her public statement regarding the situation in Iraq. Since then, this term has been frequently used in public statements, speeches, and interviews to highlight the systematic and intentional attacks by extremist groups on cultural heritage sites and cultural diversity in Iraq and Syria. It is important to note that “cultural cleansing” is not a formal legal term. See: Reinforcement of UNESCO's action for the protection of culture and the promotion of cultural pluralism in the event of armed conflict. General Conference, 38th session, Paris. 2015. URL: <https://unesdoc.unesco.org/ark:/48223/pf0000235186> (accessed: 10.07.2023).

Jewish Town Hall in Josefov escape this widespread fate – the Nazis cynically intended to preserve these sites to create a museum of the extinct Jewish race, which underscores the systematic nature of the destruction and eradication of Jewish culture across Europe” (Bugnion 2004: 5–7).

Regrettably, instances of “cultural cleansing” have taken place in recent decades in several countries known for their rich traditions and unique cultures. These include blatant acts of destruction, looting, and the illicit export of cultural artifacts from nations such as Afghanistan, Iran, Iraq, Mali, Syria, Libya, and others.

In light of these troubling developments, the international community must seriously address the destruction of cultural heritage in contemporary armed conflicts. Such acts should be recognized as deliberate attempts to erase the cultural identity of specific peoples. As F. Bugnion observes, in today’s world, “the purpose of destroying monuments, temples, and works of art is to kill the soul of the enemy, to obliterate their history, culture, and faith, to erase all traces of their existence, and sometimes their very being” (Bugnion 2004: 5).

Building on the advancement of international legal frameworks for the protection of cultural property amid contemporary challenges and threats, the UN Security Council adopted a second landmark resolution, Resolution 2347 (2017), on March 24, 2017.⁵⁴ This resolution introduced several “revolutionary” concepts. First, paragraph 9 mandates that states introduce effective national measures to designate trafficking in cultural property and related offences “that may benefit organized criminal groups, terrorists or terrorist groups, as a serious crime in accordance with article 2(b) of the UN Convention against Transnational Organized Crime”.⁵⁵

Second, pursuant to paragraph 15 of the resolution, an initiative was launched to create a UNESCO Heritage emergency fund alongside an international fund for the protection of endangered cultural heritage in armed conflict. These funds aim to support both preventive and emergency operations to safeguard and recover cultural property damaged, among other causes, by armed conflicts. In this context, it is important to note that there already exists a fund established under the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage, which finances the protection, conservation, and rehabilitation of cultural property included on the World Heritage List and the List of World Heritage in Danger. These funds operate independently from one another and serve distinct purposes with different operational frameworks.

⁵⁴ Resolution 2347, adopted by the Security Council at its 7907th meeting, on 24 March 2017. URL: [https://docs.un.org/en/S/RES/2347\(2017\)](https://docs.un.org/en/S/RES/2347(2017)) (accessed: 10.07.2023).

⁵⁵ Resolution 2347, adopted by the Security Council at its 7907th meeting, on 24 March 2017. URL: [https://docs.un.org/en/S/RES/2347\(2017\)](https://docs.un.org/en/S/RES/2347(2017)) (accessed: 10.07.2023).

Third, the resolution introduced the innovative concept of “safe havens” to safeguard cultural property in the context of armed conflicts. It condemns the destruction of monuments, architectural landmarks, religious sites, and the looting of historical treasures in conflict areas. To protect these assets, the resolution recommends documenting and relocating them to designated safe havens.

For the first time in the history of international legal regulation concerning the protection of cultural property during armed conflicts, the UN Security Council resolution under discussion explicitly condemns a broad spectrum of unlawful acts that threaten the integrity of cultural heritage. This condemnation applies regardless of where the cultural property is located and irrespective of the perpetrator’s status – whether it is a banned terrorist organization or any other armed group, as specified in the resolution.

The UN Security Council resolutions examined in this article, which were unanimously adopted by all member states, signal a significant global shift in recognizing the vital importance of cultural heritage and its protection as essential to maintaining peace and security – values deeply intertwined with humanity’s centuries-old legacy.

It is therefore important to acknowledge that states have now succeeded in establishing an international legal framework for the protection of cultural property during armed conflict and in developing relevant international judicial practices. Moving forward, these practices should be expanded to address criminal acts targeting cultural property in the context of military operations. Additionally, it is crucial to identify future priorities for collective action among key members of the international community to further safeguard cultural heritage for future generations.

Conclusions

An examination of the evolution of international legal frameworks for protecting cultural property during armed conflicts in the 19th and 20th centuries has enabled the identification of key treaties relevant to this research. This analysis has also provided a comprehensive overview of the different protection regimes established for cultural property during military operations. These regimes – general, special, and enhanced – set out the legal and organizational measures that states are required to implement to safeguard and respect cultural heritage.

The research of emerging trends in the international legal regulation of cultural property protection during armed conflicts in the 21st century leads to the conclusion that the contemporary period represents a significant phase marked by important historical decisions. These developments are evident both in the work of international judicial bodies and in the efforts of key United Nations bodies and specialized agencies. The study included an analysis of the existing jurisprudence of international criminal justice institutions in cases involving crimes against historical, cultural, and religious monuments, including those safeguarded by UNESCO.

Notably, the landmark UN Security Council resolutions of 2015 and 2017 were the first to explicitly address the protection of cultural property in armed conflicts. These resolutions have set the foundation for ongoing cooperation among competent state authorities to prevent and combat the illegal destruction, looting, and illicit trafficking of cultural heritage, particularly by terrorist groups during armed conflicts.

This article has highlighted a recurring pattern in today's armed conflicts where the destruction of cultural property and other historically and religiously significant sites is used as a deliberate military strategy. This tactic aims to intimidate the population, erase its cultural and historical memory, and undermine its historical roots and cultural diversity. Terms such as “cultural cleansing” and “cultural genocide” have emerged to describe these acts; however, they remain legally undefined and urgently require formal legal definition.

A key advancement in strengthening international legal protections for cultural property during contemporary armed conflicts lies in establishing robust accountability mechanisms for violations in this field. Accountability can be pursued on two levels: through international jurisdiction or within the national legal systems of states. It is worth noting that this issue has been extensively examined in Russian legal scholarship, particularly by international law experts (Marusin 2014: 199–207). Therefore, states should both contribute to the ICC's case law by referring cases involving attacks on cultural heritage during armed conflicts and initiate criminal proceedings at the national level. This dual approach is particularly crucial because many armed conflicts today involve non-state actors and international terrorist groups, which increasingly target centuries-old cultural heritage sites of various peoples.

About the Author:

Yuliya V. Puzyreva – Candidate of Juridical Sciences, Associate Professor, Deputy Head of the Department of Human Rights and International Law, Moscow University of the Ministry of Internal Affairs of Russia named after V.Ya. Kikot', 12, ul. Akademika Volgina, Moscow, Russia, 117997. E-mail: yuliya_dugina@mail.ru

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The author declares the absence of conflicts of interest.

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Burden-Sharing Between Western States in Deterring Russia and China: Case of Land Forces Usage¹

Philipp O. Trunov

Institute of Scientific Information for Social Sciences of the Russian Academy of Sciences (INION RAN)

Abstract. Since the early 2020s, a parallel confrontation has been developing: the first between the Euro-Atlantic community and Russia; and the second between the United States and its partners, on the one hand, and China on the other. Western democracies have been forced to develop an approach to distributing the military burden, in particular with regard to the use of land forces (army). The latter suffered from military downsizing in the 1990s to the early 2010s, being partly in a state of dystrophy. This article studies these processes through the prism of the theories of building armed forces and alliances, studies these processes. The paper focuses on NATO as an institute, as well as the United States, and on Germany as a key European contributor to multilateral NATO forces. Key documents such as the new strategic concept of the Alliance and New NATO Force Model were adopted at the Madrid Summit in June 2022. The latter document has provided the Organization with a potential of 800,000 troops, the vast majority of which will be provided by its European member states. This means that the contribution of their troops to deterring Russia is of utmost importance, with the American role being politically significant, though practically limited. As a result, the United States has the strategic freedom to exploit a large part of its armed forces, specifically its ground forces, to contain China. The consensus on this distribution of responsibility formed in 2021, not 2014. This paper investigates the tactics of the United States as a key beneficiary to encourage its partners to adopt this scheme. The author compares the practical readiness of major European member states to use ground forces to deter Russia. The paper studies in detail the changes of the U.S. ground force groupings in Europe, especially in Eastern Europe and Germany, as well as in the Far East. It also examines the features of structuring military cooperation between Western countries and their partners in the Pacific Ocean in the context of containing China. The author concludes by outlining the general features of, and the prospects for, the evolution of this scheme in terms of the distribution of military responsibility.

Keywords: NATO; Force Model; land forces; military presence; the United States; Germany; Eastern Europe; Indo-Pacific region; deterrence

¹ English translation from the Russian text: Trunov P. 2024. Raspredelenie vклада mezhdru «zapadnymi demokratiyami» v sderzhivanie Rossii i KNR. *Mezhdunarodnye processy* [International Trends]. No 22 (1). P. 80-105. DOI: 10.46272/IT.2024.22.1.76.4

At the Madrid NATO Summit held on June 29-30, 2022, the Alliance adopted a new strategic concept along with a revised troop structure known as the New NATO Force Model (NNFM). For the first time, the bloc's primary doctrinal document explicitly identified confrontation with Russia as a key priority – previously, this stance had only been expressed in summit declarations. Additionally, NATO formally acknowledged its role in deterring not only Russia but also China, Iran, and North Korea.² This marked a shift from focusing on a single adversary to recognizing multiple non-Western powers as targets for strategic countermeasures.

The second key document established the total number of troops NATO aims to maintain in the near future at 800,000 personnel.³ This figure is notably smaller than the approximately one million troops comprising the main army groups (Northern and Central Army Groups, or NORTHAG and CENTAG) during the 1980s at the Cold War's end (Fleckenstein, 1990, p. 2). Back then, these groups were specifically structured to deter the Soviet Union and the Warsaw Pact Organization as a whole, thus focusing on a single strategic front. In contrast, the 2022 documents indicate that NATO intends to leverage its enhanced capabilities to address multiple strategic challenges simultaneously, targeting both Moscow and Beijing.

At the same time, several important clarifications regarding the NNFM are necessary. *First*, the forces under this model are composed almost entirely of contingents from European allies, with only a minimal contribution from the United States (Biscop, 2022, p. 1-3). This contrasts with the Cold War period, when the United States played a full and active role in staffing NATO formations, particularly the CENTAG (Lauch, 2022: p. 80-92). *Second*, compared to the era of direct West-East confrontation, the overall size of the national armed forces of all NATO member states has significantly declined. The total military personnel numbers for all NATO members and for European members alone (excluding the USA and Canada) were as follows: in 1989, approximately 5.888 million and 3.560 million,⁴ respectively; in 2014, about 3.229 million and 1.891 million; and in 2022, roughly 3.368 million and 2.022 million.⁵ This represents a reduction by a factor of about 1.75 between 1989 and 2022. Consequently, the 2022 NATO Force Model reflects a shift toward concentrating a significantly larger share of European member states' armed forces than in the 1950s through 1980s. In *absolute* terms, the European contribution to the NNFM's target force of 800,000 personnel is roughly equivalent to the combined size of the NORTHAG and CENTAG during the Cold War, which – excluding U.S. and Canadian contingents – totalled around 750,000 troops (Fleckenstein, 1990, p. 2).

² NATO Strategic Concept // Brussels: NATO. June 29, 2022. P. 3–5.

³ New NATO Force Model // NATO. July 8, 2022. URL: https://www.nato.int/nato_static_fl2014/assets/pdf/2022/6/pdf/220629-infographic-new-nato-force-model.pdf (accessed: December 5, 2023).

⁴ Financial and economic data relating to NATO defence. M-PDC-90 (70). Brussels: NATO, 1990. P. 7.

⁵ Defence Expenditure of NATO Countries (2014–2023). Brussels: NATO, 2023. P. 12.

In the strategic realm, the Alliance has consistently been the most important and institutionalized framework for cooperation among Western nations. Granting the bloc such a substantial and, for the first time, explicitly defined role in its doctrine – tasking NATO with building *two* simultaneous deterrence systems against Russia and China – has raised critical questions about how the military burden will be shared among its members. Historically, this challenge is unprecedented for the West, generating an urgent need for innovative and complex solutions. The nature and outcomes of these solutions could play a crucial role in shaping the future world order.

This article *aims* to explore the specifics of how responsibility for deterring Russia and China is divided among Western states and institutions, focusing particularly on the deployment of ground forces. The study covers the period from 2014 through the early 2020s, with reference to historical examples from the previous West-East confrontation. Among the key players, special emphasis will be placed on NATO as an organization, alongside the United States and Germany. By the mid-2020s, Germany has emerged as a leading contributor among Western countries in various military capacities – ranking second in arms and equipment supplies to Ukraine and even first in its contribution to NATO's multinational force groups.

Western policies toward Russia and China differ significantly. Considerable progress has been made in developing a deterrence system focused on Russia, while efforts against China have advanced more slowly. As a result, this article does not give equal attention to both conflict areas. Nonetheless, both deterrence systems warrant a comprehensive evaluation. This approach helps deepen our understanding of how Western actors manage the *simultaneous* deployment of military resources against both Moscow and Beijing.

The armed forces of nearly every country are multi-branch in nature. Key components include the air and naval forces, as well as specialized branches designed to operate across adjacent domains, such as the Marines and airborne troops.⁶ Increasing emphasis is also placed on forces responsible for cybersecurity. For nuclear powers, troops equipped with nuclear weapons and their delivery systems hold diverse and critical importance (Karaganov, 2024). Meanwhile, non-nuclear, high-precision, long-range weapons – regardless of their basing – have gained significant practical significance (Karaganov, 2024). Advances in technology are driving the emergence of new military branches outside the traditional ground forces, such as cyber and space forces. Consequently, the proportion of ground forces within the overall military structure is declining, often accompanied by reductions in personnel numbers and unit formations.

This trend was most pronounced among NATO member states and, to some extent, Russia during the 1990s and 2010s. Ground forces were the primary focus of extensive reductions within the armed forces. For example, the size of the Bundeswehr's ground

⁶ On land and sea, and on land and in the air, respectively.

forces shrank dramatically from nearly 360,000 personnel in 1989 to just 60,000 by 2015⁷ – a sixfold decrease. Interestingly, the overall size of the armed forces decreased to about one-third of its previous size during this period (from 503,000 to 177,000 personnel).⁸ This means that the army's share of the total armed forces declined very rapidly, more than twice as fast as the overall reduction. The West's development of a confrontation system, coupled with Russia's countermeasures – particularly the special military operation against Ukraine – brought renewed attention to the relative underdevelopment (or small size) of ground forces (Pukhov, 2022, p. 23-27), leading to significant efforts to expand them. NATO's reinforcement initiatives have focused on strengthening ground-based multinational formations. This article examines how Western countries allocate their military resources between two simultaneous deterrence systems, using ground forces as a case study.

Experts continue to expand a broad range of studies examining the growing estrangement of certain Western states and institutions from Russia and China (Vasiliev, 2022; Istomin, 2023; Mills, 2023). However, there are noticeably fewer works that focus on the multilateral, integrated strategies Western countries employ to counter the Russian Federation, China, or both simultaneously. Methodologically, this study draws on alliance theory (Aleshin, 2023; Istomin, 2017) and military force structure theory (Lauch, 2022; Ostankov, 2004), utilizing comparative analysis techniques. Alliance theory primarily investigates institutional changes within alliances – such as internal restructuring, the addition or removal of functions, and the creation or dissolution of specific mechanisms – as indicators of the relationships among member states and their strategic priorities (Aleshin, 2023; Istomin, 2017). Meanwhile, military force structure theory views military organizations as dynamic, evolving entities, with every modification – whether the establishment, elimination, or reorganization of a unit or formation – carrying distinct military and political implications. Collectively, these reforms reflect the military and foreign policy priorities of the actor that owns the armed forces in question (Lauch, 2022; Ostankov, 2004).

This article draws its insights from a comprehensive collection of NATO sources, including its foundational doctrinal documents and materials detailing the bloc's operational groupings. It also relies on official documents from key Alliance member states, primarily the United States and Germany. These sources are invaluable, offering not only official positions but also extensive factual and statistical data.

This article begins by examining the underlying causes and conditions that gave rise to the current burden-sharing arrangements. Subsequently, it examines the pivotal role of the United States as the primary Western state driving this approach. Finally,

⁷ Weißbuch 1985 zur Sicherheit der Bundesrepublik Deutschland und zur Entwicklung der Bundeswehr. Bonn: Bundesregierung, 1985. P. 188, 190; Deutsches Heer. 2024. BMVg. URL: <https://www.bundeswehr.de/de/organisation/heer> (accessed: December 5, 2023).

⁸ Financial and economic data relating to NATO defence. M-PDC-90 (70). Brussels: NATO, 1990. P. 7; Defence Expenditure of NATO Countries (2014–2023). Press Release, July 7, 2023. Brussels: NATO, 2023. P. 12.

the author details the specific division of responsibilities (illustrated through the use of ground troops) among Western states and institutions in their efforts to manage confrontations with both Russia and China.

Background and origins of responsibility-sharing arrangements

A key question is *when* the division of responsibility among Western countries began to take shape. At first glance, the *spring of 2014* – marked by the escalating confrontation between the West and the Russian Federation – appears to be the starting point. Shortly thereafter, signs of growing estrangement between Washington and Beijing also emerged. However, a closer look suggests that 2014 may not be the most accurate starting point. At that time, the specific military and strategic framework of the deterrence system targeting Russia was only beginning to form. Neither the United States nor other Alliance members had yet seriously considered the involvement of European countries in countering China. Additionally, there was no discussion about a significant reduction of NATO member states' presence in the Middle East and North Africa. In fact, in September 2014, the United States established the 'second Western anti-terrorist coalition' or the Global Coalition to Defeat ISIS (the Islamic State in Iraq and Syria).⁹

In the latter half of the 2010s, Western countries significantly expanded the scope and scale of their efforts to stabilize Mali and the five Sahel countries¹⁰ as a whole. France assumed a leading role in this region (Sidorov, 2022, p. 85-86). Around 2014–2015, Western policy in Afghanistan underwent a notable shift with the transition from the ISAF mission to the Resolute Support mission. This change brought about substantial adjustments in the mission's objectives,¹¹ as well as troop composition¹² and numbers, with Western forces decreasing dramatically from 132,000¹³ to fewer than 14,000 military personnel by 2015.¹⁴ This transformation was largely driven by the strategic imperative to reallocate resources toward deterring Russia. Nonetheless, Western countries remained committed to maintaining a presence in Afghanistan. Between 2017 and 2018, under the administration of Donald Trump (2017–2021) and with support from several partners – particularly Germany – the Western military presence in Afghanistan was once again increased.¹⁵

⁹ Here and below, (*) indicates organizations banned in the Russian Federation.

¹⁰ G5 Sahel: Burkina Faso, Chad, Mali, Mauritania, Niger.

¹¹ The end of peacekeeping operations, with a continued focus on training and advising local security forces.

¹² The withdrawal of military units, with military instructors and advisers remaining in the country.

¹³ International Security Assistance Force (ISAF): Key Facts and Figures // NATO. June 6, 2011. URL: https://www.nato.int/isaf/placemats_archive/2011-06-06-ISAF-Placemat.pdf (accessed: December 5, 2023).

¹⁴ Resolute Support Mission (RSM): Key Facts and Figures // NATO. May 2015. URL: https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2015_05/20150508_1505-RSM-Placemat.pdf (accessed: December 5, 2023).

¹⁵ Resolute Support Mission (RSM): Key Facts and Figures // NATO. May 2018. URL: https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2018_05/20180502_2018-05-RSM-Placemat.pdf (accessed: December 5, 2023).

A closer analysis shows that the division of responsibility truly crystallized in **2021**. This period saw a marked shift, with Western cooperation – particularly among European partners – becoming increasingly limited outside NATO's traditional sphere of operations. France, and subsequently Germany, began to lose their foothold in the Sahara-Sahel region (Sidorov, 2022). Meanwhile, significant advances by Russia, the official Syrian government, and Iran against ISIS* sharply reduced the operational space for the second Western anti-terrorist coalition in Syria and Iraq (Timofeev, Khorolskaya, 2022, p. 151). The primary factor behind this narrowing window was the limited effectiveness of Western efforts to weaken ISIS*: by the late 2010s and early 2020s, the terrorist group was regaining strength in Iraq, resulting in a diminished Western influence in the country.

One of the most significant decisions of the Joseph Biden administration, taken in April 2021 following a pause, was to proceed with implementing the agreement reached with the Afghan Taliban* on February 29, 2020. This agreement, negotiated under Donald Trump, stipulated the withdrawal of U.S. troops within a fixed timeline: initially by May 1, 2021,¹⁶ later postponed to early September, and then moved up to the end of June 2021. Given the situation on the ground in Afghanistan, it became inevitable that other Western countries with military contingents in the country would follow suit.¹⁷ Both the Trump and Biden administrations demonstrated continuity on the Afghan issue, effectively ending the most ambitious NATO effort outside Europe that had lasted two decades (2001–2021). This decision marked the suspension of a large portion of NATO's expeditionary operations. Meanwhile, the United States began reallocating resources – including special operations forces, trainers, and funding – to other priorities, which later proved crucial in supporting Kyiv.¹⁸

Equally important is the fact that the withdrawal from Afghanistan compelled European countries to seek ways to offset the loss of influence in the region. Beyond increasing their involvement in deterring Russia, they also focused on establishing or expanding their strategic presence in the Asia-Pacific. Like Afghanistan, this region is geographically distant from Europe, allowing them to offset losses both practically – by developing a foothold in a new region after losing one – and symbolically, by demonstrating continued global operational capability. However, a key prerequisite for European NATO members to build strategic positions in the Asia-Pacific was their willingness to participate in deterring China. Without this stance, they would have struggled to gain support from regional players, particularly Australia and Japan, who

¹⁶ Background Press Call by a Senior Administration Official on Afghanistan // White House. April 13, 2021. URL: <https://www.whitehouse.gov/briefing-room/press-briefings/2021/04/13/backgroundpress-call-by-a-senior-administration-official-on-afghanistan/> (accessed: December 5, 2023).

¹⁷ Afghanistan Lessons Learned Process // NATO. November 2021. URL: https://www.nato.int/nato_static_fl2014/assets/pdf/2021/12/pdf/2112-factsheet-afgh-lessons-en.pdf (accessed: December 5, 2023).

¹⁸ Secretary Antony J. Blinken at a press availability // State Department. 22.12.2022. URL: <https://es.usembassy.gov/secretary-antony-j-blinken-at-a-press-availability-3/> (accessed: December 5, 2023).

have already aligned closely with Washington in confronting China. Institutionally, the United States and the United Kingdom reinforced this approach by strengthening ties with their closest allies through new frameworks, notably the creation of AUKUS on September 15, 2021 (Vasiliev, 2022). This occurred just two and a half months after NATO's Resolute Support mission in Afghanistan ended. It is no coincidence that official NATO statements first explicitly identified China as a source of threats¹⁹ following the 2021 Alliance summit,²⁰ coinciding with the completion of the troop withdrawal from Afghanistan.

The identification of 2021 as the period when Western countries reached consensus on burden-sharing is further corroborated by practical experience related to NATO force deployments. By that year, a system of multinational headquarters had been established along the forward deployment line, including corps (such as "Northeast") and divisions ("North," "Northeast," "Centre," and "Southeast"), covering the majority of NATO member states in Eastern Europe.²¹ This network of command structures laid the foundation for the subsequent formation of multinational battalion-size battlegroups in Bulgaria, Hungary, Romania, and Slovakia (from March 2022, tFP forces²²), the reinforcement of battlegroups stationed in Latvia and Estonia since 2017, and the transformation of battlegroups into brigade-sized units in Lithuania and Poland beginning in fall 2022 (eFP forces²³).²⁴

In 2021, the seven-year (or, in fact, nearly eight-year) cycle of participation by almost all European NATO member states in the rotational deployment of the NATO Response Force (NRF) – including their elite, high-readiness 'spearhead' units known as the Very High Readiness Joint Task Force (VJTF) – approached to its conclusion. With the NRF expanding from 13,000 to 40,000 personnel in 2014,²⁵ an estimated 280,000 European NATO service members rotated through these forces over the period of 2014 to 2022. This number closely approaches the combined size of the first two categories in the New NATO Force Model, which totals around 300,000 troops.²⁶

¹⁹ For the first time, China's rise as a challenge to NATO was acknowledged in the concluding documents of the 2019 London NATO Summit. However, at that time, the issue was mentioned only briefly and somewhat incidentally. See: London Declaration // NATO. December 4, 2019. URL: https://www.nato.int/cps/en/natohq/official_texts_171584.htm (accessed: December 5, 2023).

²⁰ Brussels Summit Communiqué // NATO. June 14, 2021. URL: https://www.nato.int/cps/en/natohq/news_185000.htm (accessed: December 5, 2023).

²¹ NATO's military presence in the east of the Alliance // NATO. 2023. URL: https://www.nato.int/cps/en/natohq/topics_136388.htm (accessed: December 5, 2023).

²² tFP stands for Tailored Forward Presence.

²³ eFP stands for Enhanced Forward Presence.

²⁴ NATO's military presence in the east of the Alliance // NATO. 2023. URL: https://www.nato.int/cps/en/natohq/topics_136388.htm (accessed: December 5, 2023).

²⁵ NATO Response Force // NATO. 2023. URL: https://www.nato.int/cps/en/natohq/topics_49755.htm (accessed: December 5, 2023).

²⁶ New NATO Force Model // NATO. July 8, 2022. URL: https://www.nato.int/nato_static_fl2014/assets/pdf/2022/6/pdf/220629-infographic-new-nato-force-model.pdf (accessed: December 5, 2023).

The identification of 2021 as a reference point is also influenced by the *passage of time*. By then, seven years had elapsed since the onset of heightened tensions between the West and Russia. The author of this article argues that this duration contributed to a growing perception of Moscow as an adversary among Western states' elites. Consequently, strategic military measures once deemed too provocative toward Russia in the mid-2010s began to be viewed as both feasible and even necessary by the early 2020s. Until 2016, a significant number of European NATO members opposed establishing a permanent ground presence in the forward area of responsibility. The deployment of forces in the Baltic States and Poland agreed upon at the 2016 Warsaw Summit remained rotational and limited to battalion-sized units rather than larger formations, a policy that persisted through 2021.

For the first time, the gradual shift to brigade-level deployments – significantly larger and more capable units – was announced in June 2022 by the German Chancellor.²⁷ This declaration came from a NATO member state that, during the early stages of the confrontation, had not only declined to station troops in Eastern Europe but also limited its military exercises in the region.²⁸ In fall 2023, Berlin further clarified that the brigade being deployed would be permanent in both its structure and physical presence, rather than operating on a rotational basis.²⁹

Precedents for deploying the first rotational ground units (in 2014), as well as for establishing permanent military structures,³⁰ had already been set by the United States.³¹ The shift in deployment nature coincided with the transformation of some existing battalion-sized battlegroups into brigades. In doing so, Western democracies effectively breached two key provisions of the NATO-Russia Founding Act of 1997: the requirement that multinational forces at the opposing side's borders be non-permanent, and the limitation on their size to no more than a brigade. These actions sent clear signals to Russia about the intensification of deterrence measures. However, neither side formally announced a withdrawal from the 1997 agreement. Instead, there was a gradual crossing of sensitive 'points of no return,' occurring without official acknowledgment. Both the increase in the number of single-national formations and the shift to permanent deployments were largely driven by the significant constraints on military units among Western powers, particularly in their ground forces. These forces

²⁷ "Russland darf und wird diesen Krieg nicht gewinnen" // Bundeskanzleramt. June 7, 2022. URL: <https://www.bundesregierung.de/breg-de/suche/bundeskanzler-in-litauen-2047754> (accessed: December 5, 2023).

²⁸ Major NATO and NATO-related exercises conducted since 2014 in Central Europe and adjacent areas // European Leadership Network. February 2016. URL: https://www.europeanleadershipnetwork.org/wp-content/uploads/2017/10/Major-NATO-Exercises-TABLE_ELN.pdf (accessed: December 5, 2023).

²⁹ Drei bewährte Bataillone für die neue Panzerbrigade 42 // DBwV. November 6, 2023. URL: <https://www.dbwv.de/aktuelle-themen/blickpunkt/beitrag/zwei-bewaehrte-bataillone-fuer-die-neue-panzerbrigade-42> (accessed: December 5, 2023).

³⁰ For example, the establishment of the Headquarters of the V Army Corps in 2022.

³¹ Increasing the US military presence in Poland // Gov.pl. 2023. URL: <https://www.gov.pl/web/national-defence/increasing-the-us-military-presence-in-poland> (accessed: December 5, 2023).

had been the primary targets of extensive reductions during the 1990s and early 2010s. The rebuilding of armies did not progress rapidly between 2014 and 2023; during this period, neither the United States nor Germany formed any new ground brigades.

The consensus among Western countries on sharing responsibilities in sustaining the confrontation was established in 2021 – prior to Russia's December 17, 2021 proposals to NATO and the United States for legally binding mutual security guarantees, and before the commencement of the special military operation in Ukraine. This means that much of the West's planning and actions to deter the Russian Federation were proactive rather than reactive.

The United States as the leading driver and beneficiary of deterrence efforts

To understand who is most invested in burden-sharing and who *gains the most* from its implementation, it is important to identify the key actor. NATO decisions are made by consensus, with most deliberations occurring behind closed doors, which makes it difficult to pinpoint the initiator of specific actions. However, the United States stands out as the principal player, having been the first to engage in confrontations with both Russia and China.

Politically, the escalation of great-power rivalry has repeatedly strengthened the position of the United States and the broader Anglo-Saxon group as the core of the Western alliance, shaping its structure to align with Washington's interests. This pattern was evident at the start of the Cold War and resurfaced during its renewed phase in the 1980s (Lauch, 2022). There was also a feedback effect: during periods of détente, the United States' leading role within the Euro-Atlantic community diminished somewhat. In Asia, where tensions were generally lower than in Europe, the institutional framework for cooperation among Western democracies was notably less developed. Comparing NATO with regional alliances such as ANZUK³² and ANZUS³³ highlights this difference.

In the 1990s and early 2010s, the influence of Washington specifically, and the Anglo-Saxon countries collectively, as the core pillars of the Western community waned. This influence was partially redistributed in favor of emerging powers such as Germany, to a lesser extent Turkey, and the European Union as a whole. All of these actors have at times pursued foreign policies that diverged from those of the Anglo-Saxon countries, exhibiting varying forms of independent behavior.

Germany consistently demonstrated reluctance to deploy the Bundeswehr forces in combat operations, as seen during the military and political crises surrounding Iraq in 2003, Libya in 2011, and Syria in 2013. In contrast, Turkey significantly escalated its unilateral military interventions starting in the mid-2010s, with operations in Syria

³² The ANZUK format lasted less than five years.

³³ Trilateral cooperation under ANZUS effectively transitioned into bilateral arrangements.

(2016–2017, 2018, 2019, and 2022), Iraq (2016, 2020, 2021, and ongoing from 2022), and Libya (notably in 2019, maintaining a substantial contingent in the country) (Timofeev, Khorolskaya, 2022). Despite this assertiveness, Ankara joined the VJTF with some delay and became involved in the eFP and tFP initiatives much later.³⁴ Since the mid-2010s, Turkey's foreign policy has increasingly reflected a sense of exceptionalism, while Germany's – and later the EU's – assertiveness in this regard has diminished. Turkey has positioned itself as a distinct actor, approaching the Western world with a degree of skepticism and showing readiness to engage in sectoral cooperation with various states outside the Western bloc (Shlykov, 2020).

Germany maintained a consensus within its establishment favoring organic integration into the community of liberal democracies, with the European Union as a central component. This enduring commitment to integration, *combined with* two groups of newly emerged factors, contributed to a decline in instances of independent action by Germany and the EU. The slow pace and limited outcomes in granting the EU strategic autonomy illustrate this trend (Sidorov, 2020, p. 151–153). The shift toward the New NATO Force Model – representing both a qualitative and quantitative culmination of the Europeanization of Alliance forces (Biscop, 2022) – has, at least in the medium term, served as an alternative to developing the EU's own military capabilities. NATO's intense focus on deterring Russia, coupled with a diminished strategic interest in addressing instability in conflict zones across Asia and Africa, has significantly expanded NATO's functional responsibilities while reducing those of the European Union. This dynamic has further solidified the EU's role as a junior partner within the Alliance.

What were the newly emerging factors? The *first group* includes the contrasting dynamics of Trumpism and the Biden presidency, alongside Brexit and the post-Brexit period, in the United States and the United Kingdom, respectively. The approach of the 45th U.S. President, who shifted away from liberal democratic principles – most notably moving from multilateralism toward unilateralism – and the UK's exit from the EU not only occurred simultaneously but also shared several underlying causes. One key factor was the long-standing dissatisfaction with Brussels and Berlin, with Germany viewed as the unofficial leader of the integration process. During the latter half of the 2010s, these two actors sought to develop a strategy aimed at subtly but steadily countering the policies of the United States and the United Kingdom, particularly by pursuing greater EU strategic autonomy (Belinsky, Nikulichev, 2019). While Germany and the EU achieved some progress – such as establishing and advancing Permanent

³⁴ Statement by the NATO Defence Ministers on the Readiness Action Plan // NATO. February 5, 2015. URL: https://www.nato.int/cps/en/natohq/official_texts_117222.htm?selectedLocale=en (accessed: December 5, 2023); NATO Response Force // NATO. 2023. URL: https://www.nato.int/cps/en/natohq/topics_49755.htm (accessed: December 5, 2023); NATO's military presence in the east of the Alliance // NATO. 2023. URL: https://www.nato.int/cps/en/natohq/topics_136388.htm (accessed: December 5, 2023).

Structured Cooperation – these successes were largely tactical in nature and limited in scope and duration. Strategically, both expected a significant shift following the change in the U.S. administration and the completion of Brexit, which occurred in early 2021.

Indeed, the Biden administration moved away from the hard hegemony characteristic of the Trump era. Under the Democratic Party's leadership, the U.S. presidency significantly altered its approach and tactics, returning to a multilateral framework. However, the fundamental goal of ensuring that allies remain aligned with Washington's interests remained unchanged. This shift represented not a return to outright leadership but rather a form of 'soft hegemony'.³⁵ Donald Trump's statements and actions caused a strategic shock among many NATO and EU member states, particularly the longstanding members. Joseph Biden responded by calming these concerns, skillfully leveraging the unease over his predecessor's policies to strengthen his influence. The new model of NATO forces became a symbol of this political shift under Biden's presidency. This outcome was largely supported by the United Kingdom, which, despite changing its approach after Brexit, maintained a close alignment with the United States (Ananieva, 2023).

The *second group of factors* involves the intensifying confrontation within the Euro-Atlantic community with Russia, alongside the growing estrangement between Washington and Beijing. Notably, in August 2022, Nancy Pelosi, Speaker of the U.S. House of Representatives, visited Taiwan shortly after the adoption of the NNFM. This division of strategic focus allowed the United States to allocate more resources to the Asia-Pacific region to deter China, signalling a readiness for more provocative actions in its dealings with Beijing.

Militarily, the responsibility allocation system under study was modeled on the United States' experience during the Vietnam War (1964–1972, prior to the Paris Peace Accords). This conflict demanded the deployment of large troop formations – particularly ground forces – not in Europe, but in Asia. As a result, the fundamental Cold War deployment and operational plan for the U.S. Army was disrupted. This plan originally included the following elements:

- A significant role in establishing the *first strategic echelon* of NATO forces, primarily CENTAG in southern West Germany, where the V and VII U.S. Army Corps were stationed. Each Corps comprised two divisions: one armored and one mechanized (Fleckenstein, 1990, p. 2).
- Relatively small American contingents positioned deeper within the area of responsibility, forming the second echelon.

³⁵ The assertion of the United States' dominant role not by coercion, but by prompting through carefully measured means.

– The bulk of the U.S. Army and Armed Forces as a whole stationed within the United States itself, constituting the third echelon. These forces were prepared for rapid deployment to Europe, including at least two armored divisions, three mechanized divisions, and one light division. Most of their weapons and equipment were pre-positioned at potential deployment sites.³⁶

In the Pacific region, the U.S. Army maintained three infantry divisions, stationed respectively in the Republic of Korea, Hawaii, and Alaska. Meanwhile, the U.S. Armed Forces presence in Japan was composed almost exclusively of Marine Corps units.³⁷

In the late 1960s, a substantial portion of the U.S. ground forces stationed within the continental United States was redeployed to Vietnam (Davidson, 2002, p. 423–560). These troops constituted the core of what was regarded as the third echelon of NATO forces. This redeployment effectively resulted in the third echelon being unavailable, especially as Washington decided against initiating mobilization. Additionally, several units were withdrawn from European formations, primarily from the first strategic echelon in Germany, with experienced personnel being replaced by less combat-ready soldiers (Istomin, Sokolov, 2021, p. 65). These measures proved to be temporary and largely discontinued by the early 1970s. Nonetheless, the United States clearly signalled that, in a Pacific crisis, it was prepared to significantly reduce its commitments to European allies. In the short term, during the early 1970s, this realization prompted active engagement by continental European NATO members in détente and encouraged the United States to intensify efforts to normalize relations with China. Concurrently, several NATO countries in Europe began expanding their armed forces; for example, between 1969 and 1979, the Bundeswehr increased its personnel from 455,000 to 500,000.³⁸

In the long term, the lessons learned from the late 1960s influenced efforts to develop NATO military structures that would grant the United States maximum operational flexibility – particularly in deploying ground forces – without significantly diminishing its influence. During the reductions of the armed forces – and especially the army – between the 1990s and the mid-2010s, Washington aimed to find an optimal balance within the European NATO area of responsibility to address competing priorities. On one hand, the U.S. military presence in Europe was substantially reduced. On the other hand, it remained strategically significant, underscored by the extensive network of bases that also functioned as key military logistics hubs. These bases, primarily located in Germany, served as critical transit points for personnel, weapons,

³⁶ Zverev Yu.M. Vooruzhnyonnye sily SShA v Evrope: ot Pervoy mirovoy do obyedineniya Germanii [The U.S. Armed Forces in Europe: from World War I to the German Reunification] // Eurasia-expert. May 16, 2017. URL: <https://eurasia.expert/vooruzhnyonnye-sily-ssh-a-v-evrope-ot-pervoy-mirovoy-do-obyedineniya-germanii/> (accessed: December 5, 2023) (in Russian).

³⁷ Military Presence. U.S. Personnel in the Pacific Theater. GAO/NSIAD-91-192. Washington: US General Accounting Office, 1991. P. 28, 31.

³⁸ Die Bundeswehr im Kalten Krieg // BMVg. URL: <https://www.bundeswehr.de/de/ueber-die-bundeswehr/geschichte-bundeswehr/kalter-krieg> (accessed: December 5, 2023).

and military supplies destined for operations in regions such as Iraq and Afghanistan. To illustrate, in 1990, approximately 239,000 American troops were stationed in Germany, including 15 armored brigade combat teams (ABCT) and infantry brigade combat teams (IBCT) as well as brigade-size armored cavalry regiments (ACR).³⁹ By the late 2010s, this number had dwindled to around 35,000 personnel, with only a single ACR remaining (Istomin, Sokolov, 2021:62).

Table 1. Framework nations for VJTF

Year	Framework nation	Units of the national armed forces involved
2015	<i>(first cycle)</i> Germany	units from the 1st Tank Division
2016	Spain	7th Light IBCT of the Castillejos Division
2017	Italy	no data
2018	UK	20th ABCT of the 3rd Infantry Division
2019	Germany (<i>ahead of the regular rotation schedule</i>)	9th training Tank Brigade of the 1st Tank Division
2020	Poland	21st Brigade of the 18th Mechanized Division
2021	France	Component of the Franco-German Brigade
2022	Türkiye	66th IBCT of the 52nd Armored Division
2023	<i>(second cycle)</i> Germany	37th mechanized IBCT of the 10th Tank Division
2024	UK	7th Light Mechanized BCT of the 1st Infantry Division

Source: calculated by the author based on NATO Response Force data. News // NATO. 2023. URL: <https://www.nato.int/cps/en/natohq/news.htm> (accessed date: December 5, 2023).

In the early 1990s, NATO restructured its forces by disbanding the first strategic echelon, including CENTAG, thereby significantly diminishing the Alliance's available military potential. In 2002, the administration of George W. Bush initiated the creation of a new type of rapid response force. This force was intended to exist **on a standing basis** but operate through a **rotating** deployment system, with contingents rotating every 6 to 12 months. The vast majority of these contingents were to be **contributed by European member states** (Varwick, 2007). While the range of tasks assigned to the NATO Response Force (NRF)⁴⁰ sparked debate, its operational principles remained largely uncontested.⁴¹

Thus, the first major step toward a future military burden-sharing framework was taken at the insistence of the United States – more than a decade before tensions with Russia escalated and two decades before the launch of the Russian special military operation in Ukraine. Subsequently, this framework was implemented with real military forces and resources. Between 2014 and 2023, amid the rapid expansion and

³⁹ Military Presence. U.S. Personnel in NATO Europe. GAO/NSIAD-90-04. Washington: US General Accounting Office, 1990. P. 27, 38–39.

⁴⁰ It was decided that the NRF would not be deployed outside NATO's area of responsibility, limiting its operations to NATO territories.

⁴¹ NATO Response Force // NATO. 2023. URL: https://www.nato.int/cps/en/natohq/topics_49755.htm (accessed: December 5, 2023).

diversification of NATO's force structure, European member states made significant contributions to the NRF, which ultimately became the foundation of the NewNATO Force Model.

Aspects of burden-sharing in NATO's deterrence strategy against Russia

Regarding the provision of forces to NATO's groupings, there is a clear distinction between the approaches of the majority of the *'old'* member states (those that joined the Alliance before the 1990s) and the *'new'* member states. During the 2015–2022 cycle (see Table 1), in seven out of eight cases, the *'old'* members assumed the role of the *'framework nation'*⁴² for the VJTF's land component, which serves as a key element of the NRF. A new rotation cycle began in 2023.

This rotation pattern is largely determined by the quantitative and qualitative⁴³ characteristics of the member states' armed forces. Additionally, the *'old'* members are generally situated either deep within NATO territory or along its southern periphery, relatively distant from the frontline of confrontation. This geographic distribution has historically provided NATO with a degree of operational flexibility in troop deployment. In practice, however, this *'window of opportunity'* has steadily narrowed – not because NATO is less able to project its presence outside its area of responsibility (such as in conflict-origin countries facing existential threats), but rather because more effort is now focused within NATO's own borders, through the deployment of an increasing number of Alliance groupings.

In our view, the increasing involvement of the *'old'* European NATO member states in various forms of deterring Russia has become a key indicator of their military capacity. During the Cold War, these Alliance members were generally willing to place a substantial portion of their national armed forces under NATO command. The most notable example is the Federal Republic of Germany, where the Bundeswehr's cadre troops were fully integrated into NATO forces.⁴⁴ Although this level of integration was unique and shaped by Germany's historical responsibility stemming from World War II, it serves as a useful illustration of the broader pattern within the Alliance.

The level of subordination of military units from the *'old'* NATO member states to the Alliance, which had sharply declined during the 1990s and early 2010s, began to increase significantly again between 2014 and 2023. However, the growth rate of their national armed forces lagged considerably behind the expansion of NATO groupings. For example, between 2014 and 2021, the size of the UK's armed forces decreased by 7.5%,

⁴² The concept of a *'framework nation'* refers to a member state that assumes the largest specific burden within a multinational grouping, including overall command responsibilities.

⁴³ This refers to the range and the tactical and technical characteristics of weapons and military equipment designed and produced domestically.

⁴⁴ Die Bundeswehr im Kalten Krieg // BMVg. URL: <https://www.bundeswehr.de/de/ueber-die-bundeswehr/geschichte-bundeswehr/kalter-krieg> (дата обращения: December 5, 2023).

falling to 156,000 personnel; France's forces remained virtually unchanged at around 208,000; and Germany's forces grew modestly by 3.5%, reaching 184,000 personnel. By 2014, the NATO Response Force had a staff strength of 13,000, supported by a reserve pool of approximately 100,000 soldiers and officers for rotation. At that time, multinational Forward Presence (FP) groups did not yet exist. Between 2015 and 2022, the NRF's active strength increased to 40,000 personnel,⁴⁵ requiring a reserve of about 280,000. During the same period, eFP and tFP units were established, comprising at least 15,000 troops by mid-2022.⁴⁶ This new force model envisioned a total concentration of 800,000 troops, including over 100,000 with full readiness within 10 days, and at least 200,000 ready within a month.⁴⁷ Meanwhile, the ability of participating countries to deploy forces under other commands diminished during intervals when they were committed to NATO responsibilities (Biscop, 2022).

The extent of contribution by the 'old' member states to NATO group recruitment varied. For the largest of these states, the role of 'framework nation' for the VJTF land component serves as a key example (see Table 1). Germany played the leading role by consistently being the first to take on the framework nation responsibilities in every recruitment cycle. Notably, in 2015, the personnel strength of the NRF was tripled, and in 2023, Germany's role as a 'framework nation' aligned with the transition to a new force model. Moreover, Germany assumed this role midway through the ongoing cycle in 2019. Prior to that, it had served as the 'framework nation' for the VJTF land force during the Alliance's largest exercise, Trident Juncture 2018, held in Norway in October–November 2018 with over 50,000 troops participating.⁴⁸ During that exercise, the Bundeswehr's 41st Mechanized Infantry Brigade participated, and in 2019, the 9th training Tank Brigade⁴⁹ also took part, demonstrating the growing capacity of the German Armed Forces to support NATO group recruitment.

All these measures constituted a cohesive effort to demonstrate Germany's growing readiness and capability to repeatedly serve as the 'framework nation' for VJTF recruitment. The next significant development was the explicit designation of Germany's contribution to the new force model in July 2023, with its commitment reaching 35,000 troops by 2025–2026⁵⁰ for the first two readiness categories, amounting to nearly 12%

⁴⁵ NATO Response Force // NATO. 2023. URL: https://www.nato.int/cps/en/natohq/topics_49755.htm (accessed: December 5, 2023).

⁴⁶ NATO's military presence in the east of the Alliance // NATO. 2023. URL: https://www.nato.int/cps/en/natohq/topics_136388.htm (accessed: December 5, 2023).

⁴⁷ New NATO Force Model // NATO. July 8, 2022. URL: https://www.nato.int/nato_static_fl2014/assets/pdf/2022/6/pdf/220629-infographic-new-nato-force-model.pdf (accessed: December 5, 2023).

⁴⁸ Trident Juncture 2018 // NATO. 2018. URL: <https://www.nato.int/cps/en/natohq/157833.htm> (accessed: December 5, 2023).

⁴⁹ Germany steps up to lead NATO high readiness force // NATO. January 1, 2019. URL: https://www.nato.int/cps/en/natohq/news_161796.htm (accessed: December 5, 2023).

⁵⁰ Pressekonferenz von Bundeskanzler Scholz zum Gipfeltreffen der NATO am 12. Juli 2023 in Wilna // Bundeskanzleramt. July 12, 2023. URL: <https://www.bundesregierung.de/breg-de/suche/pressekonferenz-von-bundeskanzler-scholz-zum-gipfeltreffen-der-nato-am-12-juli-2023-2202034> (accessed: December 5, 2023).

of the total 300,000 troops. This commitment will require the deployment of 4 to 5 brigades from the German Army's ground forces, representing up to two-thirds of the Bundeswehr's current brigade strength (7.5 brigades) and about one-third of the planned force size in the late 2030s (15.5 to 17.5 brigades).⁵¹ A significant increase in the integration of the German Armed Forces into NATO will accompany Germany's leading role in recruiting for the new force model. However, this heightened commitment may constrain Germany's ability to deploy the Bundeswehr under alternative international legal frameworks beyond NATO.

Germany's early assumption of the 'framework nation' role for the VJTF in 2019, deviating from the normal rotation, implicitly divided the other contributing countries into two groups. One group, including the United Kingdom, Spain, and Italy, demonstrated strong willingness to support this process, contrasting sharply with the stance of Turkey and France – both 'old' NATO members. This division closely reflects each country's strategic relationship with the United States. The United Kingdom remained Washington's closest ally, while Spain and Italy saw a notable increase in U.S. military presence on their soil during 2022–2023,⁵² reflecting their interest in enhanced support amid rising security threats in the Mediterranean. Conversely, Turkey and France sought to assert greater independence from Washington. France's approach to VJTF recruitment aligned with President Emmanuel Macron's declaration about the "brain death of NATO" (Timofeev, Khorolskaya, 2022). As noted earlier, Ankara joined the recruitment process for the NRF, eFP, and tFP later than other countries but never assumed the role of 'framework nation' for any NRF combat group. As for France, it joined this process much later than Germany and the Anglo-Saxon powers, only doing so in 2022.

Meanwhile, Eastern European NATO members – particularly the Baltic States, Poland, and Romania – highlighted their strategic position on the Alliance's front lines. They aimed to host a substantial NATO military presence while maintaining their national forces under domestic command, avoiding transferring troops directly into NATO multinational groups. Nevertheless, many of their units closely cooperated with NATO forces stationed nearby. For instance, the multinational NRF combat group, led by Germany as the 'framework nation,' collaborated with Lithuania's 'Iron Wolf' brigade near Rukla,⁵³ while a U.S. heavy brigade partnered with Poland's 11th Armored and 12th Mechanized Divisions.⁵⁴ These joint formations, operating under the NATO flag, significantly enhanced their collective capabilities. The nature of the

⁵¹ Bundeswehr-Pläne: Heer soll drei neue Divisionen bekommen // DBwV. April 19, 2017. URL: <https://www.dbwv.de/aktuelle-themen/politik-verband/beitrag/news/bundeswehr-plaene-heer-soll-drei-volle-divisionen-bekommen/> (accessed: December 5, 2023).

⁵² Fact Sheet – U.S. Defense Contributions to Europe // US DoD. June 29, 2022. URL: <https://www.defense.gov/News/Releases/Release/Article/3078056/fact-sheet-us-defense-contributions-to-europe/> (accessed: December 5, 2023).

⁵³ Iron Wolf: Höhepunkt jeder EFP-Rotation // BMVg. July 1, 2019. URL: <https://www.bundeswehr.de/de/einsaetze-bundeswehr/anerkannte-missionen/efp-enhanced-forward-presence/iron-wolf-67288> (accessed: December 5, 2023).

⁵⁴ Increasing the US military presence in Poland // Gov.pl. 2023. URL: <https://www.gov.pl/web/national-defence/increasing-the-us-military-presence-in-poland> (accessed: December 5, 2023).

ongoing confrontation, combined with the geographic location of Eastern European NATO members, ensured a strong connection to the Alliance – even when their integration into NATO forces remained limited. Consequently, the United States has shown little criticism toward Central and Eastern European countries regarding their relatively modest direct contributions to NATO group recruitment.

Washington's increased focus on partners located near the frontline – especially at its most critical segments – has been no less significant. During the Cold War, this primarily concerned the Federal Republic of Germany; in the early 2020s, attention shifted to Poland, Romania, the Baltic States, and Norway, later expanding to include Finland and Sweden. Within the context of distributing the conventional defense burden, the rapid growth of the military capabilities of at least some of these countries, along with their more active role in deterring Russia, has been particularly important for the United States.

For instance, Poland's efforts to build the largest ground forces among European NATO members – expanding from 4 to 6 divisions and from 14 to 22–23 brigades⁵⁵ – not only significantly strengthened the Alliance's relatively modest NATO Force Response presence but also established a robust core of Western military power near the borders of Russia and Belarus. In this way, the Polish Army's development closely paralleled the role and growth trajectory of the Bundeswehr during the Cold War. Back then, in the late 1950s and 1960s, West Germany – then on the front line – maintained the largest land forces among European NATO members.⁵⁶

At the same time, the United States was prepared to deploy significantly smaller forces in the newly expanded forward areas of NATO's responsibility that emerged following the Alliance's enlargement in the late 1990s and 2000s. This was also true for Poland, despite its frequent assertions of being a particularly valuable partner. The pace of the U.S. troop buildup fell noticeably short of Warsaw's expectations. Specifically, under President Donald Trump, plans to create a division-level deployment area – a fort named in his honor – and to permanently transfer about one-third (approximately 12,000) of the U.S. forces stationed in Germany to Poland were not implemented.⁵⁷ Under President Joe Biden, the U.S. military presence in Germany remained substantially larger than in Poland. By 2023, the number of U.S. troops in Germany had risen to around 40,000, while in Poland it was only about 12,000.⁵⁸

⁵⁵ See: Kiedypowstanie szóstadywizja WP? Błaszczak: Rozpoczniemy formowanie w 2023 roku // RP.pl. September 1, 2023. URL: <https://www.rp.pl/polityka/art39041121-kiedy-powstanie-szosta-dywizja-wp-blaszczak-rozpoczniemy-formowanie-w-2023-roku> (accessed: December 5, 2023).

⁵⁶ Die Bundeswehr im Kalten Krieg // BMVg. URL: <https://www.bundeswehr.de/de/ueber-die-bundeswehr/geschichte-bundeswehr/kalter-krieg> (accessed: December 5, 2023).

⁵⁷ Major US military units to leave Germany as part of large drawdown to begin within weeks, Esper says // Stars and Stripes. July 29, 2020. URL: <https://www.stripes.com/theaters/europe/major-us-military-units-to-leave-germany-as-part-of-large-drawdown-to-begin-within-weeks-espersays-1.639217> (accessed: December 5, 2023).

⁵⁸ "Ukraina – eto tol'ko nachalo". SShA otravlyayut voyska v Evropu. Chem otvetit Rossiya na usilenie boyevoy moshchi NATO? ["Ukraine is just the beginning." The USA is sending troops to Europe. How will Russia respond to the strengthening of NATO's combat power?] // Lenta.ru. November 27, 2023. URL: https://lenta.ru/articles/2023/11/27/us_presence/ (accessed: December 5, 2023) (in Russian).

Washington was unwilling to reduce its troop presence in Germany below 35,000. President Donald Trump's unfulfilled plans to withdraw forces from Germany represented an irrational departure from this established policy. At the same time, the composition of the U.S. Armed Forces⁵⁹ could vary significantly in practice. By maintaining a substantial presence – framed as a practical investment in the security and defense of its partner – the United States preserved its influence over Berlin. This influence was particularly aimed at encouraging Germany to take a more active and substantial role in NATO force recruitment. Meanwhile, the U.S. forces stationed in Germany also functioned as a strategic reserve, for example, to provide replacements for the NATO Response Force.

The minimum threshold for the U.S. military presence in Germany – set at 35,000 troops – significantly influenced American military capabilities in Eastern Europe, reflecting Washington's commitment to maintaining a consistent force level in Europe over an extended period. By 2022, the total U.S. forces stationed in Europe had already increased from 60,000 to 80,000, and during January–February 2022, their numbers were further raised to nearly 100,000,⁶⁰ even before the onset of Russia's special military operation in Ukraine. However, by 2024, troop levels were scaled back to approximately 80,000 personnel.⁶¹ This figure is considered optimal by the United States, as it balances strategic goals with available resources in the mid-2020s. Notably, it remains four times smaller than the U.S. military presence in Europe at the end of the 1980s, which totaled 319,000 personnel.⁶²

During both the Cold War and the early 2020s, the majority of U.S. troops stationed in Europe were from the Army. Throughout the latter half of the 20th century, these military units were deployed on a *continuous* basis. By the early 2020s, such permanent deployments were limited to formations in Germany (primarily two Armored Cavalry Regiments, along with artillery and army aviation brigades) and in Italy (notably the 173rd Airborne Brigade). Altogether, these amounted to approximately two ground brigades.⁶³ Since 2014, the U.S. presence in Eastern Europe has been largely *rotational*. However, unlike European NATO members whose contingents rotated every six months, U.S. forces were typically rotated every nine months. This extended

⁵⁹ Refers to the different branches of the armed forces, including both combat and non-combat units.

⁶⁰ Fact Sheet – U.S. Defense Contributions to Europe // US DoD. June 29, 2022. URL: <https://www.defense.gov/News/Releases/Release/Article/3078056/fact-sheet-us-defense-contributions-to-europe/> (accessed: December 5, 2023).

⁶¹ Letter to the Speaker of the House of Representatives and President pro tempore of the Senate regarding the War Powers Report. December 7, 2023. White House. URL: <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/12/07/letter-to-the-speaker-of-the-house-of-representatives-and-president-pro-tempore-of-the-senate-regarding-the-war-powers-report/> (accessed: December 8, 2023).

⁶² Military Presence. U.S. Personnel in NATO Europe. GAO/NSIAD-90-04. Washington: US General Accounting Office, 1990. P. 27.

⁶³ Statement of general Christopher G. Cavoli, United States Army. United States European Command. April 26, 2023. DoD. URL: <https://armedservices.house.gov/sites/republicans.armedservices.house.gov/files/04.26.23%20Cavoli%20Statement%20v2.pdf> (accessed: December 5, 2023).

rotation period was partly due to logistical challenges posed by greater distances. Another, less apparent factor was the strict limitations on which U.S. units were eligible for rotational deployment.

Table 2. Rotation Schedule for Armored Brigade Combat Teams (ABCT)

Rotation Number	Period	Arrived Unit
1	Jan 2017 – Sept 2017	3rd ABCT, 4th Infantry Division ⁶⁴
2	Sept 2017 – May 2018	2nd ABCT, 1st Infantry Division ⁶⁵
3	May 2018 – Feb 2019	1st ABCT, 1st Cavalry Division
4	Feb 2019 – Oct 2019	1st ABCT, 1st Infantry Division ⁶⁶
5	Oct 2019 – July 2020	2nd ABCT, 1st Cavalry Division
6	July 2020 – July 2021	1st ABCT, 1st Cavalry Division ⁶⁷
7, 8bis	Aug 2021 – July 2022	1st ABCT, 1st Infantry Division ⁶⁸
8	Mar 2022 – Dec 2023	3rd ABCT, 4th Infantry Division ⁶⁹
9	Aug 2022 – Feb 2023	3rd ABCT, 1st Cavalry Division ⁷⁰
10	Feb 2023 – Sept 2023	2nd ABCT, 1st Cavalry Division
11	Since Sept 2023	2nd ABCT, 3rd Infantry Division ⁷¹

Source: compiled by the author.

In 2014–2016, only small company-sized tactical groups – comprising roughly 1,000 personnel – were stationed in Eastern Europe, primarily drawn from U.S. forces already based in Germany. Starting in 2017, the United States began rotating an armored brigade combat team (ABCT), along with elements of an army aviation brigade, directly from the U.S. to the NATO Response Force stationed in Eastern Europe. The ABCT's main contingent was positioned in Poland, with forward elements deployed in the Baltic States. Table 2 lists the U.S. Army brigades that contributed to

⁶⁴ EUCOM Commander: U.S. Armored Brigade's Deployment to Poland 'Significant' // DoD. January 12, 2017. URL: <https://www.defense.gov/News/News-Stories/Article/Article/1048463/eucom-commander-us-armored-brigades-deployment-to-poland-significant/> (accessed: December 5, 2023).

⁶⁵ "US New tank brigade arrives in Europe for mission in the east" // Stars and Stripes. September 21, 2017. URL: <https://www.stripes.com/migration/2017-09-13/New-tank-brigade-arrives-in-Europe-for-mission-in-the-east-1534593.html> (accessed: December 5, 2023).

⁶⁶ Devil Brigade on the move in Europe // DVIDS. February 8, 2019. URL: <https://www.dvidshub.net/news/309999/devil-brigade-move-europe> (accessed: December 5, 2023).

⁶⁷ U.S. Soldiers Arrive in Poland with COVID-19 Protocols in Place // DoD. August 13, 2020. URL: <https://www.defense.gov/News/Feature-Stories/Story/Article/2309221/us-soldiers-arrive-in-poland-with-covid-19-protocols-in-place/> (accessed: December 5, 2023).

⁶⁸ 1st ABCT, 1ID arrives for Atlantic Resolve // DVIDS. July 9, 2021. URL: <https://www.dvidshub.net/news/400645/1st-abct-1id-arrives-atlantic-resolve> (accessed: December 5, 2023).

⁶⁹ US poised to have three armored brigades in Europe at once as troop numbers climb // Stars and Stripes. March 22, 2022. URL: <https://www.stripes.com/branches/army/2022-03-22/us-army-tanks-europe-poland-russia-ukraine-5433311.html> (accessed: December 5, 2023).

⁷⁰ US 3rd Armored Brigade Combat Team of 1st Cavalry Division deploying in Poland // Army recognition. August 1, 2022. URL: https://www.armyrecognition.com/defense_news_august_2022_global_security_army_industry/us_3rd_armored_brigade_combat_team_of_1st_cavalry_division_deploying_in_poland.html (accessed: December 5, 2023).

⁷¹ Spartan Brigade assumes authority from Black Jack Brigade // DVIDS. September 23, 2023. URL: <https://www.dvidshub.net/news/454164/spartan-brigade-assumes-authority-black-jack-brigade> (accessed: December 5, 2023).

these rotations. Additionally, Washington assumed the role of ‘framework nation’ for the multinational eFP battlegroup in Poland, which was largely staffed by the 2nd Armored Cavalry Regiment.

In January–February 2022, the U.S. temporarily increased its ground presence by deploying an additional ABCT to western Poland and the Baltic States, simultaneously extending the rotation period for the ABCT already stationed there (see Table 2). At the same time, a brigade from the 82nd Airborne Division was deployed to southern Poland,⁷² joining the 101st Airborne Division; together, they traditionally constitute the army’s general reserve. The deployment location was chosen not only for its proximity to Ukraine but also because both Polish Army airborne brigades were stationed in the area. As a result, three U.S. Army brigades were present in Poland simultaneously.

Additionally, the 1st ABCT of the 3rd Infantry Division was deployed to Germany.⁷³ Alongside the two Armored Cavalry Regiments, this brought the total number of heavy brigades concentrated in the country to two. Overall, including the 173rd Airborne Brigade, six U.S. Army brigades were temporarily stationed in Europe – four heavy and two light – accounting for up to 20% of their total force of 32 brigades.⁷⁴

The heavy operational burden typical of the Cold War proved excessive for Washington in the early 2020s. Although this burden was brief, the United States leveraged it to encourage its partners to adopt a new NATO force model and to commit to significantly increasing contributions toward strengthening the NATO Response Force. At the Madrid NATO Summit on June 29–30, 2022, the Biden administration outlined a forward-looking vision for the future U.S. military presence in Europe. This approach was *proactive*. As three temporarily stationed brigades were withdrawn or in the process of withdrawal (two from Poland, including an airborne brigade, and one from Germany),⁷⁵ Washington simultaneously:

- Transferred headquarters along with several engineer and air defense artillery brigades to Germany, replacing the departing ABCT in terms of troop numbers;
- Deployed a rotational light Infantry Brigade Combat Team (IBCT) primarily based in Romania. The IBCT became operational in October 2022, and by the end of 2023, all three brigades of the 101st Airborne Division had rotated through this role;⁷⁶

⁷² 3,000 more US troops from 82nd Airborne head to Poland amid Ukraine invasion concerns // ABC News. February 11, 2022. URL: <https://abcnews.go.com/Politics/3000-us-troops-82nd-airborne-head-polandamid/story?id=82834091> (accessed: December 5, 2023).

⁷³ Austin Orders Fort Stewart Armored Brigade Combat Team to Europe // DoD. February 24, 2022. URL: <https://www.defense.gov/News/News-Stories/Article/Article/2945855/austin-orders-fort-stewart-armored-brigade-combat-team-to-europe/> (accessed: December 5, 2023).

⁷⁴ U.S. Army // US.gov. 2023. URL: <https://www.usa.gov/agencies/u-s-army> (accessed: December 5, 2023).

⁷⁵ Thousands more soldiers will be posted to Europe and rotating through // Your army. June 29, 2022. URL: <https://www.armytimes.com/news/your-army/2022/06/29/thousands-more-soldiers-will-be-posted-to-europe-and-rotating-through/> (accessed: December 5, 2023).

⁷⁶ Secretary of Defense Lloyd J. Austin III Welcomes Romanian Defense Minister Angel Tilvar to the Pentagon // DoD. March 30, 2023. URL: <https://www.defense.gov/News/Transcripts/Transcript/Article/3347018/secretary-of-defense-lloyd-j-austin-iii-welcomes-romanian-defense-minister-ange/> (accessed: December 5, 2023); U.S. Army Combat Brigade Teams host transfer of authority ceremony in Romania // DVIDS. November 24, 2023. URL: <https://www.dvidshub.net/news/458535/us-army-combat-brigade-teams-host-transfer-authority-ceremony-romania> (accessed: December 5, 2023).

– Announced plans to establish a second rotating ABCT.⁷⁷ Until spring 2023, two ABCTs operated concurrently in Poland and the Baltic States (see Table 2), but this dual deployment was suspended until early 2024.

Between 2017 and 2023, nearly 70% (nine out of thirteen) of the U.S. Army's armored brigades and regiments were deployed as armored brigade group in northern Eastern Europe and Germany.⁷⁸ Notably, up to four ABCTs or ACRs were deployed simultaneously at times, though typically only two such formations were active concurrently. During 2022–2023, five of the seven airborne brigades in the U.S. Army – also approximately 70% – rotated through the IBCT role in southern Eastern Europe and Italy.⁷⁹ However, only two brigades were deployed at the same time. Overall, from 2017 to 2023, a total of 14 U.S. ground force brigades were deployed in Europe, including two permanently stationed units, with no more than six brigades deployed simultaneously. The peak simultaneous deployment of six brigades occurred between February and June 2022, but by spring 2023, this number had decreased to four.

In other words, by early 2024, the total number of U.S. Army brigades deployed in Europe was 3.5 times the number deployed simultaneously. This variation clearly illustrates the strategic flexibility Washington has preserved through burden-sharing arrangements in managing its confrontation with Russia and China. The nominal deployment of 14 brigades – that is, the total number deployed over time rather than simultaneously – enabled the U.S. to effectively refresh its experience in temporarily redeploying a significant portion of its ground forces to Europe. This approach also served as a strong incentive for U.S. partners to more actively commit their armed forces under NATO's auspices in efforts to deter Russia.

The number of brigades deployed simultaneously – four at present, five in the near future, and briefly up to six – enabled Washington to reserve the bulk of its forces for various measures aimed at strengthening deterrence against China. Most of these brigades stationed in Europe, both at the forward line⁸⁰ and deeper within the area of responsibility, consisted of national units operating under direct U.S. command. Notably, the headquarters of the U.S. Army V Corps are permanently based in Poland along with a rotating heavy division, while a rotating light division is stationed in Romania. Meanwhile, Washington actively encouraged European NATO members to form multinational groupings and command structures, with the latter developed under significant U.S. involvement. This approach ensured integrated U.S. oversight of allied contingents.

⁷⁷ Fact Sheet – U.S. Defense Contributions to Europe // US DoD. June 29, 2022. URL: <https://www.defense.gov/News/Releases/Release/Article/3078056/fact-sheet-us-defense-contributions-to-europe/> (accessed: December 5, 2023).

⁷⁸ U.S. Army // US.gov. 2023. URL: <https://www.usa.gov/agencies/u-s-army> (accessed: December 5, 2023).

⁷⁹ *Ibid.*

⁸⁰ Except for the component that is part of the multinational NATO Response Force formations.

While most U.S. forces in Europe were stationed deeper within NATO's area of responsibility,⁸¹ the ground brigades were positioned in its forward sectors. The United States played a major role in contributing to the eFP and tFP forces but was less involved with the NRF. Washington adopted a strategy of leading from the front, setting an example to encourage its partners to take further, more ambitious steps. This approach created a self-reinforcing effect in the military engagement of European NATO members in deterring Russia.

Washington has also applied this approach in delivering multifaceted assistance to Kyiv, which lies outside NATO's formal area of responsibility. The Ramstein format has played a key role in coordinating the provision of weapons and military equipment to Ukraine. Named after the large U.S. military base in Germany, the format symbolizes extensive American involvement. While announcing its military aid plans, Washington coordinated closely with European NATO members on various projects (Mills, 2023, p. 8, 35-36). A notable example is the delivery of Western-made tanks in January 2023. Discussions about supplying U.S. Abrams tanks coincided with the United Kingdom's decision to provide Challenger 2 tanks and France's commitment of lightweight AMX-10 vehicles. These moves influenced Germany to begin supplying its Leopard 2 and Leopard 1 tanks and to lift restrictions on transferring such tanks to Ukraine by other European NATO countries. During the summer-fall 2023 Ukrainian offensive, dozens of Leopard tanks, several AMX-10s, and a handful of Challenger 2s were actively deployed on the battlefield⁸² – yet, notably, not a single (!) Abrams tank took part, as these arrived only after the offensive had concluded.

A similar situation unfolded regarding the training of personnel for Ukraine's strategic reserve brigades, which were tasked with playing a crucial role in efforts to break through Russian defences. At the end of 2022, the United States initiated discussions on training Ukrainian Armed Forces personnel. Meanwhile, the United Kingdom launched the Interflex program, involving several NATO member countries acting in a national capacity – but notably excluding Germany and France.⁸³ These developments largely paved the way for the establishment of the EU Military Assistance Mission in Support of Ukraine (EUMAM).⁸⁴ In total, Western countries trained approximately 36,000 Ukrainian military personnel for the summer-fall 2023 offensive, with around 30,000 – over 80% – trained by European nations participating through Interflex and EUMAM. Most of the personnel trained directly by the United States were deployed later in the campaign.⁸⁵

⁸¹ Refers to forces based in Germany and Italy.

⁸² See: Briefings // Ministry of Defence of the Russian Federation. 2023. URL: https://z.mil.ru/spec_mil_oper/brief/briefings.htm (accessed: December 5, 2023) (in Russian).

⁸³ Operation Interflex // Forsvaret.no. 2023. URL: <https://www.forsvaret.no/en/exercises-and-operations/international-operations/interflex> (accessed: December 5, 2023).

⁸⁴ Germany – EUMAM UA // BMVg. 2023. URL: <https://www.bundeswehr.de/en/organization/further-fmod-departments/bundeswehr-homeland-defence-command/germany-eumam-ua> (accessed: December 5, 2023).

⁸⁵ "Ukazat' russkim ikh mesto": kak proyavili sebya podgotovlennyye NATO boytsy VSU ["Show the Russians their place": how NATO-trained Ukrainian Armed Forces fighters performed] // RIA Novosti. September 19, 2023. URL: <https://ria.ru/20230919/podgotovka-1897031813.html> (accessed: December 5, 2023) (in Russian).

The NATO mechanism was not involved in all the channels of direct support to Kyiv. This was due not only to the West's desire to implement measures sensitive to Russia in a way that would prevent uncontrolled escalation but also to a strategic U.S. approach. The United States aimed *not only to establish a self-reinforcing pattern of assistance from European partner countries but also to ensure that this support would remain sustainable* even if American aid declined significantly. This situation became apparent during the winter of 2023/24. Despite this, even Germany, which ranked second after the United States in 2023 in terms of providing weapons and military equipment, showed signs of hesitation.⁸⁶ This is evidenced by the absence of deliveries of Taurus air-launched cruise missiles. Nevertheless, the overall distribution of the conventional military burden in deterring Russia functioned effectively. European continental NATO members made decisive contributions to building NATO battlegroups and played a significant role in supplying weapons and military equipment to Kyiv. This distribution of responsibilities allowed Washington to conserve its resources, particularly its Armed Forces personnel, to focus on countering China.

The conventional military component of deterring China

To establish an effective deterrence system against China, the United States needed to address three key groups of military tasks:

- Strengthening and optimizing the deployment of its own forces in the Asia-Pacific;
- Deepening cooperation with regional allies – particularly Australia and Japan – and close partners like South Korea, with a special focus on institutional collaboration and the role of the United Kingdom. Despite limited resources in the region, the UK has shown increased initiative, at times even surpassing the United States in promoting multilateral efforts (Vasiliev, 2022);
- Engaging European continental NATO member states.

Among these, the first two groups were the most critical, while the third, though limited in military and practical impact, held considerable political significance. A key symbol of the new U.S. strategy in the region was the 2018 reorganization of the U.S. Pacific Command into the Indo-Pacific Command.

By the end of the Cold War, the United States maintained roughly equal troop levels in Europe and Asia, with approximately 319,000 and 298,000 personnel, respectively.⁸⁷ However, by 2024, this balance had shifted significantly: troop numbers in Europe had decreased to 80,000, while those in Asia had increased to 375,000.⁸⁸ These figures

⁸⁶ "In dem Sinne bin ich auch Pazifist" // Die Zeit. December 6, 2023. URL: <https://www.zeit.de/2023/52/boris-pistorius-bundeswehr-ukraine-krieg> (accessed: December 15, 2023).

⁸⁷ Military Presence. U.S. Personnel in NATO Europe. GAO/NSIAD-90-04. Washington: US General Accounting Office, 1990. P. 27; Military Presence. U.S. Personnel in the Pacific Theater. GAO/NSIAD91-192. Washington: US General Accounting Office, 1991. P. 27.

⁸⁸ U.S. Defense Infrastructure in the Indo-Pacific: Background and Issues for Congress. R47589. Washington: US Congress, 2023. P. 1.

represent about 5.9% and 28.5% of the total U.S. military personnel, respectively.⁸⁹ Regarding the branches of the armed forces, Europe's presence was primarily composed of ground forces, whereas in the Asia-Pacific, the Navy and Marine Corps dominated, with the Army playing a smaller role. Notably, two of the U.S. Navy's most powerful operational fleets – the 3rd Fleet (covering the Eastern Pacific) and the 7th Fleet (operating in the Western Pacific and Eastern Indian Oceans) – were based in this region. Despite this naval dominance, it is through the American ground forces, especially bolstered by the New NATO Force Model, that the United States has maintained the capacity to mobilize substantial resources for operations in the Asia-Pacific. In the late 1980s, the large troop contingents stationed primarily within the continental United States (excluding Hawaii and Alaska) were generally intended to reinforce the European grouping. By the early 2020s, however, a significant portion of these forces had been redirected toward the Asia-Pacific region.

U.S. ground forces in the region were organized along three main lines – or more accurately, sets of segments separated by seas:

(1) The first line, adjacent to China, primarily consisted of forces stationed in South Korea (the 2nd Infantry Division, which maintained two Stryker Brigade Combat Teams on a permanent basis) and Japan (the 3rd Marine Division).

(2) The second line was positioned on U.S.-owned islands in the eastern Pacific, most notably Hawaii, where the 25th Infantry Division was based, comprising two brigades as of 2022.

(3) The third line extended along the U.S. West Coast, with the 1st Marine Division headquartered in California and the 7th Infantry Division⁹⁰ stationed in Washington State.

Alaska occupies a unique position in the U.S. military structure. In 2022, it became the base for the newly established 11th Airborne Division. Two of the four brigades from the 25th Infantry Division were reassigned to this new division, which operates with a high degree of autonomy within the Indo-Pacific Command's joint forces. In 2023, units from the 11th Airborne Division conducted exercises focused on the rapid transfer and deployment of troops to northern Finland, with plans to conduct similar operations in Sweden.⁹¹ These drills significantly enhanced U.S. efforts to bolster its military presence in the Arctic, particularly in Norway's Finnmark county. Since 2017, such initiatives have been ongoing,⁹² including participation in the Trident Juncture

⁸⁹ Calculations based on: Defence Expenditure of NATO Countries (2014–2023). Brussels: NATO, 2023. P. 12.

⁹⁰ U.S. Defense Infrastructure in the Indo-Pacific: Background and Issues for Congress. R47589. Washington: US Congress, 2023. P. 2–18.

⁹¹ Statement of General Christopher G. Cavoli, United States Army. United States European Command. April 26, 2023. DoD. URL: <https://armedservices.house.gov/sites/republicans.armedservices.house.gov/files/04.26.23%20Cavoli%20Statement%20v2.pdf> (accessed: December 5, 2023).

⁹² New Norway – USA Defense Agreement Allows Extensive US Authority in the North // High North News. June 8, 2022. URL: <https://www.highnorthnews.com/en/new-norway-usa-defense-agreement-allows-extensive-us-authority-north> (accessed: December 5, 2023).

2018 exercises. These activities underscore the increasing strategic interest in the Arctic Ocean. The 11th Airborne Division, together with Norwegian forces in Finnmark, has become a central component of the U.S. and allied Arctic military posture, capable of transcontinental operations. The deployment of the 11th Division in Europe stands out as an exception: it represents the use of forces officially assigned to the Indo-Pacific Command in a European context.

The U.S. Army's capabilities were primarily leveraged to reinforce the first and third lines of presence in the Asia-Pacific. A rotating ABCT was stationed in South Korea, a role that was alternately fulfilled by several ABCTs also deployed in Eastern Europe.⁹³ This rotation system exemplifies the flexibility of the United States in deploying its military units. The division headquarters was based in Washington State, which had no permanently assigned military units. This headquarters had the capacity to command brigades drawn from other divisions located in the southern and eastern United States, as well as newly formed units rapidly deployed to the West Coast. This arrangement allowed the U.S. to bolster its ground forces in the Asia-Pacific by increasing the number of brigades to four – effectively doubling their strength – without establishing additional command structures. This arrangement allowed for strengthening the second line of force projection by deploying Marine Corps units. According to 2020 plans, approximately 9,000 Marines could be relocated from Japan to Hawaii, Guam, and northern Australia (Ivanov, 2020, p. 48).

This situation illustrated two key trends simultaneously. First, it reflected the deepening cooperation between Washington, Tokyo, and Seoul, with the institutionalization of their trilateral partnership driven by shared interests in deterring North Korea and, *de facto*, China (Istomin, 2023). Politically, the combined strength of the Japanese and South Korean armed forces, together with the American military presence, created a substantial deterrent force *along the northern flank of Taiwan*.

Another trend is the deepening cooperation between the United States and Australia, supported by Britain, with New Zealand participating to a lesser degree. The AUKUS framework, established in the 2020s, differs substantially from its Cold War predecessors, ANZUS and ANZUK. Under the new agreements, Australia planned to establish a nuclear-powered submarine fleet without nuclear weapons with substantial assistance from the United States and Britain (Vasiliev, 2022), while the United States and the UK would station similar vessels armed with nuclear warheads at Australian ports. These agreements marked the first major steps toward comprehensive and advanced military and technical collaboration among the three Anglo-Saxon powers.⁹⁴ They effectively closed a critical gap in the deterrence posture against China

⁹³ 2nd Armored Brigade Combat Team returns home from Republic of Korea rotation // DVIDS. November 2, 2020. URL: <https://www.dvidshub.net/news/384764/2nd-armored-brigade-combat-team-returns-home-republic-korea-rotation> (accessed: December 5, 2023).

⁹⁴ Joint Leaders Statement on AUKUS // The White House. March 13, 2023. URL: <https://www.whitehouse.gov/briefing-room/statements-releases/2023/03/13/joint-leaders-statement-on-aukus-2/> (accessed: December 5, 2023).

in the area *south of Taiwan*. This development is particularly significant given the balanced stance of ASEAN member states, which aim to maintain equilibrium between the United States and China.⁹⁵

The Partners in the Blue Pacific (Blue Pacific Alliance), which includes four Anglo-Saxon powers – among them New Zealand – as well as Japan, has the potential to serve as a strategic platform that brings together key elements of the broader regional efforts to counter China. Since 2023, Germany has also joined this group of participating countries. The timing of the alliance's formation is noteworthy: June 24, 2022⁹⁶ – just before NATO announced its transition to a new force model and officially identified China as a threat in its updated strategic concept. These developments are linked not only in time but also in function, reflecting a system of burden-sharing among Western democracies.

Engaging continental European NATO members in the effort to deter Beijing proved to be a more complicated and time-consuming task for the United States. The case of NATO itself is illustrative: despite closer ties with Japan and Australia, the NATO 2022 strategic concept did not formalize cooperation with these partners as a core objective, even while emphasizing the need to counter China's growing influence.⁹⁷ The newer European members of NATO has rhetorically supported Washington's tougher stance toward China, particularly regarding Taiwan. However, there remains little indication that these U.S. allies are prepared to commit substantial military forces to the Asia-Pacific region.

These capabilities are held by the leading 'old' continental NATO members, particularly within their naval and air forces. However, in the early 2020s, they were not yet prepared for a sharp or large-scale escalation in relations with China, opting instead for more cautious, limited measures. For instance, Germany deployed a frigate to the region in 2021–2022, followed by a group of aircraft in 2022. Notably, these actions were taken in a strictly national capacity (Arzamanova, 2022), avoiding explicit anti-Chinese commitments. At the same time, relations have been gradually deteriorating: in 2023, Germany adopted both a Strategy on China and a National Security Strategy. The latter characterized China as “a partner, a competitor, and a systemic rival.”⁹⁸ While future military involvement by mainland Western and Southern European countries in deterring Beijing remains possible, these states already make a significant indirect contribution to the confrontation. Their substantial commitments

⁹⁵ PM Lee Hsien Loong's interview with Nikkei Asia (May 2022) // Prime Minister's Office Singapore. May 23, 2022. URL: <https://www.pmo.gov.sg/Newsroom/PM-Lee-Hsien-Loong-interview-with-Nikkei-Asia> (accessed: December 5, 2023).

⁹⁶ Statement by Australia, Japan, New Zealand, the United Kingdom, and the United States on the Establishment of the Partners in the Blue Pacific (PBP) // The White House. June 24, 2022. URL: <https://www.whitehouse.gov/briefing-room/statements-releases/2022/06/24/statement-by-australia-japan-new-zealand-the-united-kingdom-and-the-united-states-on-the-establishment-of-the-partners-in-the-blue-pacific-bbp/> (accessed: December 5, 2023).

⁹⁷ NATO Strategic Concept // Brussels: NATO. 29.06.2022. P. 3–5.

⁹⁸ Nationale Sicherheitsstrategie. Wehrhaft. Resilient. Nachhaltig. Integrierte Sicherheit für Deutschland // Bundesregierung. Juni 2023. URL: <https://www.nationalesicherheitsstrategie.de/Sicherheitsstrategie-DE.pdf> (accessed: December 5, 2023).

under the New NATO Force Model enable the United States to allocate larger forces to counter China.

* * *

The example of ground forces deployment illustrates that Western countries had reached a fundamental consensus on how to distribute their contributions toward confronting Russia and China as early as 2021. These plans and decisions were most clearly formalized in NATO's new strategic concept and force model, agreed upon in late June 2022. Consequently, Western military actions to counter Russia, including during its ongoing special military operation in Ukraine, were largely proactive rather than reactive, reflecting a carefully crafted strategy established before February 24, 2022. This consensus on burden-sharing largely stems from the combined impact of the Trump and Biden administrations. The 45th U.S. President's policies strained transatlantic relations by pushing European partners to increase their military spending. The Biden administration sought to restore 'normalcy' in NATO relations but leveraged concerns about potential crises to encourage European allies to take a leading role in deterring Russia, particularly by contributing troops. Throughout, the United States maintained its leadership role, acting as the primary decision-maker on sensitive military issues, while gradually shifting most of the operational burden to its allies. This shift is evident in the U.S. participation in the deployment of the eFP and tFP forces from 2017 to 2023, as well as the temporary troop surge in Europe in 2022 aimed at motivating partners to adopt the new force model. In both instances, the emphasis was on ground forces, which are expected to be the primary focus for future military build-up. The New NATO Force Model is intended to promote the Europeanization of the Alliance's forces. However, given the scale and growth trajectory of national armed forces, this initiative complicates the already slow progress toward establishing a European army or the EU's multinational forces.

All these decisions enhance U.S. control over how European partners deploy their military forces, particularly ground troops. Furthermore, the 'new' NATO member countries primarily contribute to deterring Russia through their national forces, whereas the 'old' member states operate mainly within the framework of the Alliance's multinational forces. This distinction limits the strategic autonomy of Western European continental countries from the United States, a dynamic especially evident in Germany's case. To offset the decline of its strategic presence in unstable regions like the Middle East and Africa, Berlin has significantly increased its role in deterring Moscow in Europe and has adopted a similar stance toward Beijing – aligning closely with Washington's interests.

Between 2021 and 2022, a system of cooperative formats emerged in the Asia-Pacific, establishing the core elements of a strategic deterrence framework aimed at China. The United States and its key regional allies – primarily Australia and Japan – play the central military role in building this structure. Looking ahead, greater involvement from Western European democracies is also anticipated.

By strategically leveraging the military capabilities of its partners, the United States has optimized the deployment of its own ground forces. For each potential confrontation, Washington has deployed forces within forward strategic echelon zones roughly equivalent to two army divisions; in the Asia-Pacific, this deployment also includes Marine Corps units. The main U.S.-based forces function as a shared reserve for Western allies, enabling temporary but demonstrative redeployments to Europe while maintaining readiness for operational deployment in the Asia-Pacific.

This evolving confrontation has prompted Russia to expand its armed forces from 1 million to 1.5 million personnel by 2027⁹⁹, with a particular emphasis on strengthening ground forces beginning in 2023. In the medium term, similar military build-ups are expected from China.

About the Author:

Philipp O. Trunov — Dr. of Sciences (Politics), Professor, Institute of Scientific Information for Social Sciences of the Russian Academy of Sciences (INION RAN), Moscow, 117997, Russia. Email: 1trunov@mail.ru

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⁹⁹ Ministr oborony Rossii proinspektiroval rossiyskuyu gruppirovku voysk v zone provedeniya SVO [Russian Defense Minister Inspects Troop Deployment in Special Military Operation Zone] // Ministry of Defense of the Russian Federation. January 17, 2023. URL: https://z.mil.ru/spec_mil_oper/news/more.htm?id=12451652@egNews (accessed: December 5, 2023).

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The Food and Energy Crisis of the 2020s as a Vehicle of Western Anti-Russian Policy¹

Mark L. Entin, Ekaterina G. Entina, Sofia K. Babkina

MGIMO University

Abstract. Western officials and media have accused Russia of worsening the situation on the global food and energy markets in connection with its Special Military Operation in Ukraine. In addition to existing financial, diplomatic, political, and other restrictions, the West is waging an anti-Russian information campaign, blaming Moscow for the global food and energy crises. In practice, food and energy crises have long existed in certain states and regions, as well as at the global level, going through phases of transformation, aggravation, and mitigation, depending on a combination of causes. The authors do not deny that geopolitical events have had an impact on the stability of the energy and food systems, but not to the extent that Western countries claim. The profitability of speculation on global and local food and energy markets; the effectiveness of the G7 measures to control prices and pricing; the firm intention to further the sanctions pressure on the Russian fuel and energy complex; the launch of pilot mechanisms for the West to collect a kind of rent from the global fuel and energy complex; and the consolidation of the goals of decarbonizing the world economy in binding regulations at the national, regional, and global levels – all this indicates that the West's reactionary measures against Russia will not stop any time soon and in the future may be deployed against other actors to achieve their political and economic goals. In a practical sense, these actions require a certain consolidation of efforts and a change in the strategy of Russia and friendly states towards Western countries to reduce dependence on their information agenda and political actions aimed at instigating crises in various spheres.

Keywords: food crisis; energy crisis; securitization; fertilizer market; US; EU; anti-Russian sanctions

Since mid-2022, discussions about the causes of the global food and energy crises have intensified. Although the underlying issues in the grain and energy markets are deep-rooted, the United States, the EU, and their allies have blamed Russia for volatile food and energy prices, as well as food shortages, attributing these problems to its special military operation in Ukraine. While Russian suppliers are significant

¹ English translation from the Russian text: Entin M., Entina E., Babkina S. 2024. Prodoovol'stvennyj i energeticheskij krizisy 2020-h godov kak instrument antirossijskoj politiki Zapada. *Mezhdunarodnye processy* [International Trends]. No 22 (1). P. 148-169. DOI: 10.46272/IT.2024.22.1.76.2

players in both markets, Western countries have framed the price surges as global crises caused by Moscow. In reality, the volatility stems from a range of factors rooted in broader, more complex challenges dating back to the late 2010s and early 2020s. These include the climate policies of certain EU member states and the European Union as a whole, oil price fluctuations driven by OPEC+ decisions, population growth, and the aftermath of the COVID-19 pandemic affecting supply chains.

The rhetoric from Washington and Brussels reflects their own domestic and foreign policy goals. In 2022, attributing the rise in food and energy prices and the overall market deterioration directly to Russia served to discredit the country and unite the West, fostering solidarity with Ukraine.

The energy and food crises that emerged between 2021 and 2022 have scarcely been addressed in academic literature. Most existing publications tend to align with the official narratives of Western countries. This is due not only to the short time elapsed since these events but also to the highly politicized nature of the topic at the level of institutions, organizations, and official representatives of various states, which hinders objective analysis. Additionally, the scarcity of non-politicized statistical data makes impartial research difficult, along with the absence of a universally accepted interpretation of the energy and food crises or standardized parameters for assessing them.

The connection between the energy and food crises and Russia's foreign policy, including its special military operation in Ukraine, is predominantly covered in reports from EU institutions,² relevant United Nations agencies, and government research centers in Western countries (Ferris, 2023, Gross, 2023).³ There are also some academic studies on the subject (Ben Hassen, El Bilali, 2022; Zheng, 2023; Qi, 2023). Recent domestic research includes analytical reports by E. Ya. Arapova and E.A. Maslova, E.A. Sergeev and V.V. Vorotnikov, as well as articles by Yu.V. Borovsky, A.A. Bakulina, and I.A. Bakulin, which directly explore potential scenarios and risks related to the global food crisis (Arapova, Maslova, 2022; Sergeev, Vorotnikov, 2023; Borovsky, 2022; Bakulina, Bakulin, 2023).

The aim of this article is to examine whether the deterioration of the food and energy crises in the 2020s is part of a broader anti-Russian agenda pursued by Western countries, which intensified following the onset of the special military operation in Ukraine. To address this, the article approaches energy and food security through the lens of securitization theory.

The analysis begins by outlining the theoretical framework underpinning the study. It then defines the concepts and criteria used to evaluate food and energy security and their associated crises. Additionally, the article assesses the state of these

² See, e.g.: Caprille A. Russia's war on Ukraine: Impact on food security and EU response // European Parliamentary Research Service. April 2022. URL: [https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/729367/EPRS_ATA\(2022\)729367_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/729367/EPRS_ATA(2022)729367_EN.pdf) (accessed: January 23, 2024).

³ Hillebrand E. (Ed.). Energy Without Russia. How Europe Has Reacted to the Supply Crisis after the Attack on Ukraine // Friedrich-Ebert-Stiftung. November 20, 2023. URL: <https://library.fes.de/pdf-files/bueros/budapest/20680-20231120.pdf> (accessed: January 23, 2024).

sectors prior to the special military operation and highlights the changes observed up to spring 2023, while also evaluating the actual role and influence of Moscow and Kyiv in the energy and food markets. Based on this research, the authors offer practical recommendations for Russia on how to respond to the policies of the United States and the EU, which are contributing to the worsening of crisis conditions and heightening tensions in the global economy.

Energy and food security through the lens of international relations theories

Global security encompasses multiple dimensions, including energy and food security. Key theoretical perspectives help explain the behavior of actors in global politics within these sectors. From a realist standpoint, both energy and food security play crucial roles in a state's projection of power on the international stage (Luft, Korin, 2009; Borovsky, 2022). States may prioritize securing energy sovereignty as a primary objective⁴ (Schelly et al., 2020), or they may seek to influence other actors by shaping the status quo⁵ (Borovsky, 2020; Golunov, 2021). Likewise, food security and sovereignty help states ensure the population's basic food needs are met, while also enabling them to exert influence over others. This can take the form of restricting exports of critical food products or, alternatively, providing food aid to other countries (Essex, 2012, p. 192).

Advocates of liberalism tend to interpret the situation in the energy sector primarily as a result of economic relations that should evolve according to free market principles. They emphasize the importance of mutually beneficial cooperation, often facilitated through international institutions (Luft, Korin, 2009; Borovsky, 2022). Similarly, they view food relations through this economic lens. Since liberals do not see the state as an independent political actor, but rather as a reflection of the interests of individuals and groups it represents, ensuring the population's access to food – particularly via trade liberalization – becomes central to security (Johnson, 1978). Liberal theory places significant emphasis on institutions and regimes. In the food sector, this role is fulfilled by organizations such as the United Nations International Fund for Agricultural Development (IFAD), the United Nations World Food Programme, and the Food and Agriculture Organization of the United Nations (FAO).

However, since the 1990s, international relations theory has increasingly shifted from narrow to broader interpretations of security. Within this evolving framework, aspects such as food and energy security are understood largely as socially constructed concepts. Proponents of the Copenhagen School of security studies argue that functional issues transform into security concerns when they are framed as existential

⁴ For example, by reserving limited (carbon) energy resources for emergencies or diversifying supply sources and routes.

⁵ For instance, by imposing embargoes or enforcing price caps on energy supplies.

threats – this is referred to as securitization theory (Buzan, Wæver, 2003; Borovsky, Shishkina, 2021). We believe this theory offers the most insightful explanation for the intensifying food and energy crises seen in the 2020s.

The authors of this theory adopt a fluid understanding of security, offering no rigid definition of the category or limits to the issues it can encompass. This theoretical framework posits that any issue can be elevated to a security concern if an interested party successfully portrays it as an existential threat to a specific audience. For instance, a government might frame an issue as a survival threat to its population, thereby securitizing it at the national level. Similarly, one or more power centers can attempt to securitize certain issues for other states, integrating these issues into the realm of international security. Following this logic, energy and food issues, like any others, are susceptible to securitization (Buzan, Wæver, de Wilde, 1998, p. 71-75).

According to this theory, an issue becomes a security threat through a ‘speech act’ performed by securitizing actors, typically the political elite. This process highlights how threats are socio-politically constructed using specific discursive tools (Jiayi, 2022, p. 26). This was strikingly evident during the escalation of the energy and food crises in 2022, where informational speculation played a significant role. The primary purpose of securitization is to justify the use of extraordinary measures, normally considered unacceptable, by framing an issue as a security imperative.

At the same time, a contradiction emerges when crisis situations primarily threaten the security of the global population, yet political elites exploit these issues to advance their own foreign policy and economic agendas. For instance, the anti-Russian sanctions regime disrupts and even dismantles existing supply chains – such as airspace closures and the suspension of grain and fertilizer exports – leading to price surges. Despite this, Western political elites overlook the impact of their actions on consumers and instead place the blame for the resulting volatility on Moscow.

Representatives of the Copenhagen School highlight how the concept of security becomes relativized and susceptible to political manipulation. However, securitization theory does not deny that genuine harm can occur to states and societies, including in the food and energy sectors. Rather, it emphasizes that there is no straightforward connection between actual damage and how security threats are perceived. Objective events can be reframed through speech acts to serve the interests of specific actors. Furthermore, securitizing an issue can divert the attention of target audiences away from the consequences of these actors’ own policies by exaggerating external threats.

Global food and energy crises prior to the launch of the special military operation in Ukraine

Western officials, scholars, and the media frequently attribute the food and energy crises to Russia.⁶ However, the underlying causes of these crises are more deeply rooted. Additionally, establishing a clear timeline for when these problems began presents significant challenges. The food and energy crises have garnered considerable attention in academic and public discussions, especially since the onset of the COVID-19 pandemic. It is important to analyze the factors that have contributed to their intensification.

Energy crisis

The global energy crisis that began in 2021 resulted from several factors, including (1) the COVID-19 pandemic, which caused a sharp decline in energy demand, a significant cutback in oil production, disruptions to global supply chains, and a rapid economic rebound following the easing of restrictions;⁷ (2) the worldwide initiative to reduce carbon dioxide emissions that started in the 2000s; (3) a shortage of fossil fuels to meet increasing demand, leading to price volatility during the transition away from fossil fuels;⁸ and (4) the interconnected nature of energy markets.⁹

The primary driver of the current energy crisis is the pandemic and the subsequent recovery process. During the coronavirus restrictions, energy demand and prices experienced a historic drop. However, after restrictions were lifted and supply chains and industrial production began to recover, tensions emerged in fossil fuel markets, including oil, natural gas, and coal. The surge in energy prices during this period was mainly due to supply shortages that had not yet caught up with recovering demand. Additionally, the interconnection between fuel markets has amplified crises across oil, natural gas, coal, and electricity sectors.

⁶ See, e.g.: Vazquez M., Fossum S. Biden blames Russia's war in Ukraine for food supply shortages and price hikes // CNN. May 11, 2022. URL: <https://edition.cnn.com/2022/05/11/politics/bidenfood-supply-russia-ukraine/index.html> (accessed: July 6, 2023); Wingrove J. Biden Says to Expect 'Real' Food Shortages Due to Ukraine War // Bloomberg. March 24, 2022. URL: <https://www.csis.org/analysis/creating-new-energy-strategy-post-ukraine-war-world> (accessed: July 6, 2023); FACT SHEET: President Biden and G7 Leaders Announce Further Efforts to Counter Putin's Attack on Food Security // The White House. June 28, 2022. URL: <https://www.whitehouse.gov/briefing-room/statements-releases/2022/06/28/fact-sheet-president-biden-and-g7-leaders-announce-further-efforts-to-counter-putins-attack-on-foodsecurity/> (accessed: July 6, 2023); EU's von der Leyen says Russia is using food supplies as a weapon // Reuters. May 25, 2022. URL: <https://www.reuters.com/world/europe/eus-von-der-leyen-says-russia-is-using-food-supplies-weapon-2022-05-24/> (accessed: July 6, 2023); Gross S. Energy and climate challenges will continue in 2023 // Brookings. March 1, 2023. URL: https://www.brookings.edu/wp-content/uploads/2023/03/FP_20230301_climate_energy_2023_gross.pdf (accessed: July 6, 2023).

⁷ In their recovery from coronavirus restrictions, national economies increased industrial production, which inevitably resulted in higher energy consumption.

⁸ Essentially, fossil fuels and nuclear energy have been 'demonized' in favor of more socially acceptable low-carbon alternatives.

⁹ Gilbert A., Bazilian M. D., Gross S. The emerging global natural gas market and the energy crisis of 2021–2022 // Brookings. December 2021. URL: <https://www.brookings.edu/articles/the-emerging-global-natural-gas-market-and-the-energy-crisis-of-2021-2022/> (accessed: July 6, 2023).

Food crisis

Similar to the energy crisis, the coronavirus pandemic has had a detrimental effect on the global food system. Climate change also poses a significant challenge, bringing periods of drought, natural disasters, and other adverse conditions. Before 2020, the FAO Food Price Index remained relatively stable, fluctuating within a narrow range around 95 points over a five-year span. Several factors contributed to this stability being disrupted: (1) a substantial US monetary expansion in 2020–2021, which fuelled increased demand;¹⁰ (2) the energy crisis in the EU, which caused a decline in fertilizer production, compounded by sanctions on Belarusian and Russian suppliers; and (3) restrictions affecting companies involved in the food supply chain.

The COVID-19 pandemic has intensified the issue of food insecurity by causing declines in household incomes and disrupting global supply chains. The most severely affected have been the poorest and most vulnerable populations, particularly in African countries. However, there is enough food globally to feed the entire population. Despite this, (1) the majority of people worldwide consume food beyond the physiological norms set by the UN;¹¹ (2) 30–40% of all food is wasted; and (3) speculation in the food market contributes to price volatility. A key factor in food waste is the lack of adequate infrastructure, technology, and knowledge to preserve food freshness in less developed countries, while in developed countries, food's relatively low cost creates less incentive to avoid waste.¹²

In reality, food and energy crises have existed for a long time in various countries, regions, and globally, fluctuating in intensity depending on the mix of underlying causes. While the authors of this article acknowledge that the geopolitical events of 2022 have impacted the stability of energy and food systems, they argue that the actual effects are significantly less severe than those claimed by the so-called collective West.

Crisis mitigation in energy and food markets and the global economy by spring 2023

While the energy and food crises that started in 2020–2021 persist, statistical data indicate that by spring 2023 their effects were less pronounced than Western countries have suggested.¹³

¹⁰ Within a span of less than two years, the money supply grew by 6.2 trillion dollars, representing a 39% increase. See: Rasstrigin M. Nerasskazannyye prichiny prodovol'stvennogo krizisa [Unspoken Causes of the Food Crisis] // Vedomosti, June 23, 2022. URL: <https://www.vedomosti.ru/opinion/articles/2022/06/22/927998-prichini-prodovolstvennogo> (accessed: July 6, 2023) (in Russian).

¹¹ 2021 Global Nutrition Report. The state of global nutrition // UN. 2021. URL: https://www.un.org/nutrition/sites/www.un.org.nutrition/files/global_nutrition_report_2021.pdf (accessed: July 6, 2023).

¹² Erdman J. We produce enough food to feed 10 billion people. So why does hunger still exist? // Medium. February 2, 2018. URL: <https://medium.com/@jeremyerdman/we-produce-enough-food-to-feed-10-billion-people-so-why-does-hunger-still-exist-8086d2657539> (accessed: July 6, 2023).

¹³ See, e.g.: Borrell J. A year of war and energy and climate crises // European Union External Action Service. January 2, 2023. URL: https://www.eeas.europa.eu/eeas/year-war-and-energy-and-climate-crises_en (accessed: March 5, 2024); Biden: 'Putin tried to starve the world' // Politico. February 21, 2023. URL: <https://www.politico.com/news/2023/02/21/biden-putin-russia-ukraine-00083786> (accessed: March 5, 2024).

Energy market

According to the International Energy Agency (IEA),¹⁴ by early spring 2023, issues in the European and global energy markets had largely been resolved. However, tensions could reemerge if China's economy experiences rapid growth, if the United States and European Union see stronger economic recoveries, and if fossil fuel production in Russia declines due to the impact of sanctions. This potential risk can be mitigated by increasing export capacities in the United States, Canada, Brazil, Norway, and Guyana,¹⁵ as well as by maintaining stable supply levels from Saudi Arabia and the United Arab Emirates.

By spring 2023, oil and natural gas prices, which had increased several fold the previous year, fell back to levels similar to those seen in mid-to-late 2021 – prior to the West's (the United States, the EU, and their allies) full-scale sanctions campaign against Russia and the dramatic reduction in Russian natural gas, oil, and petroleum product supplies to EU member states. By mid-March 2023, natural gas prices in EU countries hit their lowest point in the past 18 months, driven by an unusually mild winter and high wind energy generation, which eliminated the need to draw from European energy reserves.¹⁶ This price decline was supported by both voluntary and mandatory consumption cuts, replacement of lost Russian supply volumes with alternatives – which now make up about half of the region's imports (for instance, the United States is the second-largest LNG supplier after Norway)¹⁷ – as well as record growth in domestic energy production. Consequently, natural gas injections into European underground storage (UGS) facilities in early 2023 exceeded withdrawals,¹⁸ and it is expected that the EU “will have no problems reaching the regulatory target of 90% storage capacity by the start of the new gas year in October.”¹⁹

Food and fertilizer market

Following the drop in energy prices, a similar downward trend was observed in food products, including wheat and other grains. This is largely because food market prices are closely linked to the costs of energy, fertilizers, and transportation services.

¹⁴ Oil Market Report – February 2023 // IEA. February 15, 2023. URL: <https://www.iea.org/reports/oil-market-report-february-2023> (accessed: February 17, 2023).

¹⁵ According to IEA estimates, these countries are expected to contribute to an increased market supply thanks to record oil production levels anticipated in 2023.

¹⁶ EU gas prices drop to 18-month low // RT. March 3, 2023. URL: <https://www.rt.com/business/572387-gas-prices-eu-drop/> (accessed: March 7, 2023).

¹⁷ Shiryayevskaya A., Liao R., Stapczynski S. Gas-Addicted Europe Trades One Energy Risk for Another // Bloomberg. January 27, 2024. URL: <https://www.bloomberg.com/news/features/2024-01-27/europe-s-energy-security-at-risk-due-to-reliance-on-us-natural-gas-exports> (accessed: March 5, 2024).

¹⁸ Zakachka gaza v PHG ES snova prevysila otbor [Gas injection into EU underground storage facilities has once again exceeded withdrawal] // TASS. March 24, 2023. URL: <https://tass.ru/ekonomika/17359629> (accessed: March 27, 2023) (in Russian).

¹⁹ Dyatel T. «Gazprom» pokholodel k Evrope. Eksport rossiyskogo gaza v ES snizhaetsya [Gazprom has cooled off toward Europe. Russian gas exports to the EU are declining] // Kommersant. April 2, 2023. URL: <https://www.kommersant.ru/doc/5912881> (accessed: April 3, 2023) (in Russian).

However, despite the price decreases after the sharp spikes in 2022, levels have not yet returned to pre-pandemic figures.²⁰ Some stabilization of fertilizer prices has prompted²¹ the European Parliament to call on EU member states to seriously reconsider their support policies for the agro-industrial sector, aiming to reduce reliance on Russian supplies and move toward self-sufficiency.²²

Additionally, commodity market speculation played a significant role, causing energy and food prices to fluctuate dramatically – sometimes soaring or plummeting – even when supply and demand remain relatively stable.

Accordingly, the energy and food crises were not only driven by factors that existed before the start of Russia's special military operation in Ukraine but were, to a large extent, already resolved during the course of the operation. Nevertheless, Western socio-political discourse, even prior to the special military operation, consistently places the blame for the worsening food and energy security solely on Russia. For instance, it has been claimed that (1) “[i]n many regards, the energy crisis the EU is currently undergoing, sparked by Russia's invasion of Ukraine, is not really any different from the 1973 oil crisis;”²³ (2) in explaining the significance of China's peace proposals, “[m] any developing nations want the war to end, partly due to the shortages and inflation that has come with it”;²⁴ and (3) “Russia's invasion of Ukraine has disrupted economies and markets around the world, from energy and food prices to European banks, emerging market stocks and the Russian currency.”²⁵ Given this narrative, it is important to closely examine how the actions of Western actors themselves contributed to the worsening of crisis trends in the global energy and food sectors in 2022.

The energy market.

The ‘NextGenerationEU’ and the transition to climate neutrality

In March 2022, EU leaders agreed in the European Council to “phase out Europe's dependency on Russian energy imports as soon as possible.” In May of that year, the EU adopted the REPowerEU program, which set out measures to rapidly reduce de-

²⁰ Food Inflation on the Rise. Most countries have been affected by the problem // Geopolitical Futures. February 20, 2023. URL: <https://geopoliticalfutures.com/food-inflation-on-the-rise/> (accessed: February 28, 2023).

²¹ Baffeswee J., Koh C. Fertilizer prices ease but affordability and availability issues linger // January 5, 2023. URL: <https://blogs.worldbank.org/opendata/fertilizer-prices-ease-affordability-and-availability-issues-linger> (accessed: July 5, 2023).

²² Andrés P. Commission's actions on fertilisers not long-term enough, MEPs warn // Euractiv. February 17, 2023. URL: <https://www.euractiv.com/section/agriculture-food/news/commissions-actions-on-fertilisers-not-long-term-enough-meps-warn/> (accessed: February 17, 2023).

²³ Messad P. For EU's sake, invest in nuclear // Euractiv. February 16, 2023. URL: <https://www.euractiv.com/section/eeet/opinion/the-brief-for-eus-sake-invest-in-nuclear/> (accessed: February 17, 2023).

²⁴ Next China: Playing Peacemaker // Bloomberg. March 24, 2023. URL: <https://www.bloomberg.com/news/newsletters/2023-03-24/xi-jinping-s-diplomatic-push-picks-up-following-moscow-visit-next-china> (accessed: March 27, 2023).

²⁵ One year of war in Europe: How the dollar, energy and food prices swirled // Reuters. February 24, 2023. URL: <https://www.reuters.com/markets/one-year-war-europe-how-dollar-energy-food-prices-swirled-2023-02-24/> (accessed: February 28, 2023).

pendence on Russian fossil fuels by fast forwarding the clean transition.²⁶ Then, on February 21, 2023, following earlier approval of amendments by the European Parliament and the EU Council, Brussels made these measures a mandatory part of building a “next-generation European Union”, entirely free from Russian energy dependence.²⁷

A portion of the 800 billion euros raised by the European Commission to rebuild the region’s economy under this plan can be allocated to projects aimed at replacing Russian imports. Meanwhile, member states were encouraged to submit their national spending plans funded by this additional EU budget for approval by April 1, 2023, including sections dedicated to the implementation of the REPowerEU plan.²⁸ According to the plan’s provisions, “[t]he green transformation of Europe’s energy system will strengthen economic growth, reinforce its industrial leadership, and put Europe on a path towards climate neutrality by 2050.”²⁹

This perspective, shared by the United States, rests on several key assumptions. *First*, Washington and Brussels believe the global economy is undergoing an unprecedented and profound restructuring.³⁰ They see this transformation as something that should be guided and managed by Western countries. *Second*, they consider such a transformation feasible both technologically and financially, largely due to significant reductions in the costs of renewable energy sources.³¹ *Third*, they argue that tax incentives, preferential financing, and subsidies alone are insufficient to sustain the competitiveness of renewable energy. The costs of the energy transition ultimately fall on end consumers. To support this, Western states require an energy crisis that generates substantial revenues for energy companies and businesses involved in advancing the transition, along with continuous growth in green economy investments. Additionally, the implementation of anti-Russian sanctions and other restrictive measures pursued political objectives aimed at altering Russia’s foreign policy.

²⁶ Communication from the Commission to the European Parliament, the European Council, The Council, the European Economic and Social Committee and the Committee of the Regions “REPowerEU Plan” COM(2022) 230 final {SWD(2022) 230 final} // European Commission. Brussels. May 18, 2023. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2022%3A230%3AFIN> (accessed: February 28, 2024).

²⁷ EU recovery plan: Council adopts REPowerEU // Council of the EU. Press releases. February 21, 2023. URL: <https://www.consilium.europa.eu/en/press/press-releases/2023/02/21/eu-recovery-plan-council-adopts-repowerEU> (accessed: February 28, 2023).

²⁸ Simon F. EU opens up €800bn recovery fund to financing of Russian fossil fuel exit // Euractiv. February 24, 2023. URL: <https://www.euractiv.com/section/energy/news/eu-opens-up-e800bn-recovery-fund-to-financing-of-russian-fossil-fuel-exit/> (accessed: February 28, 2023).

²⁹ Communication from the Commission to the European Parliament, the European Council, The Council, the European Economic and Social Committee and the Committee of the Regions “REPowerEU Plan” COM(2022) 230 final {SWD(2022) 230 final} // European Commission. Brussels. May 18, 2023. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2022%3A230%3AFIN> (accessed: February 28, 2024).

³⁰ See, e.g.: Williams A., Brower D. US makes ‘no apologies’ for prioritising American jobs, clean energy tsar tells EU. John Podesta pushes back at European criticism of \$369bn climate spending // Financial Times. February 24, 2023. URL: <https://www.ft.com/content/cb0a8ddf-6b32-49d8-8870-d1384580e9c9> (accessed: February 28, 2023).

³¹ Ashkenaz A. EU humiliated as Biden’s energy aide refuses to apologise after sparking trade war. The US Inflation Reduction Act could see green industries and electric car manufacturing leave Europe // Express UK. February 24, 2023. URL: <https://www.express.co.uk/news/science/1739014/eu-humiliated-biden-inflation-reduction-act-podesta-energy-trade-war-exodus> (accessed: February 28, 2023); Data point: clean energy costs are falling // Economist Impact. May 30, 2022. URL: <https://impact.economist.com/sustainability/net-zero-and-energy/data-point-clean-energy-costs-are-falling> (accessed: July 7, 2023).

Despite the significant costs – and in many ways because of the investments made – the EU and its member states are steadily advancing the transition to renewable energy sources. This trend is evident in the actions of individual energy companies, regardless of their financial results. For example, the French company Engie, which allocated 95% of its 2022 profits to payments and obligations, has initiated the second phase of its strategic plan. This phase prioritizes the expansion of renewable energy sources while maintaining natural gas as a backup to ensure a stable transition to the energy system of the future. The plan envisions increasing global installed renewable capacity by 4 gigawatts (GW) annually up to 2025, and by 6 GW annually from 2026 to 2030, aiming for a total of 50 GW by 2025 and 80 GW by 2030.³²

Meanwhile, the European Commission continues to roll out new initiatives as planned, while the European Parliament and the Council of the EU enact regulations for the phased implementation of a decarbonization strategy across all sectors of the regional economy. For instance, on March 23, 2023, the EU's political institutions agreed on landmark legislation aimed at reducing carbon dioxide, methane, and nitrous oxide emissions from large marine vessels.³³ This decision targets approximately 3–4% of the total emissions of EU member states. The new law sets reduction goals for shipping emissions – 2% by 2025, 6% by 2030, 14.5% by 2035, 31% by 2040, 62% by 2045, and 80% by 2050 – which are more ambitious than those previously established for air carriers. Shipowners who fail to meet these targets will face substantial fines, with the collected funds being invested in decarbonization projects for maritime transport.

A general picture of the specific steps the EU and its member states are taking to meet their strategic goals of reducing carbon dependence and building a green economy – aligned with the European Climate Program “Fit for 55 by 2030” and the European Climate Law’s aim of achieving climate neutrality by 2050 – can be obtained from the agreement between the European Parliament and the Council to tighten the requirements of the revised Renewable Energy Directive of 2023.³⁴ It is also important to highlight the growing practice in member states of court rulings prompted by environmental NGOs, which compel energy companies to develop comprehensive long-term strategies. Since February 2023, similar lawsuits have been filed against financial institutions that continue to fund oil and gas projects. One of the earliest legal actions was taken by a coalition of climate organizations (Oxfam, Friends of the Earth, Notre Affaire à Tous) against BNP Paribas, the largest bank in the eurozone, accusing it of

³² Engie : le chiffre d'affaires 2022 a bondi de 62% à 93,9 milliards d'euros // Le Figaro. February 21, 2023. URL: <https://www.lefigaro.fr/societes/engie-le-chiffre-d-affaires-2022-a-bondi-de-62-a-93-9-milliards-d-euros-20230221> (accessed: February 28, 2023).

³³ Carroll S.G. EU strikes 'ground-breaking' deal to cut maritime emissions // Euractiv. May 23, 2023. URL: <https://www.euractiv.com/section/maritime/news/eu-strikes-ground-breaking-deal-to-cut-maritime-emissions/> (accessed date: March 27, 2024).

³⁴ Borovikova K. Kilovattam predpisano zelenet' [Kilowatts are prescribed to turn green] // Kommersant. March 31, 2023. <https://www.kommersant.ru/doc/5902755> (accessed date: July 7, 2023) (in Russian).

failing to fulfill its duty to prevent environmental damage.³⁵ While this legal development is not a direct result of Russia's special military operation in Ukraine, it has unfolded alongside the evolving geopolitical situation and has intensified over the past year and a half.

Between 2021 and 2023, public opinion polls show that EU citizens have supported the energy transition and the move away from Russian energy imports. Although some skepticism was evident in France in 2021, by spring 2023, French public sentiment had shifted strongly in favour of rapidly expanding renewable energy capacity and significantly more active and effective action by the national government and EU institutions in this direction.³⁶

Simultaneously, the European Union has started discussions on signing long-term supply contracts with partners from North America, Africa, and other regions worldwide. Brussels has also revised regulations that previously discouraged investments in fossil fuel extraction and transportation. Under the Net-Zero Industry Act (NZIA), nuclear, thermonuclear, and renewable energy sectors have been partially recognized as strategic industries.³⁷ As of 2022, thirteen EU countries operated nuclear reactors: Belgium, Bulgaria, the Czech Republic, Finland, France, Germany, Hungary, the Netherlands, Romania, Slovakia, Slovenia, Spain, and Sweden. Nuclear power contributed approximately 21.8% of the EU's total electricity generation that year.³⁸ However, nuclear energy remains relatively uncommon across the EU, with France standing out as an exception due to its dominant nuclear sector—an exception that results from a democratic deficit and lack of representativeness of the ruling elite rather than acceptance from the general public of nuclear power (Baykov, Crowley-Vigneau, Kalyuzhnova 2023, p. 115). Meanwhile, Germany, once a leader in Europe's nuclear industry, ended its 'atomic era' by shutting down its last three nuclear power plants in April 2023.³⁹

The surge in prices triggered by the sanctions war has generated unprecedented profits for global energy giants, with only a portion benefiting Russian companies. Western energy transnational corporations have capitalized on the rising energy prices. For instance, the British-Dutch oil and gas company Shell earned

³⁵ Van Gaal W. French bank BNP Paribas sued over fossil-fuel lending // EU Observer. February 23, 2023. URL: <https://euobserver.com/green-economy/156752> (accessed date: February 28, 2023).

³⁶ Messad P. Sondage: les Français plébiscitent un mix renouvelable et nucléaire // EURACTIV France. April 6, 2023. URL: <https://www.euractiv.fr/section/energie/news/sondage-les-francais-plebiscitent-un-mix-renouvelable-et-nucleaire/> (accessed date: April 7, 2023).

³⁷ Evroparlament utverdil svoyu pozitsiyu po zakonoproektu v podderzhku nizkouglerodnoy energetiki i promyshlennosti [The European Parliament has approved its position on the bill supporting low-carbon energy and industry] // Atomnaya energiya 2.0. November 28, 2023. URL: <https://www.atomic-energy.ru/news/2023/11/28/140916> (accessed: January 24, 2024) (in Russian).

³⁸ Nuclear energy statistics // Eurostat Statistics Explained. December 2023. URL: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Nuclear_energy_statistics#Nuclear_heat_and_gross_electricity_production (accessed: March 5, 2024).

³⁹ The nuclear phase-out in Germany // Federal Office for the Safety of Nuclear Waste Management. n.d. URL: https://www.base.bund.de/EN/ns/nuclear-phase-out/nuclear-phase-out_node.html (accessed: March 5, 2024).

\$39.9 billion in 2022, the American corporation ExxonMobil took in over \$56 billion, and the American oil and gas company Chevron reported \$36.5 billion. Overall, revenues in the global oil and gas sector soared from \$1.5 trillion to \$4 trillion.⁴⁰ A significant share of these gains has contributed to the budgets of the United States, Great Britain, the EU, and its member states.

Additionally, some Western countries have introduced special taxes on the excess profits of energy companies and banks, redirecting these funds to their national treasuries. Notably, in 2022, the United Kingdom implemented a 25% windfall tax on domestic oil and gas production, raising the one-time levy to 35% in 2023.⁴¹ Within the EU, Spain was the first member state to impose additional charges, framing them as ‘solidarity taxes’ for businesses and the public.⁴²

Global food market

The global market for agricultural commodities and food products, as well as the agro-industrial and logistics systems that support their production and distribution, is currently facing a crisis. These systems fail to meet both present and future demands. Moreover, they perpetuate inequalities in food access and consumption, with the number of people lacking adequate nutrition rising to 3.1 billion.⁴³ A small group of multinational corporations,⁴⁴ along with regional and global powers, dominate

⁴⁰ The figures from the International Energy Agency and consulting firms are presented according to: Massive global oil and gas industry proceeds revealed. The head of the International Energy Agency called for investment in transition after a bumper 2022 // RT. February 11, 2023. URL: <https://www.rt.com/business/571328-iea-oil-gas-trillion-income/> (accessed: February 17, 2023). See also: The energy crisis gives the US a chance to woo big European companies // Financial Times. November 11, 2022. URL: <https://www.ft.com/content/0a78d7e8-c148-41a2-ba9e-6fedd89d2e04> (accessed: July 6, 2023); Crisis year 2022 brought \$134 billion in excess profit to the West's five largest oil and gas companies // Global Witness. February 2, 2023. URL: <https://www.globalwitness.org/en/campaigns/fossil-gas/crisis-year-2022-brought-134-billion-in-excess-profit-to-the-west-s-five-largest-oil-and-gas-companies/> (accessed: July 6, 2023); Shareholders reap record payouts from price surge during energy crisis // The Guardian. November 16, 2022. URL: <https://amp.theguardian.com/business/2022/nov/16/shareholders-reap-record-payouts-from-price-surge-during-energy-crisis> (accessed: July 6, 2023); Meredith S. Big Oil rakes in record profit haul of nearly \$200 billion, fueling calls for higher taxes crisis // CNBC. February 8, 2022. URL: <https://www.cnbc.com/amp/2023/02/08/big-oil-rakes-in-record-annual-profit-fueling-calls-for-higher-taxes.html> (accessed: July 6, 2023).

⁴¹ Kirka D. UK energy giant BP's profits double to \$27.7 billion // AP. February 7, 2023. URL: <https://apnews.com/article/united-kingdom-government-business-earnings-850e02d38fdb43e1a48d9666654b412> (accessed: February 28, 2023).

⁴² Heller F. Spain collects millions in ‘solidarity taxes’ imposed on banks, energy firms // Euractiv. February 22, 2022. URL: <https://www.euractiv.com/section/politics/news/spain-collects-millions-in-solidarity-taxes-imposed-on-banks-energy-firms/> (accessed: February 28, 2023).

⁴³ The State of Food Security and Nutrition in the World 2022. Repurposing food and agricultural policies to make healthy diets more affordable // FAO. 2022. 234 p. URL: <https://www.fao.org/documents/card/en/c/cc0639en> (accessed: February 17, 2023).

⁴⁴ The leading positions in global agricultural trade are held by Cargill (USA), COFCO Corp (China), Archer Daniels Midland (USA), Wilmar (Singapore), Bunge (USA), Itochu (Japan), Louis Dreyfus (Netherlands), Viterra Group (Netherlands), Olam International (Singapore), and Conagra (USA). For more details, see: Food Barons 2022 // ETC Group. September 20, 2022. 143 p. URL: <https://etcgroup.org/content/food-barons-2022> (accessed: February 17, 2023). The ten largest food and beverage companies by sales comprise Swiss-based Nestlé; American firms PepsiCo, Tyson Foods, Archer Daniels Midland Company, Cargill, The Coca-Cola Company, and CHS Inc.; Brazilian meat producer JBS; Belgian brewing giant Anheuser-Busch InBev; and Singapore's Olam International. For more details, see: 2023 Top 100 Food & Beverage Companies // ETC Group. September 7, 2023. URL: <https://public.flourish.studio/visualisation/14949606/> (accessed: March 5, 2024).

the global food market, exerting monopoly control and extracting excessive profits from price fluctuations driven by natural and human-induced factors.

Table 1. FAO Food Price Index, 2019–2023

	Food Price Index	Meat	Dairy	Cereals	Vegetable oils	Sugar
2019	95.1	100.0	102.8	96.6	83.2	78.6
2020	98.1	95.5	101.8	103.1	99.4	79.5
2021	125.8	107.7	119.6	131.2	164.9	109.3
2022	144.7	118.8	149.5	154.7	187.8	114.5
2023*	128.86	114.81	133.89	139.63	131.36	135.11

* Average for January to May 2023.

Source: Calculated and compiled by the authors of this article based on FAO data: FAO Food Price Index // FAO, n.d. URL: <https://www.fao.org/worldfoodsituation/foodpricesindex/en> (accessed: July 5, 2023).

By December 2022,⁴⁵ the steps taken by the United States, the EU, and its member states in response to Russia's special military operation in Ukraine, along with the escalating sanctions conflict, led to a brief spike in global prices for food, agricultural, and related products. However, this increase was short-lived and had largely dissipated by spring 2023. By that time, the overall food price index, as well as specific indices for meat, dairy, cereals, vegetable oils, and sugar, had fallen significantly (see Table 1).

In spring 2023, the decline in global prices accelerated significantly. By March, the Russian Ministry of Agriculture was considering advising domestic producers of sunflower oil, sunflower seeds, and wheat to halt exports.⁴⁶ Due to unfavourable price trends and an oversupply in the domestic grain market caused by both surplus harvests and export difficulties, the government decided to increase grain purchases for the state reserve to around 7 million tons – approximately 5% of the total harvest⁴⁷ – and to shift agricultural trade toward a system modeled after the successful export scheme used in the natural gas sector.⁴⁸

⁴⁵ World Cereals Price Index // Trading Economics. November 2022. URL: <https://tradingeconomics.com/world/cereals-price-index> (accessed: February 17, 2023).

⁴⁶ Proizvoditeli podsolnechnogo masla i pshenitsy mogut vremennno priostanovit' eksport. S takimi rekomendatsiyami k nim na fone snizheniya tsen na mirovykh rynkakh planiruet obratit'sya regulator [Sunflower Oil and Wheat Producers May Halt Exports as Regulator Considers Recommendations Amid Global Price Declines] // Vedomosti. March 24, 2023. URL: <https://www.vedomosti.ru/business/articles/2023/03/24/967936-proizvoditeli-podsolnechnogo-masla-mogut-vremennno-priostanovit-eksport> (accessed: March 27, 2023) (in Russian).

⁴⁷ Borovikova K., Sapozhkov O. Gosudarstvo rasshirit khleбноye mesto. Zakupki zerna v gosfond mogut byt' uvelicheny bolee chem vtroe [The State to Boost Grain Reserves with More Than Triple Increase in Purchases] // Kommersant, No. 50. March 24, 2023. P. 1. URL: <https://www.kommersant.ru/doc/5889610> (accessed: March 27, 2023) (in Russian).

⁴⁸ Regarding the Special Procedure for Opening Accounts with Non-Bank Credit Institutions Acting as Central Counterparties by Foreign Agricultural Product Buyers // Federal Portal of Draft Laws and Regulations. March 20, 2023. URL: <https://regulation.gov.ru/projects#npa=136807> (accessed: March 27, 2023) (in Russian).

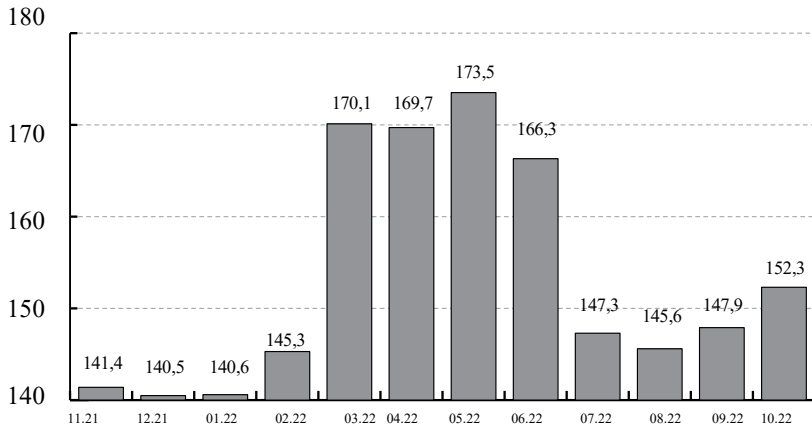


Figure 1. FAO Aggregate Cereals Index, November 2021 – October 2022

Source: UN FAO. URL: <https://www.fao.org/worldfoodsituation> (accessed: February 17, 2023).

Figure 1 illustrates that market participants showed limited concern about the risks of supply disruptions from Russia and Ukraine or the future of the Black Sea Grain Initiative. Following Russia's announcement of its rejoining the grain deal, wheat prices on the Chicago Board of Trade exchange declined by less than 6%.⁴⁹ Notably, even at the height of price surges, strategic reserves were not deployed to curb prices or ease shortages.

By spring 2023, farmers in several EU member states, including Bulgaria, Hungary, Poland, Romania, and Slovakia, called for protectionist measures against Ukrainian grain. In response to the market oversupply stemming from its own policy decisions, the European Commission pledged timely financial support, allocating 56 million euros to farmers in Bulgaria, Poland, and Romania, along with 450 million euros from the EU agricultural fund.⁵⁰ However, many farmers, especially in Poland, remained dissatisfied with these assurances. Public discourse increasingly highlighted concerns about excess supply and raised the prospect of converting agricultural land back to biofuel production.⁵¹

⁴⁹ Na birzhe v Chikago na fone vosstanovleniya zernovogo koridora podeshevela pshenitsa [Wheat prices fell on the Chicago exchange amid the restoration of the grain corridor] // *Izvestia*. November 2, 2022. URL: <https://iz.ru/1419847/2022-11-02/na-birzhe-v-chikago-na-fone-vosstanovleniia-zernovogo-koridora-podeshevela-pshenitca> (accessed: February 17, 2023) (in Russian).

⁵⁰ Fortuna G. EU triggers crisis fund to bail out farmers hit by Ukraine grain influx // *Euractiv*. March 22, 2023. URL: <https://www.euractiv.com/section/agriculture-food/news/eu-triggers-crisis-fund-to-bail-out-farmers-hit-by-ukraine-grain-influx/> (accessed: March 27, 2023).

⁵¹ Packroff J. Wheat surplus makes phasing out biofuels obsolete, say producers // *Euractiv*. February 28, 2023. URL: <https://www.euractiv.com/section/agriculture-food/news/wheat-surplus-makes-phasing-out-biofuels-obsolete-say-producers/> (accessed: March 7, 2023).

Market volatility has been amplified by speculation driven by informational, political, and financial motives. These speculative influences compounded objective factors that were already in place before the start of Russia's special military operation in Ukraine and the subsequent restrictions.

According to reviews compiled by the Agricultural Market Information System, based on surveys of experts from various countries,⁵² the primary drivers of this volatility were:

- 1) Persistent droughts in major grain-producing regions since 2020;
- 2) The increasing conversion of agricultural land from food crop cultivation to industrial crops, notably for biofuel production;
- 3) Soil fertility depletion caused by overly intensive farming practices;
- 4) Economic pressures on developing countries to specialize in the production of certain agricultural commodities, which increases their reliance on external food supplies.

These factors exert long-term effects and are expected to sustain an unstable and precarious situation of food shortages in the global market. Meanwhile, prices are expected to fall or stagnate due to consumers' limited purchasing power, despite persistent demand. Consequently, a significant portion of the rapidly growing global population faces the risk of hunger and malnutrition.

Imbalances in the agricultural sector will also have significant consequences. Out of the 1.5 billion hectares of agricultural land worldwide, only about one-third is dedicated to growing food crops. The remaining land is primarily used for livestock production. Given that 38% of global agricultural crops are used as animal feed, just 20% of the world's agricultural land is actually allocated to cultivating crops for direct human consumption.⁵³

Another factor contributing to the instability of the global agricultural and food market is the **conflicting interests between governments in developing countries and agricultural producers**, which forces authorities to continuously adjust their policies. Government bodies prioritize food security, aiming for full saturation of the domestic market and ensuring food remains affordable for the population. In contrast, agricultural producers focus on maximizing their profits.

When it becomes financially advantageous, they tend to export products or withhold them from the domestic market, creating scarcity and driving up local prices. In response, governments often implement emergency measures to curb speculation, such as imposing export bans and quotas. These actions result in unfulfilled export commitments, shortages in global markets, and escalating prices, thereby perpetuating a recurring cycle of conflict. Consequently, government intervention intended to stabilize the domestic market contributes to destabilizing the global market.

⁵² Agricultural Market Information System. www.amis-outlook.org.

⁵³ The Global Food System: An Analysis // Metabolic. March 2017 Report. URL: <https://www.metabolic.nl/publication/global-food-system-an-analysis/> (accessed: February 17, 2023).

In this scenario, a lower-than-expected harvest and Egypt's unexpected rise as a major new grain importer led the global market in 2022 to lose access to the millions of tons of grain that India had blocked through its export ban.⁵⁴ Ahead of the 2024 general election, the Indian government imposed restrictions not only on rice, wheat, and sugar exports but also banned onion exports, regulated sugar use for ethanol production, and imposed stricter caps on wheat stocks that traders and small sellers can hold.⁵⁵ Concerned about potential food shortages and price spikes, many governments – such as those of Egypt and Morocco – prefer to invest in futures contracts proactively, which inevitably drives up prices.⁵⁶

In India, government agencies employ several large-scale mechanisms to control food inflation, such as the Price Deficiency Payment Scheme (PDPS), the Private Procurement and Stocklist Scheme (PPSS), the Price Stabilization Fund (PSF) managed by the Ministry of Consumer Affairs, Food and Public Distribution, and the Market Intervention Scheme (MIS) and the Price Support Scheme (PSS) overseen by the Ministry of Agriculture and Farmers Welfare. Notably, budget funding for these schemes has been significantly cut for 2023 and 2024.⁵⁷ This reduction is one reason some global stakeholders remain skeptical about the feasibility of establishing long-term food contracts and forming producer pools.

Persistent droughts in recent years caused the cereal price index to rise by more than 50% between January 2020 and January–February 2022.⁵⁸ According to the OECD-FAO Agricultural Outlook 2022–2031, this price increase was driven by growing demand as the global economy recovered from the coronavirus pandemic and by disruptions to transport networks resulting from the crisis.⁵⁹ The already elevated price levels made the market highly sensitive, causing a sharp reaction in spring and summer 2022 even to minor changes in market conditions, which were amplified by speculative information.

⁵⁴ Kupriyanov A. Pochemu Indiya gotova eksportirovat' ris, a pshenitsu – net [Why India is willing to export rice, but not wheat?] // Profile. June 7, 2022. URL: <https://profile.ru.turbopages.org/profile.ru/s/abroad/pochemu-indiya-gotova-eksportirovat-ris-a-pshenicu-net-1093632/> (accessed: February 17, 2023) (in Russian).

⁵⁵ Parija P. India seen keeping rice export bans into 2024, holding up global prices // The Economic Times. November 19, 2023. URL: <https://economictimes.indiatimes.com/news/economy/foreign-trade/india-seen-keeping-rice-export-bans-into-2024-holding-up-global-prices/articleshow/105324980.cms> (accessed: November 20, 2023).

⁵⁶ *Ibid.*

⁵⁷ Hussain S. How Budget 2023 choked three schemes critical to managing food inflation. The reduced allocation may imply that government agencies will not procure and sell any pulse, oilseeds or cotton if their prices fall below MSP during FY24 // The Print. February 6, 2023. URL: <https://theprint.in/opinion/how-budget-2023-choked-three-schemes-critical-to-managing-food-inflation/1355537/> (accessed: February 17, 2023).

⁵⁸ Market Monitor // AMIS. November 2022. URL: https://docs.google.com/viewerng/viewer?url=http%3A%2F%2Fwww.amis-outlook.org%2Ffileadmin%2Fuser_upload%2Famis%2Fdocs%2FMarket_monitor%2FAMIS_Market_Monitor_current.pdf&urp=gmail_link (accessed: February 17, 2023).

⁵⁹ OECD-FAO Agricultural Outlook 2022–2031 // OECD Publishing. Paris. 2022. URL: <https://www.fao.org/3/cc0308en/cc0308en.pdf> (accessed: February 17, 2023).

According to Eurostat estimates, annual inflation in the eurozone slowed from 10.1% in November 2022 to 9.2% in December and had declined to a more manageable level by 2024. The largest price increases were seen in energy, with costs rising 25.7% year-on-year in December compared to 34.9% in November.⁶⁰

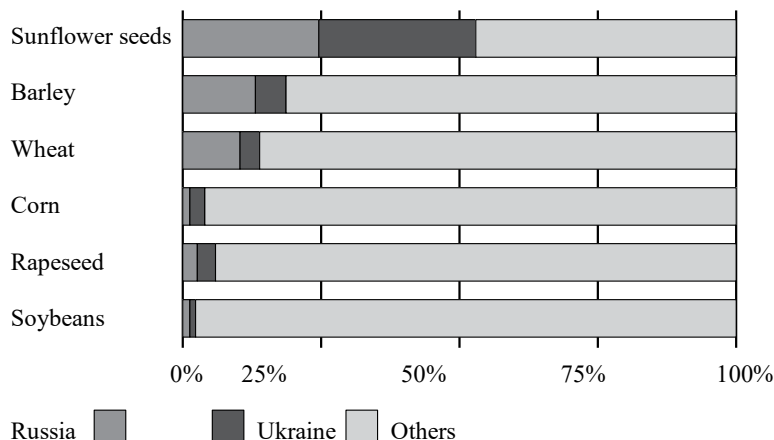


Figure 2. Shares of Russia and Ukraine in Global Cereal Production

Source: UN FAO. URL: <https://www.fao.org/worldfoodsituation> (accessed: February 17, 2023).

The state of the cereal market depends on the total harvest volume across all crops rather than on any single crop alone. The top three global wheat producers are China, the EU, and India, contributing 18%, 17%, and 14% of global production, respectively. They are followed by Russia with 12% and the United States with 6%. In corn production, the United States leads with 30%, followed by China at 24%. Brazil, Argentina, and the EU come next, accounting for 10%, 5%, and 5%, respectively. For rice, China and India dominate the market, producing 28% and 24% of the global supply. Other significant rice producers include several Asia-Pacific countries, such as Indonesia (7%), Vietnam (5%), and Thailand (4%).

Finally, the soybean market is largely controlled by Brazil (39%), the United States (30%), and Argentina (12%), with China (5%) and India (3%) as secondary players.

Figure 2 presents the share of Russia and Ukraine in global cereal production.⁶¹

Russia's special military operation in Ukraine has not – and likely could not – have an independent, let alone decisive, impact on the global food market. According to the ITC Trade Map,⁶² Russia's share of global agricultural exports increased from 0.7% in

⁶⁰ Edovina T. Evropeiskaya inflyatsiya snizilas' k zime [European Inflation Decreased by the Start of Winter] // Kommersant. January 11, 2023. URL: <https://www.kommersant.ru/doc/5760059> (accessed: February 17, 2023) (in Russian).

⁶¹ The Importance of Ukraine and the Russian Federation for Global Agricultural Markets and the Risks Associated with the War in Ukraine // Food and Agriculture Organization of the United Nations. June 10, 2022. P. 6. URL: <https://www.fao.org/3/cb9013en/cb9013en.pdf> (accessed: February 17, 2023).

⁶² International trade in goods statistics by product. Exports 2001-2021 // Trade Map. 2023. URL: <https://www.trademap.org/TradeStatistics/TradeMap/Yearly/ByProduct/Export/En> (accessed: February 17, 2023).

2010 to 1.8% in recent years, effectively doubling over a decade but remaining relatively small. In 2020, Russia became a net exporter of agricultural commodities and food products,⁶³ whereas Ukraine satisfied about 70% of its demand through imports. Both countries' agricultural trade was structurally unbalanced: they primarily exported low-value raw materials while importing higher-value processed foods.

Figure 3. Top 10 Exporters of Nitrogen, Phosphorus, and Potash Fertilizers (% of Global Exports)

Азотные удобрения	Nitrogen fertilizers
Остальные	Others
США	US
Иран	Iran
Египет	Egypt
Марокко	Morocco
Саудовская Аравия	Saudi Arabia
Оман	Oman
Катар	Qatar
EU27	EU27
Китай	China
Россия	Russia
Фосфорные удобрения	Phosphorus fertilizers
Остальные	Others
Норвегия	Norway
Иордания	Jordan
Австралия	Australia
Египет	Egypt
EU27	EU27
США	US
Саудовская Аравия	Saudi Arabia
Россия	Russia
Марокко	Morocco
Китай	China
Калийные удобрения	Potash fertilizers
Остальные	Others
Норвегия	Norway
Чили	Chili
Китай	China
Иордания	Jordan
Израиль	Israel
США	US
EU27	EU27
Беларусь	Belarus
Россия	Russia
Канада	Canada

Source: UN FAO. URL: <https://www.fao.org/worldfoodsituation> (accessed: February 17, 2023).

⁶³ Commodity structure of exports and imports of the Russian Federation, annual data from 1995 onwards // The Federal State Statistics Service of Russia. November 8, 2022. URL: https://rosstat.gov.ru/statistics/vneshnyaya_torgovlya (accessed: March 5, 2024) (in Russian).

The global fertilizer market

Amid unfounded claims about Russia's role in intensifying the energy and food crises, a distinct situation has emerged in the fertilizer market, which significantly influences agriculture. Even before the special military operation in Ukraine began, Russia held a leading position in this market (see Figure 3). The global supply of calcium carbonate from Belarus and anhydrous ammonia from Russia – both traditionally exported through ports in EU member states and Ukraine – declined sharply. At the same time, fertilizer production plants in the European Union faced closures due to the high cost of natural gas and electricity. Similar to the grain market, these factors triggered a temporary surge in fertilizer prices.⁶⁴

At the height of the price spike, nitrogen fertilizers in Western Europe reached US\$1,310 per ton, while prices in the United States rose to US\$755 per ton.⁶⁵ Potash fertilizers in the US reached prices of US\$635 per ton, while phosphorus fertilizers peaked around US\$562.50 per ton. In Germany, the Federal Statistical Office reported that by November 2022, prices for basic chemicals, fertilizers, and nitrogen compounds had increased 32.8% year-on-year. Prices for fertilizers and nitrogen compounds surged even more sharply, climbing 113.1%. Ammonia, a key input for fertilizer production, saw its prices soar by 182.3%.⁶⁶ However, after this wave of speculation subsided, hydrocarbon prices fell, and fertilizer production in the EU partially resumed, fertilizer costs began to decline. Consequently, the disruption in these markets was short-lived, too.

* * *

Western accusations against Russia amid escalating imbalances in the food and energy markets fit well with the concept of securitization. These accusations sought to frame the actual crises in a politically advantageous way by manipulating how the causes of market volatility were explained and timed. Furthermore, they diverted attention from how policies pursued by the United States and the EU contributed to worsening the objective challenges.

The global energy and food crises did not originate with Russia's special military operation in Ukraine, but rather stemmed from a complex set of factors, mainly the COVID-19 pandemic and drought conditions. Sanctions and other anti-Russian measures imposed by the United States, the EU, its member states, and their allies **led**

⁶⁴ Glauber J., Laborde D. How sanctions on Russia and Belarus are impacting exports of agricultural products and fertilizer // International Food Policy Research Institute. November 9, 2022. URL: <https://www.ifpri.org/blog/how-sanctions-russia-and-belarus-are-impacting-exports-agricultural-products-and-fertilizer> (accessed: February 17, 2023).

⁶⁵ Mil'kin V. Minfin raskryl usloviya vvedeniya eksportnykh poshlin [The Ministry of Finance disclosed the conditions for introducing export tariffs] // Vedomosti. October 3, 2022. URL: <https://www.vedomosti.ru/business/articles/2022/10/04/943714-minfin-raskril-usloviya-vvedeniya-poshlin> (accessed: February 17, 2023) (in Russian).

⁶⁶ Producer prices in October 2022: +34.5% on October 2021. Press release No. 488 of 21 November 2022 // Destatis. November 21, 2022. URL: https://www.destatis.de/EN/Press/2022/11/PE22_488_61241.html (accessed: February 17, 2023).

to a brief, minor spike in prices for energy, food, agricultural, and related goods, which relatively quickly subsided. Market responses indicate that the risks associated with cutting off supplies of energy, agricultural, and food products from Russia and Ukraine, as well as the future of the Black Sea Grain Initiative, are manageable. Notably, even at the height of the price surge, major market players did not put their reserves on the market to reduce prices or ease supply constraints.

Market volatility was amplified by speculation driven by informational, political, and financial motives. Among the objective causes of this instability were persistent droughts affecting major grain-producing regions for three consecutive years; the increasing conversion of agricultural land from food crops to industrial crops used in biofuel production; soil fertility depletion caused by overly intensive farming; and economic pressures on developing countries to specialize in certain agricultural commodities, heightening their reliance on external food supplies. In addition, only about 20% of the world's arable land is dedicated to growing grain crops for human consumption.

Another factor contributing to the fragility of the global agricultural and food market is the conflicting interests between developing nations and agricultural producers, which force governments to adjust their policies. A clear example of this dynamic is India's export restrictions.

An examination of Russia's share in the global cereal market – including wheat, rice, corn, and soybeans – indicates that its special military operation in Ukraine could not have an independent, let alone decisive, impact on the global food market.

The persistent nature of the West's anti-Russian measures is highlighted by several factors. These include: the profitability of speculation in both global and local food and energy markets; the effectiveness of coordinated G7 actions to manage prices; the strong resolve to intensify sanctions targeting the Russian fuel and energy sector; the introduction of pilot programs imposing windfall taxes on the global fuel and energy sector; and the formalization of decarbonization goals in binding regulations at national, regional, and global levels. Collectively, these developments illustrate the ongoing and multifaceted approach of Western countries in response to Russia, which could potentially be applied to other global political actors in the future, enabling Western nations to advance their own political and economic interests.

Such a strategy runs counter not only to Moscow's interests but also to those of many countries, especially those affected by food and energy crises. To address these threats, the following countermeasures can be considered:

- 1) Collaborate with Russia-friendly countries to develop a climate change mitigation and adaptation framework as an alternative to the Western-promoted decarbonization goals. This framework should be endorsed at regional and international forums such as the Eurasian Economic Union (EAEU), Shanghai Cooperation Organisation (SCO), BRICS, and subsequently within the United Nations.

- 2) Intensify systematic outreach to political and business leaders, as well as the broader public – both in friendly and unfriendly countries – to expose the true causes

behind Western-driven speculation and political rhetoric framing the food and energy crises.

3) At upcoming summits and other forums, invite countries from Africa, Asia, and Latin America to jointly build infrastructure aimed at achieving food and energy security.⁶⁷ This includes transitioning to new systems for transactions, insurance, re-insurance, lending, leasing, and freight, establishing specialized hubs and exchanges, and addressing transport, logistics, and related challenges.

4) Greatly expand incentives that enable the practical implementation of national economic priorities focused on reducing energy intensity in manufacturing sectors, increasing energy efficiency across all facilities in Russia, and driving a breakthrough in high technologies in this field as part of import substitution and technological sovereignty policies.

5) Encourage the largest domestic energy companies, backed by the state, to transition their business models from export-oriented production and processing of hydrocarbons and other feedstocks to building a self-sufficient petrochemical sector.⁶⁸

6) Review and optimize logistics routes to positively impact food security in friendly countries, especially in Africa. Revising the supply chains for energy, food, and fertilizers⁶⁹ will weaken Western economies' stability and better align with Russia's political and economic interests. For example, the Black Sea Grain Initiative fails to serve Russian interests or those of the primary victims of the global food crisis since 2021 – African states – due to such factors as: (1) a limited number of ships reaching African countries, and (2) a portion of Russia's economic gains being diverted to intermediaries, including unfriendly states.⁷⁰

About the Authors:

Mark L. Entin — Dr. of Sciences (Law), Professor, Head of Department of Integration and Human Rights Law, MGIMO University, 76, Prospect Vernadskogo, Moscow, Russia, 119454, Email: entinmark@gmail.com

Ekaterina G. Entina — Dr. of Sciences (Law), Professor, Faculty of World Economy and International Affairs, School of International Regional Studies, HSE University, 17, M. Ordynka, Moscow, Russia, 109028. Email: e.entina@hse.ru

Sofia K. Babkina — Junior Research Fellow, Scientific Editor, MGIMO University, 76, Prospect Vernadskogo, Moscow, Russia, 119454, Email: babkina.s.k@my.mgimo.ru

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The author declares the absence of any conflicts of interests.

⁶⁷ Lissouba J. Europe's relations with Africa and Asia are on the brink of collapse, and Russia is benefiting // Modern Diplomacy. March 22, 2023. URL: <https://moderndiplomacy.eu/2023/03/22/europesrelations-with-africa-and-asia-are-on-the-brink-of-collapse-and-russia-is-benefiting/> (accessed: March 27, 2023).

⁶⁸ A fully self-sufficient petrochemical sector should be capable of producing the entire range of approximately two thousand petrochemical products. Currently, domestic producers manufacture only about 700 of these, with the remainder being imported. China's experience offers a useful example: despite being a net importer of hydrocarbons, China has sustained an average annual growth rate of 13% in its national petrochemical sector for decades and now accounts for nearly 50% of global petrochemical production.

⁶⁹ Some of these substances, like ammonia, are also utilized in the manufacture of ammunition.

⁷⁰ Additionally, Russia mainly exports raw materials in their unprocessed form – that is, products with relatively low added value – unlike processed goods such as flour or butter.

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Anthropomorphizing The State in IR Theory What Is At Stake?¹

Ivan D. Loshkariov

MGIMO University

Abstract. There are several problems in the modern theory of international relations that are difficult to solve, but the very existence of which leads to a certain demarcation of possible and received knowledge. These phenomena include the problem of “anthropomorphizing,” which is an attribution or an identification of certain human characteristics with complex social actors, including, above all, states. This research technique is often not limited to the use of any figures of speech and serves to ascertain the ontological and epistemological foundations for further theorizing. The purpose of this article is to systematize the existing approaches to “anthropomorphization” and put forward further directions for understanding this theoretical problem. The author reconstructs the three main traditions of “anthropomorphization” – to the works of Hugo Grotius, Thomas Hobbes, and Georg Hegel. Each tradition has a certain understanding of both the meaning of this research technique, as well as of the ontological and epistemological consequences, which implicitly affect the result obtained. The tradition of Hugo Grotius is distinguished by a metaphorical understanding of “anthropomorphization” associated with a peculiar perception of the rights and freedoms of the individual. Conversely, the tradition of Thomas Hobbes considers the internal characteristics of the state by analogy with the individual, while similarities are used to raise new research questions. Finally, the last tradition arose under the influence of Georg Hegel. It connects the problem of “anthropomorphization” with the processes of external communication of states. This article provides an ordered interpretation of ontological and epistemological consequences of these theoretical schools, as well as the traditions that are linked to them (as much as possible). The author analyses the synthesis of several traditions of ‘anthropomorphizing’ presented by constructivist Alexander Wendt. The emerging tradition of “anthropomorphization” is aimed at clearly defining its own epistemological and ontological foundations while raising the theoretical status of “humanization” itself. As a result, the article concludes on the possibility, limitations, and prospects of revisiting and more actively using the concept of “anthropomorphization” in reflectivist and neopositivist methodologies, as well as the likelihood of hybrid versions of the three main research traditions emerging.

Keywords: anthropomorphization; communication; individual; theory of international relations; social ontology

¹ English translation from the Russian text: Loshkariov I.D. 2023. Problema «ochelovechivaniya» v teorii mezhdunarodnykh otnosheniy. Chto na konu? *Mezhdunarodnye protsessy* [International Trends]. 21(2). P. 22–43. DOI: 10.17994/IT.2023.21.2.73.2

In public discourse, states are often characterized using various epithets and metaphors. For example, North Korea is called a rogue state; the United States is the world's policeman, or Uncle Sam; the national symbol of France is a young woman named Marianne; a lumberjack called Johnny Canuck personifies Canada; in the American press, Russia is often characterized as a bully, and Iran a madman; the Iranian media in turn ascribes satanic possession to the United States, while their Russian colleagues associate the Americans with short-sightedness and intellectual narrow-mindedness;² ever since the global economic crisis of 2008–2009, Greece, Portugal, Finland, and France have been labelled the “sick man of Europe,”³ an image that was closely associated with the Ottoman Empire in the 19th century. The list could go on, but the point is that the personification of states clearly occupies a significant place in discussions of global processes.

As E. Batalov has demonstrated, academic publications attribute properties such as interests, needs, identities, culture, and even beliefs to states. Categories with more vague content were also used up until the middle of the 20th century – national character, social or national spirit, prudence, reason, etc. (Batalov 2018: 197–205). Regardless of the definitions of each of the characteristics, the main reason for using them is to attempt to explain the actions of states using their internal and/or intersubjectively (socially) formed features. The latter imply latently or explicitly expressed intentions and goals – that is, they imply collective subjectivity. A similar technique is used to demonstrate the solidarity of the population, which, through the actions of governments, also acquires physical expression (for example, the number of votes needed to introduce or block a measure) (Marks 2011: 48).

International relations experts accept that states are made up of individuals, so studying the behaviour of the former does not rule out or replace consideration of the latter. No one challenges also the idea that interests, beliefs, and other characteristics are inherent first and foremost, and, more precisely, to individual people, to individual (and not collective!) consciousness. In international political science, there is an understanding that “anthropomorphization” should have reasonable limits that prevent it from going too far and reaching absurd conclusions: for example, it would be folly to overestimate the internal unity of states, assert that they are highly unpredictable, or refute their unique abilities (Wendt 1999: 218–224). The issue at hand is the extent

² See: Belov A. Naglost' i tupost' SSHA priveli k operatsii Rossii na Ukraine [U.S. Impudence and Stupidity is What Led to Russia's Operation in Ukraine]. *Regnum*. 25.03.2022. URL: <https://regnum.ru/news/polit/3544755.html> (accessed: 25.04.2022). (In Russian); Caryl C. Russia the Bully. *Foreign Policy*. 31.08.2009. URL: <https://foreignpolicy.com/2009/08/31/russia-the-bully/> (25.04.2022).

³ See: Milne R. Finland no longer 'sick man of Europe' as economy grows. *Financial Times*. 1.06.2017. URL: <https://www.ft.com/content/3f246de6-46be-11e7-8519-9f94ee97d996> (25.04.2022); “France: the new sick man of Europe.” URL: <https://www.theguardian.com/world/2014/jan/14/france-sick-man-europe-economy> (25.04.2022); Euro crisis: Why Greece is the sick man of Europe. *BBC News*. 20.12.2011. URL: <https://www.bbc.com/news/world-europe-16256235> (25.04.2022).

to which human traits⁴ are inherent in aggregate or corporate entities – social units consisting of sets of individuals – even in some approximation and at a certain level of abstraction and simplification. In this regard, the science of international relations has not advanced particularly far. As Erik Ringmar has aptly observed, researchers often resort to using anthropomorphic vocabulary in their work after opening with the “standard apology” (Ringmar 1996: 443).

Given the ambiguity of the problem of “anthropomorphization,” we often see attempts to abandon the discussion altogether. Robert Gilpin declared anthropomorphization a logical fallacy that appeared as a way to save time when presenting facts (Gilpin 1984: 301). In Charles Beitz’s formulation, this phenomenon is not of fundamental importance and contributes nothing to the solution of ethical problems (Beitz 1999: 61). A. M. Kuznetsov believes that the formulation of the issue of anthropomorphization itself is a deviation from the unshakable ideals of scientific research (Kuznetsov 2013).

There are two arguments in favour of this position of complete denial. First, concentrating research attention on human properties has negative normative consequences – specifically, turning anthropomorphism into anthropocentrism. Focusing on one aspect negatively impacts the research process and has no practical benefit (Schiff 2008: 372–375). Second, it follows that proponents of “anthropomorphization” are likely to confuse the real individual in all their complexity with analytical (discursive) constructs like “moral personality,” “legal individual,” and “economic man.” It is true that the similarity of states to such constructs may be striking, but these features exist inseparably in the individual, unlike in the case of states, where they are deliberately isolated, often arbitrarily and with logical assumptions (Lomas 2005: 354–355).

That said, the arguments presented do not challenge the very existence or attribution of human characteristics, only the validity of their use in research practice. This is a fair criticism, but it does not do away with the rules of logic. If similarities do exist between states and the “legal” or “moral” individual, then we are surely allowed to make inductive assumptions that a similarity with a part (an analytical construct) may turn out to be a similarity with the whole. Consequently, arguments in favour of one position or another will be put forward both to confirm and refute these assumptions (Wight 2006: 193–198).

The most important element of the discussion is understanding the consequences of “anthropomorphization” for international political science. As we see it, the problem is not limited to the discussion of whether to “anthropomorphize” or not. It essence lies in the need to determine what exactly researchers are agreeing to when

⁴ Here and throughout this paper, the author deliberately avoids using the substantive characteristics of the individual him/herself, including gender characteristics. This article does not address the question of what kind of person researchers see before them in the process of “humanization.”

they recognize that the metaphorical, real, or other human characteristics in states. In this way, it becomes possible to clarify both the specific set of characteristics inherent in or attributed to the state, as well as the epistemological and methodological attitudes: how and what can we learn about the actions of states? How should we study their individual, sectoral, and complex interactions? Indirectly, the problem also draws the possible boundaries of knowledge about international relations. If it is impossible to learn more about certain aspects of human existence, then these characteristics, projected onto states, may remain *terra incognita* for the corresponding field on science. Since much in the theory of international relations depends on the degree to which researchers recognize or acknowledge the characteristics of states, the problem of “anthropomorphization” carries with it a litany of ontological problems – the denial or recognition of connections between classes of phenomena or individual variables (Quine 2003: 99–106).

What also makes studying this phenomenon important is the fact that international political science has gradually turned towards the individual and the human dimension of international relations. The inclusion of individuals and groups in global and regional interactions and the gradual accumulation of processes of mutual influence and social construction has led many processes and phenomena that were previously considered impersonal to acquire their own individuality – a share, or a projection of mental, emotional, and unconscious characteristics (“a man in the crowd”) (Kataev, Feldman 2010; Feldman 2014; Batalov 2018). These features greatly increase the demand for research into “anthropomorphization,” although they do not clarify the substantive parameters of this scientific problem.

In this paper, we reconstruct three politico-philosophical traditions that serve as sources of inspiration for current debates on the issue of “anthropomorphization.” It is important to stress here that these traditions have not manifested themselves in international political science in their entirety, but rather in a stripped down and often disorganized form. Leaving other researchers to talk about freedom or the optimal internal structure of states, international relations experts typically rely on individual fragments of texts and specific theses and judgments that are important for their line of research. What we thus get is an almost imperceptible degree of borrowing from the philosophical legacy of Georg Hegel – his works on ethics, law, and history; Hobbes – his works on the natural sciences and law; and Hugo Grotius – ideas from just two of his several dozen treatises. Even so, very specific methods of “anthropomorphization” are evident in these traditions, as are the sought-after implicit ontological and epistemological preferences and assumptions.

This article attempts to establish an approximate correspondence between existing schools of thought in international relations theory and the traditions of “anthropomorphization” we have identified above. This will allow us to demonstrate whether there is relative unanimity in any of the schools on the issue of “anthropomorphization.” We say “approximate correspondence” because it is impossible to attribute each

of the theoretical works to one school or another without losing a significant degree of semantic nuance.

The Hobbesian Tradition of “Anthropomorphization”

Thomas Hobbes’ writings on the state and related social phenomena are the starting point for most political theorists today. Over the last century, attempts have been made to rethink Hobbes and the meaning of his political and philosophical views. However, certain things can be stated with a high degree of certainty. First, his interpretation of the concept of the “state of nature” is associated with the conflict of individuals and the absence of an orderly social life. Not fully adhering to the laws of logic, Hobbes contrasts the natural and civil (artificially organized) states. The main difference between the two is the presence or absence of the state (Filippov 2009: 109–111). Second, as a royalist, Hobbes argued with those who supported the idea of expanding sovereignty (from monarchs to a hypothetical and often class-limited “people”). In this regard, Hobbes equates the state of nature with the ideal of his opponents, contrasting it with the ideal of the state as a “single person” who uses the potential of all its subjects and delegates sovereignty to this person (Hobbes 1991: 133). In *Leviathan* (1651) and later *Behemoth* (1668/1681), he directly accuses the opposition clergy and nobility of excessive enthusiasm for the ancient heritage (Skinner 2008:139–143), although this does not stop him from remaining a follower of Aristotle on the most meta-theoretical issues.

Leo Strauss hypothesized that a certain kind of “dehumanization” of the state formed the core of Hobbes’ political philosophy – replacing passions such as pride and the desire for glory with prosaic and “grey” ways of describing the state (Strauss 2000: 43–45). However, it Carl Schmitt came closer to the truth when he noted that Hobbes’ references to biblical monsters were not accidental: they are mortal, rely on man (the sovereign) in their actions, and in certain parts of the text are equated with man (“the big man”) (Schmitt 2006: 122–134).

It would seem that by moving away from the medieval concept of the state as a political body, Hobbes “anthropomorphizes” it even more. In his discussions of human freedom, he clearly demonstrates that the human state is not alien to it. It can make mistakes, answers to God, and is limited, at least in part, in its actions. Hobbes makes this position even more explicit in the chapter of *Leviathan* on ecclesiastical authority: the state is not merely a “natural body,” it is a body with a soul in the form of a sovereign (Hobbes 1991: 165–167, 250–251, 293, 443).

Does this claim imply that man and the state are identical? For Hobbes, it represents a similarity of internal organization. If we continue Schmitt’s line of thinking, it is still incomplete, since the state also has inhuman and superhuman features (the monster and the “mortal” God). What is more, external circumstances are different for states and people. First, states enjoy greater freedom and are thus in greater

danger than individuals. Second, people seek to avoid the state of nature in the interests of survival or to hold onto possessions, while states are evidently unable to do this, since the Kingdom of God does not and cannot have a tangible (corporeal) embodiment.⁵

As a result, the global anarchy that thinkers love so much distinguishes man from the state to such an extent that likening one to the other is so unlikely as to be almost impossible (Bull 1981: 720–727). Hobbes' analysis is essentially based on a comparison of man and the state, temporarily setting aside inhuman and superhuman features. Such an assumption is certainly one way to look at it, since, for the purposes of research, you can close your eyes to other characteristics of the state.

Various labels have been applied to Hobbes' philosophy in order to categorize it. However, two labels fit his thoughts on the development of people and states simultaneously. Specifically, organicism and mechanicalism, more so the former than the latter (but nevertheless some combination of the two). Of course, the natural principle for the philosopher is associated primarily with movement and change. Meanwhile, these processes themselves are functional in nature and contribute to the realization of the potential of living beings.

The situation is similar with states: the "human" component pushes them to overcome disorder, and the desire for self-preservation leads to the construction of a hierarchy of priorities and a sequence of actions (Spragens 1973: 58, 70, 195–196). For Hobbes' followers, "anthropomorphization" is thus more than a metaphor, since it is a question of interrelated similarities. The assumption that international relations experts use the phrase "as if" ("as if the state were a person") is much closer to analogy. This is not so much a figure of speech as it is a somewhat amorphous research technique for explaining what is happening.

Hobbes' oppositions of the living and the non-living (artificial), the body and the soul, gravitate towards ontological dualism, even if it is an anachronism in relation to *Leviathan*. For Hobbes himself, the problem did not arise due to his religious beliefs: people and states are by definition limited and cannot know a higher purpose. Even so, Hobbes' followers latched onto his critique of dogmatism and eventually removed God from the discussion, leaving the rational individual and their derivative – the state. This turn of events has implications for the ongoing attempts to rethink Hobbes' works and discover something new in them. As Michael Williams has noted, Hobbes is a most tricky and difficult ally for modern international relations experts (Williams 1996: 231–234).

At the same time, the fundamental transparency of the Hobbesian model allowed liberals and realists to take advantage of its achievements to almost the same extent. Taking the ideas of self-preservation, fear, and the war of all against all from this

⁵ Hobbes borrows this thesis directly from the Epistle of the Apostle Paul to the Romans (13:1): "Let every person be subordinate to the higher authorities, for there is no authority except from God, and those that exist have been established by God."

model, the realists proclaimed Hobbes their founding father and the source of their intellectual inspiration.

Liberals also found much that was useful for them in Hobbes' works. First, Hobbes introduced the curious element of "ensuring all the goods of life" into the concept of human survival – that is, he advocated for prosperous survival. Second, as far as Hobbes is concerned, the establishment of the state is not something that occurs automatically, but is rather conditions by the maturation of interest on the part of individuals. Third, their goal in creating Leviathan is, by and large, to establish peace. These three theses give liberals reasons to believe that, even within the framework of the Hobbesian model, states can realize their interests, abandon wars and create some kind of international Leviathan (Yurdusev 2006: 306–314).

A somewhat naïve dualism opens up great possibilities for understanding the problem of "anthropomorphization." Supporters of the Hobbesian tradition see problems through the binary opposition "as if – real." Colin Wight noted that there is a missing logical link in this division: the permissible human traits in a state can be both real and imaginary. This conclusion still does not provide grounds for talking about the reality or falseness of the state itself. As a result, there are more than two possible conclusions: only one of them may be real; or both objects being compared may be either imaginary or real. If we remove the underlying identification of the real with the human, then even more options appear (Wight 2006: 199). What is more, this dilemma arose in Hobbes himself, since in *Leviathan* individuality is clearly separated from the capacity to act (to be an agent). This means that reality may be related to the agent, but not to his or her human traits (Fleming 2021: 19–23).

In this regard, ontological dualism in its moderately organicist version implies several unexpected assumptions. First, the binary opposition of "normal–abnormal" arises, with a pronounced normative component. For example, if the state performs its functions (including external functions), then this situation (state) can be considered desirable; if not, it is undesirable. Second, the Hobbesian model assumes the gradual transition from one situation (state) to another, that is, it assumes a version of social evolution. The binary opposition "developed–underdeveloped" similarly has a normative connotation and encourages evaluative judgements about the internal structure of "anthropomorphized" states (Neumann 2004: 261–264). It is here where the most prominent experts in international relations theory diverge from Hobbes: Hobbes believed that highly centralized forms of government were preferable, an assertion that today's theorists refute.

It is no secret that Hobbes used inductive reasoning in his works. It would be an exaggeration to directly link his empiricism with positivism, if only because the British positivists were inspired by David Hume and John Stuart Mill.⁶ What is more,

⁶ See, for example, the well-known collection *International Policy: Essays on the Foreign Relations of England* (1866), which includes contributions from Edward Beesly, Frederic Harrison, and others (International Policy 1866).

positivists are unlikely to take the reasoning in the “as if – real” logic and the personification of states associated with it seriously. Nevertheless, given that international political science is a relatively young discipline, it is entirely appropriate to point out the positivist leanings of the tradition of “anthropomorphizing” Hobbes. In international studies, many of Hobbes’ theses are treated as axioms (Gallarotti 2013; Kashyap 2022).

If we accept them as such, then further work that leans into positivism would be well justified. Moreover, positivism in the social sciences does not imply a rejection of moral imperatives, or even, it would seem, the systematic application of certain methods, since positivism, like other methodological approaches, is marked by variability and a focus on improving research tools (Neufeld 1995: 22–24). On top of that, there are obvious points of convergence between Hobbes’ philosophy and the later emergence of positivism. In both cases, there is the same conviction that we still do not know much about the world and that an analysis of its characteristics can change the current situation. In addition to this, the philosophies of Hobbes and positivism both make a clear distinction between the observer and the observed, something that is contested in the modern philosophy of science (Alekseeva 2017).

Hedley Bull noted that the pre-positivist logic of Hobbes’ reasoning about international relations is undermined by an axiomatic contradiction. On the one hand, there is a natural state between people before the emergence of states, and a natural state in relations between states. On the other hand, the “war of all against all” is directly connected with what the Other has – with something that can be competed for, something that can provide wealth or glory. There is no shortage of poor, geographically isolated and sparsely populated sovereign entities around the world. A “war of some against some” is thus more likely. It turns out that the preconditions for individuals and states are, at first glance, exactly the same, but the result is different (Bull 1981: 733–734). As such, one of the basic axioms of *Leviathan* does not stand up to the simplest logical test.

In modern international relations theory, neorealism is in many ways a continuation of Hobbesian logic, attributing the characteristic of rationality of behaviour to all or some states. In the neorealist logic, the main element of rationality is the desire for self-preservation – for survival in a competitive environment of one’s own kind, and for the protection of territorial integrity and independence. Despite all the differences between neorealist authors, this interpretation of rationality has stood the test of time. For John Joseph Mearsheimer, the rationality of subjects is a “bedrock assumption,” while Kenneth Waltz argued that it does not need proof and is tested by research practice only (Mearsheimer 2001: 31; Waltz 2001: 91–92).

At the same time, rationality in the neorealist interpretation does not have a clear definition and is open to criticism from related disciplines (in particular, psychology) (Abulof 2015: 363–368). What is more, neorealists readily admit that leaders of countries can make mistakes and not follow a rational line of behaviour. In other words, reactions to structural stimuli can differ, which rather implies methodological individualism and external (rather than internal) determinacy of state behaviour (Kahler

921–925). This is where the neo-realists move away from the Hobbesian tradition at the level of ontology and methodology.

Thus, despite its popularity, the tradition of “anthropomorphization,” according to Hobbes, turns out to be too open to interpretation. It is still an epistemologically and methodologically unfinished project, which treats “anthropomorphization” as a research technique, but faces normative and logical consequences that it cannot fully accept. At the same time, the openness and intellectual plasticity of Hobbes’ legacy deter a significant number of international relations experts from carrying out further investigations.

Grotius’ Tradition of “Humanism”

The Dutch jurist Hugo Grotius presented what is perhaps the simplest version of the “anthropomorphization” of states. Like most thinkers of his time, Grotius linked the appearance of states with the actions of individuals. However, political circumstances being as they were,⁷ he did not absolutize the state, which he considered to be derived from the will and consent of citizens. In his *De Indis* (On the Indies, 1605), which was lost for several centuries, he argued that states cannot have rights that people do not have. Essentially, Grotius proposed that individuals and states have the same set of rights, including the right to wage war. This thesis had practical consequences and justified the legal personality of the Dutch East India Company, an organization run by private individuals (Tuck 2002: 82–85).

The political and legal ideas of Grotius were mainly adopted by international political science thanks to his work *De jure belli ac pacis* (On the Law of War and Peace, 1625). If we modernize the theses of this work slightly, then we can say that Grotius presents an interpretation of law that is minimally limited by religious dogmas.⁸ Natural law, according to Grotius, is a product not only of man’s Aristotelian sociability, but also of the latter’s ability to be guided by sound judgement. In the early modern era, it was not customary to deny divine right, but it is described in Grotius’ work as being reflected in natural law. As Grotius writes, the norms of natural law, which derive from human characteristics, can be “attributed to God himself”: if people were not created with certain characteristics, they would not be capable of law-making (Grotius 1994: 46–47). What Grotius’ treatise essentially proved was that people themselves are capable of formulating laws and what they create is autonomous in relation to other possible sources of law (Jeffery 2006: 30, 36–37).

⁷ It is widely known that Grotius was born and began his career in the Republic of the United Provinces, an unrecognized confederate state at the time whose official sovereign was a collective body (the States General).

⁸ In the second edition of this work (1631), Grotius attempted to strengthen the role of divine right without breaking his logical scheme.

To describe the state, Grotius resorts to the “political corporeality” that was popular in the Middle Ages, but integrates it into his own thinking. In his works, the political or moral body is the conventional (general) concentration of power, while the official or leader is its specific (personal) bearer. Thus, according to the author of *On the Law of War and Peace*, the state is always the people: “He who rules the State rules it partly by himself, partly by others” (Grotius 1994: 126–127).

Grotius’ individualism is consistent: domestic law is conditioned by the common good and arises from the consent, or at least the “tacit consent” of people. At the same time, the law of nations (international law) is associated with the benefit of a “great aggregate System of Communities” (Grotius 1994: 47–48). Since the people are always direct or indirect participants in an agreement (on the creation of states, on agreements between them, and so on), Grotius essentially saw no problem in the international legal personality of the individual.

This observation is evident in his discussion of just causes for waging war, where individuals can act as victims and restore justice. “It is to be understood also that kings, and they *whose rights are of the nature of royal rights* [emphasis added by author], have the right of requiring punishment, not only for injuries committed against them and their subjects, but for those also which do not peculiarly touch them, but which enormously violate the law of nature and nations *in any persons* [emphasis added by author]” (Grotius 1994: 480). Richard Tuck notes that this thesis is directly related to the expansion of the Dutch East India Company in Asia and the New World. Grotius hoped to return to his homeland from exile and was attempting to rehabilitate himself with the Dutch government (Tuck 2002: 103–104).

At the same time, Grotius avoids extremes in his individualism and recognizes the existence of individual social institutions, including in international relations. In natural law, there exists a set of norms that do not establish guidelines for behaviour from scratch, but rely on existing forms of regulation (“based on a known order of things”). Since within states people have agreed to certain rules on the basis of natural law and specific non-constitutional norms (Grotius 1994: 72), something similar is observed in relations between states too.

In international law (the “law of nations”), Grotius included, for example, the freedom of movement of goods and businessmen among the norms arising from natural law. In his opinion, such regulations do not arise after the conclusion of agreements between states, but are rather dependent on their importance for society (Grotius 1994: 72, 208–209). It means that the Grotian tradition contains a group of pre-social norms of natural law: even before the principles and rules of relationships have been worked out, states must adhere to certain behavioural guidelines (Wight 1992: 234).

While the figure of Grotius remained significant among international relations scholars for centuries after the publication of *On the Law of War and Peace*, it took the dedicated efforts of Martin Wight (1913–1972) and likeminded international political scientists to secure the philosopher’s place among the classics of the genre. According to Wight, the Grotian tradition stresses that states and individuals are not free in their

actions and, even in a conditional state of nature, are subject to the influence of moral norms. It is this “correct order of things” that pushes states to conclude formal agreements on problematic issues (Wight 1992: 38–39).

At the same time, Wight was impressed by the absence of moral prescriptivism. Potential agreements between states, like contracts between individuals, can and should contain specific norms that deviate from ethical prescriptions and take inevitable practical limitations into account (Bull 1976: 104–107).

Thus, for Grotius, and those who followed in his tradition, there simply does not exist a clear legal difference between the individual and the “anthropomorphized” state. They have similar legal obligations and moral constraints. However, there is no anthropomorphism or anthropocentrism in this position, only the recognition that the external constraints are essentially the same. In practical (ontological) terms, Grotius acknowledges that states consist of individuals, are governed by individuals, regulate the lives of individuals, but are not individuals themselves (Cutler 1991: 46–47). In this sense, “anthropomorphization” in this logic is nothing more than a metaphor – a speech device, a way to transfer the similarities of the external environment to various phenomena.

From an ontological point of view, Grotius’ individualism, with certain reservations, is monism, that is, the perception of the world as an inseparable unity of the researcher and the subject of his research. Human beings and the norms they create are dissolved in the universe and cannot be separated from it in any way. At the same time, it is obvious that this version of monism allows for the existence of unobservable phenomena. The phenomenon that international relations scholars like to call “structure” can, in Grotius’ lexicon, be termed, at a bit of a stretch, the “known order of things.” We can thus, with the same degree of certainty, classify Hobbes’ tradition of “humanization” as pre-positivism, while Grotius’ tradition belongs to a (pre-)reflectivist methodology.

The only way to explore the scope of agreements is by clarifying the contractual nature of relations, renegotiating established concepts, and turning to hidden (unobservable) phenomena, the consequences of whose existence make themselves known in the part of the world that is accessible to us. Basically, these attitudes are shared to varying degrees by a large number of theoretical schools – from the English school and liberalism to feminism and neo-Gramscianism. At the same time, realism and its various offshoots, which have long been considered the leading intellectual direction in the study of international relations, are almost completely absent in this tradition. The reflectivist turn and, as a consequence, the “Grotius tradition of anthropomorphization,” develop primarily “on the fringes” of international relations theory (Neufeld 1995: 40–47).

Relative marginality is not the only problem with the tradition of “anthropomorphization” in Grotius’ works. The “person” metaphor is necessary – not to make the text stylistically beautiful, but as a way to demonstrate the autonomy of the subjectivity of states, the consistency and direction of their actions, as well as the possibility

of collective organization for the sake of certain goals (Marks 2011: 47–51). Not everyone will agree with these non-obvious consequences of “anthropomorphization.” Constructivists will challenge autonomy, realists will challenge the duration and voluntariness of self-organization, and liberals will challenge the sequence of actions in the context of pluralistic societies.

Turning to Grotius himself, we see that these properties are to some extent inherent not only to man, and that the individual represents a living being of a “higher order” (Grotius 1994: 46–47). It turns out that, for some unknown reason, the entire complex of metaphors of the animal and plant world is not applied to states at all, although reflectivism, by definition, is the least inclined to tolerate silence as a research practice.

The Hegelian Tradition of “Humanization”

Georg Hegel’s works chronicle the development of important ideas about the essence of the state and the relationship between states and people. These views determined his subsequent “humanization” (or “anthropomorphization”) of states. The first idea goes back to Aristotle and the ideals of the ancient polis, where decisions were made through discussion, and it was participation in such discussions that made an individual a citizen. It is probably premature to claim that Hegel wanted to reproduce the ancient experience in some way (Linklater 1996: 197). Even so, the philosopher certainly used it as a reference point.

In an early work, *The Positivity of the Christian Religion* (1796), the German idealist drew attention to the difference in the communication behaviour of two peoples – the Jews and the Ancient Greeks. The Jews sought to close themselves off and isolate themselves from relationships with others, while Socrates’ contemporaries were not afraid of the outside world and were able to defend themselves if need be. Hegel called attempts at isolation madness, and even suggested that this is why the Jews lost both their statehood and their territory (Hegel 1970: 100–102, 112–113).

Hegel presents a more detailed argument for why communication within states leads to international interaction in his *The Philosophy of Right, or Natural Law and Political Science in Outline* (1821). But he is reluctant to discuss global politics. Instead, he devotes a great deal of attention to the internal structure of states and the formation of a community among citizens – a national identity, or “spirit of the people” (Burns 2014: 328–239). It is only in his discussions of the “spirit of the people” that Hegel touches on the international dimension. The most important feature of the “spirit of the people” is still need for recognition – the right to be a sovereign over someone else (Hegel 1990: 365).

This amendment is important because it adds to Hegel’s definition of the state the idea that other states can exist. Otherwise, talking about states as a set of phenomena makes no sense in principle. However, Hegel actually goes even further in this formulation. If the sovereignty of states depends on (is “complemented by”) the recognition

of other states, and if this recognition cannot be automatic, then the sovereign state is nothing more than a phenomenon that is dependent on others and restrained by external factors (Vincent 1983: 192–195).

The fact is that any citizen with free will and living in any state falls under this definition. And this nuance does not escape Hegel's attention: "Without relations with other states, the state can no more be an actual individual than an individual can be an actual person without a relationship with other persons" (Hegel 1990: 365). Thus, in Hegel's interpretation, the possibility of analysing states, as well as individuals, is connected, first of all, with the commonality of the circumstances of external communication.

Hegel's second idea actually challenges Aristotle. In his discussion on the manifestations of courage in *The Phenomenology of Spirit* (1807), Hegel notes that courage can be cowardly and selfish and should not be done to please others. In other words, this trait is nothing more than a slavish self-consciousness. To assert the independence of the individual, courage needs an abstract ideal – the state, or even something more significant (Hegel 1959: 345–346).

If we update Hegel's criticism of Aristotle and his views on the social recognition of courage, we are talking about the depersonalization/deindividualization of socially significant behaviour. In ancient times, an important element of this trait was individual self-awareness – the desire to obtain a worthy place in the memory of the people, for example, or for considerations of honour. This element has been lost in modern political conditions (Smith 1983: 629). There is nothing surprising in this line of thinking if we remember that Hegel witnessed the times when conflicts involving large armies were common. In such wars, discipline and advances in the use of artillery relegated individual acts of heroism and valour in battle to the background.

A rather specific theory about depersonalization in international relations reappears in the *The Philosophy of Right*. Mocking Kant's project of eternal peace, Hegel notes that the state as an individual is characterized by denial (Hegel 1990: 361). Even such an abstract entity, gravitating towards a universal principle as the state is still not completely depersonalized, retaining some basic human properties.

Hegel, of course, does not provide an exhaustive list of such properties, although he does repeatedly stress that the primary motives behind the behaviour of states include the desire to preserve and reproduce themselves, the processes of self-actualization and the realization of their potential (MacKay, Levin 2018: 82–87). One way or another, the state – as an ethical amalgamation of people or an aggregated political unit – to some extent contains real human traits, since the depersonalization of modern states (nation states) is still incomplete. Put simply, there is little that is human in states, and perhaps little that is inhuman too.

This idea serves as justification for the collectivist idea that liberal internationalists usually seize upon. In *The Philosophy of Right*, Hegel, even though he usually denies this, says that states are capable, under certain conditions, of forming a "family." Having succumbed to Eurocentric idea, Hegel believes that such a family can only be a

family of European nations, connected, first of all, by international legal ties that arose as a result of shared morals and the historical patterns of the state formation (Hegel 1990: 369). Nevertheless, the parallels drawn earlier between the behaviour of individuals and states lead directly to the conclusion that some form of collectivism may not be alien to any state, or may be the result of their sovereign consent.

In terms of international relations theory, Hegel's dialectic of individuality and mutual recognition in relation to the problem, of "anthropomorphization" implies the following: from the point of view of ontology, Hegel's version of "anthropomorphization" gravitates towards holism, since communication and other social processes constitute and keep various social communities (including states) afloat, but are themselves regulated by them.

It is also no accident that the number of human characteristics in states cannot be accurately measured, depending obviously on a specific context. Hegel himself turns to ancient and medieval sources (in particular, the "Germany Constitution") to demonstrate the differences between modern states. It turns out that "anthropomorphization" can be considered more as a statement and ordering of facts that does not require substantial verification (Kant's analytical judgement) (Jackson 2004: 284–287). This statement reflects interpretivist logic and, in this regard, it is similar to the Grotian tradition.

At the same time, such a statement serves a much deeper purpose than to simply explain existing conventionalities. The Hegelian tradition is characterized by a certain prescriptivism and a desire to find some practical application for the thesis he formulated. This aspiration is based on an understanding of the complexity of the administration of government and the need to navigate international political realities. As a result, we are faced with epistemological instrumentalism, which goes back to Aristotle's idea of "practical reason" (Friedrichs, Kratochwil 2009: 705).

Within this analytical framework, knowledge about "anthropomorphized" states faces at least two problems. In reality, Hegel's view of things is not that far from hard structuralism and determinism – at least in terms of the results of the actions of states. When communicating, people may have their own opinions and disagree with certain initiatives, but their disagreement or change of beliefs does not matter the moment the collective unit – i.e. the state – acts. A striking (but by no means dialectical) paradox arises in which the "anthropomorphized" state "dehumanizes the individual."

What is more, the consequences of abandoning clear analytical frameworks can lead to unusual results. Not only can the state, when seen as a Hegelian individual, act in the formal sense of the word, but it can also in a certain manner process the most intricate component of human existence – consciousness. In Hegel's logic, there is no direct or indirect prohibition on states thinking, coming to conclusions, and reflecting. At the level of instrumentally constructed definitions, it is possible to limit the degree of "anthropomorphization" of states and subject the fragile theory of international relations to the harsh tests associated with one of the most complex branches of modern knowledge. But, granted, these will be situational measures, and thus insufficient. As

a result, in the words of Colin Wight, “we gain little – but lose a lot” (Wight 2006: 183–184).

Due to the problems listed above, many international relations scholars try not to associate themselves directly with Hegel’s legacy. Many accuse him of being too admiring of war and paying way too much attention to the state. That said, Hegel’s logic, and the individual components of his works have nevertheless been adopted not only by Marxists and post-Marxists, but also by neoliberals and communitarians. Moreover, as Andrew Linklater notes, Hegel can sometimes be taken as a source of inspiration for the English school of international relations theory – especially fragments of texts on the European community of nations (Linklater 1996: 198, 202–205). In turn, one of the founders of constructivism, Nicholas Onuf, emphasizes that it is inevitable that international relations scholars who are searching for alternatives to the Anglo-Saxon understanding of power and the initial state will eventually turn to Hegel and German political thought (Onuf 1989: 197–203).

On the whole, the tradition of “anthropomorphization,” according to Hegel, can also be called open, much like the Hobbesian tradition. However, in this case, openness does not lead to epistemological and methodological amorphism, nor does it lead to logical inconsistencies. The problems of Hegel’s “anthropomorphization” are at the same time its strengths. Since they force us to clarify how exactly human characteristics are used and what processes have been behind this. Attaching “anthropomorphization” to specific situations leaves more room for theorizing, but theorizing in Hegel is almost universal, in contrast to the cautious generalizations of Hobbes.

Alexander Wendt’s Rewriting of Hobbes and Hegel

The three traditions of “anthropomorphization” mentioned above can conditionally be called “classical,” since they are based on the works of major thinkers of the New Age. At the same time, the way in which scholars carried out their research back in the 17th–19th centuries (the precepts they used to guide them) need to be clarified and adapted to modern realities and the conceptual framework of international political science. One can argue about how successful or unsuccessful neopositivism is a research methodology, but the very fact that it exists today calls into question the scientific nature of the traditions of “anthropomorphization.”

Those who have continued the Grotian tradition have it the easiest, since they do not see real human traits in the state, despite the complexity of the definitions of reality. In this case, the only thing that the neopositivists have issue with is the unfortunate choice of words of the followers of Grotius and their style of describing processes and phenomena. Conversely, the more nuanced and complex Hobbesian and Hegelian traditions straddle the line that separates science and non-science, as do the scientific schools into which these traditions are woven. The latter are too open to interpretation to provide an acceptable level of generalization and reorganization of facts for subsequent research.

Instead of rejecting “anthropomorphization” outright, Wendt, a leading voice among the constructivists, proposed starting from a logical premise. “Anthropomorphization” has practical benefits in research. As such, the important thing here is not the criticism of “anthropomorphization” itself, rather, it is a careful analysis of this criticism and the adjustment of this concept to specific observations. If we accept the broadest definition of the individual (processes whose existence depends on maintaining boundaries with the outside world⁹), then “anthropomorphization” does not entail the limited organicism of Hobbes, nor does it rest on the Hegelian assumption that states have consciousness. States may have needs and beliefs, but they are conditioned by the need to constantly draw boundaries with the Other, with self-preservation, and not by consciousness as such or necessity in the biological sense (Wendt 2004: 290–296).

Scholars love coming up with definitions, but this is not the only – or even main – reason why the definition of the individual is so broad. Wendt notes that collective intentions cannot be reduced to individual intentions and cannot be represented as some kind of average position. This means that they represent something separate and complex. And this assertion directly implies the “anthropomorphization” of the state. The fact that collective intentions exist means that carriers of these intentions must exist too. From this, Wendt concludes that there are ontological prerequisites for studying states as individuals. All that remains is to do this using scientific methods (Wendt 2005: 358–359).

The second set of arguments boils down to the fact that alternative research strategies are ultimately unsatisfactory. Wendt suggested that any statement that partially or completely falls short of recognizing the reality of the “anthropomorphization” of the individual will have more shortcomings than the option he proposed. Metaphorical references to the individual, analogies with the individual, and the partial recognition of human characteristics in states do not reflect the ontological and epistemological foundations of the study strongly enough. They do not capture the subsequent logic of the search for knowledge and lead to a too narrow focus on certain issues at the expense of others.

All these assumptions give Wendt grounds to accuse, in equal measure, different versions of “anthropomorphization” of reductionism, and of subjectively ignoring important problems and phenomena. In fact, he equates the ontological barriers to “anthropomorphization” with barriers to knowledge. More than this, eliminating these barriers turns out to be the only correct solution (Wendt 2004: 298–305).

In addition to the prerequisites and the unsatisfactory alternatives, we also have to provide the propitious conditions for implementing a scientific project. In this regard, Wendt finds an alternative to neopositivism in “rump materialism,” which he does not deny or condemn, but rather limits to the boldest assumptions of theorists. This

⁹ Wendt distinguishes two ways in which people are constituted – from the inside and from the outside.

approach allows him to recognize both the importance of ideas in the behaviour of states and the fact that ideas must be based on some material foundation (Wendt 1999: 96). In other words, Wendt proposes using materialism not as an ontological position, but as an epistemological one (conditionally, when it is necessary to “limit” the world to material conditions).

This approach allows Wendt to combine two traditions of “anthropomorphization” – the Hobbesian tradition and the Hegelian tradition. From the legacy of the former, he takes the binary opposition of “as if – real” and redefines the “real” part in order to expand the scope of application of “anthropomorphization.” From Hegel, Wendt borrows the idea of the constant dynamics of personalization–depersonalization, conditioned by external communication. This dynamic becomes an instrument of limitation – something must remain in the realm of the “as if” and unrealistic. As a result, the state can be “anthropomorphized,” albeit in a narrow sense. The state is an individual, Wendt proclaims, because there are ontological prerequisites and a methodological opportunity to assert this (Wendt 2004: 315).

Unlike many theorists, Wendt directly states that his methodological position is scientific realism. Such a methodology implies a clear recognition of ontological dualism, for example, between mind and body, between the social and the natural, as well as a willingness to come to terms with unobservable phenomena at the epistemological level. Consequences in the real world are attributed to them.

“Anthropomorphization” in this understanding faces a number of problems that Wendt himself warns about. First, the reorientation of materialism and its episodic application creates room for some extremely bold theories, for example, about the presence of consciousness in states.¹⁰ Second, the “humanity” of states directly depends on the extent to which individuals associate themselves with a collective identity and participate in the formation of collective intentions. Put differently, any researcher within the state is a non-neutral observer of the subject of research, which can undermine the declared ontological dualism (Wendt 2004: 315–316).

Criticism of Wendt’s position boils down to the fact that the version of “anthropomorphization” he proposes blurs the boundary between the material world (where living organisms can exist) and the social world, where much is determined by discursive practices. According to Iver Neumann, the practice of maximalist “anthropomorphization” leads to distortions in the focus of the research – an emphasis on the relationships of hypothetical individuals and their ultimate goals. Instead, it might be possible to focus on individuality (the specific features of international actors) and the transformative potential of their diversity, since it is not reducible to membership in a particular class of individuals (Neumann 2004: 265–266).

¹⁰ In his 2015 work, *Quantum Mind and Social Science*, Wendt cautiously agrees with this view, while making the caveat that states have a slightly different type of consciousness (quantum consciousness with a wave function).

Following Neumann, many authors from the what we might term the group of critical constructivists have emphasized the discursive nature of “anthropomorphization” and the constitutive nature of such research practice. In other words, instead of research, we get the construction of a new, “anthropomorphized” world of states, something that goes beyond the scope of scientific necessity (Epstein 2011; Schiff 2008). This kind of criticism is based on the shaky arguments that there are more productive alternatives to “anthropomorphization” (something that has not been proven) and that the attribution of human traits in scientific discourse is developing in strict accordance with the ideas of certain postmodernist authors – most notably Michel Foucault and Jacques Lacan.

The logic of reasoning proposed by Wendt was co-opted by supporters of the gradual psychologization of the analysis of international relations. In particular, the concept of “ontological security,” which flows directly from Wendt’s theses, reflects the interests of international relations scholars in irrational and non-traditional aspects of security. An example worth mentioning is the fact that decision-makers often ignore information to preserve the integrity of their worldview (Mitzen 2006; Khudajkulova, Neklyudov 2019).

A number of researchers note that Wendt’s approach allows for a discussion of emotions, demonstrative behaviour, and even abnormal deviations in the behaviour of states. Thus, numerous developments of political psychology that are typically ignored by international relations experts or are rarely used when analysing international conflicts and crises are put in focus (Beyer 2017; Naude 2021). At the same time, the way states process information can be likened, with a certain degree of caution, to the way “consciousness” and other derivative terms work, which is extremely important for maintaining the focus of research and the integrity of the dualistic ontology of scientific realism (Lerner 2021).

* * *

Several centuries of development of political thought (both philosophical and within the context of international relations) have led to the emergence of a spectrum of opinions regarding the “anthropomorphization” of states. This article proposes a reconstruction of three options (traditions) for understanding the issue. Some researchers, following Hugo Grotius, see nothing in “anthropomorphization” other than a convenient speech device (just as many medieval doctrinarians distinguished between the designation of a thing as such and the thing itself). Others believe that it is entirely acceptable to draw an analogy between man and the state in order to clarify and refine the knowledge available to us about states and the relations between them. This tradition, dating back to Thomas Hobbes, sees no limits to the application of such analogies, since some features of states and people are indeed similar or even identical. However, this position does not provide grounds to claim complete similarity, that the state has been fully “anthropomorphized.” Finally, the third tradition goes back to Georg Hegel and recognizes the partial similarity between states and individuals, but

considers this thesis not as an analogy, but as a reflection of deeper processes of a communicative nature.

In addition to these three traditions, a body of research is gradually being formed that links the ontological and epistemological foundations of research with the position of Alexander Wendt (see the table). While it is too early to say that a full-fledged tradition has emerged, the potential of these works in terms of further interdisciplinary synthesis in international studies and the clarification of individual arguments put forward by Wendt is obvious.

Table. Main Traditions of the “Anthropomorphization” in Contemporary International Studies

	Grotian tradition	Hobbesian tradition	Hegelian tradition	Wendt and his followers
Individuality is given or is regulated by	Rules	Internal structure	External communication	Maintaining external boundaries for internal existence
Relationship between the state and the individual	The state is “anthropomorphized” in the metaphorical sense	The state has certain common features with the individual (as if)	The state is a partial individual in its social characteristics	The state is an individual
Ontological position	Ontological holism	Ontological dualism	Ontological holism	Ontological dualism
Epistemological position	Pluralism	Empiricism	Interpretivism	“Decentralized” materialism
Methodological position	“Pre-reflectivism”	“Pre-positivism”	Instrumentalism	Scientific realism
Value of “anthropomorphization”	A way to interpret the rules	A way to clarify cause and effect	A way to discover new things about states by analysing human traits and their combinations	A method for constructing theories
Approximate correspondence to which paradigm (school) of IR theory	English school Critical theory Postmodernism	Liberalism and classical realism	Constructivism (mostly)	Second-generation constructivism

Source: compiled by the author.

One might get the impression that Wendt, the face of modern constructivism in international studies, is placed on the same level as such greats of political science as Thomas Hobbs, Hugo Grotius, and Georg Hegel. But this is only partly true, since the reasoning for such a conclusion itself is inexorably tied to the problem of “anthropomorphization” and does not touch on other topics. International relations scholars typically rely on individual fragments of classical works in their writings, so this kind of selectivity is entirely acceptable in certain cases. At the same time, equating modern authors to the classics, which is happening on a wide scale, will most likely prove to be counterproductive.

What does the future hold for “anthropomorphization” in international political science? First, the descriptions of the traditions presented above clearly demonstrate that no one has yet succeeded in formulating clear and understandable boundaries for “anthropomorphization” within the reflectivist and (neo)positivist paradigms. In the case of Grotius’ tradition of “anthropomorphization,” the prospects seem more or less clear, since the research process will not require collecting the most accessible information or cumbersome research methods. On the other hand, a neopositivist comparison of the behaviour of social groups and individuals, while temporarily limiting discussions on ontological and epistemological topics, may also prove useful, as it would bring clarity to the mechanisms and types of causality associated with the problem of “anthropomorphization.”

Second, Wendt has demonstrated an interesting way of improving “anthropomorphization” – albeit in the form of an analytical technique, rather than a position on issues of social ontology. The blending of two traditions, for example the Hobbesian and Grotian traditions, could provide new forms and new ways of analysing the personal characteristics of states and their behaviour. The number of positions on the relationship between the concepts of “individual” and “state” cannot be infinite, but it can be increased, for example, by detailing the types of states (Kharkevich 2016). The further mixing of different traditions and their individual elements – rather than references to the authorities of the early modern period – may lead to the formation of new variants of “anthropomorphization” and the clarification of widely used theoretical assumptions about determinism and chance in international relations.

In this regard, there is clearly untapped potential in the critical theories of international relations that we have classified as part of the Grotian tradition (albeit conditionally). Metaphorical discussions of the “living” elements and characteristics in modern states can also be conducted in a pluralistic manner, distinguishing between different types of individual states. For example, from the point of view of postcolonialism, we can talk about a non-Western type of individuality of states, which not only does not fit into Grotius’ constructions, but also adds the factors of competition, mutual influence, and the marginalization of various types of individuality of states to the metaphor of “anthropomorphization” (Bilgin 2008: 12–14).

If we resort to the their typology, we can go far beyond binary oppositions, since even the predominant types have less noticeable internal varieties – for example, “subordinate masculine” variants (racial, associated with physical and other disorders). In this case, “anthropomorphization” turns out to be part of a “war of interpretations” through which the dominant ideas about states as such in international political science are reproduced and contested (Hooper 2001: 72–76).

Finally, the above discussion demonstrates that it is becoming increasingly difficult to simply abandon “anthropomorphization” and reduce its role to rhetorical tricks and errors. Images are accompanied by facts: “anthropomorphization” is sometimes

an ambiguous concept, but sometimes it makes our description of international reality not only more vivid and picturesque, but also more accurate. In other words, “anthropomorphization” has theoretical significance (Wendt 1999: 68).

This paper highlights the ontological and epistemological consequences of certain variants of reasoning on this issue. It also shows that when new combinations or truly original approaches appear, a repeated inventory of the consequences will be required. Since not all variants of social ontology are affected by the processes of “anthropomorphization” and we still do not know much about the motives behind the behaviour of states or the complexity and multi-level nature of their ideas about themselves and the world around them, the reconstruction presented above will eventually acquire additions and adjustments.

About the Author:

Ivan D. Loshkariov – Candidate of Political Sciences, Associate Professor of the Department of Political Theory, MGIMO University, 76, Prospect Vernadskogo Moscow, Russia 119454. E-mail: ivan1loshkariov@gmail.com

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