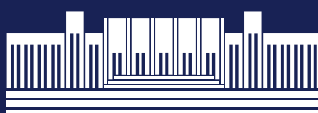


***Russian Journal of***  
**WORLD POLITICS &  
LAW OF NATIONS**

Vol. 1, No 3, 2022



**MGIMO**  
UNIVERSITY



# **RUSSIAN JOURNAL OF WORLD POLITICS AND LAW OF NATIONS**

**Volume 1, number 3**

**2022**

# Russian Journal of World Politics and Law of Nations

Peer-Reviewed Journal

<https://polities.mgimo.ru/jour>

## Editor-in-Chief

**[Torkunov Anatoliy V.](#)** – Rector of MGIMO University, Academician of the Russian Academy of Sciences. ([Scopus](#)) ([ResearcherID](#)) ([ORCID](#))

## Deputy Editor-in-Chief

**Baykov Andrey A.** – PhD in Political Science, Vice-Rector for Science and Research of MGIMO University, Associate Professor. ([Scopus](#)) ([ResearcherID](#)) ([ORCID](#))

## Editor-in-Charge

**Kharkevich Maxim V.** – PhD in Political Sciences, Associate professor, World Politics Department, MGIMO University. ([Scopus](#)) ([ResearcherID](#)) ([ORCID](#))

## Editorial Board:

**Istomin Igor A.** – PhD in Political Science, Acting Head of the Department for Applied International Analysis, Chief Research Fellow, MGIMO University. ([Scopus](#)) ([ORCID](#)) ([ResearcherID](#))

**Bolgova Irina V.** – PhD in History, Associate Professor at the Department for Applied International Analysis, Chief Research Fellow, MGIMO University. ([Scopus](#)) ([ORCID](#)) ([ResearcherID](#))

**Terzić Slavenko** – PhD in History, Full member of Serbian academy of Science and Art, Principal Research Fellow at the Institute of History, Belgrade (Serbia)

**Mihneva Romyana** – Doctor of Historical Sciences, Professor, Varna Free University "Chernorizets Hrabar" (Bulgaria). ([Scopus](#)) ([ORCID](#))

**Vylegzhanin Alexander N.** – Doctor of Laws, Professor, Head of the International Law Department, MGIMO University. ([Scopus](#)) ([Researcher ID](#)) ([ORCID](#))

# Table of Contents • 1(3) • 2022

## RESEARCH ARTICLES

Vol. 1, No. 3, 2022

### **Russian Theory of International Relations**

- 4 Kirill Koktysh, Anna Renard-Koktysh – Cognitive Dimension of Security
- 27 Alexey Fenenko – Anti-Soft Power in Political Theory and Practice

### **Trends in (macro)regional integration**

- 63 Marina Strezhneva – Differentiated Regional (Dis)Integration Post Brexit
- 81 Ekaterina Arapova – EAEU-India Free Trade Area: Potential Tariff Liberalization Effects for Russia

### **Problems of Separatism and Self-determination**

- 101 Kirill Vertyaev – Syrian Kurds as a Proto-State Actor: From the Insurgent State to Democratic Confederatism
- 122 Azer Kagramanov – Towards a Draft Declaration on the Right of Peoples to Self-determination and Forms of Its Realization

# Cognitive Dimension of Security<sup>1</sup>

Kirill Koktysh, Anna Renard-Koktysh

MGIMO University

**Abstract.** The present article is devoted to the analysis of the algocognitive culture, the new reality that humanity has already entered, but remains far from being understood. Today we can speak about dissolution of the concept of privacy: almost all actions of a person, including his daily movements, his social circle and values it shares, his correspondence and purchases are automatically observed, and completely transparent to information corporations. The problem of fake news has become insurmountable: its appearance in the information cascade is immediately converted into an event, making later investigations and refutations almost obsolete. A “cancel culture” has emerged, within which there is *a priori* no criteria for good and evil, where it has become possible to “delete” any arrays of knowledge that do not meet the requirements of the self-proclaimed “new ethics” from the information circulation, and to ostracize people associated with them. The authors compare the current state of affairs with the era of the dominance of sophists in ancient Greece, when the truth was determined depending on the situation, and finds relevant parallels. In this context, the authors formulate the concept of “cognitive vulnerability”: the new reality makes it possible to control of the masses, manipulating both their consumer and political behaviour. The authors define network reality as an alternative system of socialization, where the “network” ontology and values turn out to be more competitive than real ones, and therefore *de facto* displace them. The latter becomes possible due to a kind of “splitting” of the personality, when the emotional reaction is *de facto* separated from real goal-oriented activity, and connected with virtual reality. Ruling algorithms in social networks are aimed at achieving this goal: as an example, the authors turn to the recent investigation carried out by *The Wall Street Journal* regarding Facebook: the MSI algorithm used by the latter provokes disputes and splits on every occasion. *De facto*, this leads to a situation where American information corporations are moving towards having sovereignty over the consciousness of external societies. This challenge has already been met by China, which nationalized algorithms on September 1, 2021, and handed control over them to the Communist Party. The authors analyse the steps taken by China and comes to the conclusion that, if this tactic works, China will become not only an economic, but also an ideological alternative to the United States, thereby making a bid to restore a bipolar world political system.

**Keywords:** algocognitive culture; cognitive security; social networks; cancel culture; post truth; colour revolutions.

---

<sup>1</sup> English translation from the Russian text: Koktysh K., Renard-Koktysh A. 2021. Kognitivnoe Izmerenie Bezopasnosti. *Mezhdunarodnye processy [International Trends]*. 19(4). P. 26–46. DOI 10.17994/IT.2021.19.4.67.3.

With the events in Belarus that took place in 2020, the post-Soviet space suddenly opened the door to a new reality, which until then had been something external and distant, something that could happen in political systems which are either unstable, as was the case with the Arab Spring, or suffer from significant internal rifts, as happened in Venezuela and Hong Kong. The steadily increasing level of digitalization of attempts to carry out “colour revolutions” has been largely ignored by researchers: it has been recorded, but only as an additional factor that does not have any great bearing on events. Meanwhile, the protests in Hong Kong and Belarus have shown that quantity has already transformed into a new, quite independent quality, with digitalization becoming a new factor of vulnerability affecting even quite stable political systems.

Indeed, the new reality crept up slowly and imperceptibly, in no hurry to demonstrate its power. What we saw did not make us happy. It turned out that digitalization was first and foremost a digitization of social technologies, which added a precise and targeted approach to their arsenal, largely eliminating any notion of the humane. In the new reality, it is possible to control the minds, attitudes and ideas of a statistically significant fraction of society, in the literal sense of the word, when step-by-step commands sent to smartphones are performed by the crowd in real time. Such control does not lose its effectiveness if it is exercised from the outside, being placed beyond the physical reach of such power. Finally, the “digital mass” – a totality of individuals controlled by their smartphones – is capable of demonstrating a previously unthinkable combination of the qualities of stable and short-lived social formations, maintaining for months a split between the irrational emotionality of the crowd and the cynical rationality of an external leadership center (Koktysh, 2021: 91–110).

The unfolding future has two dimensions.

*The first is the technical dimension – the globalization of networks and the steadily increasing role of smartphones, which have generated the phenomenon of an algocognitive culture in which algorithms, facilitating everyday life, thereby steadily take it under their soft control and begin to determine an increasing number of actions and behaviours.* At the same time, targeted communication continues even if individuals are united in a crowd, which is what keeps it emotionally charged as a key condition for staying in a split state, when the function of rational reflection is delegated to the external centre. The efforts of the Belarusian authorities to counteract such external influence in the autumn of 2020 were only partly effective: slowing down mobile internet speeds, and even blocking it entirely, temporarily made it more difficult to coordinate the protests, but failed to stop them. This was not enough to restore the authorities’ monopoly over agenda-setting, and the “mental ferment” continued for several months.

There is also a substantive dimension, in which a large mass of individuals can succumb to external influence, *de facto* accepting the externally imposed system of ideological and value coordinates without any significant attempt to critically revise them: let us call this the phenomenon of cognitive vulnerability. In Belarus, for example, both the channel for coordinating the protests – the Telegram messenger structured

for imperative top-down communication with minimal discussion – and the genre of protests chosen by the organizers, which turned them into a one-strike tool, played a part. It programmed both the explosive growth in the number of protesters at the first stage, and the inevitable loss of meaningful perspective of the protests afterwards. The active use of game and quest elements became such a genre: a significant part of the protesters found themselves inside a fascinating game with a carnival setting and a sense of non-reality, omnipotence, impunity, and, at the same time, loss of meaning. After a couple of weeks, it became obvious that the task of evolving the protests in a meaningful way would be impossible to achieve. Thereafter, the protests evolved into a gradually fading and pointless “game for sake of playing a game.” The Belarusian authorities sensed that moment and, showing restraint, allowed their emotions to cool down, after which they gradually regained control. The limitations we have identified do not cancel out the main question about the newly discovered possibility of a cognitive impact on a particular society from the outside, including through the creation of a digital crowd at the right point in time and space.

Has cognitive vulnerability become an intrinsic characteristic of societies today? And will it continue to increase? To what extent do algorithms program our perception of a reality that is not directly related to use – primarily political and cultural reality? As we begin to consider these questions, let us dwell on the methodological aspects of our study.

It is logical to first question the validity of the term “alogocognitive culture,” which is already common in English-language discourse (Lavelock, 2019), but sounds at the very least unfamiliar to Russians. In other words, can we talk about the systemic influence of network reality on shaping the picture of the world and the values of a statistically significant part of any modern society? The authors believe that the answer should be positive. The successful experience of the Barack Obama administration in practical modeling of the cognitive system (Sergeev et al., 2011) has convincingly demonstrated that the key role in shaping the cognitive system of an individual is played by his or her social environment, primarily the social network: it becomes the reference source with which an individual relates his or her ideas about the world, values and goals. Combining the ideas of several Western founders of cognitive science, in particular Nathan Leites, Robert Abelson, Robert Axelrod, Christer Jonsson, G. Matthew Bonham and Michael Shapiro (Leites, 1951; Abelson, 1987; Axelrod, 1976; Jonsson, 1982; Bonham, Shapiro, 1977), with the theory of metaphor of George Lakoff (Lakoff, 2004) and applying them to the analysis of the network subject made it possible to build a relevant model that provided good analytical and predictive results. An important outcome of the aforementioned study was the discovery of integrators – coinciding meanings and interpretations that make the network a network.

The “objectification” of the network, that is, its emancipation from the individual and transformation into an entity (albeit a virtual one) that is external to the individual, amplifies this given reality many times over. The role of the mediator in communication between the individual and the network is played by algorithms that, while sim-

plifying communication and making it more comfortable, at the same time structure it, thereby also contributing to the shaping of the individual's worldview, values, and goals. Algorithms do not emerge by themselves, they are created by social networks, which, as a commercial project, are focused primarily on their own effectiveness – which predetermines the set of integrators embedded in the algorithms. The basic cognitive integrator publicly proclaims the idea of freedom: the user of networks indeed gains the freedom of instant communication with anyone, regardless of distance, time of day, weather and a host of other material factors. On the other hand, for the social networks themselves, this freedom has the highest commercial efficiency: mediation has become a very profitable business, while the social networks themselves are free. This serves as an empirical basis for the tentative conclusion that algocognitive culture has become a realized phenomenon that must be reckoned with.

### Challenges of the Algocognitive Culture

The priority of mediator profitability explains the fact that the rapid expansion of algorithms into the social sphere has been accompanied by a gradual but steady transformation of online reality into a degrading Akerlof's "market for lemons" from live journals to Facebook, Twitter and TikTok, with the underlying message becoming more marketable and therefore more widespread and, as a result, increasingly shorter and less meaningful with each iteration. But there are two sides to the coin here: the market is a two-way road, and it is almost impossible to draw a line between pandering to the tastes and demands of the audience and cultivating those tastes and demands. A joint study conducted by Cambridge University and New York University convincingly confirmed that networks serve to fuel divisions and deepen the polarization of society (Rathje, Bavel, Linden, 2021). In particular, an analysis of 2.7 million tweets and Facebook posts showed that direct attacks on an opponent because of his or her political views are far more likely to be reposted than a simple expression of emotion or moral indignation. According to Karelov, in the new online reality, which has dramatically expanded its presence in everyday life due to the COVID-19 pandemic, social status is not about money and power but about the number of likes and followers.<sup>2</sup> It is not a balanced and restrained position that wins the sympathy of the latter, but a radical stance, when the discussion of any problem results in the irreconcilable conflict of the opponents. A good illustration of this process is the split described by Jonathan Swift in his *Gulliver's Travels* over which end to crack an egg: on a rounded big end or a pointed little end. In the end, there emerged two radical parties – the Big-Endians

<sup>2</sup> Karelov S. 2021. On Big Changes in Societies, States, and Individuals. And Why We Must be Ready for More Changes. In *Yandex Zen*. 28 June. Available at: [https://zen.yandex.ru/media/the\\_world\\_is\\_not\\_easy/o-bolshih-peremenah-v-obschestvah-gosudarstv-i-lichnostiah-60d8bde0c9d05740d85f35e0](https://zen.yandex.ru/media/the_world_is_not_easy/o-bolshih-peremenah-v-obschestvah-gosudarstv-i-lichnostiah-60d8bde0c9d05740d85f35e0) (accessed: 04.10.2021).



and the Little-Endians. But there was no third, moderate party that, say, would suggest cracking an egg in the middle – despite the fact that, from a culinary perspective, rather than an abstract discussion, the third way seems to be the most appropriate.

The situation is all the more serious as the networks have solved the problem of connecting the virtual dimension to reality by finding a way to convert virtual capital into real capital: the number of subscribers easily converts to money, influence and power, a principle that works whether it is a blogger, an idol of the youth or a politician. They have gone from the status of mediator to that of moderator, so it is logical to assume the emergence of a parallel reality of the virtual ecosystem, which can have at least as much impact on the latter as real life, as exemplified by Meta (formerly Facebook), a corporation recently banned in Russia. If in reality it takes effort, knowledge, and skills to gain social status, in the virtual ecosystem, all that is needed is the ability to regularly create hype. Consequently, the virtual ecosystem is necessarily perceived by its inhabitants as an ideal tool for enhancing one's status in the quickest possible way and in the violation of the standard rules – by hacking reality. The virtuality of what is happening and indeed its gamification easily nullifies the Kantian moral imperative inherent in reality.

Having spotted this effect of social networks, network corporations immediately saw its potential as a marketing tool and set about strengthening it dramatically. This is evidenced, in particular, by an investigation published by the US newspaper *The Wall Street Journal*. Internal Facebook documents obtained by the journalists showed that its management was aware that the Instagram platform, which it had acquired in 2012, creates an inferiority complex in one in every three teenage girls,<sup>3</sup> but this circumstance had no effect on the further formation of content. The market rationales here are obvious: an audience weighed down by a complex of any kind feels the need to get rid of these hang-ups, and is thus far more giving from the point of view of marketing than an unburdened audience, with American teenagers alone spending 50% more time on Instagram than on Facebook, visiting it four and a half times more often. In December 2017, a number of changes were made to Facebook's algorithms, first of all to the algorithm for displaying its most visited product, the news feed. It was based on the concept of MSI (meaningful social interactions), according to which a "like" is rated at 1 point, a "dislike" 5 points, and a repost 15 or 30 points, depending on the presence or absence of a meaningful comment added to the repost.<sup>4</sup>

<sup>3</sup> Wells G., Horwitz J., Seetharaman D. 2021. The Facebook Files. Facebook Knows Instagram Is Toxic for Teen Girls, Company Documents Show. *The Wall Street Journal*. 14 September. Available at: [https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739?mod=trending\\_now\\_news\\_1](https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739?mod=trending_now_news_1) (accessed: 04.10.2021).

<sup>4</sup> Hagey K., Horwitz J. 2021. The Facebook Files. Facebook Tried to Make Its Platform a Healthier Place. It Got Angrier Instead. *The Wall Street Journal*. 15 September. Available at: [https://www.wsj.com/articles/facebook-algorithm-change-zuckerberg-11631654215?mod=series\\_facebookfiles](https://www.wsj.com/articles/facebook-algorithm-change-zuckerberg-11631654215?mod=series_facebookfiles) (accessed: 04.10.2021).

A predictable result of this change was an increase in conflict, and with it an increase in traffic and marketization: the wider the dissemination of the post, the more people become involved in the dispute, which turns into a rapidly growing virtual funnel: arguments in favour of one position or another lead to long comments and buttons other than likes, which leads to more and more new people seeing the post in their newsfeeds. Fake news, inflammatory posts and direct attacks on competitors have become a more effective tool for promoting the interests of any entity, including political parties, than positive and political posts.<sup>5</sup> In the context of the primacy of marketization, it is not surprising that Facebook, with the knowledge of its administration, has made the widest use of shadow and criminal structures for obviously criminal business in third countries, from human trafficking to drug trafficking.<sup>6</sup>

What is remarkable is that social networks have revealed, or created, another phenomenon of virtuality – the possibility of splitting the emotional from the rational. At this stage, moderators discovered their abilities as creators of an alternate reality. The point is that in the network dimension, emotions retain their full power and significance, despite the fact that experiencing them is tied to a fictitious reality with an alternative logic of stimuli, incentives and rewards, that is, with alternative systems of values and worldview coordinates. This alternative turns out to be more attractive and competitive than reality, because network reality, *first*, can provide a minimum level of frustration and suffering (if, following the Nietzschean interpretation of the Upanishads, we understand the latter as the time interval between the appearance of desire and its satisfaction) and, *second*, the programmatically acceptable possibility of a positive result and the emotional reward associated with it in ten cases out of ten, which does not happen in real life. In other words, in an alternative ecosystem, any participant is guaranteed a more satisfying and vibrant emotional life than in the real world; this means that both the values supported by virtuality and the worldview frame of reference will become more competitive and convincing. This splitting, or parallel existence in two dimensions, inevitably leads to their comparison and to growing frustration, and consequently to the need to get rid of it, which, in general, is not difficult: algorithms, creating complexes and needs, immediately offer an easy way to overcome them based on a new iteration of the same cognitive integrator of release – either by copying actions that bring success in the network, or by purchasing those symbols that are attributes of network status, or by both. Of course, these practices, and with them attitudes, will be automatically transferred to real life as well. So, we can see the emergence of an alternative system of socialization, more powerful than the traditional one, and controlled by algorithms, that is, by network corporations, but not by states.

<sup>5</sup> Ibid.

<sup>6</sup> Scheck J., Purnell N., Horwitz J. 2021. The Facebook Files. Facebook Employees Flag Drug Cartels and Human Traffickers. The Company's Response Is Weak, Documents Show. *The Wall Street Journal*. 16 September. Available at: [https://www.wsj.com/articles/facebook-drug-cartels-human-traffickers-response-is-weak-documents-11631812953?mod=series\\_face-bookfiles](https://www.wsj.com/articles/facebook-drug-cartels-human-traffickers-response-is-weak-documents-11631812953?mod=series_face-bookfiles) (accessed: 06.10.2021).

The action of algorithms can be compared to the effect of drugs, which frees emotional satisfaction from the connection with rational activity, turning it into an intrinsically valuable and self-sufficient act, the achievement of which gradually begins to take over the whole life of the drug-addict. In this context, the high number of school shootings, formerly exclusive to the United States as the leader of digitalization, but now spreading beyond it, can logically be explained as revenge on reality for the fact that its system of status distribution is strikingly inconsistent with the virtual one, and the merits gained in virtuality do not convert into real status. Perhaps even more problematic is the situation when they do convert and such figures as Danya Milokhin or Morgenstern are promoted by serious corporations to the role of idols for young people. From a business point of view, it makes sense: the transformation of a person without education or other merits into an idol stimulates the desire to repeat their success, for which, in theory, it is enough to take out a consumer loan for the initial promotion. In terms of damage to social capital, the loss from the appearance of such idols is hard to calculate.

As we can see, the algorithms-inspired liberation from the complexes they produce through consumption qualitatively changes the notion of rationality and reasonableness. Max Horkheimer pointed out in this regard that rationalism is possible solely as an assessment of alternatives to achieving the goal: “It is essentially concerned with means and ends, with the adequacy of procedures for purposes more or less taken for granted and supposedly self-explanatory. It attaches little importance to the question whether the purposes as such are reasonable” (Horkheimer, 2011: 8–9). The implicit goal of consumption logically leads to a qualitative reevaluation of culture, which serves as a value system of coordinates, according to which the external world is arranged for the individual. As we have already noted, the replacement by algorithms of the act of comprehension with the act of possession in a new, virtual (and therefore doubly illusory) dimension leads to the next iteration of simplifying the axiological perception of reality, simplifying and flattening it, levelling even the symbols to simpler and more accessible ones. The direct consequence of this process is not only a mass decrease in human quality,<sup>7</sup> but also the atomization of societies: consumption is individual, and therefore everyone solves this problem on their own. In this context, it is appropriate to quote Horkheimer again: “The intellectual imperialism of the abstract principle of self-interest – the core of the official ideology of liberalism – indicated the growing schism between this ideology and social conditions within the industrialized nations. Once the cleavage becomes fixed in the public mind, no effective rational principle of social cohesion remains (...) Probability or, better, calculability replaces truth, and the historical process that in society tends to make of truth an empty phrase...” (Horkheimer, 2011: 26–27, 54).

<sup>7</sup> The degradation of human quality should be understood as the degradation of cognitive abilities and the blurring of the system of ethical coordinates, the degradation of culture, since the latter exists only in the minds of its bearers.

We must admit that algorithms have qualitatively deepened this problem: we are no longer talking about atomization, but about the splitting of atoms, that is, of the human personality that turns into a consumer unit frustrated by reality. The possibilities offered by individualized communication with the provision of a metered personal virtual reward can only be compared to the practice of selling indulgences by the Catholic Church on the eve of Protestantism: leveling the absolution procedure down to the affordable act of acquiring a symbol, in an economic sense they represented a product with near-zero multiplication value, whereby the quantity of the product would be entirely determined by the number of consumers, with the complete physical impossibility for the consumer to make a claim against the seller (Koktysh, 2016a). In this case, it was only a matter of time before the algorithms would try to take direct control of the human personality they were splitting: the sustainability of any market depends on managing customer loyalty. If the algorithm for overcoming frustration by acquiring symbols of success and status is fairly easy to market, then until a certain moment there was no clear solution for marketing the second algorithm that leads to virtual success, namely, the imitation of idols. Yet a solution was found here as well.

The question of whether an individual frustrated by reality is willing to delegate his or her sovereignty to algorithms and seek further “liberation” in them has received positive experimental confirmation. Sergei Karelov reported the sensational results of a five-year PEACH (PErsonality coACH) experiment by the Universities of Zurich, St. Gallen, Brandeis, Illinois, and ETH Zurich.<sup>8</sup> The possibility of deliberately and rapidly changing the personality characteristics of individuals on a mass scale, up to the realization of the most daring eugenic fantasies of creating new breeds of people, has been proven. The experiment involved developing a mobile app that included: 1) a bot that simulates a chat conversation with a coach; 2) a digital diary of progress towards individual goals for self-reflection and progress monitoring; and 3) a system of monitoring and guiding reminders. The program was adapted to different psychological types. As a result, in three months the personality traits of the subjects changed beyond recognition, which was confirmed not only by the self-assessment of the 1523 volunteers who took part in the study, but also by the external assessment of their relatives, friends and partners (Stieger, Flückiger, Rüeegger et al., 2021).

Pandora’s Box has thus been opened: cognitive vulnerability has become a reality. It is only a matter of time until we see the emergence of mobile apps that promote the development of “leadership skills” and “personal growth” and automate various psychological training sessions. The possibility of directly reprogramming significant segments of external societies presents an irresistible temptation for corporations to take the task of winning consumer loyalty to a new level of efficiency while dramatically reducing advertising costs. Equally tempting are the new prospects for major

<sup>8</sup> Karelov S. The Little Known Interesting. Available at: <https://t.me/theworldisnoteasy> (accessed: 07.10.2021).

geopolitical players: the ability to control one's electorate and exert a targeted influence on others brings global politics into a qualitatively new dimension. In essence, we are talking about creating an algorithm for cognitive sabotage anywhere in the world.

At the first stage, the most vulnerable to the new algorithms will be a limited part of society – the most dissatisfied, those who feel frustrated and deprived by reality. Since such people form the most active and mobilizable part of society, the threat of external manipulation should not be underestimated. The Belarusian protests mentioned at the beginning of this article turned out to be so protracted precisely because there was a relatively small nucleus, which was controlled mainly by a single channel on the Telegram social network. Meanwhile, theoretically, the new algorithms can multiply any protest activity, as the emotional cooling of the protesting crowd can be blocked by updating the “firmware.”

### **Algocognitive Sophism**

The British futurologist and visionary James Lovelock has coined the term “novacene” for the coming age, suggesting that its main driving force will be the technological mastery of the pattern of organization of matter and energy that we call information (Lovelock, 2019). The new era is fundamentally different from much of what we are used to. In this context, Sergei Karelov speaks of a “triple cultural fracture,” that is, the emergence of a “culture of oversight,” a “culture of post-truth,” and a “cancel culture.”<sup>9</sup> Among other things, the concept of privacy disappears in the new reality, and a person becomes transparent to a much greater extent than he or she probably realizes: smartphones make it possible, and easy, to track a person's movements and communications (including correspondence and intimate relationships), establish who their friends are and, based on this, determine the person's worldview and identify their preferences and interests based on e-commerce data.<sup>10</sup>

The post-truth culture blurs the line between truth and falsehood due to the obvious difficulty of verifying what is fake. The criteria of truth are blurred, the vast majority of users perceive the flow of information superficially, only picking out certain symbols from the general noise, and these symbols only acquire meaning because of the number of times they are repeated. So-called “cancel culture,” or the new ethics stemming from the culture of post-truth, allows us to ostracize those who, “according to the activists of this culture, have crossed the line delineated by the activists themselves; such ‘going out of bounds’ is interpreted as a violation of the moral and ethical standards of society or the unspoken dogmas of science.”<sup>11</sup> The most famous examples

<sup>9</sup> Karelov S. Triple Culture Fracture. The Case of a 4400% Increase in Girls Aspiring to Become Men. Available at: <https://sergey-57776.medium.com> (accessed: 07.11.2021).

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

of the influence of cancel culture are Harvey Weinstein, Roman Polanski and Kevin Spacey, and it has become a mass phenomenon in the US university environment. In its mild form, the ostracism of the new times is manifested in the informational isolation of an elected public figure, and in its radical form in their deletion from the digital media environment, as happened, for example, with the accounts of former President Donald Trump.

Science has become a predictable victim of the new ethics: research that questions the proclaimed mainstream values has been crossed out and declared unscientific. For example, the renowned evolutionary biologist Jerry Coyne pointed to the egregious case of the *Science-Based Medicine* magazine website deleting a review by Harriet Hall, a well-known physician and one of its five editors, of Abigail Shrier's book *Irreversible Damage: The Transgender Craze Seducing Our Daughters* (Shrier, 2021), which reported a whopping 4400% increase in the number of girls in the United Kingdom who wished to have a sex change in the ten years from 2008 to 2018.<sup>12</sup> The review was deemed too complimentary, and was replaced by three negative reviews written by "advocates of gender affirmation,"<sup>13</sup> accusing the author of transphobia and insufficient substantiation of her work.

If the transparency of everyday human life is an immanent characteristic of the new era and this reality is to be lived with, then the existence of the "post-truth" and "cancel" cultures depends on who creates the algorithms and what goals they are meant to achieve. In the Western digital culture, we are witnessing the return, under a new name, of well-known archaic processes. In the doctrine of the relativity of good and evil, with their coordinates determined by information flows and the possibility of changing them arbitrarily, we can recognize the principle of man as the measure of all things, which was formulated by Protagoras and which is fundamental to sophistry. Plato, through Protagoras, also described, put in modern terms, the basic principles of information management, which can be reduced to a simple and seemingly harmless substitution of names. For example, Protagoras, in a dialogue of the same name, generates the following logical construct: "As there are two things, let us call them by two names – first, good and evil (...) a man does evil knowing that he does evil. But someone will ask, Why? Because he is overcome, is the first answer. And by what is he overcome? the inquirer will proceed to ask. And we shall no longer be able to reply, 'by pleasure'; for the name of pleasure has been exchanged for that of good" (Plato, 1990: 468).

How fair is our analogy? Are societies affected by algorithms (Wagner, Strohmaier, Olteanu et al., 2021) close in quality to the society of Ancient Athens? Indeed, in the heyday of sophistry, we find almost all the signs of a "post-truth culture," in which

<sup>12</sup> Coyne J. 2021. Ex-Editor of Science-Based Medicine Chews the Site's Tuchas for its Treatment of Abigail Shrier's Book. 26 September. Available at: <https://whyevolutionistrue.com/2021/09/26/ex-editor-of-science-based-medicine-chews-the-sites-tuchas-for-its-treatment-of-abigail-shriers-book/> (accessed: 11.11.2021).

<sup>13</sup> Ibid.



truth is drowned under a pile of subjective – and not at all disinterested – interpretations, where the key cognitive integrator is the liberation of the individual from the norms and rules that constrain him. Alexei Losev says in this respect: “The subjectivism of the sophists, generally speaking, cannot be disputed: if one perceives something, then it exists; and what someone else perceives exists too (...) Gorgias in general undertook to both praise and deprecate any thing regardless of its objective properties; and on this basis he believed that ‘the art of persuasion is much higher than all the arts, since it makes all men its slaves by free will and not by compulsion,’ so that the speaker can speak about all things in the best way” (Losev, 2000: 18–19). Actually, the methodological basis of sophistry is the very splitting of word and essence, signifier and signified, word and thing, about which Paul-Michel Foucault wrote: the signifier acquires an independent existence and begins to redefine the signified (Foucault, 1994: 79). And to redefine it quite arbitrarily, refuting everything and leaving no stone unturned from the signified based on the intentional logical substitutions, classified as “paralogisms, not refutations” by Aristotle, who devoted 34 chapters of his work to the analysis of the sophists’ logic (Aristotle, 1978a: 535).

In fact, algocognitive culture allows one to create a far more vivid reality than the verbal theatre of the sophists, who, incidentally, were well aware that their art was the art of deception. In this connection, it seems appropriate to give some more eloquent quotations from Gorgias: “In tragedy and in painting, he who deceives better than anyone else, creating a semblance of truth, is superior. The art of the actor deceives the audience, though they know that it is a deception; actors say one thing and think another; they enter and leave the stage the same and at the same time different” (Losev, 2000: 44). The influence of the word is great, but the influence of networked information culture is immeasurably deeper, affecting most of the senses that evoke emotion – this includes text, audiovisual information, and the possibility of instantaneous feedback from the interlocutor. The management of emotions is becoming a critical factor in socialization, as Herbert Marshall McLuhan warned: “... our human senses, of which all media are extensions, are also fixed charges on our personal energies, and that they also configure the awareness and experience of each one of us...” (McLuhan, 2003: 26). Network communication, in McLuhan’s classification, refers to “hot media,” that is, those that primarily affect emotions, which “extends one single sense in ‘high definition’” (McLuhan, 2003: 27). This complicates the cognitive processing of incoming information – “Intensity or high definition engenders specialism and fragmentation in living as in entertainment, which explains why any intense experience must be ‘forgotten,’ ‘censored,’ and reduced to a very cool state before it can be ‘learned’ or assimilated” (McLuhan, 2003: 29). In the case of algocognitive culture, there is no cognitive pause at all.

According to McLuhan, the absence of the transition to a “cold” state of reflection and awareness leads to “narcosis or numbing”: critical processing of the flow of information becomes impossible due to its constant intensity. McLuhan illustrates this thesis with the famous myth of the young Narcissus, who mistook his reflection for another person: “This extension of himself by mirror numbed his perceptions until

he became the servomechanism of his own extended or repeated image. The nymph Echo tried to win his love with fragments of his own speech, but in vain. He was numb. He had adapted to his extension of himself and had become a closed system. Now the point of this myth is the fact that men at once become fascinated by any extension of themselves in any material other than themselves” (McLuhan, 2003: 50). Any means of communication, “as an extension and expeditor of the sense life, any medium at once affects the entire field of the senses (so that) the beholding of idols, or the use of technology, conforms men to them. It is this continuous inward acceptance of our own technology in the course of our daily use of it that places us in the role of Narcissus, consisting in subconsciously perceiving these images of ourselves and becoming numb before them. It is this continuous embrace of our own technology in daily use that puts us in the Narcissus role of subliminal awareness and numbness in relation to these images of ourselves. By continuously embracing technologies, we relate ourselves to them as servo-mechanisms. That is why we must, to use them at all, serve these objects, these extensions of ourselves, as gods or minor religions” (McLuhan, 2003: 55–56).

Importantly, with all their love for their art, “an extraordinary thirst to experience and feel more and more new sensations, to explore life in all the diversity of its constituent phenomena, to enjoy the present, to burrow into the past and to strive for the future with an extraordinary acuteness of sensations” (Losev, 2000: 26), the sophists were pursuing quite pragmatic goals. The emergence of the Athenian merchant class during the rapid growth of overseas trade created a demand for its self-awareness, and thus for the intellectual school that determined and provided for its growing ambitions. It was sophistry that took on the role of such a school, the main function of which was the reassessment of values: the values of society, preserved since the previous agricultural era, were replaced by the values of the individual, who easily found loopholes to justify the priority of his own interests. In mastering the main art of the sophists, that of dispute, for which their disciples mainly paid, it is difficult not to see the mastery of bargaining skills and the ability to put one’s profit above everything in any situation, which, given the actual exclusion of the criterion of conscience from argumentation, in fact becomes possible always and everywhere. Aristotle, ironic about the path-breaking ethical relativism of the sophists, cited their eloquent thesis that blurred the boundaries of good and evil: “Things the knowledge of which is good, are good things to learn, aren’t they?” ‘Yes.’ ‘The knowledge, however, of evil is good: therefore evil is a good thing to know.’ ‘Yes. But, you see, evil is both evil and a thing-to-learn, so that evil is an evil-thing-to-learn, although the knowledge of evils is good” (Aristotle, 1978a: 573).

Along with the training of merchants, the sophists transformed the domestic market by the very fact of their popularity. “The emancipation of vital instincts, the justification of everything human, from its greatest forms to the smallest, often even domestic and commonplace weaknesses of man” (Losev, 2000: 55), in essence, created a consumer who valued his or her weaknesses and was willing to pay to indulge and satisfy them. “According to Antiphontus, nature is liberty, and law is violence; and according to Cal-



lices, free nature, consisting in a complete licentiousness of passions, finds in law only its unnatural tyrant, and by laws men defend themselves against men of greater power. For Thrasymachus, justice is also something beneficial to the strongest. In Plato, Hippias explicitly says that the law, being the tyrant of men, often ‘exerts violence against nature.’ Antiphontus, of all the sophists, wrote the most detailed speculation on the antagonism between naturally acting nature and violent, unnaturally acting law. Critias extended this antagonism to the theory of the origin of religion as a result of the need to intimidate immoral people, and he was most probably a true godless man, of which a rather detailed record has been preserved” (Losev, 2000: 24, 18–19).

The ontological dead-end of sophistry came soon enough: with the individual placed in the centre of the worldview, no generalizations are possible; absolutely everything becomes relative. The sophists recognized this. In particular, Protagoras’ thesis about the nature of matter is essentially a declaration of agnosticism. “... matter is in flux and that as it flows additions are continuously made, replacing the effluvia; and that the senses are restructured and altered depending on the age and the other structural features of our bodies (...) the explanations of all appearances are founded on matter, as matter in itself is capable of being in all respects such as it appears to anyone. And (...) people apprehend different things at different times depending on the different conditions they are in. For the person who is in a natural condition apprehends those features of matter that can appear to people who are in a natural condition, while those who are in an unnatural condition apprehend what can appear to people in an unnatural condition” (Losev, 2000: 19).

In view of the above, it is not surprising that the sophists “blurred” natural philosophy to the point of absurdity without creating anything of their own in return: “For if everything is only one continuous fluidity, then, in view of the absolute novelty of each arising moment, no generalization can be made in this becoming being, from which relativism and even nihilism followed naturally” (Losev, 2000: 21–22). Mythology was being blurred even faster: the only consistent position was “preaching arbitrary and any mythological constructions, the sophists could deny mythology as much as they wanted, criticize it, laugh at it and deny its objective reality” (Losev, 2000: 52).

The final pessimism of the sophists is also logical in this context: the world of sensual experience, elevated to the rank of an absolute value, closes in on itself, losing the meaning of its own existence, after which (and by virtue of which) it also devalues itself. If at the beginning of his journey, Antiphon declared that “the real good for man is his victory over himself,” by the end, he had fallen into pessimism: “Life is like, so to speak, a one-day imprisonment in a prison, and the duration of life is like (one) day. As soon as we see the light of day again, we pass it on to the next generations (...) Any life, even the most enviable one, according to men, deserves the charge that there is nothing particularly significant, nothing great or high in it, but everything is insignificant, weak, short-lived, and involving great suffering. Life cannot be rearranged like a move in a game of checkers” (Losev, 2000: 25). Losev assessed sophistry as the heyday of decadence, understanding the latter as an attempt to “translate everything and eve-

rything into the language of sensual sensations” (Losev, 2000: 27). Although the sophists had the substantial support of the elites and relied on a steady market demand, the struggle that Socrates, Plato and Aristotle waged against them was relatively easy to succeed: after all, the sophists exhausted themselves rather quickly. At the same time, they had previously eroded every sphere of Athenian society without exception and called everything into question, producing in return nothing but a hymn to sensual liberation from everything and everything. Modern trends can be seen in the latter. For example, when discussing beauty, Critius argued that “the most beautiful form in male beings is feminine, but in female beings, on the contrary, it is masculine” (Losev, 2000: 30). Athenian society could not fail to detect the growing effect of de-socialization that threatened it, so the struggle against the sophists led by the three generations of great philosophers who replaced the sophistic chaos with a streamlined system of “systematically processed general judgments” (Losev, 2000: 35), where the existence of the singular is derived from generic notions, produced meaningful allies. As a result, Aristotle’s final verdict on the Sophists – “Now for some people it is better worth while to seem to be wise, than to be wise without seeming to be (for the art of the sophist is the semblance of wisdom without the reality, and the sophist is one who makes money from an apparent but unreal wisdom); for them, then, it is clearly essential also to seem to accomplish the task of a wise man rather than to accomplish it without seeming to do so” (Aristotle, 1978a: 53) – was received with relief by Athenian society.

Interestingly, in the same era, the legal practice of ostracism provides us with a second offspring of the algocognitive culture, namely, cancel culture, or the new ethics. In digital form, ostracism affects the most famous and influential people standing in the way of the fickle ideological mainstream in exactly the same fashion, and is no less lethal to the reputation of the condemned than it was in the old days. It is remarkable that the practice of ostracism itself was possible due to the coexistence within the Athenian democracy of two cults – the chthonic and the Olympian: organized into pantheons, both were ruled by multiple gods with overlapping jurisdictions (Sergeyev, 2013: 84–92). The first (chthonic) was meant for common folk, and its driving force was the wrath of the elemental gods: daily life was subordinated to maintaining ritual purity in order to avoid their wrath. The second, which emerged with the flowering of the merchant class, provided jurisdiction to the oligarchic merchant elites and was governed by the grace of the new Olympian gods (Harrison, 1913: 37–43). The normative corpus of the former was stagnant and rigid, while the latter evolved rapidly, constantly redefining values in line with the situation, which in fact initially created a niche for the sophists, who specialized in redefining the coordinates of good and evil. The sentence of ostracism in Ancient Greece, however, was only possible within the norms of the chthonic pantheon: the Olympian pantheon presupposed a minimum of blameworthy offences. Since its victims were members of the elites, and often intellectuals, we can assume that it was primarily a matter of settling scores: anyone who did not fit into the mainstream, and especially those who opposed the elite, were dumped at the mercy of the mobs.

Within today's algocognitive culture, the US global information corporations form the mainstream: they are the customers, and it is in their interest that algorithms are created, developed and improved. If the integration of algorithms into an individual's daily life increases the degree of freedom – not freedom in general, though, but mainly freedom of choice for consumers – then corporations enjoy an increase in sales and the consolidation of consumer loyalty. As we know, there are two ways to boost sales in a situation of oversupply. The first expands the market by extending the metaphor of marketability to areas that were not previously marketable, i.e., marketization. The second allows any market to be turned into a mass market by adding a social component to the product, whereby a person, by purchasing the said product, receives something more – a symbol of status, of belonging to a prestigious stratum, the imitation of which is the norm in his circle. In both cases, however, it is the social structures and norms, i.e., the power and dominant values, that stand in the way of the mainstream, which also became an obstacle to the expansion of the sophists.

This obstacle is quite significant. Both modes of market expansion erode the foundations of being, since the inclusion of a new “non-commodity” value in commodity circulation is very likely to lead to the Akerlofian transformation of the newly emerged market into a degrading one (Akerlof, 1994: 95–104). For example, the expansion of the metaphor of marketability to social goods does not usually lead to an improvement in their quality, as it creates a conflict of professional motivations. For example, a doctor providing a service becomes interested both in the patient's recovery and in his or her becoming a regular client, which in practice often translates into an operational compromise with speculative diagnoses being made in the process (Sergeyev, 2009) and the imposition of additional, at best useless, services (Taleb, 2014: 82). A similar conflict also arises in the field of education – the permanent client effect is possible with teaching short-term knowledge that quickly becomes obsolete instead of fundamental knowledge, which creates space for the Western concept of *lifelong learning*. The resulting distortions in both of these areas can only be counterbalanced by the regulatory role of the state, which eventually has to bear the costs of setting and maintaining standards. Giving a commodity additional symbolic characteristics can lead to the degradation of the already symbolic capital: the difficult process of comprehending something complex is replaced by the simple act of visiting, contemplating or buying,<sup>14</sup> which inevitably leads to its emasculation and simplification, at least in the mind of the perceiver. A counterfeit market emerges, which – because of its far greater availability – is far more profitable and successful than the market for originals.

<sup>14</sup> An anecdotal illustration of this is an episode from the personal experience of one of the authors: a successful American colleague asked at the last minute if it would be possible to get tickets to a ballet performance at the Bolshoi Theatre. He happily drank champagne in the buffet, fell asleep during the performance, and lounged through most of it. When the author asked what he was doing, the American answered: “We live in a small town, but everyone's heard of the Bolshoi. So, when I tell them that I've been to the Bolshoi, that'll be more than enough.”

In this respect, the uncompromising thrust of cancel culture is understandable: the demolition of former symbols, often physical, opens up new, previously unthinkable high-margin markets whose expected rate of return creates a pressure differential between the “market element” and the segments of social reality to be marketized. However, the new markets immediately begin to degrade, triggering the process described by Nassim Nicholas Taleb as the “socialization of losses and privatization of gains” (Taleb, 2007). At the same time, the fluid system of coordinates created by the post-truth culture allows us to put almost any obstacle in the way. If pre-Socratic reality proceeded from a multitude of existent ontologies equal to the number of recognized gods, with the consequent possibility of value pluralism, then algocognitive culture can produce idols itself, together with the ontologies and values they affirm. For this, algorithms are sufficient – the network behaviour of *algorithmically infused societies* (Wagner, Strohmaier et al., 2021) is often compared to an anthill, where the number of likes and reposts plays the role of sugar, which determines the routes of the ant trails.

The main victim of both approaches, as with the sophists, is culture and science: active government intervention through standard-setting in these spheres is always problematic and involves the costs that the government prefers not to take on. One thing that typically escapes attention is something that José Ortega y Gasset has already pointed out (Ortega y Gasset, 2002): it is culture and art, whether elite or mass, that produce the meanings of life that are relevant to society and that generate models to follow. Mass cognitive blindness grows as a result of culture and art falling to algorithms (Ward, 2021): knowledge is being replaced by information, with people increasingly relying on information from the internet as their “own knowledge,” while the output of such information can be changed almost instantaneously, as in George Orwell’s dystopian novel *1984*. At the same time, the confidence of the masses – if not in their knowledge as such, then in their awareness – grows proportionately, thus generating “false areas of competence,” known as the Dunning–Kruger metacognitive distortion (Kruger, Dunning, 1999), when even the masses perceive complex reality as simple and understandable. Actually, in this context, cancel culture is nothing more than the next iteration of polling, where after culture, its object is now politics: the masses, not the elites, easily demonstrate their readiness to engage in the active promotion of the understanding (offered to them from the outside) of the only correct knowledge, as we saw in a series of “colour revolutions,” both successful and unsuccessful.

It is difficult to quantify the damage that cancel culture has caused to science. Fear of overstepping boundaries breeds conformism, which, coupled with the logic of algorithms for indexing scientific publications, leads to the emasculation of its cognitive function. In particular, a recent study of an array of 90 million scientific articles on 241 scientific topics, with 1.8 billion citations, unexpectedly – from the perspective of science industry administration – showed an almost complete standstill in cognitive progress: quantity does not translate into quality (Chu, Evans, 2021).

## China: A Digital Cultural Revolution

The political recognition of the seriousness of the digital threat is evidenced by the dramatic shift in China's digital policy initiated in 2021, dubbed the "new cultural revolution." There is a certain symbolism in this; last year marked the 55<sup>th</sup> anniversary of the cultural revolution launched by Mao Zedong. The changes announced are no less profound: in essence, they are the nationalization of algorithms. From now on, algocognitive culture in China is controlled and directed by the Communist Party and must serve the national interest.

Specifically, on August 27, 2021, the State Internet Information Office issued the Internet Information Service Algorithmic Recommendation Management Provisions,<sup>15</sup> which gave the national cybersecurity and informatization department the authority to oversee and monitor compliance with the national algorithm recommendation service, and service providers "shall abide by laws and regulations, observe social morality and ethics, abide by commercial ethics and professional ethics, and respect the principles of fairness and justice, openness and transparency, science and reason, and sincerity and trustworthiness (...) uphold mainstream value orientations, optimize algorithmic recommendation service mechanisms, vigorously disseminate positive energy, and advance the use of algorithms upwards and in the direction of good."<sup>16</sup> The new online ethics involve combating fake news, banning content that threatens public order, and protecting minors. Teenagers must not be induced to follow the recommendations of algorithms, pushed into bad habits, or encouraged to imitate unsafe behaviour and violate social ethics, and they must not be exposed to information that could affect their physical and mental health.

The decisions were popularized by an article that appeared the day after the ruling on a personal WeChat blog by Li Guangman, the hitherto little-known former editor-in-chief of a small newspaper,<sup>17</sup> and was reprinted by various state media outlets, including the websites of the *People's Daily* and Xinhua News Agency. Its author called for a *return to the original intentions of the Communist Party of China, to the essence of socialism, from a group of capitals to the masses of people, and a transformation of the capital-oriented model into a people-oriented one*. The people are called "the chief organ of this change, and those who would hinder the realization of this change toward the people will be discarded."<sup>18</sup> On September 2, the broadcasting authorities unveiled a new strategy that consists of restricting TV programmes and reality shows that cultivate youth idols, setting the right standards of beauty, and banishing transgender

<sup>15</sup> Cyberspace Administration of China. Office of the Central Cyberspace Affairs Commission. 2021. 27 August. Available at: [http://www.cac.gov.cn/2021-08/27/c\\_1631652502874117.htm](http://www.cac.gov.cn/2021-08/27/c_1631652502874117.htm) (accessed: 11.11.2021).

<sup>16</sup> Ibid.

<sup>17</sup> Akopov P. 2021. China Begins "Transformation of Capitalism": And It Has a Major Ally. *RIA Novosti*. 09 October. Available at: <https://ria.ru/20210910/kitay-1749414761.html> (accessed: 17.11.2021).

<sup>18</sup> Ibid.



(read: effeminate) men. Show business was urged to “consciously reject vulgarity and tastelessness, and to consciously rebuff decadent ideas of worship of money, hedonism, and extreme individualism.”<sup>19</sup>

The significance of this shift cannot be overstated. It is not merely a partisan barrier against Big Pharma, the main lobbyist for transgender culture, but a radical change in the dominant idea: from a reliance on the idea of individual freedom, which until now has driven China’s economy by maximizing consumption, the country is returning to the idea of social justice. Society acquires legal personality in this context: unlike the idea of freedom, which is always individual, the idea of justice is always supraindividual: one cannot be fair in and of himself; justice, as Aristotle pointed out, is always the measure of a particular situation of social interaction. In this regard, it is the ethical control of omnipotent algorithms, that is, the alternative system of socialization, that seems to be the most critical and the most far-sighted solution. It is not a question of nationalizing the digital oligarchs, whose mission, in the alarmist assessment of the *Financial Times*, is now to hand their billions over to the Communist Party,<sup>20</sup> but to establish an ethical framework useful to society by which the state will limit the activities of these companies. And they took the message: as early as September 11, all major Chinese platforms, including the messenger services WeChat and Weibo, the video hosting site Tencent Video, the news aggregator Jinri Toutiao, and Douyin (known as TikTok outside China), said they were ready to comply with the new rules, pledged to impose self-discipline, refrain from using data and traffic as their main guide, and promote positive values to create a clean and honest online culture.<sup>21</sup>

China was not the first to catch on when it came to the rules of the new era, where digital sovereignty is central to state sovereignty: after the US information corporations “banned” then-President of the United States Donald Trump from their platforms, the question of where sovereignty is and who has it became a burning issue for all states that have advanced down the road of digitalization. The failed attempts at colour revolutions in Hong Kong in 2019–2020, where China directly confronted the omnipotence of algorithms, and the events in Belarus helped raise awareness of its relevance. Yet it was China that first formulated – and very clearly – the state policy of the digital age, decisively equating the networked information culture with the critical infrastructure on the protection of which the resilience of the entire system depends. In this regard, the concluding statement of Li Guangman’s article is telling: “... if we still have to rely on the big capitalists as the main force against imperialism and he-

<sup>19</sup> Ibid.

<sup>20</sup> *Financial Times*. 2021. Jack Ma and the Chinese Tech Titans’ Mission to Give Away Billions. 19 October. Available at: <https://www.ft.com/content/c89594c1-1d85-4dda-9e67-55c775bd6c9a> (accessed: 14.11.2021).

<sup>21</sup> *Reuters*. 2021. Chinese Content Platforms Pledge Self-Discipline – Industry Group. 09 November. Available at: <https://www.reuters.com/world/china/chinese-content-platforms-pledge-self-discipline-industry-group-2021-09-11/>

gemony, or if we still cooperate with the American ‘mass entertainment’ industry, our young people will lose their strong and courageous energy and we will collapse like the Soviet Union, even before we are really attacked.”<sup>22</sup>

One might reasonably ask how the consistent and undivided dominance of the idea of freedom, the realm of freedom proclaimed by Francis Fukuyama with the collapse of the Soviet Union, which, *having fully satisfied the thirst for recognition, ended history* (Fukuyama, 2015: 224), resulted in a state of anthills where the intellect of the free individual is replaced by instincts of collective behaviour. If, following Slavoj Žižek, we understand freedom as an event, a one-time act of freeing something from something that hinders it (Žižek, 2008: 31–34), and if we connect this consideration with the emancipating social subject, we will find that most of the historical acts of freedom were the liberation of the symbolic figure of the merchant, in his commercial, industrial or financial capacity, from the restrictions of other social institutions – institutions of power and institutions of influence, implemented through laws, religion, morality and ideology. For example, the liberation of Holland from the Spanish Empire was simultaneously a liberation from Catholic morality and from the idea of society as a legitimate political subject; in Protestantism, it was replaced by an aggregate of individuals, which together reduced the costs of colonial expansion for Holland (Arrighi, 2006: 181–201). In England, King Henry VIII’s *Great Affair* was actually the beginning of the rejection of Catholicism, which freed up funds for investment in the Navy, and the English Revolution a century later relieved the merchants of the King’s power; the royal power that was later restored was charged with the teleological duty of protecting the merchants and property (Koktysh, 2019: 48–65). The French Revolution was a simultaneous liberation from Catholicism, from the King, and, more significantly, from the concept of the divine origin of power. It was then that the idea of the relativity of truth in which Modernity exists was born: the French Enlighteners could not convincingly answer the question of how power, that is, the right of one man to command and the obligation of others to obey, was possible in *the new realm of reason*, since the rationality of the king and the servant would by definition be one and the same rationality, a phenomenon of the same level (Koktysh, 2016b: 6–24). As a result, the procedural form of legitimizing power that remained as the only possible option was also extrapolated to the methods of searching to justify the truth, with all the ensuing costs, when one procedure is easily countered by another.

It seems important that each one-time act of emancipation then inevitably acquired stable institutional forms, molding itself into a stable social order that those included in it believed to be more or less fair. In other words, the idea of freedom began the process of collapse, and the idea of justice completed it, creating a stable construction for the subsequent historical period. In terms of social physics, we could say that

<sup>22</sup> Akopov P. 2021. China Begins “Transformation of Capitalism”: And It Has a Major Ally. *RIA Novosti*. 09 October. Available at: <https://ria.ru/20210910/kitay-1749414761.html> (accessed: 14.11.2021).

freedom splintered the social subject, or part of it, into a molecular or even atomic state, and justice combined the scattered parts into new, stable and interconnected forms, at least on a supramolecular level (Koktysh, 2021). The latter, we should note, fully echoes Lenin's maxim: "... before we can unite, and in order that we may unite, we must first of all draw firm and definite lines of demarcation" (Lenin, 1967: 22).

\* \* \*

We can assume that the collapse of the Soviet Union, which represented a pole of justice in the system of international relations, was akin to the removal of carbon rods from the core of a nuclear reactor: left to itself, the idea of freedom went into an uncontrolled thermonuclear reaction, turning into a permanent process of liberation, which occurs through the release of energy when any social object is fragmented and its parts, which previously formed a single whole, are opposed to each other: from the division of states into national countries, to the separation of minorities from societies, to the splitting of families into individuals, and to the splitting of individuals into emotional and rational components that are autonomous in their behaviour. The reasonableness of this assumption is reinforced by the fact that with each new division, a new profitable market emerged. In particular, the division of a large economy into a set of smaller ones, due to the capacity of the market and the level of division of labour (Grigoryev, 2014: 181–214), turns them into technological recipients of large players, whose domestic market allows them to produce and recoup hi-tech products; the cost structure of an individual, often without investment in children, is markedly different, both quantitatively and qualitatively, from that of a household; capacious markets create minorities, such as transgender people who are lifelong consumers of pharmacological products; the sovereignty of the emotional component in the digital economy implies spontaneous – and high – costs to satisfy externally imposed needs.

In this context, China's bid to create an alternative digital pole of justice is more understandable: knocking out the post-truth culture and cancel culture of the commercial component may in fact deprive them of the energy of investment, without which their further expansion seems problematic. On the plus side, there is also the possibility of a more or less consistent system of worldview and value coordinates set by the Communist Party of China. Such a system, having been a classical "dormant power" for the past several decades, that is, one that lets daily life run its course, intervening only when something has gone wrong and something needs to be fixed, is now discovering its full might.

The path China is opening up will be attractive to states that believe their sovereignty is a fundamental value. In some respects, Russia has followed this path: for example, in December 2021, a district court in Moscow handed down fines of RUB 7.2 billion (approximately \$119 million) and RUB 1.99 billion (\$33 million) to Google and Meta (Facebook), respectively, for their failure to comply with the requirements imposed by the Federal Service for Supervision of Communications, Information Technology and Mass Media (Roskomnadzor). Yet China's strategy, for all its clarity, is



hard to replicate, not just because of the high financial and time costs. There are some technical difficulties here, such as the fact that Europe does not have its own social networks, as well as some ideological issues: the liberal paradigm does not presuppose a foothold from which alternative rules of the game could be imposed, first and foremost, on the American information corporations. Things are somewhat better in Russia, which has its own social network that most minors use. There is also, formally speaking, a Russian messenger, Telegram. On the ideological level, there are the recent amendments to the Constitution to protect traditional values. However, the first priority is to develop a conceptual response to the challenges that have emerged – a technical solution must follow a conceptual one, not the other way around. The only conceptual alternative to algocognitive culture is to rely on the idea of justice, which, as Aristotle pointed out (Aristotle, 1978b: 72–86), can be very different: justice based on origin, wealth, equality of opportunity, or, as we know from recent history, equality of income, but always based on a supraindividual identity. As we remember from Euclidean geometry, an infinite number of lines can be drawn through a single point – in this case, “reprogramming” basic human attitudes does not seem to be an impossible task at all. But it is only possible to draw one straight line through two points – and in the case of a person who relies on a social identity that binds him to a social stratum as a basic one, it becomes problematic to “rewire” him.

#### **About the Authors:**

**Kirill E. Koktysh** – Dr. Sci. (Political Science), Associate Professor, Department of Political Theory, MGIMO University. 76 prospect Vernadskogo, Moscow, 119454, Russia. ORCID: 0000-0002-6555-0391.

Email: kirill.koktysh@gmail.com

**Anna Renard-Koktysh** – Doctoral Candidate, Department of Political Theory, MGIMO University. 76, Prospect Vernadskogo, Moscow, 119454, Russia. Email: renard.anna@gmail.com

#### **Conflicts of interest.**

The authors declare the absence of any conflicts of interest.

#### **References:**

- Abelson R. 1987. Struktury ubezhdenij [Structures of Persuasion]. In Sergeev V.M., Parshin P.B. (eds.) *Yazyk i modelirovanie social'nogo vzaimodejstviya*. Moscow. P. 317—380. (In Russ.).
- Akerlof G. 1994. Rynok limonov: neopredelyennost' kachestva I rynochnyj mekhanizm [The Market for 'Lemons': Quality Uncertainty and the Market Mechanism]. *Thesis*. No. 5. P. 91—104. (In Russ.).
- Aristotle. 1978a. O sofisticheskikh oproverzheniyakh [On sophistic refutations]. In Aristotle. *Sobranie sochinenij v 4 tomakh. Tom 2*. Moscow: Mysl. P. 535—593. (In Russ.).
- Aristotle. 1978b. Kategorii [The Categories]. In: Aristotle. *Sobranie sochinenij v 4 tomakh. Tom 2*. Moscow: Mysl. P. 53—90. (In Russ.).
- Arrighi G. 2006. *The long twentieth century: money, power, and the origins of our times*. Moscow: Territoriya budushchego. 472 p.

- Axelrod R. (ed.) 1976. *Structure of Decision: The Cognitive Maps of Political Elites*. Princeton, N.J.: Princeton University Press. 404 p.
- Bonham G.M., Shapiro M.J. (eds.) 1977. *Thought and Action in Foreign Policy*. Basel: Birkhauser Verlag. 189 p.
- Chu J., Evans J. 2021. Slowed canonical progress in large fields of science. *Proceedings of the National Academy of Sciences*. 118 (41). DOI: 10.1073/pnas.2021636118.
- Foucault M. 1994. *The Order of Things: an Archaeology of the Human Sciences*. New York: Vintage Press.
- Fukuyama F. 2015. *Konets istorii iposlednij chelovek* [The End of History and the Last Man]. Moscow: AST: 259 p.
- Grigor'ev O. 2014. *Epokha rosta* [The Epoch of Growth]. Moscow: Kar'era Press. 448 p. (In Russ.).
- Harrison J.E. 1913. *The religion of ancient Greece*. London. 66 p.
- Horkheimer M. 2011. *Zatmenie razuma* [The Eclipse of Reason]. Kanon+. 224 p. (In Russ.).
- Jonsson C. (ed). 1982. *Cognitive Dynamics in International Politics*. London. 210 p.
- Koktysh K.E. 2019. Anglijskii kontsept svobody: opyt dekonstruktsii [The English concept of freedom: experience of deconstruction]. *Politiya*. 2 (93). P. 48—65. DOI: 10.30570/2078-5089-201993-2-48-65. (In Russ.).
- Koktysh K.E. 2021a. Belorussiya: novaya geopoliticheskaya real'nost'? [Belarus: is it a new geopolitical reality?]. *Polis. Politicheskie issledovaniya*. 3. P. 91—110. DOI: 10.17976/jpps/2021.03.07. (In Russ.).
- Koktysh K.E. 2021b. *Diskurs racionalizma, svobody i demokratii* [The discourse of rationalism, freedom and democracy]. Moscow: MGIMO-University. 320 p. (In Russ.).
- Koktysh K.E. 2016a. Ontologiya ratsional'nogo (II) [Ontology of rationality (II)]. *Politiya*. No. 3 (82). P. 6-30. DOI: 10.30570/2078-5089-2016-82-3-6-30. (In Russ.).
- Koktysh K.E. 2016b. Ontologiya ratsional'nogo (III). [Ontology of rationality (III)]. *Politiya*. No. 4 (83). P. 6-24. DOI: 10.30570/2078-5089-2016-83-4-6-24. (In Russ.).
- Koktysh K.E. 2020. Sobytiye svobody: opyt dekonstrukcii. [The event of liberty: experience of deconstruction]. *Polis. Politicheskie issledovaniya*. 2. P. 21-36. DOI: 10.17976/jpps/2020.02.03(In Russ.).
- Kruger J., Dunning D. 1999. Unskilled and Unaware of It: How Difficulties in Recognizing One's Own Incompetence Lead to Inflated Self-Assessments. *Journal of Personality and Social Psychology*. 77(6). P. 1121-1134. DOI:10.1037/0022-3514.77.6.1121. PMID 10626367.
- Lakoff G., Johnsen M. 2004. *Metafori, kotorymi my zhivym* [Metaphors we live by]. Moscow: Editorial URSS. 256 p. (In Russ.).
- Lavelock J. 2019. *Novacene: The Coming Age of Hyperintelligence*. Allen Line.160 p.
- Leites N. 1951. *Operational code of the politburo*. N.Y.: McGraw-Hill. 118 p.
- Lenin V.I. 1967. *Sobranie sochinenij v 55 tomakh. Tom 6* [Collection of works in 55 vol. Vol. 6]. Moscow. 619 p. (In Russ.).
- Losev A.F. 2000. *Istorija antichnoy estetiki* [History of Ancient Aesthetics]. Moscow, "AST". 626 p. (In Russ.).
- Ortega y Gasset J. 2002. *Vostanie mass* [La rebelion de las masas]. Moscow: AST. 509 p. (In Russ.).
- Plato. 1990. Protagor. In Plato. *Sochineniya v 4 tomakh. Tom 1*. Moscow: Mysl'. P. 418-476. (In Russ.).
- Rathje S., Van Bavel J., Van der Linden S. 2021. Out-group animosity drives engagement on social media. *Proceedings of the National Academy of Sciences*. 118 (26). DOI: 10.1073/pnas.2024292118.
- Sergeev V.M. 2013. *Narodovlastie na sluzhbe elit* [Democracy in the service of the elites]. Moscow: MGIMO-University. 265 p. (In Russ.).

Sergeev V.M., Alekseenkova E.S., Koktysh K.E., Kuz'min A.S., Sergeev K.V. 2009. *Prolegomeny k antropologii nashego vremeni* [Prolegomena to the anthropology crisis of our time]. Moscow. 261 p. (In Russ.).

Sergeev V.M., Alekseenkova E.S., Koktysh K.E., Orlova A.S., Petrov K.E., Chimiris E.S. 2011. *Novoe prostranstvo mirovoj politiki: vzglyad iz SSHA* [The new dimension of world politics: a view from the USA]. Moscow: MGMO-University. 134 p. (In Russ.).

Shrier A. 2021. *Irreversible Damage. The Transgender Craze Seducing Our Daughters*. Regnery Publishing. 276 p.

Stieger M., Fluckiger Ch., Ruegger D., Kowatsch T., Roberts B.W., Allemand M. 2021. Changing personality traits with the help of a digital personality change intervention. *Proceedings of the National Academy of Sciences*. 118 (8). DOI: 10.1073/pnas.2017548118.

Taleb N. 2014. *Antikhrupkost'. Kak izvlech vygodu iz khaosa* [Antifragility. How to benefit from chaos]. Moscow. 768 p. (In Russ.).

Taleb N. 2007. *The Black Swan: The Impact of the Highly Improbable*. Random House: London: 366 p.

Wagner C., Strohmaier M., Olteanu A. et al. 2021. Measuring algorithmically infused societies. *Nature*. V. 595. P. 197-204. DOI 10.1038/s41586-021-03666-1.

Ward A. 2021. People mistake the internet's knowledge for their own. *Proceedings of the National Academy of Sciences*. 118 (43). DOI: 10.1073/pnas.2105061118.

Zizek S. 2008. *Ustrojstvo razryva. Parallaxnoe videnie* (The Parallax View). Moscow: Europe. 516 p.

# Anti-Soft Power in Political Theory and Practice<sup>1</sup>

Alexey V. Fenenko

Lomonosov Moscow State University

**Abstract.** The article deals with the study of the anti-soft power. The concept of soft power has taken over modern political discourse. The opportunities to counteract such power have not been considered properly so far. The proponents of the liberal paradigm, trapped in the ideology of its exclusiveness, have failed to study this issue. Thus, the present article aims to answer the question of whether there exists an anti-soft power, both as ideology and practice, which could be sufficiently effective for the state to protect itself from the impact of external informational and cultural influence. The theory of soft power is based on the idea that its object accepts normative subordination. Consequently, such an object should not pursue major political ambitions, should be ready to collaborate within the established world order and, above all, agree with superiority of the world leaders and the rules they impose. Anti-soft power is different. The core idea is that its holder is not willing to comply with the opponent's superiority or its rules of the game. The subject of anti-soft power is politically ambitious and never recognizes its dependence or inferiority. Regardless of being strong or weak, it will not admit its junior or secondary position in a community. A few such subjects emerged during the era of globalization. However, the globalization crisis may change the situation and thus give rise to a new political trend, the resurgence of anti-soft power. This article states that anti-soft power has repeatedly blocked the attempts of one country to influence another country. In the course of history, we can single out three main types of policy: 1) the policy based on supremacism, or chauvinism; 2) the policy based on ideological alternatives; 3) the policy based on segment restrictions of the opponent's soft power. Each of these, though, can bring its subjects both political benefits and unwanted costs.

**Keywords:** soft power; anti-soft power; cultural policy; ideology; propaganda; counter-propaganda; liberalism.

The concept of “soft power” occupies a central place in modern political science discourse (Alekseeva, 2016: 5–21). The list of academic works on this issue is so extensive that it already requires reference reviews (Kosachev, 2013: 11–18; Lobanova, 2017: 77–88). At the same time, the possibility of countering this type of

---

<sup>1</sup> English translation from the Russian text: Fenenko A.V. 2020. Anti-myagkaya sila v politicheskoy teorii i praktike. *Mezhdunarodnye processy [International Trends]*. 18(1). P. 40–71. DOI 10.17994/IT.2020.18.160.3

impact remains poorly understood thus far. This leaves a number of questions unanswered: Does anti-soft power even exist as an ideology and a kind of political strategy designed to protect the state from the impact of foreign soft power? Under what conditions is it desirable? What are its distinguishing features?

The existence of such a gap in modern research is understandable. A proper study of anti-soft power requires that political correctness be abandoned and a number of uncomfortable but unavoidable research questions be asked. Political scientists study how soft power can be used to influence political subjects, leaving aside the question of how the object of influence can be protected. When studying the “sword” (and this is precisely what soft power is today), the problem of understanding the “shield” (which anti-soft power should theoretically become) arises. In the present article, the author attempts to present theoretical justifications for the concept of anti-soft power, determine its content and demonstrate models of its implementation in practical politics. In the process of the analysis, “anti-soft power” will be considered solely as a scientific concept, independently of any political or ideological preferences of the researcher.

## 1

Despite the wide variety of works on the theory of soft power, three stages in the interpretation of this phenomenon can be distinguished.

The first stage is the emergence of the very idea that the state is able to achieve its strategic goals through ideological and cultural means. It was first proposed at the beginning of the 20<sup>th</sup> century by British political scientist Norman Angell (1872–1967). In his *The Great Illusion: A Study of the Relation of Military Power in Nations to their Economic and Social Advantage*, which appeared shortly before the outbreak of the First World War, Angell pointed out that, as scientific and technological progress develops, inter-state wars become increasingly destructive and do not justify the financial resources spent on them (Angell, 1910). According to Angell, it would be far more effective for countries to use economic ties and attractive ideologies to pursue their interests. The ability of a state to present an attractive example can win other societies over to its side and ensure a political presence without enemy occupation.

The theory of “cultural hegemony” put forward by the Italian Marxist Antonio Gramsci (1891–1937) continues Angell’s thinking. He argued that the power of the ruling class rests not only on violence, but also on consent: the mechanism of power is made up of both coercion and persuasion. Hegemony presupposes active consent, in which the people desire what the ruling class demands: “governance with the consent of the governed.” Gramsci identified the technology for the formation of cultural hegemony based on three main groups: 1) “organic intellectuals” (practitioners of the ideology) who form the intellectual climate in society; 2) the traditional intelligentsia, consisting of hired intellectual workers who are in the service of the ruling class; and 3) mass media and the education system, which determine the intellectual mood of society (Gramsci, 1959: 460–462).

The second stage, which began in the early 1990s, was marked by the development of a systemic understanding of soft power. This was studied by American political scientist Joseph Nye, who suggests that soft power should be understood as “the ability to get what you want through attraction rather than coercion or payments” (Nye, 2004: 3). In the structure of the foreign policy of the great powers, he singles out three tools: coercion, payments and attraction (soft power). This definition has become entrenched in political science and is now generally accepted as a given. Granted, in a 2006 letter to *Foreign Policy* magazine (Nye, 2006), he pointed out that in other countries (primarily Russia and China), soft power is interpreted as propaganda, which is not true. Soft power, according to Nye, is the ability of the state to please by example.

In this respect, the etymology of the concept of “soft power” is extremely important. In US legislation, law is divided into two components: “hard” and “soft.” The first component encompasses actions that are binding, while the second covers actions that are rights, which, if not followed, do not entail legal consequences. That is, “soft” law refers to ethical norms that are inherent in a given society, which are in theory protected with the help of public opinion. Soft power does not have punitive sanctions for insubordination, but it does create a situation where the moral imperative cannot be ignored. In this interpretation, the concept of “soft power” is somewhat equivalent to the terms “humanitarian power” or “attractive power” in Russian.

When the “classical” (i.e., Joseph Nye’s) understanding of soft power reigned in the early 2000s, its main structural components were identified in the American scientific literature:

- Economic component: the investment and financial attractiveness of the state;
- Humanitarian component: the attractiveness of the country’s education system and its scientific and technological activities;
- Cultural component: international recognition of the country’s cultural heritage; the expansion of intercultural communications; popularization of the national language; tourist attractiveness;
- Political component: the development of political institutes of democracy; human rights protection;
- Diplomatic component: the effectiveness of the negotiation process; the ability to prevent aggression and neutralize threats (Holik, 2011: 223–254).

The mechanisms for implementing soft power were economic, public and cultural diplomacy. Their purpose was not merely to create an attractive image of the country in the eyes of the population and establishment of another state. Far greater importance was afforded to enmeshing the elites of other countries in a net of interconnected relations, swaying them adopt foreign economic norms and models (Cooper, Hocking, Maley, 2008). Public diplomacy was imbued with new content, becoming a mechanism for creating a positive image of the country in the eyes of the public of another state while at the same time influencing its elites (Leonard, 2002). This process was made all the easier by the emergence of satellite television, and then satellite internet – for the first time in history, countries were able to broadcast their opinions and,

accordingly, influence foreign audiences. The policy of information influence integrated two elements: technology (regulation of the process of developing the components of the information environment) and content (the priorities of the communication activities of participants in the socio-political process).

The third stage in the understanding of soft power started in the early 2010s, when the term started to refer to a set of manipulative technologies designed to destroy a given society. In Russia, this interpretation gained traction following the publication on February 27, 2012 of an article by Prime Minister of the Russian Federation Vladimir Putin entitled “Russia and the Changing World.”<sup>2</sup> In the article, Putin pointed to the danger that the use of soft power by external actors could pose. “The notion of ‘soft power’ is being used increasingly often. This implies a matrix of tools and methods to reach foreign policy goals without the use of arms but by exerting information and other levers of influence. Regrettably, these methods are being used all too frequently to develop and provoke extremist, separatist and nationalistic attitudes, to manipulate the public and to conduct direct interference in the domestic policy of sovereign countries,” Putin wrote. This approach to understanding soft power spawned a series of works that see it as a system of interfering in the domestic politics of other states (Burlinova, 2014: 28–35; Pashin, 2014: 14–21).

A similar revision of the understanding of soft power took place in the West. Back in 2004, the British historian Niall Ferguson noted the connection of soft power with imperialism (Ferguson, 2004). “Soft power,” according to his definition, is “merely the velvet glove concealing an iron hand” (Ferguson, 2004: 24). In 2017, American political scientists Christopher Walker and Jessica Ludwig of the National Endowment for Democracy coined the term “sharp power” (Walker; Ludwig, 2017: 6–94) to mean a foreign policy activity involving the use of tools to manipulate public opinion in other countries and undermine their political systems. According to Walker and Ludwig, this term can only be applied to authoritarian regimes. Moreover, the authors made it abundantly clear they were talking about Russia and China, and “sharp power” refers to the influence that these two states exert on democratic countries in order to undermine their political systems, mislead their people restrict the freedom of speech, and conceal or divert attention from negative information about their own countries abroad. The definition of sharp power is politically naive. The authors seemed genuinely surprised that other major players could use soft power against the United States itself, although the ideological struggle is an integral part of world history.

That said, there is an important political phenomenon hiding behind this seeming naivety: the concept of soft power in its modern understanding is a product of American political culture. The United States had not come up against an adversary

<sup>2</sup> Putin V.V. 2012. Russia and the Changing World. *Moskovskie Novosti*. 17 February. Available at: <http://www.mn.ru/politics/78738> (accessed: 15.01.2020).



who rejected US ideals outright and was unwilling to accept, let alone discuss, the attractiveness of the United States. The soft power policy of the United States was carried out in a favourable environment, being directed against countries which:

- found themselves under direct military and political control (Germany, Italy and Japan following the Second World War);
- saw the United States as a defender of their security (the countries of Western Europe during the Cold War, and the countries of Eastern Europe following the collapse of the Soviet Union);
- had groups of elites that were sympathetic to the culture and ideology of the United States (the Soviet Union in the later stages of its existence, the post-Soviet countries).

This last group of targets of US influence deserves special attention. American observers typically present the collapse of the “socialist community” and the Soviet Union as a triumph of American attractiveness.<sup>3</sup> This interpretation ignores the fact that the Soviet Union was not an existential adversary of the United States, denying it the right to exist. The musings of V. Pechatnov, a Russian expert on American studies, are to point here: “It is telling that, in Soviet times, the official Soviet propaganda did not try to sow hatred for the American people, separating them from ‘US reactionary circles’” (Pechatnov, 2006: 51). Even during the peak crises of the Cold War, the Soviet people did not demonstrate the kind of militarism towards or morbid hatred of the American public that was characteristic of how the people of Europe viewed each other before the First World War. Remarkably, not a single film was made in the Soviet Union about a victory over the NATO countries in a hypothetical “Third World War” (no “One Hundred Hours to the Rhine” or “Parade in Brussels”) like the pre-War films *First Strike* and *Heroes of the Sea*.

During the Cold War, Soviet ideology was presented as a competition between two political systems, rather than a struggle between the Soviet and American peoples. At the same time, the concept of “competition” means mutual recognition of the enemy as an equal who offers something positive that can be adopted and improved upon. Soviet society (primarily the intelligentsia and liberal groups of the party elite) was fascinated by American culture and way of life. Soviet think tanks introduced American literature to Soviet readers under the guise of “criticism of bourgeois concepts,” rather than writing about the superiority of the Soviet people and/or the inferiority of the American people. The intelligentsia tuned into foreign radio stations and felt no hatred towards the United States while listening to negative opinions about

<sup>3</sup> Figes O. 2002. Who Lost the Soviet Union? *The New York Times*. 20 January. Available at: <http://www.nytimes.com/2002/01/20/books/who-lost-the-soviet-union.html> (accessed: 17.01.2020); Laiiy K. 2014. Crimea-Happy Russians want Gorbachev to Pay for Loss of Soviet Empire. *Washington Post*. 10 April. Available at: [https://www.washingtonpost.com/world/europe/crimea-happy-russians-want-gorbachev-to-pay-for-loss-of-soviet-empire/2014/04/10/ffa0f545-8923-4acd-a016-4a25a937b32a\\_story.html](https://www.washingtonpost.com/world/europe/crimea-happy-russians-want-gorbachev-to-pay-for-loss-of-soviet-empire/2014/04/10/ffa0f545-8923-4acd-a016-4a25a937b32a_story.html) (accessed: 17.01.2020).



their country. More interesting still were the attitudes in the late Soviet Union towards American cultural products: conservatives fought to ban them, while liberals tried to get their hands on them in somewhat shady ways, but neither was overcome with hatred upon seeing them.

The manner in which the question of the ideological impact of Western countries on Soviet society is framed is also interesting. *First*, it is not clear why US ideological propaganda did not work on Germany and Japan during the Second World War. Occupation of these countries was thus necessary if the consciousness of their peoples was to be “recoded” (at least on the surface). *Second*, the framing of the question of ideological sabotage assumes that the targets of soft power are willing to listen to what outsiders have to say. Experience shows that the only way this kind of propaganda can achieve its goals is if the people of the target country are ready (1) to listen to the opponent; (2) to be self-critical and accept criticism from the outside; and (3) have a culture of national and personal self-irony. If they are not, then soft power will not work.

Russian political commentator A. Baikov pointed to the reciprocity of the soft power policy. If “hard power” is the most commonly used instrument of influence and a resource of state policy or the most prominent business structures (acting as conductors of state interests), then “soft power” is a “function” of society, a factor and a prism of its perception in the world (Baikov, 2014: 38). But perception is a subjective, not an objective, category. The projection of soft power requires a peaceful society that is ready to accept that another country may be superior to it. If, for example, we are dealing with a people who believe that their “blood is the purest,” or that the rights of their country are above those of others, then they will never accept the possibility that another nation could be superior in any aspect.

It can be argued that these conditions are absent in the interpretation of soft power proposed by Joseph Nye as the ability to “get what you want through attraction rather than coercion or payments.” But this is not the case. All three definitions of the theory of soft power are built into the general concept of “cultural hegemony” and are based on the following postulates:

1. *Axiological.* The theory of soft power suggests that the target population will be interested in the narrative you are selling about your achievements and will try to adopt a positive opinion about your country. In reality, people may react very differently to this narrative, and not necessarily positively – from the desire to protect their citizens from contacts with the country trying to exercise soft power to a surge in envious hatred for a successful opponent. That said, it is almost impossible that the targets of soft power will not assimilate at least some of the culture of the country practicing soft power tactics.

2. *Systemic.* The target of soft power should want to adopt the achievements of a more successful state, and not be destroyed by force – for example, in order to take away its wealth or increase its status in the system of international relations. Soft power can be used more effectively against an adversary who values the existing world order, but not against a revisionist power.

3. *Normative.* The target of soft power must accept the proposed rules of the game. The set of measures proposed by Joseph Nye illustrates this thesis. Hard power assumes that the opponent does not have a similar stick it can use in response. Bribery means that the adversary is willing to take payments as an alternative to ways to destroy the bribing country. The only way the country practicing soft power tactics can be considered attractive is if the target population is ready to acknowledge that country's superiority, rather than denying it unconditionally. Non-acceptance renders the three methods of imposing soft power meaningless.

4. *Typological.* Societies that project soft power and those that assimilate it are of the same ideological type. They must share common values, be relatively peaceful, focused on a high-level consumption for citizens and, most importantly, be ready to interact with other countries in the existing world order and not focused on destroying it. The American side was able to influence Soviet intellectuals during the Brezhnev era by claiming that "the Soviet Union sent troops into Afghanistan illegally." The same was impossible with the German and Japanese population before the Second World War, and the Americans would have been greeted with a response in the vein of "And it's a good thing we did. And your worthless country will be next if you keep trying to judge." Soft power projection is impossible if the target country does not share at least some of the same values.

The totality of these methodological axioms is what constitutes the understanding of soft power that has developed in American political science. What it boils down to is not direct propaganda, but the ability of a country to please by example, to entangle the elites of other countries with a network of connections, and, if necessary, to influence and direct processes between the elites, up to support for regime change. Nevertheless, the use of soft power is only possible when and where the object of influence is ready to accept it, or is at least indifferent towards it. When the elites are initially hostile to the target of their soft power, or consider it lower culturally, then soft power itself ceases to be ineffective. This conclusion suggests that it is possible to oppose soft power, and, consequently, that it is possible to build a kind of anti-soft power. *If soft power is the ability to please by example, then anti-soft power is the ability of the state to make an opponent "unattractive," "disliked" and, in some cases, "unacceptable" in the eyes of society.*

## 2

International relations scholars and social sciences scholars study different things. The former are interested in the interaction of international political actors and the complex of connections between them. The latter, on the other hand, study these subjects themselves and the internal political processes taking place in them, including those aimed at shaping their foreign policy strategies. Despite the similarity of terms, the concept of "power" in the domestic political and socio-political context as presented in the classic works of Talcott Parsons and Max Weber (Parsons, 1951; Weber, 1978) is not suitable for an analysis of inter-state relations.

The traditional understanding of power would make sense in the study of international relations if the world was a single empire, or if it was a closed hierarchical system like in medieval Europe. Since we continue to live in a competitive environment of nation states, the concept of soft power as presented by international relations experts, following in the vein of Hans Morgenthau, continues to see power as the ability to convert resources (power, economic, cultural and organizational) into international political influence. Soft power in international relations is the ability of countries to mobilize cultural, informational and organizational resources within the system of interaction between states.

The terminology of anti-soft power should close the gap in the Nye's concept of soft power. In Nye's understanding, soft power acts as a variant of "normative power," or the ability of a state to produce certain socio-cultural and political norms and popularize them using normative methods and tools. Accordingly, anti-soft power can be defined as the ability of a target country to reject the rules of the game that have been dictated to it and/or oppose them with its own alternative. Anti-soft power is the ultimate variant of soft power, based on the ability of the target country to reject foreign norms.

Soft power and anti-soft power are structured differently. Soft power has four components:

- a subject: the state that produces and transmits its norms;
- an object: the state to which the subject's norms are addressed;
- a strategy: a comprehensive plan on the part of the subject for the use of soft power, or the spontaneous use of such power (for example, on the basis of the remnants of the attractiveness of the subject formed in the past);
- tools: a set of technologies and practices that the subject uses to project its soft power onto the object.

The structure of anti-soft power is different. It has the following components:

- a subject: a state that uses a strategy of warding off the soft power of another country;
- an object: the population of the subject and its partners that need protecting from the influence of an opponent;
- a strategy: goal-setting for the use of anti-soft power at home and abroad;
- tools: a set of technologies and practices that are used to fight the opponent.

The subject fields of soft power and anti-soft power are also different. Both of these categories belong to the sphere of cultural confrontation, in the broadest sense of the term. However, while the subject field of soft power mostly includes the means of projecting a country's image outside, the goal of anti-soft power is to block this from happening, while at the same time increasing the attractiveness of the country's image for its own people. Satellite television stations transmitting news abroad belong, for example, to the sphere of soft power, while systems to counteract them in other countries belong to the sphere of anti-soft power.

Anti-soft power, as a set of measures aimed at combating the ideological influence of the enemy, is not the same as counter-propaganda (Pocheptsov, 2003: 239). The task of counter-propaganda is to discredit enemy idea, destroy unwanted information entities, and prevent them from coming up in the future. The goal of anti-soft power is to cultivate the ability of society to reject (or at least not accept) such information. In other words, it aims to create a socio-political discourse within which propaganda is almost impossible. According to the Russian researcher V. Gatov, “counter-propaganda almost always seeks to split the emerging large audiences of a given propagandistic idea, to reveal and exploit contradictions in it” (Gatov, 2015). Anti-soft power is the instilling in society the ability to not absorb the discourses offered by another society.

Let us use some examples to illustrate the difference between counter-propaganda and anti-soft power. Defensive counter-propaganda uses the technique of “contrasting propaganda” – the selection of information in such a way as to create the desired effect. This is done at the level of ideas and topics covered in the media. However, it is only possible in a society that shares certain basic values with the side that is carrying out the propaganda campaign. It makes no sense to try and scare voters with an “arms race” in a society that sees war as the norm. Similarly, there is no point frightening a society hell-bent on expansion with the threat of a commodity shortage. Vladimir Lenin once wrote about the “communist conceit,”<sup>4</sup> which suggests that Russia lacked a tradition of military feudalism in which such conceit of the historically paramilitary elite would be perceived as the norm.

Similarly, offensive counter-propaganda uses the technique of “imitation disinformation,” which involves altering the enemy’s propaganda, taking it in a different direction, imbuing it with different content, undermining its credibility and creating a negative image. This is only required if society is at least partly ready to listen to what the opponent has to say. If the prevailing attitude among the population towards the opposite side is that it is an enemy (in the sense that “it doesn’t matter what they say, we won’t believe them anyway”), then this technique is redundant. While counter-propaganda is aimed at dealing with specific problems at a specific time, anti-soft power is designed to form an ideological discourse in society that makes it immune to propaganda. In the same vein, the concept of “anti-soft” power is not identical to the idea of “resilience to stress” currently being developed in the European Union.<sup>5</sup> The term has thus far been poorly elucidated. *First*, “resilience to stress” does not mean blocking external influence: a country’s political system can be extremely stable even if such influence exists. (Protectorates could exist for centuries, for example, but this did not stop them from being dependent on external influences.) *Second*, the concept of “resil-

<sup>4</sup> Lenin V.I. The New Economic Policy and the Tasks of the Political Education Departments. In V.I. Lenin. Collected Works. V. 44. P. 173. Available at: <http://leninvi.com/t44/p173> (accessed: 19.01.2020).

<sup>5</sup> *A Secure Europe in a Better World. European Security Strategy*. European Union. Brussels. 2003. 12 December. Available at: <http://europa.eu/globalstrategy/en/european-securitystrategy-secureeurope-better-world> (accessed: 19.01.2020).

ience to stress” raises the question of what exactly we mean by “stress.” Traditionally, it refers to wars and revolutions. But wars can strengthen the political system and ensure its stability, which was precisely the case with the Hundred Years’ War (1337–1453), or the modern wars in the Middle East. Revolutions do not always lead to the collapse of the political system. For example, all the European revolutions of 1848 brought was a change of the ruling dynasty in France. Anti-soft power as the ability to not be affected by external influence can both cause “stress” and succeed without it.

It would be more useful to compare the anti-soft power methodology with the theory of “political culture.” Back in 1956, the American political scientist Gabriel Almond suggested that “every political system is embedded in a particular pattern of orientations to political action,” which he defined as the “political culture” (Almond, 1956: 396–397). He also stressed that the term “ideology” should be understood solely as “the systematic and explicit formulation of a general orientation to politics,” while “more vague and implicit orientations” were encompassed by political culture. Later, Almond, following in the tradition of Talcott Parsons, would single out three types of orientation within the framework of political culture: cognitive, affective and evaluative (Almond and Verba, 1963). In other words, soft power is a theory of increasing the attractiveness of one’s own political culture and, accordingly, weakening the political cultures of other countries. Anti-soft power is the theory of blocking the attractiveness and even rejecting opposing political cultures.

In 1971, political culture critic Carole Pateman drew attention to the premise on which the theory rests: patterns of participation and the culture that underpins them “are not subject to substantial change” (Pateman, 1971: 292, 296). Pateman saw this as a weakness in the theory of political culture. From the point of view of the modern understanding of soft power, a stronger and fundamentally stable political culture is superior to a more flexible and unstable political culture. For example, American soft power spreads without any reflection on the right of the United States to exercise a leading role in the world, as only the policies of individual presidents are criticized. Accordingly, anti-soft power is a set of measures to increase the stability of one’s own political culture and its ability to not accept the values and norms of other political cultures. Whether or not this policy is successful is another question.

The subject cannot project its anti-soft power directly onto the opponent: the first task is to ensure that one’s own society has been fully exposed to the anti-soft power tactics; only then can the subject go on the counter-offensive. Additionally, anti-soft power is not something that can emerge spontaneously: it involves a previously planned set of measures to counter the soft power of the enemy. It is not merely about rejecting the opponent’s ideology; it is about offering an attractive alternative and possessing the technical means of spreading an information and cultural policy. *Such a policy can achieve its goals if it is based on a targeted strategy of countering the enemy’s soft power, which includes a set of specific measures that are more effective than external influence.*

## 3

In his work *The Age of the Crowd*, the French sociologist Serge Moscovici attempted to model a society that is impervious to propaganda (Moscovici, 1998). The results shocked even him, and he was unable to paint a picture of such a society. A society that is completely impervious to foreign soft power should demonstrate the following characteristics:

- a vision of itself as the centre of the universe and look upon other societies with a sense of conceited superiority;
- a belief that war is a normal and completely natural state of affairs;
- a feeling of envy and hatred towards more successful nations, rather than seeing them as a model to be followed;
- a developed culture of revenge and exaltation of one's grievances;
- an inability to accept criticism from foreigners, seeing this as an unacceptable act of hostility.

According to Moscovici, the perfect opposition to soft power is chauvinism. The name of this ideology comes from the name of the somewhat legendary Napoleonic soldier Nicolas Chauvin, who became a symbol of extreme forms of patriotism. Chauvinism is an ideology of national superiority as a way to justify the right to discriminate against other peoples. Chauvinism differs from simple nationalism, as it goes beyond rejecting the rights of other peoples to rejecting those peoples as such: it proclaims obligatory hatred for their culture, customs, way of life and worldview. At the level of practical politics, chauvinism is expressed in suspicion of one's own government if it enters into a dialogue with a hostile country, and distrust of fellow countrymen who have personal contacts with people from another state. At least two cases of the implementation of the chauvinistic version of anti-soft power can be identified within the last three centuries.

The first one is *Imperial Japan*. In the middle of the 16<sup>th</sup> century, the Japanese authorities established maritime trade with Portugal and Spain and happily allowed Christian missionaries into the country. However, in 1603, representatives of the Tokugawa clan, who did not look kindly upon foreigners and started to pursue a policy of isolation (*Sakoku*) took over the title of *shogun*. This involved introducing a ban on practicing non-Japanese faiths and requiring citizens to obtain government permission to leave the country (under pain of death). In 1614, the country officially banned Christianity (again, under pain of death), and from 1636, foreigners (the Portuguese, and later the Dutch) were only allowed to reside on the artificial island of Dejima in Nagasaki harbour. The new foreign trade regime implemented in 1641 banned all foreign ships from entering the roadstead of Nagasaki Port, with the exception of Chinese and Dutch vessels, which were permitted to enter only twice a year.

The ideological basis of the *Sakoku* policy was the self-perception of Japanese society. The worldview cultivated by the Japanese state was based on the synthesis of religious teachings – Shintoism, Confucianism, Taoism and Buddhism. The latter appeared in Japan in the 8<sup>th</sup> century as a version of Faxian's teachings, with its charac-



teristic Confucianist etatism, an ideology based on the cult of the state and the power of the emperor (*Mikado*). The rationale for the Mikado's right to the throne as a descended of the sun goddess Amaterasu was laid down in the Shinto trilogy *Kojiki*, *Ni Hongi*, and *Kujiki* (Eliseeff and Eliseeff, 1974). The Japanese were then declared *kami* (deities), with each clan having its own divine progenitor. This concept was brought up to date by the historian Tokugawa Mitsukuni (1628–1700), who established a research institute in order to write his *Dai Nihonshi* (“The History of Great Japan”), which he presented to the Shogun in 1720. Mitsukuni's ideology laid the foundations for state nationalism (*teikoshuge*) based on the slogan *sonnō jōi* (“Revere the Emperor, expel the barbarians!”) (Krupyanko, Areshidze, 2010: 193).

Foreigners (*gaijin*) did not fit into the Shinto system, and they were thus initially afforded a low position in the Japanese worldview. In the early 19<sup>th</sup> century, Japanese scholar Hirata Atsutane described the Dutch as having dog eyes, saying that they wore heels because they did not have heels on their feet, and that they were lustful like dogs.<sup>6</sup> The Japanese press was astonished by the fact that foreigners did not eat rice, but rather meat, which made them wild and aggressive. Their attitudes to other peoples appeared in printmaking around 1840 in the work “Types of Foreigners: Russians, Ryukyuan, Dutch, Koreans and Chinese.”<sup>7</sup> Here, the artist presented a condescending image of the type of people that existed outside Japan. In the 1850s, when the Western powers had forced unfair treaties upon Japan, the attitude towards foreigners was expressed by the image of the “White Monkey at the Jasper Gate” (Gila-Novickaya, 1990: 6).

Any foreigner who spoke Japanese and was interested in the local culture was called a “henna gaijin” – a strange foreigner. According to the Japanese worldview, foreigners were unable to understand Japanese culture as inherently loftier, while the Japanese were perfectly capable of studying and understanding foreign cultures. The highest honour for a foreigner in Edo Japan (1603–1867) was for them to be portrayed as Japanese. Such an honour was accorded, for example, to the American Commodore Matthew Calbraith Perry and the Russian Admiral Yevfimiy Putyatin, who visited the country on military missions in 1853–1855.

The forced opening of Japan by Western powers in the 1850s created a kind of hatred of foreigners among the population (Sims, 2001). Russian traveller F. Kupchinskij noted: “it seems that they were happy to throw off European clothes and manners (...) They like to reminisce about the good old days in games, masquerades, parades, and festivals, where they rid themselves of everything that is superficial and alien to them, and only a wildly cheerful crowd of Asians remains. Then they start using slang – they talk rapidly, loudly, in stilted phrases, and sing old songs about the exploits of Samurai warriors. And these crowds have no love for Europeans. When they come across a Eu-

<sup>6</sup> Rodin S. A Brief History of Love and Hate for Europeans. Arzamas. Available at: <https://arzamas.academy/materials/723> (accessed: 20.01.2020).

<sup>7</sup> This work is currently stored at Harvard Art Museums.

ropean in the streets, they greet them with wild cries, laughter, and abuse. These kinds of festivities are unsafe for a European passing by if tact, endurance and composure are not in his character” (Kupchinskij, 1911: 62). The German researcher K. Ratgen noted that immediately after Japan had been opened for the rest of the world, the Japanese people demanded the expulsion of all foreigners, who enjoyed the patronage of the Mikado (Ratgen, 1903: 12).

The Japanese ideology differed from the ideological heritage of the Russian Slavophiles of the 19<sup>th</sup> century in terms of its cult of war and foreign expansion. This worldview went back to the Bushido code – a set of rules for the conduct of warriors (*The Bushido Code* 2008). The book contains a number of illustrative passages: “True courage consists in living when it is right to live, and dying when it is right to die”; “In war, the loyalty of the Samurai is manifested in facing the enemy’s arrows and spears without fear, sacrificing life if duty requires it”; “If in war a Samurai loses a fight and must lay down his life, he should say his name proudly and without a moment’s hesitation die with a smile on his face”; “The Samurai must always be cognizant of the fact that he could die at any moment, and when that moment comes, the Samurai must die with honour. That is his primary duty.” While the Samurai class had disappeared by 1877, its moral code continued to be regarded as a model to be followed.

This worldview rejects weakness. Emperor Meiji’s decree of 1871 ordering all officials to dress in European clothes rather than a kimono was a watershed moment in this respect (Meshcheryakova, 2009: 246–265). The reasoning behind the decree was that Japanese dress was associated with weakness. The Mikado himself led by example in official portraits commissioned in 1873 and 1888, in which he is wearing a full-dress uniform.

The evolution of ideas in Japanese society about China is also telling. Until the middle of the 19<sup>th</sup> century, most Japanese literature was written in Chinese. Meanwhile, in 1882, the hugely influential Japanese thinker Fukuzawa Yukichi wrote during a visit to Hong Kong that he was immensely envious of the British and that he was delighted with their oppression of the Chinese there. In 1899, the prominent journalist Takayama Chogyū, claimed: “We admire Anglo-Saxon imperialism and we hope our imperialism does not differ from theirs” (Kitahara, 1989). China had lost its allure and was now seen as a weak power that had not survived the Opium Wars. Accordingly, Chinese culture did not offer anything of any value.

This mindset provided Japan with powerful anti-soft power. During the Meiji era (1868–1912), the imperial government used public sentiment to develop a unique ideology. The country launched a policy of Westernization, borrowing Western achievements and adopting its political system. These events were designed to increase Japan’s military-technical resources, including for the purpose of territorial expansion. The assimilation of Western (primarily Anglo-Saxon) cultural heritage was cut short by the deep faith of the Japanese people in the superiority of their country (Vasilieva, 2002:



49–63). The ultimate goal of assimilating foreign achievements was the ostensible creation of military potential capable of defeating European powers in the future, or at the very least of undermining their positions in the Pacific.

The Japanese public education system was used to transmit this ideology to the masses on the basis of the Imperial Rescript on Education dated October 30, 1890, which was read every day in schools across the country:

Our Imperial Ancestors have founded Our Empire on a basis broad and everlasting and have deeply and firmly implanted virtue; Our subjects ever united in loyalty and filial piety have from generation to generation illustrated the beauty thereof. This is the glory of the fundamental character of Our Empire, and herein also lies the source of Our education (...) should emergency arise, offer yourselves courageously to the State; and thus guard and maintain the prosperity of Our Imperial Throne coeval with heaven and earth. So shall ye not only be Our good and faithful subjects, but render illustrious the best traditions of your forefathers. The Way here set forth is indeed the teaching bequeathed by Our Imperial Ancestors, to be observed alike by Their Descendants and the subjects, infallible for all ages and true in all places.<sup>8</sup>

Another version of anti-soft power was implemented in *Imperial Germany*. Unlike in the case of Japan, this was not the result of a traditional worldview, but was rather constructed by state policy. Romantic philosophy at the turn of the 19<sup>th</sup> century developed ideas about German culture as a special civilization that opposed the French “enlightenment.” “Germany did for the ideology of conservatism what France had done for the Enlightenment – used it to its logical end,” the German sociologist Karl Mannheim wrote (Mannheim, 1994: 578). The German philosopher Johann Gottlieb Fichte posited that the surrounding world is constructed by the will of the subject (Fichte, 1993: 2–641), while Georg Hegel went as far as to claim that it is only in the world that the “absolute idea” knows itself (Hegel, 1993: 571). During the revolution of 1848, the Austrian thinkers Karl Ludwig von Bruck and Lorenz von Stein developed the concept of “Middle Europe” (Mittel Europa), which appealed to the experience of the Holy Roman Empire of the German Nation during its heyday (from the 10<sup>th</sup> to the 13<sup>th</sup> centuries, when its ruler was considered the leading monarch of Europe (Kann, 1980: 88–96).

The German Empire created in 1871 started to transform these sentiments into state ideology. A favourable political background for this was created by the swift victories of Prussia in three wars (with Denmark in 1864, Austria in 1866 and France in 1870), which engendered a heightened sense of patriotism in the country and a belief in the army. In was against this background that the government of Otto von Bismarck (1862–1890) developed a state education system based on German nationalism. The most important component of the curriculum was the so-called Kulturkampf (“the

<sup>8</sup> Imperial Rescript on Education. 1890. Available at: [https://en.wikisource.org/wiki/Imperial\\_Rescript\\_on\\_Education](https://en.wikisource.org/wiki/Imperial_Rescript_on_Education) (accessed: 20.01.2020).

struggle for culture”) – a policy of establishing state control over the Roman Catholic Church. The imperial government abolished the Roman Catholic bureau in the Prussian Ministry of Culture, deprived priests of the right to speak on political topics, banned the activities of the Jesuit Order and severed diplomatic relations with the Holy See. In 1873, the Reichstag passed the “May Laws,” which established state control over schools, appointments to church positions, and relations between the clergy and parishioners. In 1875, civil marriage was made compulsory in Germany. Kulturkampf paved the way for the school system to be taken under state control, and for the Catholic Church to be removed from it as a force that preached cosmopolitan values.

To combat cosmopolitanism, the concept of Pan-Germanism was introduced as an ideology that called for turning Germany into a “great space” by annexing all German-speaking territories (Chickering, 1984). As a political movement, Pan-Germanism appeared in Austria-Hungary in the early 1880s. In the Austrian part of the Dual Monarchy, people started calling for separating the German lands from Hungary and joining the German Empire. By the late 19th century, many *Vereins* (associations) were operating in the provinces, as well as in Vienna. In 1886, Anton Langgassner founded the Germanenbund in Salzburg. In 1890, the Pan-German Union (the All-German Union from 1894) was established in Frankfurt am Main, with retired Chancellor Otto von Bismarck being made an honorary member. The declared goals of the movement were the revival of patriotism in Germany, support for German interests abroad, the promotion of a proactive German policy and colonial expansion.

At the same time, the ideology of Pan-Germanism was highly aestheticized. The German leadership immediately saw the potential of composer Richard Wagner (1813–1883). The first Wagner festival was held in 1876 under the auspices of King Ludwig II of Bavaria (1864–1886) in a specially built theatre in the city of Bayreuth (Bavaria), which hosted the premiere of the complete cycle of *The Ring of the Nibelung* (Buchner, 2013). The next Bayreuth (Wagner) festival in 1882 featured the premiere of Wagner’s opera *Parsifal*. The festival would go on to be held annually or biannually until 1936 (with a break in 1914–1924) (Akopyan, 2010: 52). It would later become an official event in the Third Reich. The composer’s daughter-in-law, Winifred Wagner (1897–1980), who would become a member of the Nazi Party and a personal friend of Hitler, was instrumental in this. *Not only were Wagner’s musical and mystical works turned into state ideology, but they were also used to represent Germany’s past.*

Built in 1886 by King Ludwig II of Bavaria near the town of Füssen in southwestern Bavaria, Neuschwanstein Castle would become a symbol of German anti-soft power (Neuschwanstein – “New Swan Cliff”). The wall paintings illustrate motifs from the medieval legend of Parsifal, which served as inspiration for Wagner’s opera of the same name (Petzet, Bunz, 1995: 46–123). The interior of the castle is inspired by other works by Wagner and ancient German legends. The castle hosted special Wagner concerts in the Third Reich from 1933 (the 50<sup>th</sup> anniversary of Wagner’s death) until the outbreak of war in 1939.

Another trend in the aestheticization of Pan-Germanism was the cult of antiquity. Towards the end of the 19<sup>th</sup> century, a wave of *Ariosophy* – para-scientific theories about the “Aryan race” and the search for the mystical “ancestral home of the Aryans” – swept across Europe century under the influence of Richard Wagner and the English Germanophile philosopher Houston Stewart Chamberlain (Goodrick, Clarke, 1985). In Germany, these ideas were superimposed onto the colossal development of the study of antiquity. The German historian Jakob Fallmerayer (1790–1861) posited the idea that modern Greeks are Hellenized Slavs who have nothing to do with the ancient Hellenes. This idea became popular in German historical science: “Not only did the northern part (of the Balkans – *author*) become entirely Slavic, but invading Slavic hordes also settled in Greece. They were not so numerous as to destroy (...) the descendants of the ancient Hellenes and create a Slavic Greece, but a strong admixture of Slavic blood is fully proven” (*History of Humankind...* 1896: 47–49). The German historian Ferdinand Gregorovius (1821–1891) was even harsher in his assessment: “In view of such evidence from the Byzantines, the glorification of the ancient Greek lands should be taken as a historical fact” (Gregorovius, 1900: 54–55). German historians developed the concept that the ancient Hellenes were a special extinct ethnic group related to the Germans. According to them, the “Northern peoples” created, as they claim, almost ideal “Aryan states” in the Balkans: Achaean Greece, Sparta, Thebes, and the empire of Alexander the Great (Strohm, 1997).

The privatization of antiquity made it possible to solve an important political problem. The Hapsburgs were the heirs of the Holy Roman Empire. Prussia united the German lands, which had up until that point not been the centre of empire-building.<sup>9</sup> *Ariosophy* allowed scholars to connect German history not only with the “civilization of the Goths,” but also with that of Ancient Greece (including the Mycenaean culture of the 2<sup>nd</sup> millennium BC), and Ancient India. The German Empire was thus legitimized thanks to the efforts to artificially extend its history by some 4000 years. From the point of view of anti-soft power, this was a master stroke: it got rid of Germany’s inferiority complex next to other leading powers (the British, Russian and Austro-Hungarian empires) and even endowed the country with a superiority complex.

The nationalization of the cult of antiquity took place in Germany in 1886, when the engineer and archaeologist Carl Humann brought the Pergamon Altar almost in its entirety to Berlin from the Ottoman Empire (present-day Turkey). The anniversary exhibition of the Academy of Arts in Berlin held in May–June 1886 featured archaeological achievements from Olympia and Pergamon (Vickers, 1985: 516–519). On display was a full-scale model of the western façade of the base of the Pergamon Altar with copies of selected fragments of the frieze, including the images of Zeus and Athena. The exhibition also featured a model of the city of Pergamon as it looked in the

<sup>9</sup> It is no coincidence that all the German states are called *Länder* (“land”), while only Austria carries the name *Reich* (“empire”) – Österreich.

2nd century BC. The frescoes of the Pergamon altar depicting the victory of the Gods of Olympus in their battle with the Titans fit perfectly into the spirit of the German Empire, with its ideology of intolerance for weakness. The building of the Pergamon Museum, build between 1912 and 1930 according to plans by Alfred Messel, is a giant copy of the façade of the original.

Later, in the Third Reich, the visual cult of ancient images became the basis of mass propaganda. The opening scene of *Olympia*, a film about the 1936 Berlin Olympics, depicts a statue of an ancient Greek athlete slowly reanimating into a German sportsman. The architect Wilhelm Kreis chose the Pergamon Altar as a prototype for the Soldiers Hall in the building of the High Command of the Ground Forces in Berlin, as well as for the planned monument to fallen soldiers at the foot of Mount Olympus in Greece. The official sculptors of the Third Reich, Josef Thorak and Arno Breker, produced statues of ideal men and women according to the “Pergamon Model” (“The Judgement of Paris,” “The Decathlete” and “Hercules and Iole”).

The cult of Ancient Greece became an integral feature of German state education from the mid-1870s. Children were taught about the natural superiority of the Hellenes over the barbarians and the cults of strength and genius (the superiority of the barbarians in terms of material resources is inconsequential here). The Trojan War (13<sup>th</sup> century BC) and the Greco–Persian Wars (5<sup>th</sup> century BC) were presented as symbols of the superiority of the Aryan spirit over other civilizations. This worldview was close to the German strategic culture formed at the beginning of the 19<sup>th</sup> century by military theorist Carl von Clausewitz. Von Clausewitz was the one who posited that war was an “act of violence intended to compel our opponent to fulfil our will,” that is, as a triumph of the will of the subject (the “I”) over the objective world (the “non-I”). “Military genius (...) implies a peculiar bent of the intelligent powers, therefore it can only rarely be found where the mental powers of a people are called into requisition and trained in many different ways. The fewer the employments followed by a Nation, the more that of arms predominates, so much the more prevalent will military genius also be found,” Von Clausewitz wrote.<sup>10</sup> According to this theory, a country with scant resources could, given the right strategy (i.e., an outstanding military leader), defeat a country with a sizable military budget, population and economy

*Pan-Germanism and Ariosophy reprogrammed the German ideological discourse from social opposition to the idea of “empire-building” – the notion that the German people had yet to create their own empire.* The German intelligentsia, unlike their Russian counterparts, did not have a widely accepted concept of progress at the time. This layer of society saw the world as a set of discrete cultures, each with its own path and its own perception of time (Allenov, 2003). The German school of geopolitics, whose appearance is associated with the works of Heinrich Rückert and Paul de Lagarde in

<sup>10</sup> Clausewitz C. 1934. *On War*. Gosvoenizdat. Available at: <http://militera.lib.ru/science/clausewitz/01.html> (accessed: 20.01.2020).

the middle of the 19<sup>th</sup> century, sees history as the permanent struggle of states for territories, resources and status. The German philosopher Friedrich Nietzsche, who had achieved cult-like status by the turn of the 20<sup>th</sup> century, revived the concept, popular in Eastern philosophy, of the “eternal return” – that humanity is doomed to repeat the same situations in a kind of circle. The well-known German historian Oswald Spengler developed this idea: “Mankind,’ however, has no aim, no idea, no plan, any more than the family of butterflies or orchids. ‘Mankind’ is a zoological expression, or an empty word.” (Spengler, 1993: 151). However, if only the national exists in this world, then cultures cannot be compared. German thought of the time, unlike that in Russia, denied the West (Great Britain and France) the right to be the standard of progress. Rather, it was seen as a nuisance to the ascent of German culture, a nuisance that needs to be eliminated.

There was also a liberal tradition in Germany (especially the Rhineland), but it was crushed by the Prussian intellectual discourse. The main criterion for evaluating the effectiveness of the state was its ability to win wars. This intellectual atmosphere made German society less vulnerable to foreign propaganda. Such propaganda could indeed have worked on Soviet intellectuals of the Brezhnev era, convincing them that the standard of living (and level of political freedom) was higher in the West. The German intelligentsia of the early 20<sup>th</sup> century was built differently. “The world,” wrote Arthur Moeller van den Bruck in 1906, “belongs to the hero, not the merchant.” In 1915, Max Scheler published *The Genius of War and the German War*. “We are God’s people. As the German bird, the eagle, soars higher than any earthly creature, so the German has the right to feel himself superior to all the peoples around him and look at them from an infinite height...” wrote Werner Sombart.: “Militarism is the manifestation of German heroism. It is Potsdam and Weimar in their highest synthesis. It is *Faust* and *Zarathustra* and Beethoven’s scores in the trenches.” These ideas were furthered by Spengler: “A people ‘in good shape’ is first and foremost an army, a deeply felt community of people capable of bearing weapons.”<sup>11</sup> The idea to divide the history of Germany into “Reichs” – the First Reich (the Holy Roman Empire of the 10<sup>th</sup>–13<sup>th</sup> centuries, the Second Reich (the rule of the Kaiser between 1871 and 1918), and the Third Reich (the Reich of the future) – was not Hitler’s, it was van den Bruck’s.

The Russian philosopher N.A. Berdyaev summed up the results of Germany’s anti-soft power policy of the time. In an article entitled “The Religion of Germanism,” Berdyaev described German society during the First World War thus: “The spirit of Teutonic pride permeated all German science and philosophy. The Germans are not content with instinctive contempt for other races and peoples, they want scientific justification for their scorn, to despise in an orderly, organized and disciplined manner (Berdyaev, 2007: 174). The American historian Barbara Tuchman echoed these words: “Pulsing with energy ambition, conscious of strength, fed upon Nietzsche and

<sup>11</sup> Quotations taken from the article: (Svasyan 1993: 106–107).



Treitschke, they felt entitled to rule, and cheated that the world did not acknowledge their title.”<sup>12</sup> Her opinion echoes that of the prominent German historian Ernst Nolte that the Nazis did not create a fundamentally new ideology, they simply made the elite projects of the Second Reich accessible to the masses (Nolte, 2006).

While we can argue about the accuracy of Berdyaev’s and Tuchman’s depictions of German society of that time, but it is hard to disagree with the fact that we nevertheless have a description of a culture that is impenetrable to the influence of foreign soft power. It may be overcome as the result of a war, but it cannot like something “by example.” That said, chauvinism has its limitations as anti-soft power:

- it cannot exist for a long time: its negative energy will inevitably need to be released in the form of a war;
- it cannot project its own soft power: chauvinistic culture can only engender rejection and hatred in neighbouring countries;
- “manipulative chauvinism” can be created in small and medium-sized countries through the use of information technology.

The “colour revolutions” of the early 21<sup>st</sup> century are good examples of the latter case. The main slogans used during the coups in Georgia (2003) and Ukraine (2014) were characterized by extreme nationalism – hostility towards national minorities and Russia. This means that, given the right technologies, the great powers can cultivate the chauvinism of small and medium-sized states, inciting it against strategic enemies. Such “manipulative chauvinism” will be the product of someone else’s soft power and can be used to its advantage.

#### 4

Another version of anti-soft power is to create a positive ideological project as an alternative to foreign influence. The idea is to place one’s own ideology in direct opposition to foreign soft power. This is more complicated than simple chauvinism. The alternative ideological project should provide a comprehensive explanation of the present and offer a positive interpretation of the past, something along the lines of “we may be worse off now, but we’re building a new society, and the future belongs to us, not our enemies.”

The pioneer of this method of creating an alternative project as a way of protecting the state from soft power from the outside is *Great Britain*. The prolonged struggle with France in the 18<sup>th</sup> to the early 19<sup>th</sup> centuries was not only military, but also cultural and ideological in nature. The French Revolution, under the influence of the Enlightenment, invoked the standard-bearers of classical ancient culture – the republics of Athens and Rome. The Empire style of Napoleon Bonaparte was based on imitation

<sup>12</sup> Tuchman B. 1999. *The First Blitzkrieg. August 1914*. Moscow: AST; St. Petersburg: Terra Fantastica. Available at: <http://militera.lib.ru/h/tuchman/01.html> (accessed: 21.01.2020).



of the early Roman Empire. To counter this influence, Great Britain set about creating a culture of romanticism based on the European Middle Ages. Christian ideas and national traditions were compared favourably to French rationalism. The British cult of the Middle Ages received a practical embodiment in the form of the historical novel as a literary genre, a revival of the architecture of medieval castles as a blueprint for residential houses and administrative buildings, and the concept of the English park as an abandoned romantic garden with pseudo-medieval ruins.

As a result, Great Britain became practically the only country in Europe whose elites avoided speaking the French language, and rejected the culture and ideas of the French Enlightenment. British influence then spread into mainland Europe, serving as a kind of refuge for those who were dissatisfied with French hegemony.<sup>13</sup> After the end of the Napoleonic Wars in 1815, the “era of romanticism” (love for British culture) swept across Europe, where it remained for half a century. The movement was characterized by (1) ideas about the inherent value of the creative individual; and (2) the cult of strong personality and the chivalrous culture of the European Middle Ages. British anti-soft power would turn into a powerful form of soft power for London, which allowed it to strengthen its influence on the elites of continental Europe.

The *American* version of anti-soft power followed a similar trajectory. The historian Arthur Schlesinger Jr. proved that American political culture was based on the worldview of puritan settlers who, after the English Revolution in the middle of the 17<sup>th</sup> century, travelled overseas with the idea of building a “City upon a Hill” – a society created “from scratch” on the basis of the only true doctrine (Schlesinger, 1992: 15–40). Their successors were the “founding fathers” of the United States of the late 18<sup>th</sup> century, who positioned the country as a messianic state of freedom – the reincarnation of Ancient Rome.<sup>14</sup> Upon taking office as president, George Washington defined America’s position thus: “The preservation of the sacred fire of liberty, and the destiny of the republican model of government, are justly considered as deeply, perhaps as finally, staked on the experiment entrusted to the hands of the American People.” These words were echoed by Alexander Hamilton, who wrote that the American people had the opportunity “by their conduct and example, to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force” (cit. ex: (Schlesinger 1992: 26)).

This is where an important feature of the American worldview comes from, one that makes Americans less vulnerable to foreign soft power – confirmed non-historicity. “Today, for all the preservation of landmarks and the show biz of bicentennials, we

<sup>13</sup> Suffice it to recall the English Garden in Munich, the Dessau-Wörlitz Garden Realm in Saxony, the parks in Gatchina and Pavlovsk near St. Petersburg, and the Vorontsovsky Park in Alupka.

<sup>14</sup> It is, of course, no coincidence that Washington has its own Capitol Hill on which (as in Ancient Rome) its Senate sits.

have become, so far as interest and knowledge are confirmed, an essentially historyless people,” wrote Schlesinger, “businessmen agree with the elder Henry Ford that history is bunk. The young no longer study history. Academics turn their backs on history in the enthusiasm the ahistorical behavioural ‘sciences.’ As the American historical consciousness has thinned out, the messianic hope has flowed into the vacuum.” Americans believe that every step they take is unique and unparalleled in history, and that everything they do is a first-time event (Almond, 1950: 29–68). It is no coincidence that the concept of the “end of history” – the notion that a liberal civilization would eliminate all contradictions – was born in the United States.

American messianism started to creep into the international arena towards the end of the 19<sup>th</sup> century. In a message to Congress on December 6, 1904, President Theodore Roosevelt stated: “There are kinds of peace which are highly undesirable, which are in the long run as destructive as any war (...) The peace of tyrannous terror, the peace of craven weakness, the peace of injustice, all these should be shunned as we shun unrighteous war.” In 1919, President Woodrow Wilson declared “America is the only idealistic nation in the world (...) The heart of this people is pure. The heart of this people is true... It is the great idealistic force of history... I, for one, believe more profoundly than in anything else human in the destiny of the United States. I believe that she has a spiritual energy in her which no other nation can contribute to the liberation of mankind...” (cit. ex: (Schlesinger 1992: 23)).

At first glance, the idea of freedom, privatized by the Americans, would seem to have become the basis of their soft power. At the same time, it also contains anti-soft power potential as a self-protective mechanism. “Americans find it hard to understand why other countries do not want to copy the practices and institutions that have proven their superiority in the United States,” writes Russian political scientist A. Bogaturov. “The desire to ‘convert people to democracy’ against their will (in Iraq and Afghanistan) is a painful feature of the American worldview. The irony of this situation causes bewilderment or cold detachment in the United States” (Bogaturov, 2004). These sentiments were echoed, albeit in a somewhat milder form, by the British researcher Anatol Lieven: “Visitors to the US are frequently impressed by the outward show and symbols of conscious nationalism. Children are taught to salute the flag and it is flown by private individuals to demonstrate their patriotism. The word ‘American’ is used with a wealth of overtones, so that to describe oneself or a custom or institution as ‘American’ is to claim a whole set of positive values. The all-American boy has become something of a joke, but it is a character that most American parents covet for their sons” (Lieven, 2015: 23–24). *The belief of Americans that their country is “indispensable” for humankind has made the United States itself less vulnerable to foreign soft power.*

In the latter stages of its existence, the Soviet Union could not fend off US ideological influence. Initially, Soviet Russia had powerful soft power: after the creation of the Communist International (Comintern) in 1919, it acted as a global left-wing alternative to the emerging Versailles–Washington order. The Charter of the Communist

International adopted at its Second Congress in the summer of 1920 defined the organization as “the party of the revolutionary uprising of the international proletariat.”<sup>15</sup> An International Relations Department was created at the Communist International that was aimed at improving coordination of the actions of communist parties around the world – it was, in essence, an intelligence agency. Representative offices of foreign communist parties and Communist International training centres started popping up across Soviet Russia, where cadres of professional foreign revolutionaries were trained to work in their respective countries. Initially, the “Socialism in One Country” policy promoted by Stalin did not reject this strategy, quite the opposite, as it was about building an alternative to all states that existed at the time.

Soviet soft power’s strength was in its anti-colonial inclination. At the Second Congress of the Communist International, Lenin presented his ideas on taking advantage of the position of the Entente countries and the League of Nations on the issue of colonialization.<sup>16</sup> In his opinion, the purpose of the Comintern was to bring the working people of all nations and countries together for a joint revolutionary struggle to overthrow capitalism. In September 1920, the Communist International organized the First Congress of the Peoples of the East in Baku, where the Comintern’s Executive Chairman, Grigory Zinoviev, characterized the confrontation between Russia and Great Britain as a “nodal point” of modernity – the confrontation between the emerging world communist system (represented at this time by Soviet Russia) and the global capitalist (embodied by Great Britain). These provisions were consolidated in the “Manifesto to the Peoples of the East” adopted by the conference delegates (Sorokin, 1961). The Council of Action and Propaganda of the Peoples of the East was set up in order to implement the tasks proclaimed at the congress. The success of Soviet soft power was so great that Western countries adopted a series of laws to restrict the activities of the Communist International.

However, Moscow’s attempts to pursue a set of protective measures against American (and, more broadly, Western) soft power were during the Cold War proved unsuccessful. The information countermeasures used by the Soviet Union (which consisted mostly in restricting Western television and radio content on its territory) were implemented for the most part according to the American model. In 1960, the Central Committee of the Communist Party of the Soviet Union and the Supreme Soviet adopted a resolution “On Measures to Actively Counteract Hostile Radio Propaganda.”<sup>17</sup> Radio receivers and tape recorders imported into the country were produced specifically for

<sup>15</sup> Charter of the Communist International. Available at: <http://www.agitclub.ru/front/com/congress022.htm> (accessed: 22.01.2020).

<sup>16</sup> Lenin V. *Theses on Fundamental Tasks of the Second Congress of the Communist International*. In: V.I. Lenin. Complete Collected Works. V. 41. pp. 141–212. Available at: <https://leninism.su/works/80-tom-41/1211tezisy-ko-ii-kongressu-kommunisticheskogo-internatsionala.html> (accessed: 22.01.2020).

<sup>17</sup> Pyzhikov A. 2015. *How People in the USSR Heard the ‘Enemy’s Voice’ for the First Time from Across the Ocean*. Argumenty Nedeli. 24 February. Available at: <https://argumenti.ru/history/2015/02/389855> (accessed: 22.01.2020).

the Soviet Union and could only pick up Soviet HF and VHF bands. Radio waves shorter than 20–25 metres are unstable – the signal deteriorates significantly at night, especially in winter, and depends more on solar activity than on longer wavelengths.

However, experienced ham radio users could repurpose receivers to pick up other radio bands with little difficulty. But this was not the main shortcoming of these efforts. The inability of Soviet anti-soft power to counter American propaganda became painfully clear in the instructions for Radio Liberty in 1987. People working at Radio Liberty were prohibited from: (1) inciting or provoking their audience to flee from their countries to the West; (2) give facts relating to the lives of people who had defected from socialist countries in their new countries and voice information that may cause consumer sentiment among listeners; and (3) do into detail on the procedure for granting political asylum to defectors from socialist countries.<sup>18</sup> This suggests that the issue of emigration was of interest to a large segment of society in socialist states. The West was not seen as a true enemy, an object of expansion, or even as an uninteresting place to be.

The change in the sentiments of pre- and post-war socialism was captured by the writer Vladimir Voinovich: “Long gone now are those happy days for Soviet propaganda when the masses responded to the Party’s contradictory appeals, built factories in Siberia with a will, ‘defended’ freedom in Spain, brandished flags and portraits of their leaders enthusiastically at demonstrations, went mad with happiness if they caught even a distant glimpse of Lenin, Trotsky or Stalin, fastened red ribbons to their shirts, and gave their children revolutionary names (...) Now, it is not revolutionary slogans, but names of Western firms and their products that young Soviets, and those not so young, utter with thrill in their soul. The words *Chesterfield*, *Panasonic*, *Mercedes* speak to their hearts more than *liberty*, *equality*, *fraternity*; foreign clothing is preferred not only for its quality. The price of a pair of jeans rises steeply if the rear pocket bears the name Mustang or Lee and falls steeply if it does not.”<sup>19</sup>

Interestingly, during the Cold War, the KGB required Soviet citizens travelling abroad to interact as little as possible with foreigners. This was quite different from the approach taken in the 1920s, when people were encouraged to “engage in discussions with foreigners abroad and win them!” (This is where Vladimir Mayakovsky’s famous battle cry “Read this and envy me: I am a citizen of the Soviet Union!” came from.) The first instance is characterized by passive defence, while the second is notable for its active offense. Unsurprisingly, the Soviet Union jammed Western radio broadcasts, just like the West (including the United States) jammed Communist International radio stations before the Second World War.

<sup>18</sup> Hearings on Federal Government’s Handling of Soviet and Communist Bloc Defectors before the United States Senate Permanent Subcommittee on Investigations. 1987. *Voice of America and Liberty: Strange Policies*. Washington, D.C. October 8. p. 6 (406).

<sup>19</sup> Voinovich V. 2002. *The Anti-Soviet Union*. Moscow: Materik. Available at: <https://www.litmir.me/br/?b=29755&p=9> (accessed: 23.01.2020).

A low point in the development of socialist ideology came in 1956, when faith in the Soviet project started to dwindle among party members following the 20<sup>th</sup> Congress of the Communist Party of the Soviet Union. This was a stark contrast to the typical Soviet citizen of the early 1930s that the Soviet writer Anatoly Rybakov described in his *Children of the Arbat*: “They could argue and debate and even quarrel, but they were unshakable in their belief that it was Marxism, the ideology of their class, world revolution, the final aim of their struggle, and the Soviet state, the indestructible bastion of the international proletariat, that together gave their lives meaning (...) Their hearts swelled with pride. This was their country, the shock brigade of the world proletariat, the embodiment of the advancing world revolution (...) True, they had ration cards and denied themselves everything, but they were building a new world.”<sup>20</sup> The loss of faith in the construction of a new world allowed the United States to impose a different discourse on Soviet citizens, comparing its material successes with the achievements of the Soviet Union.

Another reason why Soviet anti-soft power was so weak was that a large number of latently anti-communist states had emerged. Socialism had taken root in those countries where it had been established independently of the influence of other states: the Soviet Union, China, North Korea, Cuba and Yugoslavia. The same could not be said of the countries of Eastern Europe, where the population saw it as being imposed from the outside. In the first case, the people saw socialism as “theirs”; in the second, they saw it as “foreign.” The massive anti-Soviet demonstrations in Eastern Europe in 1956 was a clear sign for Moscow that their Warsaw pact allies could not be relied on. This prompted the Soviet Union to change tactics, making a deal of sorts with the dissenting countries: “Build your own style of socialism in return for our loyalty.” The failure of the Soviet experiment in these countries raised doubts among Soviet citizens about the prospects of the socialist project as a whole. The successes of social democracy in a number of European countries, such as Sweden, Norway and Austria, also played a role, demonstrating that it was possible to build a more successful (at least in terms of market saturation) socialist system without the Communist Party of the Soviet Union.

In the 1960s, the United States usurped one of the Soviet Union’s traditional projects – the struggle for the liberation of all kinds of minorities. American soft power was not so much about promoting the greatness of the United States; rather, it was about offering the youth a left-liberal ideology through commercial mass culture. As Russian art critic Alexander Genis wrote, “from the moment the external replaced the internal and the whole world started wearing jeans, communism did not have a chance” (Genis, 1994), and this is precisely what happened. But it is hard to stretch out one’s allure beyond a single occasion, for the long haul. It is more difficult to develop an anti-soft power strategy than it is to unleash soft power. The American youth project was a success because it assumed:

<sup>20</sup> Rybakov A. 1998. *Children of the Arbat*. Moscow: Terra-Knizny Club. Available at: <https://www.litmir.me/br/?b=34985&p=7> (accessed: 23.01.2020).



- a high degree of personal freedom (the lack of authority);
- limited commitment from the youth (participation is more important than victory);
- the opportunity to live a relaxed lifestyle, primarily during one's school years (the most important thing is to gain experience and skills).

The victory of American ideology over the anti-soft power of the Soviet Union was facilitated by the emancipation of Soviet society against the background of the state ideology that was discredited at the 20<sup>th</sup> Congress of the Communist Party of the Soviet Union. The emergence of “systemic dissidence” in the form of televised competitions for comedy troupes and clubs of “monied” youth inevitably reduced the repressive potential of a system that did not offer anything positive. In the 1930s, there was no “alternative” Soviet culture in the West: the Bolsheviks and capitalists were both of a single classical culture, dressed up in jackets and old-style dresses, listened to the same music and knew nothing of modern ideas about tolerance. But now, the idea of the “free West” had found a concrete expression in the form of “forbidden rock culture.”

In parallel with this, the Soviet films of the 1970s (such as those by directors Eldar Ryazanov and Georgiy Daneliya) created a cult of the meek and weak-minded man. The intellectual of the late Soviet period, trying to shed the traditional forms of masculinity such as military service had no problem sitting in front of the TV while his wife did the ironing and scolded him for being a lazy so-and-so. As far as the “old-school Bolsheviks” of the 1920s (as well as the “old soldiers” Erich Maria Remarque and Ernest Hemingway) were concerned, nothing could be more humiliating. The heroic protagonist of Soviet films was thrown into the distant past of the October Revolution and the Second World War. *The American left-liberal project found fertile ground in the landscape of the late Soviet Union, making US soft power extremely effective.*

To neutralize US soft power, the Soviet Union needed an alternative that could potentially be more attractive than the Western model, an admittedly difficult task. Of course, a counter-project could theoretically be found – for example, by glorifying the image of those who had taken part in localized conflicts and would defeat the progeny of mass culture from time to time. However, this would have demanded that late Soviet society have the same mobilization potential that it had boasted before it started to decline in the 1960s.

As an alternative ideological project, anti-soft power is more complicated than chauvinism. It should project positive and accessible images and not simply cultivate hatred. Otherwise, it loses its attractiveness. In addition, an alternative project should not have experienced any major failures that would lead its participants to reassess its values. It is quite possible to resist soft power through an alternative ideology. But this would in any case require an ideology with a powerful energy potential that the population is ready to accept, as well as an elite class ready to spread it. In other words, it requires the mobilization – technical and spiritual – of the people.



Hard forms of anti-soft power are not used in modern politics. Attempts to counteract soft power have moved into the realm of the partial restriction of information. There are a number of interesting examples, which, taken together, are starting to form a new type of anti-soft power – anti-soft power as a policy of cultural barriers.

*France* can be considered the founding father of this kind of anti-soft. The ideology of Gaullism, aimed at preserving the cultural identity of the country, involved the introduction of measures to protect the French language from foreign influence. These measures would be labelled a policy of linguistic dirigisme. On January 7, 1972, the French government adopted the law Enrichment of the French Language, which introduced terms that were to be mandatorily used in a number of industries to replace English borrowings. On December 31, 1975, President of France Valéry Giscard d'Estaing (1974–1981) signed a law to protect the French language from the “invasion” of English, and any other language, and therefore from foreign culture. The law guaranteed the linguistic status of the national language in commercial and certain other activities in France. Terms borrowed from other languages were not allowed to be used if there was a suitable French alternative. All signs in public places and on public transport had to be in French only, with foreign versions only permitted in cases when it was absolutely necessary. In 1977, the AGULF association was set up to oversee the implementation of the 1975 law. Later, in 1984, the Commissariat Général de la Langue Française (General Commissariat of the French Language) was tasked with tightening sanctions for violations of the 1975 law, expanding the creation of terminological systems, and kick-starting translation efforts so that the French language had the necessary means to reflect the modern world. The Toubon Law (Law No. 94-665 On the Use of the French Language dated August 4, 1994) establishing the status of French as the main official language of government documents, in the workplace, on signs and product labels, in commercial contracts, business communication and certain other areas was passed on August 4, 1994.<sup>21</sup> The law was penned by the conservative Minister of Culture Jacques Toubon. The most important requirement of the legislation was that French equivalents be found for English terms, and that the latter should be used only when absolutely necessary. However, the law did not apply to the internet and electronic media, or to private and non-profit organizations.

The language legislation was supplemented by the Decree on the Enrichment of the French Language dated July 3, 1996, which established the legal framework for the activities of terminological commissions. The document is used as a guideline by the French Academy to approve new lexical standards each year, although its decisions are advisory in nature. French dictionaries are required to offer equivalents to borrowed (mostly English) terms by including the marker *rec.offic.* (“officially recommended”). Some examples: *joint-venture* – *coentreprise*; *voucher* – *bond'échange*; *camping-car* – *au-*

<sup>21</sup> Loi n° 94-665 du 4 août 1994 (dite Loi Toubon).

*tocaravane*. These attempts have had varying success, as French terms are often complex, multi-component words that try to convey the meaning of shorter and more convenient English concepts (compare the English *discount* to the French *rabais sur un prix*, for example).

Many French linguists are alarmed not only by the growing number of anglicisms in the French language, but also by the emergence of so-called “hybrid” (mixed) forms that combine English and French components, such as *billetopen* (an open-ended return ticket) and *surf arien* (air surfing), as well as by the emergence of a mixed language called *Frenglish* or *Franglais* (Deroy, 1980: 12). *Franglais* is used everywhere in France these days: in everyday conversations, on the internet, on television, in print, in music, in films, in books... It is especially popular among young people, who are closely associated with the English-speaking cultural space. All this speaks to the apparent failure of the French policy of linguistic dirigisme.

Certain elements of the linguistic dirigisme are used in *Poland*. The Law on the Polish Language dated October 7, 1999,<sup>22</sup> states that all international agreements must be translated into the state language, that signs and information in offices and public utilities be in Polish, and that the Polish language be taught at all levels of education. The Council for the Polish Language, established under the Presidium of the Polish Academy of Sciences, is responsible for promoting the Polish language and clarifying grammatical, spelling, punctuation and other rules. At the same time, the Act on National and Ethnic Minorities and on the Regional Languages dated January 6, 2005,<sup>23</sup> confirmed the right of citizens to freely use their native (minority) language in private and public life.

*Iran* adopted even harsher measures than France to protect its cultural space. The need to ensure information security is a priority of the Iranian authorities, which have been locked in a confrontation with the United States, Israel and the bloc of oil monarchies led by Saudi Arabia since the early 1980s. Until the early 2010s, English was taught in most schools as a compulsory subject from the sixth grade, with four lessons a week allocated to it. The decision was later made to introduce English in the first grade of elementary school. The reform of the education system that took place in 2012 aimed to expand the teaching of foreign languages in the country. However, in 2016, Ayatollah Khamenei expressed his dissatisfaction with the growing popularity of English-language courses in Iranian kindergartens. “This does not mean that I am against learning foreign languages; what I am against is the promotion of foreign culture in our country among children and the youth through these courses.” He went on to say that, today, “Western thinkers have time and again said that instead of colo-

<sup>22</sup> Law of the Republic of Poland on the Polish Language. 1999. 7 October. Available at: [https://ruskline.ru/monitoring\\_smi/2012/10/19/zakon\\_respubliki\\_polsha\\_ot\\_07101999\\_o\\_polskom\\_yazyke](https://ruskline.ru/monitoring_smi/2012/10/19/zakon_respubliki_polsha_ot_07101999_o_polskom_yazyke) (accessed: 23.01.2020).

<sup>23</sup> Ustawa z dnia 6 stycznia 2005 r. o mniejszościach narodowych i etnicznych oraz o języku, Sejm. Dostęp. Available at: <http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20050170141> (accessed: 23.01.2020).

nialist expansionism ... the best and the least costly way would have been inculcation of thought and culture to the younger generation of countries.”<sup>24</sup> In 2018, the Iranian authorities decided to remove English from the primary school curriculum.

In stepping up its anti-soft power, Iran relies on information and cyber warfare. The Ministry of Culture and Islamic Guidance and its Islamic Culture and Communication Organization are tasked with performing propaganda and counter-propaganda functions. In September 2002, the Iranian government decided that only state-owned telecommunications companies could provide internet access services. Internet providers must offer their services through the state telecommunications network. In April 2003, the Supreme Council for Information Technology and Information Policy was established by parliamentary decision.<sup>25</sup> Its main tasks were to develop the state's information policy and prepare the concept of the formation of the information society in Iran.

In March 2012, the Supreme Council of Cyberspace was created to devise and coordinate state policy in the field of cybersecurity. The Council, led by the President of Iran, is made up of the heads of key state structures and departments – the Majles (the Islamic Consultative Assembly), the Islamic Revolutionary Guard Corps, the Ministry of Intelligence, the Ministry of Science, Research and Technology, the Ministry of Information and Communications Technology, the police, the judiciary, state television and radio communications companies, and scientific organizations. The National Cyber Security Centre was also set up as part of the Supreme Council of Cyberspace.

The cases of France and Iran are often contrasted by researchers as successful (Iranian) and unsuccessful (French) examples of anti-soft power strategies. However, three important points are often ignored. *First*, it is far easier for Tehran to protect the country's culture from “anglicisms” because the English and Farsi use different writing systems, and they are different types of languages: English is analytical, while Farsi is inflectional. *Second*, Iran rejects American leadership, while France, on the whole, does not. *Third*, it is difficult to gauge the degree of influence of “anglicisms” on modern youth culture in Iran. English retains its status as an international language, and linguistic anti-soft power can only do so much in terms of limiting its influence. The question is: How far can countries go when creating such barriers, and what segment of the cultural space will they be able to reclaim from the English-speaking field?

<sup>24</sup> Vashchenko V. 2018. Iran is Doing Now what the USSR Did in the Early 80s. *Gazeta.ru*. 11 January. Available at: [https://www.gazeta.ru/social/2018/01/10/11604386.shtml?updated\\_](https://www.gazeta.ru/social/2018/01/10/11604386.shtml?updated_) (accessed: 24.01.2020).

<sup>25</sup> Surkov V.N. 2005. The Problem of Information Security in the Islamic Republic of Iran. Institute of the Far East. 14 May. Available at: <http://www.iimes.ru/?p=3636> (accessed: 24.01.2020).

## 6

There are no all-encompassing anti-soft power projects in the world today. This is perhaps due to the fact that there have been no strong revisionist regimes since the late 1980s, and liberal ideology has prevailed. Under these conditions, the emergence of artificial intelligence (AI) creates the potential for reviving anti-soft power projects on a qualitatively new basis.

The idea of protecting one's information space from foreign influence originated in the United States. The Radio Act of 1912 prohibited foreigners from owning American radio stations.<sup>26</sup> Another act of the same name appeared in 1927 and limited the participation of foreigners in American radio stations to 20% of the total shares and/or authorized capital.<sup>27</sup> The Foreign Agents Registration Act of 1938 required organizations representing foreign governments in American politics and foreign individuals and entities to disclose their occupations and sources of income. The Voorhees Act of 1940 regulated the activities of organizations with links to foreign political structures, or, as the US government termed them, "organizations that are subjects of foreign influence."<sup>28</sup>

The Cold War period was somewhat ambivalent in this sense. Both superpowers outwardly limited the penetration of the enemy's ideology into their respective countries. At the same time, unlike the interwar period, public opinion in both the Soviet Union and the United States did not accept the logic of a "besieged fortress." The American people responded with mass demonstrations against the McCarthyism of the 1950s, which called upon citizens to look everywhere for communist spies. In the Soviet Union, the widespread obsession with imported goods and the prestige that visits to capitalist countries carried constituted passive forms of protest. The "spy everywhere!" mentality of the 1930s no longer existed. At some point, people in both the Soviet Union and the United States started to look at the obsession with spies with a certain amount of irony – the James Bond books and films in the United States, and the songs of Vladimir Vysotsky in the Soviet Union are testament to this.

Defensive IT is significantly inferior to offensive IT at the present juncture. That said, countermeasures are gradually improving, and the ratio between soft power and anti-soft power may start to level off. The 2010s were marked by the gradual disintegration of the global information space into national segments. This will inevitably make it easier for states to control information resources. Modern technologies fill the policy of anti-soft power with new content, giving additional impetus to the four methods of successfully countering the enemy's soft power:

<sup>26</sup> An Act to Regulate Radio Communication (37 Stat. 302). Available at: <https://babel.hathitrust.org/cgi/pt?id=hvd.hnfe4a&view=1up&seq=10>.

<sup>27</sup> Radio Act of 1927 (Public Law 69-632). Available at: [https://babel.hathitrust.org/cgi/pt?id=uc1.\\$b45924&view=1up&seq=204](https://babel.hathitrust.org/cgi/pt?id=uc1.$b45924&view=1up&seq=204) (accessed: 24.01.2020).

<sup>28</sup> The Foreign Agents Registration Act. Available at: [https://web.archive.org/web/20141121095831/http://www.justice.gov/usao/eousa/foia\\_reading\\_room/usam/title9/crm02063.htm](https://web.archive.org/web/20141121095831/http://www.justice.gov/usao/eousa/foia_reading_room/usam/title9/crm02063.htm).

1. *The creation of an informational alternative.* In this case, this means creating an alternative to American satellite television. The Qatari Al Jazeera television channel launched in 1996 was a pioneer in this area, serving as a model for Euronews in the European Union, and Russia Today and the Sputnik information system in Russia. These measures were so successful that the United States and the United Kingdom started to actively oppose their activities. Yet, the attempts to restrict the content and reach of these channels often resulted in increased viewership. Depriving the opponent of the opportunity to dominate the information space narrows one's own resources for spreading soft power.

2. *Control over segments of the internet.* Until the mid-2000s, the Americans branded this a method of "self-defence" practiced by authoritarian regimes and referred specifically to the practice of blocking a number of websites in China, central Asian countries and the Arab states. In the 2010s, Western countries started to adopt this practice themselves – suffice it to mention the legislative initiatives of the United States to combat the supposed Russian interference in its elections. The US version, however, was not about limiting information, but rather about forming and disseminating the desired picture of the world.

One very important question was ignored in the kerfuffle about Russian meddling in US elections: What is happening to American society if it can be influenced by foreign hackers? In the past, people in the United States would have been amused by the practice of creating "fake accounts," saying something like "if you don't like it, don't read it." People in an information-protected society will ignore posts that go beyond the established consensus. As the German philosopher Immanuel Kant said, "this is a property of unbelief: it will cast doubt on the very facts presented." It would seem that Kant's logic is failing in the United States. Information has become so powerful and influential that states are searching for ways to counter its spread.

3. *Reformatting discussions.* US think tanks had at one time mastered this particular technique. In the course of discussions, criticism of the opponent is permitted, but strictly in a predetermined manner (Kubyshkin and Tsvetkova, 2013). For example, it is all well and good criticizing the United States for its "excessive use of force" in Iraq, but this ignores the fundamental question of who actually gave Washington the right to use military force beyond its borders. In certain conditions, this method of reformatting the discussion can be directed against the subject of soft power itself.

One way to deliver a painful blow to the subject of soft power is to cast doubt over its moral authority. There are two ways in which its discourse is typically destroyed. The first is to raise the question of what gives them the right to act as an authority. The second is to draw the opponent into a discussion about the relativity of their moral norms in the Chekhovian logic of "no one knows the real truth." In this case, the subject of soft power will have to move from the offensive and go on the defensive. However, this would require: a) the opponent to have a powerful information weapon; b) a readiness to not accept the benefits of the subject of soft power or reformat them in its favour.

4. *Marginalizing the opponent.* Soft power is a tool for fighting wavering countries, not persuading enemies, and is therefore implemented in three stages. First, is doing everything to attract the wavering country to your side. Second is the division of enemies into moderates and radicals, with the subsequent conclusion of an agreement with the former. And third is the inevitable split of the radicals, where the example of integrating moderates into the system provokes some of those opponents who remain to also seek an agreement. It is only at the fourth stage than the marginalization of the most uncompromising opponents takes place and the preconditions for their destruction created. Accordingly, the use of anti-soft power requires blocking the enemy's soft power at the very first stage by reducing the number of undecided states.

The success of anti-soft power in the future is linked to the key issue of whether or not society can be mobilized. By "mobilization," we mean a set of measures aimed at bringing the armed forces and state institutions under martial law. Broadly speaking, mobilization is the use of military methods of management to achieve national goals. It seems somewhat outdated in today's world, with its cult of globalization and openness and its obsession with giving people all kinds of rights. But this does not mean that mobilization projects will not return, albeit on a new basis.

The potential for the former kind of mobilization was laid in the 1870s, the decade during which the leading powers abandoned their "free trade" policies in favour of protectionism through the creation of national industrial complexes. It was also during that time that almost all the great powers switched to a system of conscription. This was made possible by the technical innovations of the late 19th century – the rapid expansion of railway networks and telegraph lines, the invention of radio, and progress in aeronautics. It was these achievements that made it possible, for the first time in history, to control large masses of the population. Subsequent mobilization efforts during the First and Second world wars were the result of an ideological and technological breakthrough.

The Cold War period was a time of decline for mobilization projects. The Soviet and American people did not want a repeat of the Second World War and were not ready to accept mutual hostility and intolerance as a natural state of bilateral relations. The lack of "major wars" reduced the need for national service and made impractical to maintain overdeveloped military-industrial complexes. Symptoms of the waning concept of mobilization were the ever-spreading cult of consumerism, the numerous youth protests, the "sixties" and self-irony. People had also started to poke fun at the incessant "spy mania" in both countries.

The globalization crisis leads us to ask what will come to take its place. The trade wars, sanctions and embargoes of the 2010s led to the phasing out of the global economy in favour of national protectionism. The only way for states to achieve economic breakthroughs now is to return to the practice of internal mobilization.<sup>29</sup> Modern elec-

<sup>29</sup> If the movement of capital and goods is limited, then mobilization is the only real way to compensate for this.



tronic media can shape mass consciousness, while digital technologies make it easier to monitor people's private lives. Whether or not they can be used to solve collective problems is unknown.

By the time the 21<sup>st</sup> century rolled around, liberal democracy was facing a new challenge. The development of information technology has made it possible to manipulate public sentiment quickly and steer the course of voting in elections (Kosolapov, 2004: 10–11). Even in the United States there is talk of the danger of removing the political content from institutions that outwardly appear democratic. Mobilization against a “dangerous enemy” may allow American society to more smoothly transition to more controlled democratic processes.

It is difficult to imagine a return to a mobilized world. But it was also difficult for a well-off European of the times of Marcel Proust and Leo Tolstoy to imagine that his world had already made the move towards mobilization. Even fewer people in the 1870s could have imagined that mobilization experiments would eventually create the prerequisites for the Second World War. In the meantime, as the mobilization components increase, hostility between the United States and Russia (as well as between other states) will not weaken, on the contrary, it will grow. And this hostility will not be reminiscent of the Cold War, but of a more distant past. This hostility will not be reminiscent of the Cold War, but of a more distant past.

\* \* \*

Anti-soft power has historically been a powerful means of blocking the influence of one country on another. The liberal paradigm made it impossible to study this phenomenon, as it was bound by the thesis that there was not alternative to liberal ideology. Meanwhile, anti-soft power as a set of techniques to counter ideological influence has been successfully implemented in political practice on more than one occasion. Three types of policies can be identified in the structure of anti-soft power: (1) anti-soft power based on chauvinism; (2) anti-soft power based on an alternative project; and (3) anti-soft power based on partial (segmental) restrictions on the informational impact the enemy is able to achieve. Each policy can bring both political dividends and political costs.

Both soft power and anti-soft power are based on the “I-concept”: the totality of the subject's ideas about themselves and their place in the world. The theory of soft power relies on the target audience's readiness to recognize its own secondary (i.e., subordinate) position. Adopting foreign norms means attaching a dependent or, more precisely, a junior position in a certain hierarchy. Soft power is also possible in relation to countries that do not have great political ambitions, are happy to interact within the framework of the existing world order and, most importantly, recognize the superiority of the side employing soft power tactics. If the audience believes itself to be superior to the country practicing soft power, then it is impossible to influence them in any significant way.

Anti-soft power is built upon different foundations. Its “I-concept” suggest that the subject is initially not prepared to recognize the superiority of the opponent and, most importantly, the rules of the game the opponent wishes to force upon them. These subjects harbour serious political ambitions, do not recognize the superiority of any norms over their own, and are not ready to accept a subordinate position. They may be strong or weak, but in any case will not be ready to be “second” or “junior” in the community. There have been very few such subjects in the period of globalization. However, the globalization crisis that we are now witnessing can make such subjects a noticeable force in inter-state relations.

#### About the Author:

**Alexey V. Fenenko** – Dr. Sci. (Political Science), Associate Professor, Department of International Security, Lomonosov Moscow State University, Moscow, 119991, Russia. ORCID: 0000-0003-0493-2596.  
Email: afenenko@gmail.com

#### Conflicts of interest.

The author declares the absence of any conflicts of interest.

#### References:

- Akopyan L. 2010. *Muzyka XX veka: entsiklopedicheskij slovar'* [Music of the XX century: an encyclopedic dictionary]. Moscow: Praktika. 855 p. (In Russian)
- Alekseeva T. 2016. “Myagkaya sila” v teorii i praktike mezhdunarodnyh otnoshenij [“Soft power” in the theory and practice of international relations]. *Politicheskoe prostranstvo i social'noe vremya. Identichnost' i povsednevnost' v strukture zhiznennogo mira. XXX Harakskij forum*. Yalta. P. 5–21. (In Russian)
- Allenov S. 2003. “Konservativnaya revolyutsiya” v Germanii 1920-kh – nachala 1930-kh godov (Problemy interpretatsii) [The “Conservative Revolution” in Germany in the 1920s and early 1930s (Problems of Interpretation)]. *Polis*. № 4. P. 94–207. <https://doi.org/10.17976/jpps/2003.04.09> (In Russian)
- Almond G. 1950. *The American People and Foreign Policy*. New York: Praeger. 269 p.
- Almond G. 1956. Comparative Political Systems. *Journal of Politics*. 18(3). P. 396–397.
- Almond G., Verba S. 1963. *The Civic Culture: Political Attitudes and Democracy in Five Nations*. Princeton: Princeton University Press. 562 p.
- Angell N. 1910. *The Great Illusion: A Study of the Relation of Military Power in Nations to their Economic and Social Advantage*. New York: G.P. Putnam's & Sons. 388 p.
- Bajkov A. 2014. “Myagkaya moshch” Evropejskogo Soyuzu v global'nom silovom ravnovesii: evro-rossijskij trek [The EU Soft Power in the Global Equilibrium]. *Vestnik MGIMO-Universiteta*. 2014. 2(35). P. 36–46. <https://doi.org/10.24833/2071-8160-2014-2-35-36-46> (In Russian)
- Berdyayev N. 2007. *Sud'ba Rossii*. [The Fate of Russia]. Moscow: Eksmo. 640 p. (In Russian)
- Bogaturov A. 2004. Istoki amerikanskogo povedeniya [The sources of American conduct]. *Rossiya v global'noj politike*. 6. P. 80–97. (In Russian)
- Buchner B. 2013. *Wagners Welttheater. Die Geschichte der Bayreuther Festspiele zwischen Kunst und Politik*. [Wagner's world theatre. The history of the Bayreuth Festival between art and politics]. Darmstadt: Wissenschaftliche Buchgesellschaft.

- Burlinova N. 2014. Publichnaya diplomatiya Rossii: praktika i problemy stanovleniya [Russian public diplomacy: practice and problems of formation]. *Vestnik analitiki*. 57(3). P. 28–35. (In Russian)
- Chickering R. 1984. *We Men Who Feel Most German: Cultural Study of the Pan-German League, 1886–1914*. London: Harper Collins Publishers. 267 p.
- Cooper A., Hocking B., Maley W. (eds) 2008. *Global Governance and Diplomacy*. New York: Palgrave Macmillan. 330 p.
- Deroy L. 1980. *L'emprunt linguistique*. Paris: Les Belles Lettres. 485 p.
- Eliseeff V., Eliseeff D. 2006. *Yaponskaya tsivilizatsiya* [Japanese civilization]. Yekaterinburg: U-Factoria. 528 p. (In Russian)
- Ferguson N. 2004. *Colossus: The Price of America's Empire*. New York: Penguin Press. 400 p.
- Fihte I. G. 1993. Sochineniya v 2-h tomah. Sankt-Peterburg.: Mifril. 1485 p. (In Russian)
- Gatov V. 2015. *Postjornalist: Zhurnalistska posle «tsifrovogo perekhoda»* [Postjornalist: Journalism after the «Digital Transition»]. Moscow: Izdat. resheniya. 299 p. (In Russian)
- Genis A. 1997. *Vavilonskaya bashnya: iskusstvo nastoyashchego vremeni: ehssse*. Nezavisimaya gazeta.
- Gila-Novickaya T. 1990. *Kul't imperatora v Yaponii: mify, istoriya, doktriny, politika*. [The cult of the Emperor in Japan: myths, history, doctrines, politics]. Moscow: Nauka. 206 p. (In Russian)
- Goodrick-Clarke N. 1985. *The Occult Roots of Nazism: The Ariosophists of Austria and Germany, 1890–1935*. Wellingborough: The Aquarian Press. 296 p.
- Gramsci A. 1959. *Izbrannyye proizvedeniya. T.3 Tyuremnye tetradi*. [Selected works. Prison notebooks]. Moscow: Izdatelstvo inostrannoy literatury. 565 p. (In Russian)
- Gregorovius F. 1900. *Istoriya goroda Afin v srednie veka*. [History of the city of Athens in the Middle Ages]. Saint Petersburg. 392 p. (In Russian)
- Hegel G. 1993. *Lekcii po filosofii istorii*. [Lectures on the philosophy of history]. Sankt-Petersburg: Nauka. 350 p. (In Russian)
- Holik G. 2011. Paper Tiger? Chinese Soft power in East Asia. *Political Science Quarterly*. 126(2). P. 223–254 <https://doi.org/10.1002/j.1538-165X.2011.tb00700.x>
- Gelmolt G. (ed.) 1896. *Istoriya chelovechestva. Vsemirnaya istoriya*. [History of mankind. World history]. V. 5. Saint Petersburg: Prosveshchenie. (In Russian)
- Kann R. 1980. *A History of the Habsburg Empire, 1526–1918*. Berkeley: University of California Press. 662 p.
- Kitahara M. 1989. *Children of the Sun: the Japanese and the Outside World*. Sandgate: Paul Norbury Publications. 160 p.
- Kodeks Bushido. Khagakure. Sokrytoe v listve* [Bushido Code. Hagakure. Hidden by the Leaves]. 2018. Moscow: Eksmo. 188 p. (In Russian)
- Kosachev K. 2013. Myagkaya sila i zhyostkaya sila – ne summa, no proizvedenie [Soft power and hard power are not the sum, but the product]. *Indeks Bezopasnosti*. 19(4). P. 11–18. (In Russian)
- Kosolapov N.A. 2004. Svoboda i nesvoboda v global'nom miroporyadke [Freedom and Non-Freedom in the Global Order]. *Mezhdunarodnye processy*. 2004. 2(3). P. 4–17. (In Russian)
- Krupyanko M., Areshidze L. 2010. Yaponiya: ideologiya natsionalizma [Japan: ideology of nationalism]. *Istoriya i sovremennost'*. №. 2. P. 185–215. (In Russian)
- Kubyshkin A., Cvetkova N. 2013. *Publichnaya diplomatiya SShA*. [Public diplomacy of the USA]. Moscow: Aspekt Press. 271 p. (In Russian)
- Kupchinskij F. 1911. *Novaya Yaponiya* [New Japan]. Saint-Petersburg: Posev. 264 p. (In Russian)
- Leonard M., Stead C., Smewing C. 2002. *Public Diplomacy*. London: Foreign Policy Centre.

- Liven A. 2015. *Anatomiya amerikanskogo natsionalizma*. [Anatomy of American nationalism]. Moscow: Eksmo. 512 p. (In Russian)
- Lobanova D. 2017. Kontseptual'nye podkhody k opredeleniyu ponyatiya sily v mezhdunarodnykh otnosheniyakh [Conceptual approaches to Definition of Power in IR Theory]. *Mezhdunarodnye processy*. 15(2). P. 77–88. (In Russian)
- Manheim K. 1994. *Diagnoz nashego vremeni (sbornik)* [Diagnosis of our time (Edited Volume)]. Moscow: Yurist. 700 p. (In Russian)
- Meshcheryakov A. 2009. Otkrytie Yaponii i reforma yaponskogo tela (vtoraya polovina XIX – nachalo XX vv.) [The discovery of Japan and the reform of the Japanese body (second half of the 19th – early 20th centuries)]. *Novoe literaturnoe obozrenie*. №. 100. P. 246–265. (In Russian)
- Moskovichi S. 1996. *Vek tolp. Istoricheskij traktat po psikhologii mass*. [The age of crowds. Historical treatise on mass psychology]. Moscow. 478 p. (In Russian)
- Nolte E. 2006. *Die Weimarer Republik: Demokratie zwischen Lenin und Hitler*. Munchen: Herbig. 432 p.
- Nye J. 2004. *Soft Power. The Means to Success in World Politics*. New York: Public Affairs. 191 p.
- Nye J. 2006. Think Again: Soft Power. *Foreign Policy*.
- Parshin P. 2014. Dva ponimaniya “myagkoj sily”: Predposylki, korrelyaty i sledstviya [Two Understandings of Soft Power: Preconditions, Correlations and Consequences]. *Vestnik MGIMO-Universiteta*. 2. P. 14–21. (In Russian)
- Parsons T. 1951. *The Social System*. New York: The Free Press. 575 p.
- Pateman C. 1971. Political Culture, Political Structure and Political Change. *British Journal of Political Science*. 1(3). P. 291–305. <https://doi.org/10.1017/S0007123400009133>
- Pechatnov V. 2006. “Lyubov'-gorech” k Amerike [Bitter love for America]. *Mezhdunarodnye processy*. 4(1). P. 30–40. (In Russian)
- Petz M., Bunz A. 1995. *Gebaute Träume: Die Schlösser Ludwigs II. von Bayern*. Munchen: Hirmer. 305 p.
- Pochepcov G. 2003. *Informatsionno-politicheskie tekhnologii* [Information and political technologies]. Moscow: Centr. 381 p.
- Ratgen K. 1903. *Vozrozhdenie Yaponii* [The Revival Of Japan]. Saint Petersburg: A.V.Orlov press. 24 p. (In Russian)
- Shlesinger A. 1992. *Tsiky amerikanskoy istorii* [Cycles of American history]. Moscow: Progress. 688 p. (In Russian)
- Sorkin G. 1961. *Pervyy s"ezd narodov Vostoka*. [First Congress of the peoples of the East]. Moscow: Izdatelstvo vostochnoy literatury. 80 p. (In Russian)
- Spengler O. 1993. *Zakat Evropy. Ocherki morfologii mirovoj istorii*. [The Decline of the West. Essays on the morphology of world history]. Moscow.: Mysl'. 672 p. (In Russian)
- Sims R. 2001. *Japanese Political History since the Meiji Revolution, 1868–2000*. New York: Palgrave Macmillan. 395 p.
- Strohm H. 1997. *Die Gnosis und der Nationalsozialismus*. Frankfurt am Main: Suhrkamp. 292 p.
- Stunz H. 2007. Hitler und die Gleichschaltung der Bayreuther Festspiele. *Vierteljahrshefte für Zeitgeschichte*. 55(2). P. 237–268.
- Svas'yan K. 1993. Osval'd Shpengler i ego rekviev po Zapadu [Oswald Spengler and his Requiem for the West]. In Shpengler O. *Zakat Evropy. Ocherki morfologii mirovoj istorii*. M.: Mysl'. P. 3–151. (In Russian)
- Vasil'eva V. 2002. Problemy kul'turnoj identifikatsii yaponcev v epokhu Mejdzi (1868–1912) glazami evropejtssev [Problems of cultural identification of the Japanese in the Meiji era (1868–1912) through the eyes of Europeans]. *Izvestiya Vostochnogo instituta*. № 4. P. 49–63. (In Russian)

Vickers M. 1985. The Thunderbolt of Zeus: Yet More Fragments of the Pergamon Altar in the Arundel Collection. *American Journal of Archaeology*. 89(3). P. 516–519. <https://doi.org/10.2307/504367>

Vojnovich V. 2002. *Antisovetskij Sovetskij Soyuz* [Anti-Soviet Soviet Union]. Moscow: Masterik. 209 p. (In Russian)

Walker C., Ludwig J. 2017. *Sharp Power: Rising Authoritarian Influence in the Democratic World*. Washington D.C.: National Endowment for Democracy: International Forum for Democratic Studies. 124 p.

Weber M. 1978. *Selections in Translation*. Cambridge University Press. 410 p.

# Differentiated Regional (Dis)Integration Post Brexit<sup>1</sup>

Marina Strezhneva

IMEMO RAN

**Abstract.** The United Kingdom's exit from the European Union has resuscitated academic discussions on the topic of the certainty of the unfolding of disintegrative trends in the united Europe. Nevertheless, no general perception has emerged yet of how Brexit is likely to influence the organizational prospects and viability of European integration. In most cases, the conceptualizations do not escape the dichotomy between integration and disintegration as two extreme states in international relations. In fact, these are two processes that are complexly co-related. Each of them can include a wide array of structural arrangements, a certain differentiation dynamism, different levels of centralization in separate domains, as well as certain (variable) numbers of participants in distinct arrangements. In this article, we consider the meaning of Brexit as a condition of further European (dis)integration, based on Alexander Bogdanov's theory of organization. This theory allows us to reconsider the established renderings of such key notions as integration, disintegration and differentiation.

New insight is gained into the after-effects of prior Europeanization for the political system of the United Kingdom. The cases of the Economic and Monetary Union and the Northern Ireland Protocol receive separate treatment. The latter case presents a path-breaking design for differentiated integration with subnational region participation. Yet, to realize the potential of the Protocol in full, political will is needed from both London and Brussels.

On the most basic level, once this large country left the European Union, one could hardly imagine any of its remaining 27 members being able to block the further progressive development of European integration. At the same time, it has to be acknowledged that, in order to make headway in terms of integration, the EU system, rather than unification and centralization, is in need of intensive differentiation. Meanwhile, the supranational institutions, above all the European Commission, remain oriented towards uniform integration as a priority. This could lead to the EU integration policy becoming less effective.

**Keywords:** Brexit, European Union, integration, differentiation, differentiated integration, disintegration, Northern Ireland, Europeanization.

---

<sup>1</sup> English translation from the Russian text: Strezhneva M.V. 2022. Differentsirovannaya regional'naya (dez) integratsiya posle Breksita. *Vestnik MGIMO Universiteta [MGIMO Review of International Relations]*. 15(3). P. 39-60. <https://doi.org/10.24833/2071-8160-2022-3-84-39-60>



The movement towards European unity took off in Western Europe with the Schuman Plan in 1950 that proposed to create a grouping of six countries to pool together their coal and steel production. The founding fathers of regional integration expected the member states to make a series of predetermined commitments that would eventually lead to the formation of a supranational community. This initially effective formula stalled in the 1970s and 1980s, after the integration alliance was joined by countries that were far more reluctant to unify Europe than the original Six. Belgian Prime Minister Leo Tindemans warned back in 1975 that the interim goals of European economic integration, as previously laid out by the leaders of the enlarged association, would not be achieved by all member states at the same pace, but his warning was ignored at the time.<sup>2</sup> However, as the European Community expanded, a policy of legal differentiation or flexibility developed (Babynina 2012), fixing integration at different speeds. Differentiation became particularly widespread with the Maastricht Treaty of 1992: exceptions were made for a number of member states in areas such as monetary, social and defence policy, as well as justice and home affairs. The most important area for the application of flexible integration was the euro zone, which we will discuss in more detail below.

Brexit was a clear reminder to Brussels of the strain being placed on the European Union system, which, despite the differentiation, could trigger a disintegrative trend (Jones 2018). This precedent has required experts and practitioners to seriously rethink their previous conceptual approaches. The focus of this study is to assess the political and organizational transformations in the relationship between the European Union and its now former member state (the United Kingdom) from a theoretical perspective, which should contribute to such a rethinking.

The process of the United Kingdom's withdrawal from the European Union has prompted a flurry of publications on disintegration and differentiated integration (Vollaard 2018; Bickerton 2019; Rosamond 2019; Schimmelfennig, Winzen 2020; Ganzle, Leruth, Trondal 2021; Brunazzo 2022). Nevertheless, attitudes toward the hypothetical prospect of EU disintegration remain under-analysed, especially in European academic circles. Indeed, before the 2016 referendum, with few exceptions, the concept of disintegration had not been given much attention in scholarly debates, let alone among European decision-makers interested in preserving the status quo.<sup>3</sup> Classical theories of regional integration (neofunctionalism and liberal intergovernmentalism in particular) proved incapable of fully explaining the disintegrative moments that emerged (Webber 2019: 22, 39), and in universities, including those outside the European Union, European integration is largely being taught using the old standards.

<sup>2</sup> Tindemans L. European Union. Report by Mr. Leo Tindemans, Prime Minister of Belgium, to the European Council. Bulletin of the European Communities, Supplement i/76. (commonly called the Tindemans Report). (EU Other). 1976. P. 20–21. URL: <http://aei.pitt.edu/942/> (accessed: 18.06.2022).

<sup>3</sup> Philip Schmitter has repeatedly observed that any comprehensive theory of integration must potentially also serve as a theory of disintegration. His article, co-authored with Zoe Lefkofridi, attempted to apply neofunctionalism as an analytical framework for identifying conditions favouring or opposing the disintegrative process (Schmitter, Lefkofridi 2016).

With this in mind, this article is not about the United Kingdom's exit from the European Union as such. From a theoretical and institutional point of view, it examines the processes and institutional options of differentiated (dis)integration in the European Union, with Brexit serving as a useful case study to illustrate the benefits of taking the broadest possible conceptual view of the (dis)integrative dynamics developing within the EU system. It seems that focusing on the manifestations of differentiation in the European Union can deepen our understanding both of the political and organizational aspects of the integration process and of its functional aspects.

The political system of the European Union is in constant evolution, and the debate about its institutional structure is ongoing. For example, Brussels reacted to the European debt crisis of 2010–2012 in a very definite and fairly predictable way: namely, by creating new institutions and financial instruments and by taking austerity measures (Schwarzer 2013). At first glance, this appeared to be the latest success of regional integration (understood in the traditional sense), confirming that the United Kingdom's withdrawal adds new momentum to the integration process (Butorina 2020). However, given the direction of the decisions taken, it is hard not to see Brussels' usual focus on bureaucratic overregulation, which has always irritated London. Moreover, these decisions not only profoundly affected the sovereignty of member states, but also had serious socio-economic and political implications, including for the EU countries that remain outside the eurozone.

The theoretical basis of this study is the science of organization (tectology) by Alexander Bogdanov. This enables us to consider the ongoing political and institutional transformations in Europe from a systemic point of view. A tectological organizational analysis relies on the principle of emergence, i.e., it actualizes and develops Aristotle's idea of an organized whole capable of possessing qualities or behavioural traits (essence) that its parts do not possess separately. Emergence is defined as the development of new structures and properties in complex systems in the course of their self-organization.

In the third chapter of *Tectology*, devoted to basic organizational mechanisms, Bogdanov uses the terms “ingression” (connection, integration) and “desingression” (divergence, partial or complete). In the second case, we are dealing with a phenomenon similar to disintegration, ensuring the transition of a systemic complex to a new state (Nikonova 2019: 33). In other words, desingression implies an organizational crisis: the rupture of connection creates a tectological boundary where there is one whole, producing or facilitating the production of “separates.”

The sixth chapter of *Tectology* examines centralistic (egression) and deconcentrated, distributed skeletal (degression) organizational forms, the former concentrating the content being organized and the latter fixing it, which makes it no less necessary and useful. Egression (from the Latin “leaving the row”) is a system in which a highly organized complex (nucleus) is singled out, in relation to which all other complexes are considered peripheral. Degression (from the Latin “descending down”) is the formation of organizationally inferior complexes, which are distinguished by elaborately

organized plastic complexes. As Bogdanov points out, “both egression and degression are particular cases of asymmetric connection, that is, they lie entirely within the principle of systemic differentiation” (Bogdanov 2019: 429). Finally, like Niklas Luhmann, he interprets the formation of the whole from disparate parts in a functional way: as (dis)organization or progression towards a similar state (that is, a reflection of the real ability of a complicated systemic complex to withstand external and internal challenges better or worse than its elements, taken separately, and to show resistance<sup>4</sup> to them).

This theoretical approach permits viable decentralized integration or, conversely, disintegration due to (excessive) centralization. It must be said that for all the measures taken to further political centralization, the European Union has thus far in fact been more consistent with a degressive type of organization: the political systems of its member states are much more complex than the system of the European Union itself.

If we understand complete disintegration as a certain result, then with regard to the European Union it could mean hypothetically the legal or actual end of the European Union as an association endowed with an integrative meaning, the return of international politics in Europe to the pre-integration stage or the replacement of the European Union with some alternative system (institutionalized or informal). However, even if Brexit did help unleash disintegrative dynamics, there are still many reasons to expect it to be intercepted, reformatted, and modified in the complex multi-layered maze of the European Union’s institutional architecture.

### **The Concept and Practice of Differentiated (Dis)Integration**

The terms “integration” (formation of the whole from disparate parts) and “differentiation” (division of the whole into parts) are universal scientific categories used in systems analysis, which is the focus of Bogdanov’s theory of organization, but “the boundaries between integration and differentiation are blurred and fluid, their unity does not exclude the fact that at different moments one or the other process prevails in the system. At some period of time, some elements of the system disconnect in order to unite with others later and form its qualitatively new state” (Ignatova 2013: 6). In the European Union, regional integration is largely defined as a process of deepening cooperation among member states that are willing to submit to common rules and governance by the European institutions. According to this definition, disintegration includes any hypothetical deviation from the already achieved degree of similar integration, which, in principle, is supposed to develop only in one direction – towards greater centralization, towards a wider coverage of various areas of state policy and the accession of new members to the European Union.

<sup>4</sup> A dynamic property of organization that allows it to overcome stresses and difficulties in a constructive way.

Since the entry into force of the Treaty of Rome on the European Economic Community, the creation of an “ever closer union” has been enshrined as one of the fundamental principles of the European integration process. However, later on, some member states were allowed (at least temporarily) to depart from this principle, and they do not participate equally with others in certain areas of EU policy. This phenomenon is commonly referred to as differentiated integration. Thus, according to the European understanding of differentiated integration, a regional association will have its own organizational core, and the levels of centralization and territorial spread of the relevant European norms will vary. At the same time, Western authors tend to use the term “integration” as an antonym for differentiation, differentiated integration or flexible integration, which literally leaves no room for considering the disintegrative dynamics *per se*.

Kenneth Waltz’s structural realism is a school of thought that insists on a peculiar understanding of the causes of probable disintegration (Waltz 1979). In his explanatory scheme, interstate cooperation (especially as intensive as in the European Union) is considered almost doomed to periodic failures and crises due to the principle of relative gains: even if many states see cooperation as a rational choice for a certain period of time, and they all benefit from it, their gains will be unequal. According to Waltz, clusters of states are able to stick together only under the influence of the structuring rules of geopolitics (such as the Cold War) or when there is a common enemy. Alexander Bogdanov’s theory allows for a more nuanced, dynamic picture of organizational changes in such a highly differentiated integration complex as the European Union, based on the concepts of “ingression,” “desingression” and “tectological boundary” that he introduced.

*Tectology* (Bogdanov 2019: 203) says: “Depending on the new ingression and desingression, there are changes in the structure of complexes in interaction: partial or radical, in the form of deformations or crises, development, degradation, destruction.” Ingression provides a link between two or more complexes. Complete desingression means the disintegration of the previous system, the formation of (tectological) boundaries between its parts, which produces new separates from the previously given system. Yet it is also possible that the tectological boundary between two or more complexes is broken, enabling them to form some new system. Bogdanov emphasizes that when the tectological boundary between them is broken, the two complexes cease to be separates and form a new system with further transformations, leading to the emergence of ingressive links and desingressions, partial or complete, external or internal. It should also be mentioned that, according to Bogdanov, the transformation of the organizational form of the system can be accompanied by the destruction of existing links between elements, the emergence of new links, the disappearance of some links, and the appearance of others, as we observed in the case of Brexit.

Turning to the definition of differentiation, it should be pointed out that it can be territorial, functional, social, economic or political. For example, Luhmann interprets differentiation in a functional way: it ensures the maintenance of the system’s identity

in the face of external challenges (Luhmann 2006). Meanwhile, in the terminology still used in the study of European integration, differentiation is often interpreted narrowly as an opportunity granted by agreement to individual states involved in a regional integration complex or associated with it to have or receive fewer rights and/or obligations in certain areas of EU policy. In this perspective, the distinction between territorial and functional integration is obscured in a way that is not quite correct.

Speaking of differentiated integration, we necessarily prioritize the strategies by which the European ruling class tries to reconcile the diversity of demands of the member states with the common plans to further develop the European Union. It turns out, then, that this is not some dubious forced decision, but rather a natural manifestation of regional integration, a generally predictable result of the expansion of the European Union's competencies, and the heterogeneity of the integrating space (Svendsen, Adler-Nissen 2019). Essentially, differentiation in sociological systems theory, as well as in Bogdanov's theory, leads to a multiplication of subsystems in modern society, reflecting its increasing complexity. Variability increases in the system, which allows it to respond flexibly to challenges, but also places greater demands on the subjective factors of political governance. Therefore, it is politically relevant and analytically adequate to consider possible (dis)integration as a process with an undetermined result for its participants and initiators.

Two main directions of differentiation are usually distinguished (Schimmelfennig et al. 2015: 765): in terms of centralization/decentralization (vertical differentiation), and in terms of differences in territorial distribution (horizontal differentiation, which, as is most often specified, can be considered internal or external to the European Union). With vertical differentiation, individual policy areas are integrated in the European Union at different speeds and reach different levels of centralization over time, suggesting that deep structural asymmetries persist in the European governance system. Horizontal differentiation (spatial asymmetry) occurs because, as mentioned above, many member states do not participate in all European policies, while some non-EU member states, by contrast, formally participate in some European policies.

We should make a reservation that, from the point of view of the theory of organization, there is a tectological gap in the latter case, by virtue of which the space where the norms of the European Union apply extends beyond the territory of the European Union *per se*. Therefore, it would be more logical to consider this situation not from within the European Union, but each time bearing in mind the precise contours of the newly emerging systemic complex: after all, we are talking about the European single market within the territorial boundaries extending beyond the European Union and its governance system, which demonstrates asymmetry in the sense that only full EU members participate in the drafting and adoption of relevant legal rules, but all participants in the European single market, including third countries admitted to it by preference, must comply with these norms.

Let us make it clear that the EU agreements with third countries demonstrate two approaches in terms of their perception of European law: static and dynamic. In the first case, a limited portion of European law is absorbed by the third country the moment an accession agreement enters into force, or by arrangement with the European Union (for example, the Association Agreement between Turkey and the European Economic Community, which entered into force at the end of 1964). In the second case, the reception of new or amended European legal norms is automatic, but institutional mechanisms are introduced to ensure that third countries have little say in the process of their adoption (Gstohl, Phinnemore 2019).

The 2020 EU–UK Trade and Cooperation Agreement is not the only example of a dynamic solution, as the 1994 Agreement on the European Economic Area (EEA) linking the European Union and the three countries of the European Free Trade Association – Iceland, Liechtenstein and Norway – into a single systemic complex is evidence of the same. These countries perceive the rules of the European single market through their permanent incorporation into this agreement. It also includes provisions that require the European Union to consult with “external” EEA countries when drafting its market legislation.

#### Economic and Monetary Union

From an organizational point of view, the Economic and Monetary Union (EMU) includes three closely interrelated components (economic blocs). They differ in the degree of vertical differentiation ensured: (1) macroeconomic policy remains formally in the hands of national governments but is subject to a set of common European rules; (2) budgetary policy at both the European and national levels (national budgetary policy in the European Union are linked together by common targets, standards and control checks as part of multilevel surveillance); and (3) monetary policy in the euro area, which was entrusted to the supranational European Central Bank (ECB). Vertical differentiation is exacerbated by the fact that the Maastricht Treaty provides for creating the EMU in three stages, which the member states did not join in a uniform manner. The third (final) stage – the actual transition to a single supranational currency – has gained key importance. To date, 19 countries have adopted the single currency, and it is for them that the Eurogroup was set up, i.e., the formation of the EU Council of Ministers with limited membership, whose political influence far exceeds its lowly legal status.

The transition to the third EMU stage revealed, in addition, potential differences between “objective” (based on economic indicators) and “subjective” (based on the political desire of individual countries without economic contraindications) horizontal differentiation, that is, between countries that have not yet reached the economic criteria of maturity and stability required to switch to a single currency, and those (the United Kingdom and Denmark, concerned about preserving their autonomy and national identity, which primarily predetermined their unwillingness to part with their



national currency,<sup>5</sup> and later also Sweden) that have gained an opportunity to do so in the future, while the corresponding obligation with the stipulated deadlines was not imposed on them.<sup>6</sup> In addition to the organizational diversity described above, some of the non-Eurozone countries subsequently decided to join the Fiscal Compact,<sup>7</sup> while others, including the United Kingdom, chose not to.

The refusal to switch to the euro had a favorable effect on the growth rates of the UK economy during its membership in the European Union (Burk, Leuffen 2019: 1399, 1402; Mazumder, Pahl 2013). However, the institutional separation of the eurozone in the context of the European debt crisis, which started in 2010, had unpleasant political implications for London. In November 2011, French President Nicolas Sarkozy outlined how, in his view, differentiated integration could further strengthen the European Union: “In the end, clearly, there will be two European gears: one gear towards more integration in the euro zone and a gear that is more confederal.”<sup>8</sup> In his desire to finally federalize the integration association, at least within a limited range of member states, the French President was supported by German Chancellor Angela Merkel, who had previously doubted the feasibility of such a means to promote deeper integration. London now has reason to conclude that the largest countries on the continent, unwilling to embark on another intergovernmental conference on revising the founding treaties (where, as before, the United Kingdom could use a veto to block unwanted institutional reforms) are ready to refocus the European Union’s institutional system, almost in emergency mode, on the primary protection and viability of the eurozone.

Since Margaret Thatcher, London’s priority on the European agenda has been the European single market (Kaveshnikov 2018: 26). For the United Kingdom, the new turn meant the prospect of losing its former position in the economic governance system of the integration association, which the country had previously held by right as one of the largest EU economies. The British government did not have enough resources to quickly propose its own (alternative) project of decentralized integration development along the lines of differentiation.

<sup>5</sup> These countries, which have always had a high level of public Euroscepticism, joined the integration association mainly for economic reasons, attracted by the power of its regional market. Similarly, countries such as the Czech Republic, Hungary and Poland, which were not allowed to join the euro when they first joined the European Union, are now in no hurry to adopt the supranational currency.

<sup>6</sup> In view of the unanimity rule at intergovernmental conferences, this concession was the only opportunity to obtain the agreement of the two countries on the revision of the fundamental treaties. In particular, all other EU countries agreed that the United Kingdom was not obliged to move to the third stage of the EMU until its national representative institutions decided to do so.

<sup>7</sup> The intergovernmental Treaty on Stability, Coordination and Governance of 2013.

<sup>8</sup> Nicolas Sarkozy defend l’idée d’une Europe à deux vitesses. [“Nicolas Sarkozy Defends the Idea of a Two-Speed Europe”]. *Reuters*. November 8. 2011. URL: <https://www.reuters.com/article/union-francesarkozy-idFRL6E7M83K920111108> (accessed: 18.06.2022).

In his Bloomberg speech, then-British Prime Minister David Cameron spoke out against another transfer of powers to the supranational level (i.e., against further vertical integration), essentially announcing a future national referendum on the country's membership in the European Union.<sup>9</sup> He clearly voiced fears that the initiative of the continental core of the eurozone would have a negative impact on those member states that were not part of it: "And those of us outside the Eurozone also need certain safeguards to ensure, for example, that our access to the Single Market is not in any way compromised." Although the British government had no intention at the time of relinquishing its membership in the European Union, its non-participation in the eurozone in itself has had important institutional consequences over time, denting its status as one of the leading states of the Union.

It is clear that a number of basic treaty provisions concerning the EMU did not initially apply to the United Kingdom, which, for economic and political reasons, did not want to switch to the euro. In matters directly affecting the eurozone, London's voice did not matter much. By participating in the European coordination of national economic and fiscal policies, the United Kingdom could in principle be subjected to an excessive deficit procedure (Turkina 2017), although the European institutions would not have had the right, even while the country remained in the European Union, to sanction it by forcing it to follow certain recommendations. London was not initially involved in the management of the ECB, either. The Governor of the Bank of England only participated in the meetings of the General Council of the ECB, a body with limited powers that had nothing to do with ECB decisions on lending rates or the redemption of government bonds.

As mentioned above, the United Kingdom has not signed the Fiscal Compact supplementing national rules on national fiscal policy, nor has it taken part in the European Stability Mechanism or joined the Banking Union, which brings together mechanisms for banking supervision and the financial recovery of credit institutions in the eurozone. In addition, London has not signed an agreement to pool national contributions into the Single Resolution Fund. It is also worth bearing in mind that the country did not join the Schengen regime and was exempted from the Charter of Fundamental Rights of the European Union and certain provisions of the rules concerning internal affairs and justice. Through all of these decisions, the United Kingdom has distanced itself from participation in the broad practice of European governance, which is now focused on saving and ensuring the viability of the eurozone, leading to the relative marginalization of its European position.

Despite the many exceptions and exemptions that London had obtained, between November 2015 and February 2016, David Cameron negotiated a reshaping of the country's relationship with the European Union, which assumed (in his view) that

---

<sup>9</sup> Cameron D. EU Speech at Bloomberg. UK Government site *Gov.uk*. January 23, 2013. URL: <https://www.gov.uk/government/speeches/eu-speech-at-bloomberg> (accessed: 18.06.2022).

London would gain an additional level of differentiated (dis)integration in the integration system: the United Kingdom sought new special conditions for itself without leaving the Union, while also believing that it could limit the development of centralist tendencies in the Union without actually participating in it. As a result of these negotiations, the parties managed to reach certain, not particularly intelligible, agreements, which were not subsequently implemented as they absolutely did not satisfy the British Eurosceptics and could not serve as a compelling argument to persuade the British voters to support the prospect of further EU membership in the 2016 referendum.

In the area of economic governance, the British government led by David Cameron proposed in talks with the European Union to introduce treaty guarantees against the negative effects of policies in the eurozone for the states outside it. However, Brussels rejected the possibility of a British veto against decisions on the Banking Union and the eurozone, unintimidated by the prospect of a referendum, which had already been formally announced by that time. Thus, London sought “only” to distance itself from the economic problems of the eurozone provoked by the global economic crisis of 2008–2009. Its goal was to achieve a new state of internal differentiated (dis)integration within the European Union, which it has failed to achieve.

### **The Role of the European Commission**

The supranational institutions (the European Commission, the ECB, and the European Parliament) focus, as a political priority, on unified integration through centralization. Given their structure and the specifics of their functioning, it is rather difficult for them to adapt to systemic differentiation. In particular, the European Commission is not interested in greater differentiation in the European Union’s political organization, since differentiation promotes the more active involvement of national governments in the governance process, thereby strengthening intergovernmental tendencies in the European Union (after the Maastricht Treaty came into force and especially after the global financial crisis of 2008, intergovernmental coordination became the main method of political and organizational decision-making within the European Union, sidelining the supranational institutions).

Deprived of its leading position in institution-building, the Commission still plays an important role in the economic governance of the eurozone and the European Union as a whole, pursuing common goals and necessarily (under the influence of general circumstances unfavourable to the centralist trend) supporting plans for deeper integration through differentiation, which were advocated by France and Germany in the first place.

For example, the European Commission's 2017 White Paper on the Future of Europe mentions several possible scenarios for differentiated (dis)integration.<sup>10</sup> A scenario based on the idea of increasing integration at different speeds (under the slogan "those who want more do more") received particular support from French President Emmanuel Macron and German Chancellor Angela Merkel, as well as positive feedback from then-President of the European Commission Jean-Claude Juncker. The "laggards" would be unable to thwart the advance of the vanguard. Since London's withdrawal, this scenario has been particularly resisted by the Visegrad countries (Poland, the Czech Republic, Slovakia, and Hungary), which are not interested in forming a vanguard without their own participation. While the European Council has overcome the challenge to the existence of the European Union that Brexit posed, reform is again stuck in a stalemate, since a consensus is still required to make decisions on institutional changes (except in extreme situations).

### (De)Europeanization

The United Kingdom left the European Union on January 31, 2020. Over the decades of its membership, due to the transfer of legislative powers from national to supranational institutions, the two have become closely interdependent in procedural and regulatory matters. The national parliament (Westminster) ceded a share of its legislative sovereignty to the European "centre." The procedural, political and legal Europeanization of Westminster was thereby enshrined in practice, recognized in the Constitution of the United Kingdom and in national court decisions.

Turning now to the discussion of Europeanization, the author focuses on the definition of this phenomenon as a set of "processes of (a) construction, (b) diffusion and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and norms which are first defined and consolidated in the making of EU public policy and politics and then incorporated in the logic of domestic discourse, identities, political structures and public policies" (Radaelli 2001: 108). Should we not, then, expect the reverse process in the present circumstances, meaning an imminent de-Europeanization of British law and politics? A growing body of specialist literature on de-Europeanization now seeks to capture the essence of the changing dynamics on the UK domestic political scene, seeing behind it the desire of the national ruling class to shed elements of the former Europeanization.

The main feature of the concept of "de-Europeanization," then, is that the scholars who use it consider de-Europeanization to be deliberate and consciously pursuing the goal of reversing the processes of Europeanization (Copeland 2016; Babynina 2020).

---

<sup>10</sup> White Paper on the Future of Europe. Reflections and Scenarios for the EU by 2025. 2017. *European Commission official site*. URL: [https://ec.europa.eu/info/sites/default/files/white\\_paper\\_on\\_the\\_future\\_of\\_europe\\_en.pdf](https://ec.europa.eu/info/sites/default/files/white_paper_on_the_future_of_europe_en.pdf) (accessed: 18.06.2022).

But even the course of de-Europeanization of the national political system and its institutions, which is persistently pursued by the Eurosceptic government in London, would necessarily take a long time, if it takes place at all, especially since it will be strongly resisted by parliament, defending the interests of that part of society that did not want to “divorce” the European Union. In this connection, it is important to look at two decisions of the Supreme Court of the United Kingdom.<sup>11</sup> The Court affirmed that Parliament had a constitutional responsibility to supervise the executive branch in the country, which the government has no right to suppress (Strezhneva, Moiseeva 2021: 362–364).

Besides, in principle, the organizational result of Brexit does not cut off the ties between the United Kingdom and the European Union completely,<sup>12</sup> and some form of backwards Europeanization cannot be completely ruled out. The high degree of economic interdependence between them, as well as the scale and influence of the European Union’s integrated markets, continue to exert considerable pressure (demonstrating the power of regulatory gravity) to ensure that London maintains a long-term focus on European regulatory standards in order, among other things, to uphold its own global economic position going forward.

#### Northern Ireland

Greenland, part of the Kingdom of Denmark, left the European Communities in 1985. In a referendum held on the island three years earlier, 53% of its residents, mainly concerned about protecting fishing rights, voted to leave. While Greenland, a territory within a member state, withdrew from the Union and thus became one of the European Union’s special territories, the situation with the United Kingdom and Brexit was the exact opposite: the state withdrew from the Union, while one of its provinces continues to be subject to European law in accordance with the Northern Ireland Protocol, which is included in the “divorce” agreement as an annex (Vilkova 2018). Since 2009, Greenland, while still part of Denmark, has enjoyed self-governance. The British political class hardly wants something similar to happen in Northern Ireland, but its close ties to the rest of the United Kingdom give reason to hope otherwise.

The opponents to the Protocol in the ranks of the British Conservative Party, as well as the unionists in Northern Ireland, believe that the terms of the document pose dangerous risks, up to and including undermining the political and constitutional in-

<sup>11</sup> In January 2017, Theresa May’s credentials as Prime Minister were successfully challenged in the UK Supreme Court in notifying Brussels of London’s intention to withdraw from the European Union under Article 50 of the Treaty on European Union without a relevant Act of Parliament. See: UK Supreme Court ([2017] UKSC 5) (24 Jan.). URL: <https://www.supremecourt.uk/cases/docs/uksc-2016-0196-judgment.pdf> (accessed: 18.06.2022). Then, in September 2019, the Court unequivocally objected to Prime Minister Boris Johnson’s attempt to curtail the role of the House of Commons in determining the terms of the “divorce” from the European Union. See: UK Supreme Court ([2019] UKSC 41) (24 Sept.). URL: <https://www.supremecourt.uk/cases/docs/uksc-2019-0192-judgment.pdf> (accessed: 18.06.2022).

<sup>12</sup> The EU–UK Trade and Cooperation Agreement was signed on December 30, 2020. In its scope, it goes beyond the boundaries of a traditional trade agreement, providing for preferential reciprocal trade in a wide range of areas and contains provisions aimed at ensuring a “level playing field” in economic cooperation.

tegrity of the United Kingdom. The Democratic Unionist Party (DUP) refused to enter the Northern Ireland Executive, which was reshuffled following the results of the election to the Northern Ireland Assembly (Stormont) on May 5, 2022, unless the Protocol is repealed or at least revised. In contrast, the Sinn Féin Irish nationalist party (which scored the highest number of votes in the election), as well as the Northern Irish Social Democrats, the Labour Party, and the Alliance Party of Northern Ireland, all support it.

The 499-kilometre-long border between the Republic of Ireland and Northern Ireland is the only land border separating the European Union from the United Kingdom. The introduction of Brexit-related border controls on the border would have dire consequences for the peace process in Northern Ireland, threatening the sustainability of the Good Friday Agreement of 1998, which provided a political solution to years of bitter armed conflict. This agreement was signed in the context of membership in the European Communities of both the Republic of Ireland and the United Kingdom, which guaranteed a growing degree of openness and cooperation between the parties. If Northern Ireland were to leave the European Union as part of the United Kingdom and leave the European single market, Irish nationalists would be entrenched in the view that achieving Irish unity remains the only way to restore the region's ties with Europe (which were severed by Brexit), promote Irish economic growth, and consolidate the peace process.

The agreements reached between London and Brussels prevented the need for such a hard border. Under the Northern Ireland Protocol, Northern Ireland must follow EU customs rules and the European single market rules, including those related to production standards, food safety measures, and permissible government subsidies. Meanwhile, the version of the agreement previously negotiated with Brussels by former Prime Minister Theresa May envisioned something else, namely a “backstop” mechanism whereby the entire United Kingdom, having lost its membership rights, would remain in the customs union with the European Union for an indefinite period of time. May's successor Boris Johnson regarded this option (which the House of Commons had blocked three times) as not securing the country's exit from the European Union in accordance with the results of the popular vote. Since the United Kingdom, minus Northern Ireland, is free to set its own customs and regulatory rules, there is a need for checking and controlling goods that cross the resulting tectological “border” between the United Kingdom and Northern Ireland, which has created a material barrier to trade in the Irish Sea. The stability of such a design under the terms of the Protocol hinges on Stormont's willingness to support it.

As a result, Northern Ireland, while remaining part of the United Kingdom's customs territory, is at the same time subject to European regulatory rules. If goods crossing the “border” from the United Kingdom to Northern Ireland along the Irish Sea do not have documents proving that they are destined for Northern Ireland, they are subject to customs duties. Northern Ireland is therefore placed in the position of an ingressive link between the United Kingdom, which has left the European Union, and the European Union itself.



Stormont will have to periodically confirm its consent to the extension of the trade frontier in the Irish Sea from December 2024 onwards. The details of Stormont's decision-making process on this matter have been established by the British government.<sup>13</sup> According to the results of the above-mentioned election to Stormont in May 2022, the majority of its 90 deputies supporter the Protocol (54 vs. 36).

What we have here is a highly original organizational compromise between the need for border checks on flows from a third country and compliance with the Good Friday Agreement of 1998 as a result of the United Kingdom's decision to withdraw from the European single market and the EU customs union. This solution, like all other hypothetical Brexit outcomes, remains suboptimal from the perspective of Northern Ireland's interests. Its supporters emphasize that this is not only a good alternative to building a hard border in Ireland, but also a new opportunity for Northern Irish firms, which will be able to gain access to both the European and British markets thanks to the dual status of Northern Ireland, attracting investment to a region that has long lacked it. Meanwhile, the Protestant community may see the "border" in the Irish Sea not only as an obstacle to the preservation of the territorial integrity of the United Kingdom, but even as a threat to its own identity.

However, the Northern Ireland Protocol also looks unusual from the perspective of the European Union. Its external trade border here is located inside the territory of a country that is no longer a member state of the European Union – after all, customs and phytosanitary inspections in the Irish Sea are a means of controlling the flow of goods to the European internal market, and London itself does not actually need them. The European Union lacks convincing authority to enforce its rules and conduct inspections in its own interest on British territory. Their implementation is entirely the responsibility of the British side. Despite the militant rhetoric and even radical moves by Prime Minister Boris Johnson and Foreign Secretary Liz Truss,<sup>14</sup> the United Kingdom is unlikely to actually break the Northern Ireland Protocol, on which the future of London's relationship with Brussels largely depends. Since the United Kingdom would be in violation of international law, something that a group of moderate conservatives in the House of Commons and the House of Lords are against, it is unlikely that the Northern Ireland Protocol Bill announced by Liz Truss would eventually become law. In any case, its consideration in Parliament could take up to a year and a half, dur-

<sup>13</sup> Declaration by Her Majesty's Government of the United Kingdom of Great Britain and Northern Ireland concerning the Operation of the "Democratic Consent in Northern Ireland" Provision of the Protocol on Ireland/Northern Ireland. UK government official site. URL: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/840657/Declaration\\_by\\_Her\\_Majesty\\_s\\_Government\\_of\\_the\\_United\\_Kingdom\\_of\\_Great\\_Britain\\_and\\_Northern\\_Ireland\\_concerning\\_the\\_operation\\_of\\_the\\_\\_Democratic\\_consent\\_in\\_Northern\\_Ireland\\_\\_provision\\_of\\_the\\_Protocol\\_on\\_Ireland\\_Northern\\_Ireland.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/840657/Declaration_by_Her_Majesty_s_Government_of_the_United_Kingdom_of_Great_Britain_and_Northern_Ireland_concerning_the_operation_of_the__Democratic_consent_in_Northern_Ireland__provision_of_the_Protocol_on_Ireland_Northern_Ireland.pdf) (accessed: 18.06.2022).

<sup>14</sup> On June 13, 2022, Truss introduced a bill (The Northern Ireland Protocol Bill, URL: <https://bills.parliament.uk/bills/3182> (accessed: 18.06.2022)) that risks provoking a trade war between the United Kingdom and the European Union. The bill unilaterally amends the Northern Ireland Protocol, which is part of the international treaty between the United Kingdom and the European Union, and the latter has explicitly expressed its opposition to it.

ing which time the internal political situation could change more than once. For a conservative government which is rapidly losing its popularity, including among its own partisans, this looks more like a bluff, an attempt to simultaneously please the Eurosceptic conservatives and the DUP and get concessions from Brussels to implement the Protocol, which could be touted inside the country as a diplomatic victory. At the same time, London's repeated threats to take action that would sever the signed "divorce" agreements demonstrate the continuing fragility of the UK–EU relationship "constrained" by the Northern Ireland Protocol.

Under the Protocol, Brussels is obliged to inform London of any legal acts planned by the Union within the scope of the Protocol. But where such acts amend the EU regulations and directives listed in the Protocol, they are subject to automatic updating and application within Northern Ireland, and London cannot block the decision-making process – although it is responsible for their implementation. For its part, Brussels is obliged to inform London of the new European acts well in advance of their adoption, and the EU–UK Joint Committee should have a meaningful exchange of views between the parties, not purely formal, as is often the case, on their implications for the implementation of the Protocol.

The Northern Ireland Protocol has created a unique (truly emergent) situation, one that is not reducible to the properties or capabilities of the British or European systems of governance taken separately. Thus, the European Union has the legal right, much to the annoyance of the United Kingdom, to demand that the Northern Ireland Protocol be duly observed, but no right to ensure that all the necessary checks are carried out on the spot. For its part, London has the right to adopt any national regulations regardless of what Brussels may think about them, but the discrepancy between national and European regulations is not beneficial to London itself, since it would undermine the unity of its internal market, as long as European regulations are still in force in Northern Ireland. To keep Northern Ireland part of the United Kingdom, this should not be allowed.

Ultimately, the nature and extent of checks and controls on the "border" in the Irish Sea will largely depend on the extent to which London decides to deviate from Brussels in terms of regulatory rules. The content of the Protocol may have reflected the parties' ability to show flexibility and imagination, but the same qualities are now consistently required of both parties for its successful implementation, which is now decidedly not the case.

\* \* \*

This article analyses the prospects for institutional differentiation in the space of European integration in the wake of Britain's exit from the European Union. The conceptualization of institutional aspects of regional (dis)integration and differentiation was clarified based on the tectology concept of Alexander Bogdanov. It has been established that in analysing (dis)integration processes, Bogdanov's systemic approach described in his theory of organization requires, first of all, that we determine the

(dis)integration of the systemic complex we are talking about in each individual case. Depending on the answer to this necessary preliminary question in connection with Brexit, we can observe today: (1) differentiated integration in systemic complexes uniting the European Union and third countries that have contractual relations with it, defining for them specific conditions of privileged access to the European single market; (2) partial (internal) desingression of the United Kingdom in the Irish Sea, providing special conditions of access to the European single market for Northern Ireland; (3) the United Kingdom's ingressive link with the European Union, working to strengthen their relatively weak form of integration in the face of mutual mistrust, which has only exacerbated after Brexit; and (4) differentiated disintegration of the European Union as a separate systemic complex that has been deserted by one of its member states.

Brexit is a unique case of the horizontal disintegration within the European Union. At the same time, Brussels took a very tough political stance on London during and after the trade talks, strongly signaling that the gains of differentiated integration with the European Union should only go to those countries that are willing to obey its key rules, and that deviations from them would be costly.

As for the future of European integration, it is well known that various organizational forms and variants of differentiated integration (from the possibility for individual member states not to participate in certain areas of EU policy to association with some areas of its policy for individual countries that are not EU members). For this reason, both a return to the idea of a Europe of nations and the move towards an EU-based federation with European-level institutions holding key powers look equally unlikely in the foreseeable future. The issue for Brussels is rather to avoid such variants of (subjective) differentiation in the EMU moving forward, which, as in case of the United Kingdom, will provoke the emergence of pathological desingressions with unpredictable consequences.

It should be recognized that, in principle, differentiated integration poses a serious challenge to the idea of an ever-closer union, still spelled out in the treaty framework of European integration. This idea requires a considerable measure of institutional ingenuity and unconventional approaches for its realization, while also raising doubts over the limits of the legitimacy of European supranational institutions.

#### **About the Author:**

**Marina V. Strezhneva** - Dr. of Science (Political Science), Professor, Principal Researcher in International Relations. Primakov National Research Institute of World Economy and International Relations, Russian Academy of Sciences (IMEMO), 23, Profsoyuznaya Str., Moscow, 117997, Russian Federation.  
Email: m.strezhneva@imemo.ru

#### **Conflict of interests:**

The author declares the absence of any conflicts of interests.

### Acknowledgements:

This work was supported by a grant from the Ministry of Science and Higher Education of the Russian Federation programme for research projects in priority areas of scientific and technological development (Agreement No 075-15-2020-783), project title "The Post-Crisis World Order: Challenges and Technologies, Competition and Cooperation."

### References:

- Bickerton C. 2019. The Limits of Differentiation: Capitalist Diversity and Labour Mobility as Drivers of Brexit. *Comparative European Politics*. 17(2). P. 231-245. DOI: 10.1057/s41295-019-00160-x
- Brunazzo M. 2022. The Politics of EU Differentiated Integration: Between Crises and Dilemmas. *The International Spectator*. 57(1). P. 18-34. DOI: 10.1080/03932729.2022.2014103
- Burk M., Leuffen D. 2019. On the Methodology of Studying Differentiated (Dis)integration: Or How the Potential Outcome Framework Can Contribute to Evaluating the Costs and Benefits of Opting In or Out. *Journal of Common Market Studies*. 57(6). P. 1395-1406. DOI: 10.1111/jcms.12958
- Copeland P. 2016. Europeanization and de-Europeanization in UK Employment Policy: Changing Governments and Shifting Agendas. *Public Administration*. 94(4). P. 1124-1139. DOI: 10.1111/padm.2016.94.issue-4
- Ganzle S., Leruth B., Trondal J., eds. 2021. *Differentiated Integration and Disintegration in a Post-Brexit Era*. London and New York: Routledge. 276 p.
- Gstohl S., Phinnemore D., eds. 2019. The Proliferation of Privileged Partnerships between the European Union and its Neighbours. *London: Routledge*. 224 p.
- Jones E. 2018. Towards a Theory of Disintegration. *Journal of European Public Policy*. 25(3). P. 440-451. DOI: 10.1080/13501763.2017.1411381
- Mazumder S., Pahl R.M. 2013. What if the UK Had Joined the Euro in 1999? *Open Economies Review*. 24(3). P. 447-470. DOI: 10.1007/s11079-012-9245-5
- Radaelli C. 2001. The Domestic Impact of European Public Policy: Notes on Concepts, Methods and the Challenge of Empirical Research. *Politique Européenne*. №5. P. 107-142.
- Rosamond B. 2019. Theorising the EU in Crisis: de-Europeanisation as Disintegration. *Global Discourse: An interdisciplinary journal of current affairs*. 9(1). P. 31-44. DOI: 10.1332/204378918X1545393450591
- Schimmelfennig F., Leuffen D., Rittberger B. 2015. The European Union as a system of differentiated integration: interdependence, politicization and differentiation. *Journal of European Public Policy*. 22(6). P. 764-782. DOI: 10.1080/13501763.2015.1020835. URL: <https://samuelbhfauredot-com.files.wordpress.com/2019/09/schimmelfennig-and-alii-2015.pdf> (accessed June 18, 2022)
- Schimmelfennig F., Winzen T. 2020. *Ever Looser Union? Differentiated European Integration*. Oxford: Oxford University Press. 256 p.
- Schmitter P., Lefkofridi Z. 2016. Neo-Functionalism as a Theory of Disintegration. *Chinese Political Science Review*. 1(1). P. 1-29. DOI: 10.1007/S41111-016-0012-4
- Schwarzer D. 2013. The Euro Area Crises, Shifting Power Relations and Institutional Change in the European Union. *Global Policy*. Vol. 3. Supplement 1. P. 28-41. DOI: 10.1111/17585899.12013. URL: <https://onlinelibrary.wiley.com/doi/full/10.1111/1758-5899.12013> (accessed: 18.06.2022)
- Strezhneva M., Moiseeva D. 2021. Parliamentarisation of Brexit: Legitimation Games in the Process of Regional Disintegration. *Parliaments, Estates and Representation*. 41(3). P. 353-370. DOI: 10.1080/02606755.2021.1955569
- Svendsen O., Adler-Nissen R. 2019. Differentiated (Dis)integration in Practice: The Diplomacy of Brexit and the Low Politics of High Politics. *Journal of Common Market Studies*. 57(6). P. 1419-1430. DOI: 10.1111/jcms.12960

- Vollaard H. 2018 *European Disintegration - A Search for Explanations*. Basingstoke: Palgrave Macmillan. 278 p.
- Waltz K. *Theory of International Politics*. 1979. Reading (MA), Addison-Wesley Publishing Company. 249 p.
- Wachowiak J., Zleeg F. 2022. Brexit and the Trade and Cooperation Agreement: Implications for Internal and External EU Differentiation. *The International Spectator*. 57(1). P 142-159. DOI: 10.1080/03932729.2022.2030604
- Webber D. 2019. European Disintegration? The Politics of Crisis in the European Union *London: Red Globe Press*. 278 p.
- Babynina L.O. 2012. *Gibkaya integraciya v Evropejskom Soyuze: teoriya i praktika primeneniya* [Flexible Integration in the European Union: Theory and Implementation Practice]. Moscow: URSS. 302 p. (In Russian)
- Babynina L.O. 2020. Deevropeizaciya ili demontazh: kak budut stroit'sya otnosheniya ES i Velikobritanii [De-Europeanization or Dismantling: Prospects of the EU-UK Relations]. *Sovremennaya Evropa*. №3. P 5-15. DOI: 10.15211/soveurope320200515 (In Russian)
- Bogdanov A.A. 2019. *Tektologiya: Vseobshchaya organizacionnaya nauka* [Tektology: The General Science of Organization]. Moscow: LENAND. 680 p. (In Russian)
- Butorina O.V. 2020. Suzhenie Evropejskogo soyuza i potencial integracii [Contraction of the European Union and Integration Potential]. *Vestnik Rossijskoj Akademii Nauk*. 90(11). P 1058-1066. DOI: 10.31857/S0869587320110043 (In Russian)
- Ivanova I.K. 2019. Constitutional Rationales for the United Kingdom's Exit from the European Union. *Trudy Instituta gosudarstva i prava RAN — Proceedings of the Institute of State and Law of the RAS*. 14(3). P 167-186. DOI: 10.35427/2073-4522-2019-14-3-ivanova (In Russian)
- Ignatova VA. 2012. Integraciya i differenciaciya kak universal'nye kategorii nauki i ih otrazhenie v teorii i praktike estestvenno-nauchnogo obrazovaniya [Integration and Differentiation as Universal Scientific Categories and Their Reflection in Theory and Practice of Education in Natural Sciences]. *Obrazovanie i nauka*. 2(101). P 3-17 (In Russian).
- Kaveshnikov N.Yu. 2018. Velikobritaniya i Evropejskij soyuz: dolgaya istoriya razvoda. Stat'ya 2. Slozhnyj partnyor [United Kingdom and European Union: A Long History of Divorce Part 2. Awkward partner]. *Sovremennaya Evropa*. №6. P 18-29. DOI: 10.15211/soveurope620181829 (In Russian)
- Luhman N. 2006. *Differenciaciya* [Differentiation]. Moscow: "Logos". 320 p. (In Russian).
- Nikonova A. 2019. On the Ingression Principle in the System World of A.A. Bogdanov, or no Prophet in his Own Country. *HronoEconomics*. 7(20). P. 32-40 (In Russian). URL: [http://hronoeconomics.ru/07\\_2019.pdf](http://hronoeconomics.ru/07_2019.pdf) (accessed June 18, 2022).
- Turkina A.V. 2017. Novye stadii procedury chrezmernogo deficita byudzheta gosudarstv - chlenov Evropejskogo soyuza i ocenka ih effektivnosti [New Steps in the Excessive Deficit Procedure for the Member-States Budgets and Estimation of Their Efficiency]. *Vestnik Baltijskogo federalnogo universiteta im. I. Kanta*. Ser.: Gumanitarnye i obshchestvennye nauki. № 4. P. 11-17 (In Russian).
- Vilkova M.Yu. 2018. Pravo secessii v evropejskoj integracii: opyt Grenlandii i Velikobritanii [Right of Secession in European Integration]. *Vestnik Universiteta im. O.E. Kutafina*. №5. P. 78-83. DOI: 10.17803/2311-5998.2018.45.5.078-083 (In Russian)

# EAEU-India Free Trade Area: Potential Tariff Liberalization Effects for Russia<sup>1</sup>

Ekaterina Arapova

MGIMO University

**Abstract.** In 2017 negotiations on the free trade area between India and the EAEU countries entered an active phase. The negotiations covered such issues as import tariff liberalization and the elimination of non-tariff restrictions. The present study aims to quantify the potential impact of mutual tariff liberalization on the dynamics of bilateral trade between Russia and India, in order to develop key principles for Russia's negotiating position (as part of the EAEU), taking its strategic priorities into account. The research methodology is based on the SMART partial equilibrium model and a qualitative analysis of modern trends in import demand and the degree of India's trade protectionism towards imports from the EAEU countries. The study found that symmetric bilateral tariff liberalization may result in a higher potential increase in Russian exports to India than imports, which will increase the bilateral trade surplus. This is in the interests of Russia, but it hardly meets the strategic interests of India due to its chronic trade deficit. The free trade area may lead to diversification of the commodity component of Russian exports due to the growing export supplies of Russian coal, and, to a lesser extent metals (aluminum, copper and articles thereof). However, the opportunities to increase the share of hi-tech products in the structure of Russian exports remain limited. The free trade area can become an important tool for strengthening Russian exporters of fertilizers, as well as certain categories of agricultural products. In turn, Indian exporters can strengthen their positions on the Russian medicines market, an increase the share of textile products, jewellery, and certain categories of agricultural products. The results can help develop Russia's positions (as an EAEU member) in multilateral negotiations.

**Keywords:** EAEU; Russia; India; free trade area; SMART model; econometric analysis; tariffs.

The St. Petersburg Economic Forum 2017 officially launched the negotiation process for a free trade zone between the Eurasian Economic Union (EAEU) and India. In 2017, a joint report on the feasibility of the integration scenario was published.

<sup>1</sup> English translation from the Russian text: Arapova E. 2021. Zona svobodnoi trgovli EAES-India paramentry i potentsial. *Mezhdunarodnyye protsessy [International trends]*. 19(4). P. 68-88. <https://doi.org/10.17994/IT.2021.19.4.67>.



The free trade zone could unite countries with a total GDP of nearly USD 4.5 trillion (at current prices) and a population of more than 1.5 billion people, becoming a vital tool for boosting mutual trade. According to Eurasian Economic Commission estimates, the “mutual liberalization of the trade regime will lead to the GDP increase in all the EAEU countries and India already in the short term. In addition, according to expert estimates, when moving to a free trade regime, the turnover could grow by 30-40% in comparison with the current level depending on the depth of tariff liberalization to be achieved as a result of the negotiations.”<sup>2</sup>

The consequences of the new integration regime will be directly determined by the agreements reached by the parties, primarily with regard to the schedule for reducing customs duty rates.

This article aims to quantify the likely trade effects for Russia based on the SMART model in case of a one-percent reciprocal linear reduction in customs duty rates by India and EAEU countries to identify the elasticity of trade flows with regard to customs duty rates, draw conclusions about the impact of tariff liberalization on the dynamics and sectoral structure of mutual trade between Russia and India, and offer recommendations regarding Russia's stance in the negotiations (as part of the EAEU), bearing in mind the mutual trade dynamics, trends in import demand and the degree of trade protectionism adopted by the Indian government.

### **Effects of Tariff Liberalization: Impact on Foreign Trade**

The question of the impact of tariff liberalization on foreign trade intensity has been the subject of fierce debate among various theoretical schools over recent decades, with the protectionist doctrine being opposed to the free trade doctrine. Those in favour of the latter support the idea that liberalization, including tariffs, has a positive impact on the volume and growth rate of foreign trade flows, including both imports and exports (Trefler 1993; Learner, Levinsohn 1995; Wang 2001; Helpman 2011; Sequeira 2016) and, accordingly, that stronger tariff protectionism has the opposite effect due to higher prices for imported products and poorer price competitiveness (Feenstra 1995).

At the same time, a number of experts have empirically proved the absence or ambiguity of the impact of tariff liberalization on the intensity of foreign trade (Cline et al. 1978; Baldwin, Lewis and Richardson 1980; Bhagwati 1988; Ostry 1991). They are especially sceptical about the possibility of increasing exports through tariff liberalization (Ostry 1991; Greenaway, Sapsford 1994; Rose 2002).

<sup>2</sup> EAEU and India Began Formal Negotiations on a Free Trade Agreement. Eurasian Economic Commission. URL: <http://www.eurasiancommission.org/ru/nae/news/Pages/3-06-2017.aspx> (accessed: 08.12.2020).

Most researchers recognize significant differences in the intensity of the impact of tariff regulation, depending on the starting conditions of trading countries and the level of competitiveness of individual industries. In particular, Anne Krueger proved that import flows respond significantly faster to a reduction in customs duty rates, although the effect on exports in the longer term is also positive (Krueger 1998).

Michael Porter's theory of national competitiveness concluded that the effects of foreign trade policy are largely determined by the degree of competitiveness (at the level of individual industries and the economy as a whole), the nature of competition and government measures to enhance competitiveness (Porter 1985). The effects of tariff liberalization are also determined by the degree of market monopolization (Krugman 1979; Feenstra 1995) and the complementarity of domestic and imported goods (Houthakker, Magee 1969; Goldstein, Kahn 1978).

It has been empirically proven that the effect of tariff liberalization is stronger when a country is more deeply involved in international trade, or when it trades more actively with regional partners, as customs duties are typically reduced in such cases (within the framework of integration associations) (Nenci 2011; Feenstra 2003; Peters 2002; Salvatore 2013).

The nature and intensity of foreign trade with lower customs duties also depends on the consistency of the country's foreign trade policy (Francois, Martin 2004). If the reduction in customs duties is due to the countries' commitments under WTO treaties or regional trade agreements, then the positive effect of tariff liberalization may be greater than if such commitments to maintain the course of liberalization were not in place.

The example of a potential EAEU–India free trade zone is interesting in terms of finding new empirical arguments for the development of the academic discussion on the factors that predetermine the magnitude of trade effects. The countries have high sectoral complementarity of foreign trade flows, while the volume of India's mutual trade with its largest trade partner in the EAEU – Russia – is low. At the same time, India's foreign trade policy is characterized by instability, high differences in customs duty rates depending on the degree to which goods are processed, and a focus on protectionist policies. Comparing the starting conditions of liberalization with the results obtained in this specific case study will help better understand the effects of tariff liberalization.

Scientific Discourse in the Field of Bilateral Trade and Economic Cooperation between Russia and India

Issues related to trade ties between India and the EAEU countries remain high on the agenda for both Russian and foreign researchers.

The academic discourse centres on the potential of expanding the economic partnership between Russia and India and the factors that predetermine the possibilities and intensity of its implementation. India is characterized by unpredictable trade policies, contradictory multilateral diplomacy, and a somewhat paradoxical combination of the desire to maintain multilateral contacts amid high trade protectionism and an

ambiguous, “cyclical” attitude towards globalization. Accession to the WTO and reforms to speed up infrastructure development in the electricity, telecommunications, and textile industries (Malyarov 2007; Sinha 2019; Zakharov 2020) have helped expand the country’s export potential, open up the domestic market and ensure greater involvement in global trade. The Modi government’s focus on attracting foreign investment as a key driver of economic growth is paradoxically combined with a high level of trade protectionism, both tariff and non-tariff (Bragina 2015; Zakharov 2020). Political factors also have a noticeable impact on trade cooperation with Russia: India’s concern about improving Russia–China and Russia–Pakistan ties (Zakharov 2018), relations with the United States, and the sanctions policy (Zakharov 2019; Lunev 2020; Denisov, Safranchuk, Bochkon 2020; Galishcheva, Nebolsina 2021).

Experts point to the high potential of cooperation between Russia and India in the energy sector (Shikin, Bhandari 2017) and in information technology (Pant 2017), as well as the prospect of boosting trade in pharmaceutical, chemical and agricultural products. Technological cooperation in defence, the space and energy sectors, information technology, and cybersecurity issues could become new drivers of bilateral cooperation (Zakharov 2017; Konovalova 2017; Valueva, Konovalova 2018). According to Indian researchers, trade integration between India and the EAEU will help increase the volume of mutual trade and investment, expanding access for India’s industry to the markets of the EAEU member states (India EAEU FTA Survey Report 2016). Tariff liberalization within the framework of the FTA can have a positive effect on the dynamics of multilateral trade, especially in industrial and agricultural products. At the same time, experts emphasize the need to consider the difference in the level of development of individual industries in India and the EAEU member states (Singh, Sharma 2017).

Most previous studies were based on a qualitative analysis of trends in mutual trade and foreign trade contracts, as well as on the results of surveys conducted among those involved in foreign economic activity in India and the EAEU member states. This is a new area of research and, as such, the assessment of the effects of EAEU integration with India, based on the results of econometric analysis, remains underdeveloped in the scientific literature (Likhacheva, Kalachigin 2018). This article seeks to fill the existing gap, quantify the potential effects of tariff liberalization and the extent of its impact on the nature of bilateral trade, and compare the resulting estimates with the initial conditions of mutual trade and the specific features of the foreign trade policy of the countries involved.

#### Mutual Trade Patterns and Strategic Priorities

Relations between Russia and India are seen as privileged and go back a long way. The Soviet Union was the first nation to announce a diplomatic mission to India, doing so before India gained independence in 1947. Preferential loans and raw materials provided by the Soviet Union on a barter basis were used to implement industrialization programmes and finance the development of the military space sector and the nuclear power industry. Some state-owned Indian companies with a strong global standing,

such as Bharat Heavy Electricals Limited (BHEL), Oil and Natural Gas Corporation (ONGC) and Hindustan Aeronautics Limited (HAL), as well as the entire steel industry, were established in cooperation with the Soviet Union (Nivedita Das Kundu 2016).

Today the share of mutual trade in the foreign trade turnover of both countries is small: Russia accounts for a tiny 0.54% of India's foreign trade, while India accounts for just 0.61% of Russia's trade turnover. Russia–India trade saw its fastest growth in 2017 and 2018 (by 21.4% and 17.3%, respectively), reaching USD 11.23 billion in trade in goods and USD 1.34 billion in trade in services in 2019 (see Table 1).

Russia's trade with India has traditionally been in surplus. However, the surplus in merchandise trade decreased due to faster import growth in 2019 and a relatively smaller decline compared to the volume of Russian exports during the pandemic, while the bilateral surplus in services trade was steadily on the rise.

The top place in the structure of domestic exports is occupied by mineral products, with their share growing steadily before the outbreak of the COVID-19 pandemic, while the share of machinery and equipment shrank from 39.2% in 2009 to 20.8% in 2019 (Table 2). It has not been possible to diversify the raw materials component of exports: Russian metal producers lag far behind suppliers from China, Japan, South Korea and the United States, and the share of metals in the structure of Russian exports is shrinking gradually.

**Table 1. Trends in mutual trade in goods and services between Russia and India, 2009–2020**

	2009	2012	2014	2017	2018	2019	2020
<b>Trade in goods</b>							
Russia's exports to India, USD m	5937	7,566.693	4,395.697	6,455.535	7,752.309	7,308.101	5,798.193
Russia's imports from India, USD m	1,524.455	3,041.318	3,170.707	2,902.422	3,224.629	3,921.794	3,457.947
Total turnover, USD m	7,461.455	10,608.011	7,566.404	9,357.957	10,976.938	11,229.895	9,256.14
Russia's trade balance, USD m	4,412.545	4,525.375	1,224.99	3,553.113	4,527.68	3,386.307	2,340.246
Russia's trade balance, % to exports	74.32	59.81	27.87	55.04	58.40	46.34	40.36
Russia's share in India's trade turnover, %	0.34	0.39	0.41	0.39	0.39	0.49	0.54
India's share in Russia's trade turnover, %	0.32	0.36	0.4	0.5	0.47	0.59	0.61
<b>Trade in services</b>							
Russia's exports to India, USD m	422.8	865.6	643.5	663.3	593.9	924.914	752.894
Russia's imports from India, USD m	217.9	335.1	437.7	432.1	407.546	416.276	220.751
Total turnover of services, USD m	640.7	1,200.7	1,081.2	1,095.4	1,001.446	1,341.19	973.645
Balance of services of Russia, USD m	204.9	530.5	205.8	231.2	186.354	508.638	532.143
Balance of services of Russia, % to exports	48.46	61.29	31.98	34.86	31.38	54.99	70.68

Source: Trade Map. International Trade Centre Database. URL: <https://www.trademap.org/> (accessed: 19.07.2021)

**Table 2. Sectoral breakdown of Russia's commodity exports to India, 2009–2020, %**

	2009	2012	2014	2017	2018	2019	2020
Food products (01–24)	0.83	1.86	1.45	2.44	0.86	3.19	6.86
Mineral products (25–27)	7.46	4.06	7.86	24.71	24.81	31.27	19.45
Chemical products (28–38)	15.02	16.98	13.86	7.49	7.53	7.63	13.30
Plastics and articles thereof (39–40)	0.98	0.98	2.98	3.75	4.06	4.04	4.05
Raw hides, leather and furs (41–43)	0.01	0.00	0.10	0.18	0.12	0.11	0.06
Wood and articles of wood (44–49)	2.45	2.69	5.75	5.95	5.12	6.10	4.21
Textiles and textile articles (50–63)	0.22	0.21	0.50	0.26	0.28	0.21	0.09
Pearls, precious and semi-precious stones, silver ... (71)	2.17	9.91	25.34	16.01	13.88	10.48	15.14
Base metals and articles of base metal (72–83)	11.04	9.66	7.34	4.41	4.08	4.14	6.09
Machinery and equipment (84–90)	39.22	45.98	34.34	18.69	24.29	20.81	19.10
Other goods	20.6	7.67	0.5	16.10	14.97	12.02	11.66

Source: Author's calculations based on Trade Map. International Trade Centre Database. URL: <https://www.trademap.org/> (accessed: 19.07.2021)

**Table 3. Sectoral breakdown of Russia's commodity imports from India, 2009–2020, %**

	2009	2012	2014	2017	2018	2019	2020
Food products (01–24)	23.65	18.61	21.03	23.02	21.50	18.28	18.20
Mineral products (25–27)	0.44	0.60	0.61	0.39	0.36	0.59	0.50
Chemical products (28–38)	36.33	31.13	27.77	31.06	27.37	27.56	30.01
Plastics and articles thereof (39–40)	2.41	3.15	2.90	3.10	3.27	2.98	3.29
Raw hides, leather and furs (41–43)	1.01	1.24	1.39	1.65	1.82	1.55	1.40
Wood and articles of wood (44–49)	0.39	0.21	0.29	0.15	0.18	0.35	0.36
Textiles and textile articles (50–63)	10.31	8.91	12.07	10.63	9.22	6.80	6.54
Footware (64)	0.82	1.47	1.67	2.38	1.95	1.63	1.51
Pearls, precious and semi-precious stones, silver ... (71)	0.66	0.91	4.75	0.49	0.94	1.15	1.10
Base metals and articles of base metal (72–83)	4.21	8.02	6.60	6.20	5.88	5.77	6.96
Machinery and equipment (84–90)	17.59	23.92	18.77	18.20	25.26	31.51	27.48
Other goods	0.49	0.00	0.00	0.00	0.00	0.00	0.00

Source: the author's calculations based on Trade Map. International Trade Centre Database. URL: <https://www.trademap.org/> (accessed: 19.07.2021)

Russia's imports from India are dominated by chemicals, which account for more than 30% of the total flow of goods. Second is machinery, equipment and vehicles, accounting for 27.5% in 2020 (a record 31.5% was recorded in 2019), followed by food products and agricultural raw materials (see Table 3). India accounts for a large share of Russian imports of leather goods, tea, tobacco, semi-precious stones, diamonds, pharmaceuticals, and organic chemicals (up to 70% for some items).

Bilateral trade between Russia and India is characterized by relatively high complementarity. India has traditionally been a major supplier of pearls, precious and semi-precious stones and metals, raw materials, and chemical products (pharmaceuticals and organic chemical compounds), and depends on supplies of primary sector goods – coal and crude oil, along with strategically important defence and power en-

gineering products. For its part, Russia is more than 60% dependent on the export of mineral fuel, while at the same time being a major supplier of weapons and actively pursuing projects to build nuclear reactors abroad.

The attractiveness of the Indian market is determined by its high capacity, combined with its large population, high economic growth rates, and a rapidly expanding middle class (Arapova 2018).

As part of the strategic and privileged nature of the bilateral partnership, Russia is increasing its supplies of mineral fuel (coal, oil and natural gas) to India, and seeks to diversify the raw materials component of its exports through a potential increase in the supply of ferrous metals, copper and aluminum. Cooperation is expanding in nuclear power, exports of weapons, space and power engineering products are growing, and there is potential for greater cooperation in shipbuilding.

Russian exports are dominated by minerals. At the same time, India's demand for mineral fuels is increasing, despite the negative growth rates of the global supply. Russia supplies liquefied natural gas to India as part of the Sakhalin-1 and Sakhalin-2 projects. Plans are being studied to extend the Power of Siberia gas pipeline from Russia via China to South Asia. And Russia's RosGeo and Sevmorneftegeofizika (SMNG) are conducting marine seismic surveys on the Indian continental shelf together with India's Oil and Natural Gas Corporation (ONGC).

India is focused on accelerated industrialization and the development of hi-tech industries: doubling the growth rate of the industrial sector by 2022 and introducing advanced Industry 4.0 technologies (Strategy for New India 2018), which requires a significant increase in fuel and metals supplies.

India has overtaken Russia, the United States and Japan in terms of ferrous metals production, climbing to second place behind China. However, the lack of investment and relatively low labour productivity are forcing an increase in metal imports in order to meet the skyrocketing demand. Similar problems, combined with a lack of technology and relatively poor infrastructure, result in higher costs and longer times for steel production, which can make imported purchases much more profitable.

Another challenge for India's industrial development is the shortage of coal, which has become a key import item. Although India is the world's second-largest coal producer, high consumption made it the second largest coal importer after Japan by 2019. Despite the sharp decline in coal consumption and imports on the back of the pandemic and high hydropower generation, India still remains in the top three in terms of imports, second only to Japan and China (IEA 2020). The main suppliers include Australia, Indonesia and South Africa, but with a more liberal trade regime, Russia has a good chance to ramp up its coal exports to India and expand its investment partnership in this area.

Russia and India are actively cooperating on nuclear energy. In 2014, the parties signed a roadmap Strategic Vision for Strengthening Cooperation in Peaceful Uses of Atomic Energy between India and Russia. This document served as the basis for the



project to build the Kudankulam Nuclear Power Plant, which began construction of Unit 5 in June 2021. In an effort to reduce its reliance on fossil fuels, India plans to triple its nuclear capacity by 2024.

The defence industry remains a key driver of Russian exports to India. According to the Stockholm International Peace Research Institute, India accounts for 23% of Russian exports of arms and military equipment, or 49% of India's total arms imports. That notwithstanding, this figure has decreased in recent years (from 70%), due to a drop in purchases, while the imports of weapons from Israel, Germany and the United States have continued to grow steadily (SIPRI 2021). 2015 proved to be a record year for the supply of Russian arms to India, with India purchasing arms to the tune of USD 4 billion from Russia (accounting for just under 25% of Russia's total arms exports) and signing contracts for the delivery of Mi-18 helicopters, BMP-2K armoured personnel carriers and other military equipment.<sup>3</sup> In 2018, contracts were signed for the supply of S-400 systems, Project 11356 frigates and a batch of munitions worth an estimated USD 14.5 billion; negotiations are underway for the supply of MiG-29 and Su-30MKI fighters.

In recent years, however, trade relations between the two countries have deteriorated amid sanctions pressure from the United States. After Russia's flagship arms trading company, Rosoboronexport, came under OFAC sanctions, Indian banks froze credit lines to Russian defence companies and all deals were suspended as a result (this affected payments under arms supply agreements between the two countries worth USD 2 billion).

Nevertheless, the mutual interest in expanding trade ties prompts the parties to look for ways to minimize risks and ensure that the contracts that have already been concluded are honoured. The governments are negotiating with banks that are ready to carry out transactions under foreign trade contracts (with Indian Bank and Vijaya Bank as potential counterparties from the Indian side, and Sberbank from the Russian side).

In 2018, Russia and India signed the first and largest rouble-denominated contract for the S-400 Triumf surface-to-air missile (SAM) system, worth approximately USD 5 billion, or more than 330 billion roubles. Rosoboronexport also signed a series of contracts on military and technical cooperation at the Aero India 2019 international aerospace and defence exhibition. India's order portfolio for Russian military hardware stands at USD 10 billion.

The strategic priorities of India's industrial development agenda and Russia's interest in increasing the surplus of the bilateral balance and building up technological exports could drive the negotiation process to establish a free trade zone between the

3 "Joint Russian-Indian statement on the Results of the Official Visit to the Russian Federation by Narendra Modi, Prime Minister of the Republic of India, 'Through trusting relations to new horizons of cooperation,' President of Russia, December 24 2015, <http://kremlin.ru/supplement/5050>.

EAEU and India. However, the potential terms of the agreement are largely determined by the likely effects of tariff liberalization. With its chronically negative trade balance, India, like Russia, has a keen interest in stepping up its exports, so the country will focus on expanding its own export opportunities while keeping the entry barriers to its market in place, as much as is feasible, while implementing an integration scenario.

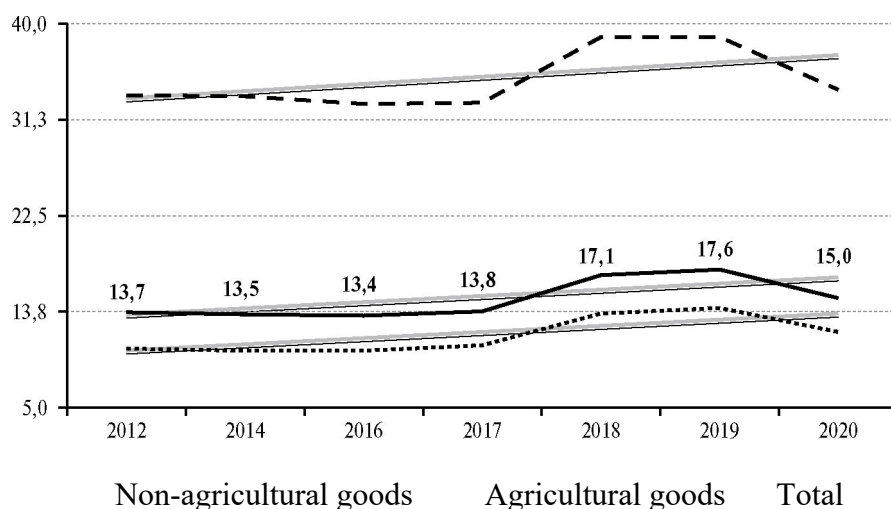
#### Tariff Protectionism in India

Among developing Asian countries, India has one of the highest levels of tariff protectionism, which it continues to increase steadily. The average level of most favoured nation (MFN) customs duty rates reached 17.6% by 2019, up from 13.4% in 2016 (see Chart 1).

The highest rates of customs duties apply to agricultural products: beverages (including tea and coffee), sugar and cereals, vegetable oils and dairy products (see Table 4). The average level of customs duties is over 100% for food, around 33% for vegetables, and 30% for livestock products. These are the commodity categories that have the greatest elasticity of Indian imports in terms of customs duty rates.

2018 and 2019 were marked by a sharp increase in import duties for vehicles and components, as well as minerals and metals, including petroleum products, which are a key item of Russia's exports to India. In 2020, India slightly lowered its customs duties, but this is more of a short-term move aimed at stimulating foreign trade in the face of the COVID-19 pandemic rather than a measure consolidating the overall course towards foreign trade liberalization.

In the context of growing tariff protectionism, concluding a free trade agreement could become an important lever to encourage exports to India from the EAEU countries, primarily from Russia, and increase the presence of Russian exporters in the Indian market, including by forcing out competitors, which will be subject to the MFN trade regime.



**Chart 1. Tariff protection trends in India, 2012–2020, %**

Source: WTO World Tariff Profiles 2013–2021.

**Table 4. Evolution of the average level of India's customs duty rates under the MFN regime, broken down by commodity, %**

	2012	2014	2016	2018	2019	2020
Animal products	31.1	31.1	31.1	32.5	32.5	30.8
Dairy products	33.5	33.5	33.5	34.8	35.7	35.7
Fruits and vegetables	31	30.8	29.4	32.4	33.2	30.2
Tea, coffee	56.3	56.3	56.3	56.3	56.3	56.3
Grains	31.3	31.3	31.3	37.1	37.1	32.9
Fats and oils	37.4	37	35.1	54.1	52	33.9
Sugar	35.9	35.9	35.9	51.5	51.5	50.9
Drinks and tobacco	69.1	69.1	68.6	74.7	74.7	75.8
Cotton	6	6	6	26	26	6.0
Other agricultural products	22.5	22.4	22.3	29	29	22.8
Fish and seafood	29.9	29.9	29.9		30	29.9
Mineral products and metals	7.6	7.6	8.2	11	11.2	8.9
Oil	4.9	4.9	4.2	9.2	9.2	3.7
Chemical products	7.8	7.9	7.9	10.1	10.2	8.1
Lumber	9	9	9	10	10	10.2
Textiles	13.5	12	11.7	20.7	22.3	13.9
Clothing	14.1	12.5	12.3	20.5	23.9	21.5
Footwear and leather	10.2	10.1	10.1	12.1	13.1	13.7
Non-electrical engineering products	7.3	7.1	7.1	7.8	8.1	7.8
Electric products	7.3	7.3	7.3	8.8	9.1	9.3
Vehicles	21.2	21.7	19.3	31.1	31.2	25.3
Industrial goods	8.8	8.8	8.8	11.1	11.1	11.4

Source: Compiled by the author on the basis of WTO World Tariff Profiles 2013–2021.

## Research Methodology and Data

This study is based on SMART partial equilibrium modeling tool, which was developed back in the 1980s by experts at UNCTAD and the World Bank to quantify the effectiveness of the General Agreement on Tariffs and Trade (GATT).

This model makes it possible to quantify changes in import flows in response to trade policy shocks through the effect on the commodity price index and the relative prices of substitute goods (Plummer, Cheong, Hamanaka 2010). The partial equilibrium model identifies direct effects of a trade shock in one market and indirect effects in other markets, and side effects are ignored. However, to assess the effects of tariff liberalization within integration blocs, especially in Asia and Africa, the SMART model is widely used by experts at the WTO (Piermartini, Teh 2005), the Asian Development Bank (Cheong 2010), the UN Economic Commission for Africa (ECA) (Lang 2006)

and national research centres, in particular the Centre for WTO Studies at the Indian Institute of Foreign Trade (Choudhry, Kallummal, Varma 2013) and the African Trade Policy Centre (Karingi, Oulmane, Lang 2005).

The advantage of the model is the availability of the data set required for the calculation (trade flows, import duty rates, import demand elasticity and elasticity of substitution) and the results are obtained at a high disaggregated level (Plummer, Cheong, Hamanaka 2010). In addition, the SMART model, being part of the World Integrated Trade Solution, allows the calculation of two types of trade effects of tariff liberalization in accordance with the generally accepted classification of the effects by the World Bank and UNCTAD (Amjadi et al. 2011), based on the terminology introduced by Jacob Viner (Viner 1961):

trade creation effect – increased demand for imports from the partner country due to lower tariff rates;

trade diversion effect – redirection of import flows from traditional trading partners in favour of countries with lower customs duties.

The model allows us to estimate not only the effects in those countries that are subject to tariff liberalization, but also in third states, as well as to predict possible changes in the market structure and the potential benefits and costs of all participants in international trade.

The basic assumptions of the WITS-SMART model are as follows:

The Armington assumption (Armington 1969) about the optimization by consumers of their own demand and the substitution of domestic goods for imported ones under conditions of changes in their quality and price.

The elasticity of export supply is assumed to be 99 (i.e., the sensitivity of export supply to changes in the export price is at a maximum).

The elasticity of import substitution is assumed to be 1.5, implying that similar goods from different countries are imperfect substitutes.

The base year (the starting point for calculating the effects of tariff liberalization) is 2019.

The effect of trade creation is calculated using the formula:

$$TCE_{ijn} = \frac{M_{ijn} * \pi * \Delta T_{ijn}}{((1 + T_{ijn}) * (\pi/\omega))}$$

where  $TCE_{ijn}$  is the effect of trade creation with respect to product  $n$  imported by country  $i$  from country  $j$ ;  $M_{ijn}$  is the volume of imports of product  $n$  of country  $i$  from country  $j$ ;  $\pi$  is the elasticity of import substitution in the importing country;  $T_{ijn}$  is the value of the import tariff for product  $n$  levied by country  $i$  on imports from country  $j$ ;  $\omega$  is the elasticity of exports.

The trade diversion effect for countries that are not affected by a trade shock (change in tariff policy) is calculated according to the formula:

$$TDE_{ikn} = \frac{M_j * M_{row} \left( \left( \frac{1 + T_{new}}{1 + T_{base}} \right) - 1 \right) * \lambda}{M_j + M_{row} + M_{row} \left( \left( \frac{1 + T_{new}}{1 + T_{base}} \right) - 1 \right) * \lambda}$$

where  $TDE_{ikn}$  is the effect of trade diversion for product  $n$  imported by country  $i$  from country  $k$ ;  $M_j$  is the volume of imports from integration partner country  $j$ ;  $M_{row}$  is total imports from other countries;  $T_{new}$  is a new level of customs duty rates;  $T_{base}$  is the basic level of customs duty rates;  $\lambda$  is the elasticity of substitution. The total trade effect of the integration scenario is the sum of the effects of trade creation and diversion.

Based on calculations using the SMART model, this study estimates the potential increase in bilateral trade flows in the case of a one percent reciprocal linear reduction in customs duty rates by Russia (as part of the EAEU) and India. In contrast to studies relying on the partial equilibrium model but based on the assessment of trade effects resulting from the mutual zeroing of customs duties (Kofner 2020), such an approach allows us to model liberalization scenarios of different depths, assess both general and annual effects of tariff liberalization, and form the basis for a negotiating position and the subsequent assessment of effects based on the results of the agreements reached.

The calculations are based on the UNCTAD TRAINS database,<sup>4</sup> which contains information on the volumes of foreign trade flows and customs duty rates for various product categories that apply to individual foreign trade partners.

#### Assessment of Potential Trade Effects

The results confirm the conclusions of several authors (Nenci 2011; Feenstra 2003; Peters 2002; Salvatore 2013; Ebrill et al. 1999) that the effects of tariff liberalization depend on: (1) the intensity of bilateral trade; (2) the current level of tariff regulation; and (3) the level of sectoral competitiveness.

Given the low share of bilateral trade between Russia and India, the average elasticity of Russian exports with regard to the rates of customs duties applied by India is relatively low: their symmetrical one-percent reduction will cause exports to grow by only 0.16%. In absolute terms, supplies of diamonds, coal and sunflower oil will grow the most (see Table 5).

Diamonds – Russia's traditional key export item – accounted for over 8% in 2019 (the third-largest export category). A potential increase in export revenues will be ensured, among other things, by forcing Belgian and UAE producers out of the Indian market. Hard coal is in second place (almost 14%). Russia currently accounts for almost half of India's imports, but demand for coal in India is set to grow (see above), and the implementation of the integration scenario is expected to strengthen the posi-

<sup>4</sup> UNCTAD. Trade Analysis Information System (TRAIS). URL: <https://databank.worldbank.org/reports.aspx?source=UNCTADTrade-Analysis-Information-System-%28TRAIS%29> (accessed: 08.08.2021).

tion of Russian exporters in the Indian market and boost export revenues, thanks both to rising demand for Russian coal, and to the ousting of Australian, Indonesian and South African competitors from the Indian market.

**Table 5. Trade effects for Russian exports if India cuts import duty rates by 1%**

	Total trade effect, thousand USD	Trade creation effect, thousand USD	Trade deviation effect, thousand USD	Basic weighted average customs duty rates, %	New level of customs duty rates, %	Russian exports in 2019, thousand USD	Growth in percentage, %
Total	1,1391.4	7362.13	4,029.21	27.906	27.627	7,308,101	0.16
Animal products (01–05)	9.041	7.781	1.26	30	29.7	288	3.14
Vegetable products (06–14)	489.699	206.999	282.701	43.08	42.64	69,141	0.71
Sunflower oil (1512)	2,245.47	1,164.99	1,080.47	100	99	163 325	1.37
Prepared foodstuffs (16–24)	15.668	11.622	4.045	139.33	137.94	538	2.91
Mineral products (25–27), including	1,487.97	1,068.96	419.007	3.80	3.76	2,284,917	0.07
Asbestos (2524)	169.533	137.797	31.735	10	9.9	86 ,845	0.20
Hard coal (2701)	871.429	608.733	262.695	2.5	2.47	641,297	0.14
Chemical products (28–38), including	1,953.69	1,558.2	395.497	6.2661	6.2058	557, 312	0.35
Phosphinates, phosphonates and phosphates (2835)	458.768	447.216	11.552	7.5	7.43	20,880	2.20
Nitrogenous fertilizers (3102)	278.685	216.689	61.996	5	4.95	65,656	0.42
Potassic fertilizers (3104)	195.642	96.1	99.543	7.5	7.43	103,976	0.19
Fertilizers (3105)	712.461	643.828	68.633	5	4.95	174,862	0.41
Plastics and articles thereof (39–40), including	516.682	242.703	273.978	8.9707	8.8831	295,345	0.17
Polymers of vinyl chloride (3904)	207.366	106.357	101.009	7.5	7.43	80,330	0.26
Polyamides (3908)	138.524	58.413	80.11	10	9.9	61,187	0.23
Synthetic rubber (4002)	155.817	71.802	84.015	10	9.9	127 388	0.12
Raw hides, leather and furs (41–43)	110.413	99.058	11.354	10	9.9	7,751	1.42
Wood and articles of wood (44–49), including	1,190.76	867.729	323.027	9.83	9.73	446,149	0.27
Wood (4409)	146.895	142.57	4.324	10	9.9	4,730	3.11
Newsprint (4801)	543.132	305.911	237.221	10	9.9	247,454	0.22
Kraft paper (4804)	157.774	149.038	8.736	10	9.9	4,634	3.40
Printed matter (4911)	242.251	207.886	34.365	10	9.9	1,753	13.82
Textiles and textile a (50–63)	43.241	16.731	26.507	18.74	18.55	15,436	0.28
Diamonds whether or not worked (7102)	1,723.5	1,061.43	662.07	10	9.9	593,071	0.29
Silver (7106)	568.825	356.441	212.384	12.5	12.38	172, 579	0.33



**Table 5 continued**

	Total trade effect, thousand USD	Trade creation effect, thousand USD	Trade deviation effect, thousand USD	Basic weighted average customs duty rates, %	New level of customs duty rates, %	Russian exports in 2019, thousand USD	Growth in percentage, %
Base metals and articles of base metal (72–83), including	587.14	399.247	187.889	8.83	8.74	302,765	0.19
Semi-finished products of iron or non-alloy steel (7207)	120.27	105.63	14.64	10	9.9	0	
Flat-rolled products (7225)	83.275	36.4	46.875	8.75	8.66	54,463	0.15
Beryllium, chromium, germanium, vanadium, gallium, hafnium, indium, niobium (columbium), rhenium, thallium and articles of these metals (8112)	101.159	97.232	3.927	7.5	7.42	3726	2.71
Machinery and mechanical appliances (84–90), including	413.741	275.921	137.813	8.71	8.62	1,520,600	0.03
Turbojets (8411)	2.98	2.617	0.363	7.5	7.43	281,167	0.00
Machinery and industrial equipment (8419)	0.198	0.091	0.107	8.44	8.35	165,504	0.00
Taps, cocks and valves (8481)	5.193	2.433	2.76	7.5	7.43	38,822	0.01
Measuring or checking instruments (9031)	4.746	2.131	2.615	7.5	7.43	148,189	0.00
Other goods	35.501	24.309	11.193				

Source: Author's calculations based on WITS Simulation Tool SMART. URL: <https://wits.worldbank.org/simulationtool.html> (accessed: 19.07.2021)

The results confirm the dependence of liberalization effects on the basic rates of customs duties (Ebrill et al. 1999; Ahmad et al. 2018). The higher the current level of customs duty rates, the stronger the effects of tariff liberalization.

In relative terms, the greatest benefit from the implementation of the integration scenario will be gained by the Russian exporters of certain agricultural products, primarily sunflower oil, the export of which will grow by 1.37% per year if import duties are reduced by 1%. And this effect will be driven as much by rising demand amid falling prices as it will by squeezing out competitors, primarily those in Ukraine and Argentina. Due to high basic rates of customs duties and the relatively higher price elasticity of demand, the export of other types of agricultural goods and finished products can grow faster, but in absolute terms, the potential benefits of exporters are insignificant because the share of these categories in the structure of Russian exports is not high.

As a result of creating a free trade zone, Russian exporters of certain categories of chemical compounds (phosphinates, phosphonates and phosphates, which will see an increase of 2.2%) and fertilizers are expected to benefit significantly. Exports of Russian silver will grow by 0.33% with linear tariff liberalization. Manufacturers of lumber and printing products will also be able to increase their export supplies (by 3.11% and 13.82%, respectively).

Meanwhile, we should not expect an increase in the supply of petroleum products: the relatively low rates of import duties (5–10%), coupled with the consistently low market share occupied by Russian exporters (not more than 1%) bring the potential effects to nothing. The same applies to hi-tech engineering products: the price elasticity of technological exports actually tends to zero, and the competitiveness of products is largely determined by non-price factors.

As follows from the above, the creation of a free trade zone will help strengthen the raw, low-tech orientation of Russian exports to India in the absence of a stimulating effect on engineering products and a very small chance that India will reduce import duty rates on agricultural products and foodstuffs.

The potential increase in Russian imports following the creation of the free trade zone will be significantly lower. A one-percent reduction in duties by the EAEU countries would allow Indian export volumes to increase by no more than 0.1%. In this case, the largest absolute increase in imports will be in medicines, which rank first and account for 15% of Russia's imports from India (see Table 6). Indian exporters of medicines will be able to strengthen their positions in a separate segment of the Russian market, ousting producers from Germany, the United States, Hungary, Switzerland, France and the Netherlands.

Lower import duties could boost demand for Indian stone, gypsum, cement and other products, including by reducing imports from China. At the same time, demand may pick up for leather goods, clothing and textiles, as well as jewellery, which have a relatively higher price elasticity. Indian tea and coffee producers are set to benefit from the creation of the free trade zone: a one-percent decrease in import duty rates by the EAEU countries will expand supplies to the Russian market by an average of 0.16%. Despite the relatively low elasticity of Russian import demand for machinery and equipment from India, their relatively higher share in the structure of domestic imports will provide a comparatively high absolute increase.

The potential effectiveness of a free trade zone between the EAEU and India is due to the relatively high level of protectionism on the part of India with regard to imports from member countries of the integration association. If multilateral negotiations result in agreements on a relatively high quality of integration, including intensive tariff liberalization schedules, the effect of creating a free trade area may be greater.

The effects of tariff liberalization largely depend on the basic level of tariff regulation. On the one hand, the example of a potential EAEU–India free trade zone confirms that low duty rates, limit the possibility of their further reduction and, consequently, the potential for tariff liberalization. On the other hand, lower rates are applied in most cases to raw materials and low-tech goods with low added value and low price elasticity. At the same time, relatively higher customs duties before the implementation of the integration scenario predetermine relatively more significant effects of tariff liberalization and a higher price elasticity of import demand.

A free trade zone could serve as an important tool to reinforce the position of Russian exporters of fertilizers and certain categories of agricultural products in the Indian market, the demand for which is growing rapidly in India. India, in turn, could gain a stronger foothold in the Russian market for medicines, while also increasing the share of textile products, jewellery and certain categories of agricultural products.

The elasticity of various categories of mineral fuels (including hard coal, coke, oil and oil products), which currently account for a significant share of Russian exports, is much lower than that of other commodity categories – certain types of agricultural products, fertilizers and some metals (nickel and silver). Accordingly, in case of a linear, balanced reduction of customs duty rates by India on most Russian export items, and even more so with a relatively stronger tariff liberalization for agricultural products, metals and chemical compounds, Russia has good chances to diversify the commodity structure of its raw material and low-tech exports to India, reducing the share of mineral fuels.

At the same time, tariff liberalization is unlikely to support Russia's exports of more technologically advanced, strategically important mechanical engineering products. The conclusion of contracts for the supply of military equipment, aircraft, or power engineering products is largely conditioned by quality characteristics, degree of reliability, and political will. The importance of the price factor and the effects of tariff liberalization are effectively reduced to zero. Integration effects in this part may turn out to be more indirect, due to the strengthening of a political partnership between the two sides.

In addition, due to the relatively higher price elasticity of Russian exports compared to import flows, symmetrical tariff liberalization will consolidate and expand the positive balance of bilateral trade, which is hardly in India's strategic interests in the context of a chronic trade deficit.

\* \* \*

The potential effects of tariff liberalization within the EAEU–India free trade zone have not actually been studied in the academic literature. At the same time, due to the specific structure of mutual trade and foreign trade policy, this area of analysis is of great interest both in terms of academic discussion on the effects of tariff liberalization and the factors that predetermine them, and from a practical perspective – in order to develop Russia's foreign trade policy.

The following theoretical conclusions were drawn from the analysis, building on previous studies (Krugman 1979; Goldstein and Kahn 1978; Feenstra 1995; Peters 2002; Feenstra 2003; Nenci 2011; Salvatore 2013):

given the low interdependence and intensity of trade flows, the effects of tariff liberalization are limited, and the elasticity of trade flows with respect to customs duty rates is extremely low;

the higher the basic customs duty rates, the potentially higher elasticity of foreign trade flows;

lower-tech goods with relatively low added value and comparable rates of customs duties tend to have a higher elasticity than more technologically advanced machine-building products.

Moscow sees India as one of its key strategic partners in the Asian region. With a traditionally positive trade balance and the demand of Indian importers for Russian heavy engineering products, Russia is interested in expanding strategic cooperation. It was found that the implementation of the integration scenario could give impetus to the expansion of trade cooperation, and the relatively higher price elasticity of Indian imports could determine the outstripping growth of Russian exports over imports, expanding the surplus of bilateral trade for Russia.

India's trade integration with the EAEU may predetermine some changes in the commodity structure of Russian exports, but more towards the diversification of its raw material component, with limited growth in the supply of hi-tech engineering products. Against the background of the low price elasticity of demand for mineral fuels, their share in the structure of Russian exports will shrink. At the same time, coal supplies and, to a lesser extent, metals (aluminum, copper and metal products) are expected to grow.

The only way to achieve more significant results in line with the strategic interests of the Russian economy, as enshrined in the key documents of long-term strategic planning, is to properly formulate a negotiating position. In the field of tariff regulation, the key principles of Russia's negotiating position, which can form the basis of the EAEU's collective position, are as follows:

- reduction and zeroing by India of import duty rates on mineral fuels and metals (primarily copper, aluminum and silver), with a minimal transitional period of tariff liberalization;

- reduction of customs duty rates on organic chemistry products (phosphinates, phosphates, mineral and chemical fertilizers);

- accelerated tariff liberalization of trade in certain categories of engineering products (nuclear reactors and boilers, power engineering products, etc.) and agricultural goods (vegetables, cereals, primarily wheat);

- inclusion of textile products and certain food products (in particular, meat products and vegetables) in the list of sensitive goods for the EAEU member states, implying the establishment of longer transitional periods for reducing import duty rates.

That said, in addition to tariff liberalization, "India's willingness to lower the non-tariff barriers by which these markets are successfully regulated is a key condition, without which the potential benefits of the free trade zone will not be fully realized" (Eurasian Economic Union 2017).

The purpose of this study was to quantify the effects of tariff liberalization resulting from the creation of a free trade zone between the EAEU and India exclusively for Russia, and to identify the terms of the trade deal that best meet the strategic interests of the country. Further research should focus on quantifying the potential effects for the EAEU as a whole, conducting a comparative analysis of the interest of other EAEU

countries in integrating with India, correlating these results with the effects of free trade zones with Singapore and Vietnam. It is important to keep in mind that this study proceeds from an assessment of potential trade effects based solely on factors of mutual economic interest of the two countries in the development of trade integration. A crucial area for further research should be the assessment of foreign policy factors and sanctions trends that constrain the development of multilateral trade dialogue.

#### About the Author:

**Ekaterina Ya. Arapova** – PhD (Economics), Director at Centre of sanction politics expertise, MGIMO University, 76 Prospect Vernadskogo, 119454, Moscow, Russia.

#### Conflict of interests:

The author declares the absence of any conflicts of interests.

#### References:

- Ahmad K., Safdar A., Amjad A. 2018. *Trade Revenue Implications of Trade Liberalization in Pakistan*. MPRA. 23 p.
- Amjadi A., Schuler P., Kuwahara H., Quadros S. 2011. *WITS: user's manual*. Washington DC: UNCTAD, UNSD, WTO, WB. 187 p.
- Arapova E.Y. 2018. Determinants of Household Final Consumption Expenditures in Asian Countries: a Panel Model, 1991—2015. *Applied Econometrics and International Development*. Vol. 8. No. 1. P. 121-140.
- Armington P. S. 1969. A Theory of Demand for Products Distinguished by Place of Production. *International Monetary Fund Staff Papers*. Vol. 16. No. 1. P. 159-176.
- Baldwin R. E., Lewis W. E., Richardson J.D. 1980. Welfare effects on the United States of a significant multilateral tariff reduction. *Journal of International Economics*. Vol. 10. No. 3. P. 405-423.
- Bhagwati J.N. 1988. *Protectionism*. Cambridge (Mass.): MIT Press. 147 p.
- Bragina Y.A. 2015. Indiya: novyye cherty ekonomicheskoy politiki [India: New Features of Economic Policy. Year of the Planet]. *God planety. Yezhegodnik*. P. 331-341.
- Cheong D. 2010. Methods for Ex Ante Economic Evaluation of Free Trade Agreements. *ADB Working Paper Series on Regional Economic Integration*. No. 52. P. 1-36.
- Choudhry S., Kallummal M., Varma P. 2013. *Impact of India-ASEAN free trade agreement: a cross-country analysis using applied general equilibrium modelling*. New Delhi: Centre for WTO studies. 59 p.
- Cline W. R., Kawanabe T.O., Kronsjo M., Williamset T. 1978. *Trade Negotiations in the Tokyo Round: A Quantitative Assessment*. Brookings Institution. 314 p.
- Denisov I., Safranchuk I., Bochkov D. 2020. China-India Relations in Eurasia: Historical Legacy and the Changing Global Context. *Human Affairs*. Vol. 30. P. 224-238.
- Ebrill L., Stotsky J., Gropp R. 1999. Revenue Implications of Trade Liberalization. International Monetary Fund. *IMF Occasional Paper* No.180. Washington DC, USA. 47 p.
- Feenstra R. 1995. Estimating the Effects of Trade Policy. *NBER Working Paper*, 5051. P. 2-60.
- Feenstra R. 2003. *Advanced International Trade: Theory and Evidence* (2nd ed). Princeton University Press. 657 p.
- FICCI. 2016. *India EAEU FTA Survey Report*. 32 p.

Francois J.F., Martin W. 2004. Commercial Policy Variability, Bindings, and Market Access. *European Economic Review*. Vol. 48. No. 3. P. 665-679.

Galishcheva N.V., Nebol'sina E.V. 2021. SSHA i Kitay vo vneshneekonomicheskoy politike Indii: v poiskakh balansa dlya sokhraneniya strategicheskoy avtonomii [USA and China in India's Foreign Economic Policy: in Search of a Balance for Maintaining Strategic Autonomy]. *Vestnik RUDN. Seriya: Mezhdunarodnyye otnosheniya*. No. 2. P. 304-324.

Goldstein M., Kahn M.S. 1978. The Supply and Demand for Exports: A Simultaneous Approach. *The Review of Economics and Statistics*. Vol. 60. No. 2. P. 275-286.

Greenaway D., Sapsford D. 1994. Exports, growth, and liberalization: An evaluation. *Journal of Policy Modeling*. Vol. 16. No. 2. P. 165-186.

Helpman E. 2011. *Understanding Global Trade*. Cambridge, MA: Harvard University Press. 232 p.

Houthakker H.S., Magee S.P. 1969. Income and Price Elasticities in World Trade. *Review of Economics and Statistics*. Vol. 51. P. 111-125.

Karingi S., Oulmane N., Lang R. 2005. *Assessment of the impact of the economic partnership agreement between the ECOWAS countries and the European Union*. Addis Ababa: African Trade Policy Center. 50 p.

Kofner Yu. 2020. *Liberalizatsiya torgovlis Indiiyest dast YEAES 4,6 mlrddollarovyezhegodno* [Liberalization of Trade with India Will Give the EAEU \$ 4.6 billion Annually]. RIAC, Bol'shaya Yevraziya. (In Russ.).

Konovalova Y.A. 2017. *Rossiya-Indiya: sotrudnichestvo v XXI veke* [Russia-India: Cooperation in the 21st Century]. Moscow: Ekon-Inform. 251 p. (In Russ.).

Krueger A.O. 1998. Why Trade Liberalization is Good for Growth. *The Economic Journal*. Vol. 108. P. 1513-1522.

Krugman P.R. 1979. Increasing Returns, Monopolistic Competition, and International Trade. *Journal of International Economics*. Vol. 9. No. 4. P. 469—479.

Lang R. 2006. *A partial equilibrium analysis of the impact of the ECOWAS-EU, Economic Partnership Agreement*. Purdue University. 33 p.

Leamer E.E., Levinsohn J. 1995. *International trade theory: The evidence*. *Handbook of International Economics*. No. 3. P. 1339—1394.

Likhacheva A.B., Kalachigin G.M. 2018. Otsenka riskov liberalizatsii torgovli so stranami Azii v ramkakh rossiyskoy politiki "Povorota na Vostok" [Assessment of the Risks of Trade Liberalization with Asian Countries in the Framework of the Russian Policy "Turn to the East"]. *Vestnik mezhdunarodnykh organizatsij*. Vol. 13. No. 3. P. 52—69. (In Russ.).

Lunev S.I. 2020. Rossiya i Indiya v Indo-Tikhookeanskom regione i faktor SSHA [Russia and India in the Indo-Pacific Region and the US Factor]. *Aktuafnyye problemy Yevropy*. No. 1(105). P. 182—212. (In Russ.).

Malyarov O.V. 2007. *Ekonomicheskaya reforma v Indii* [Economic Reform in India]. Moscow. 76 p. (In Russ.).

Nenci S. 2011. Tariff Liberalisation and the Growth of World Trade: A Comparative Historical Analysis of the Multilateral Trading System. *The World Economy*. Vol. 34. No. 10. P. 1809—1835.

Nivedita Das Kundu. 2016. Rossiysko-indiyskiye otnosheniya: proshloye, nastoyashcheye, budushcheye [Russian-Indian Relations: Past, Present, Future]. *Mezhdunarodnyy diskussionnyy klub Valdai*. 2016. URL: <https://ru.valdaiclub.com/a/highlights/rossiysko-indiyskie-otnosheniya/> (accessed: 10.07.2021) (In Russ.).

Ostry J.D. 1991. Trade Liberalization in Developing Countries: Initial Trade Distortions and Imported Intermediate Inputs. *International Monetary Fund Staff Papers*. Vol. 38. No. 3. P. 447—479.

Pant H. 2017. India-Russia Economic and Energy Cooperation: The Way Ahead. RF Issue Brief, June. P. 1-8.



- Peters A. 2002. *The Fiscal Effects of Tariff Reduction in the Caribbean Community*. CARICOM Secretariat. 38 p.
- Piermartini R., Teh R. 2005. Demystifying Modelling Methods for Trade Policy. *WTO Discussion Paper*. No. 10. 59 p.
- Plummer M.G., Cheong D., Hamanaka S. 2010. *Methodology for impact assessment of free trade agreements*. Mandaluyong City, Philippines: Asian Development Bank. 120 p.
- Porter M.E. 1985. *The Competitive Advantage: Creating and Sustaining Superior Performance*. NY: Free Press. 592 p.
- Rose A.K. 2002. Do We Really Know that the WTO Increases Trade? *NBER Working Paper*, 9273. P. 2-11.
- Salvatore D. 2013. *International Economics: Trade and Finance* (13th ed). John Wiley & Sons. 836 p.
- Sequeira S. 2016. Corruption, trade costs, and gains from tariff liberalization: evidence from Southern Africa. *American Economic Review*. Vol. 106. No. 10. P. 3029-3063.
- Shikin V., Bhandari A. 2017. Russia — India Energy Cooperation: Trade, Joint Projects, and New Areas. Policy Brief. *RIAC and Gateway House*. 37 p.
- Singh R., Sharma S.P. 2017. *India — Eurasian Economic Union Relations. Fortifying Trade and Tourism Prospects*. PHD Research Bureau. 13 p.
- Sinha A. 2019. A theory of reform consolidation in India: From crisis-induced reforms to strategic internationalization. *India Review*. Vol. 18. No. 1. P. 54—87.
- SIPRI. 2021. *Trends in International Arms Transfers. Strategy for New India* 75. 2019. Niti Aayng.
- Trefler D. 1993. Trade Liberalization and the Theory of Endogenous Protection: An Econometric Study of U.S. Import Policy. *Journal of Political Economy*. Vol. 101. P. 138—160.
- Valuyeva I.A., Konovalova YU.A. 2018. Voenno-tekhnicheskoye sotrudnichestvo dvukh regional'nykh derzhav: novyye vyzovy dlya Rossii i Indii [Military-Technical Cooperation between Two Regional Powers: New Challenges for Russia and India]. *Vestnik RUDN. Seriya: Ekonomika*. No. 1(26). P. 28-37. (In Russ.).
- Viner J. 1961. *The Customs Union Issue*. Washington DC: Anderson Kramer Associates. 247 p.
- Wang Q. 2001. Import-Reducing Effect of Trade Barriers: a Cross-Country Investigation. *IMF Working Paper*, 1216. 53 p.
- Vinokurov E. Yu. (ed.) 2017. *Yevraziyskiy ekonomicheskiy soyuz [Eurasian Economic Union]*. St. Petersburg: EDB Center for Integration Studies. 287 p. (In Russ.).
- Zakharov A. 2019. The Geopolitics of the US-India-Russia Strategic Triangle. *Strategic Analysis*. Vol. 43. No. 5. P. 357-371.
- Zakharov A.I. 2018. Regional'nye aspekty rossijsko-indijskikh otnoshenij [Regional Aspects of Russian- Indian Relations]. *Vestnik Instituta vostokovedeniya RAN*. No. 6. P. 109-115. (In Russ.).
- Zakharov A.I. 2020. Vstupleniye Indii v global'nyy mir: osobennosti puti [India's Entry into the Global World: Features of the Path]. *Rossiia i sovremennyy mir*. No. 2. P. 113-134. (In Russ.).
- Zakharov A. 2017. *Exploring New Drivers in India-Russia Cooperation*. RF Occasional Paper. 34 p.

# Syrian Kurds as a Proto-State Actor: From the Insurgent State to Democratic Confederalism<sup>1</sup>

Kirill Vertyaev

Institute of Oriental Studies of the RAS

**Abstract.** It is estimated that the self-proclaimed Kurdish autonomy in Northeastern Syria accounts for one-third of the country's territory, and, despite its unrecognized status, it appears to be one of the key players in the Syrian peace settlement and, at the same time, a political hostage to the situation that has developed in Syria as a result of the Civil War. The present article explores the formation of the self-proclaimed autonomy in Northeastern Syria (Rojava, Syrian Kurdistan, the Federation of North-Eastern Syria, the Autonomous Administration of North and East Syria [AANES]) and puts forward the thesis of Rojava's emergence as an insurgent state. The first part of the study analyses its political system through the concept of proto-state actors for the Kurdish Self-Defence Forces (YPG) and the Democratic Union Party (PYD). Due to the inclusiveness of the Kurdish Self-Defence Forces, Kurdish non-state actors (PYD-YPG) have acquired the features of a proto-state, going beyond the definition of the "Syrian wing" of the Kurdistan Workers' Party (PKK). The article focuses on the complex and diversified ethnic composition of the local population within the boundaries of the de facto autonomy. This is manifested in the presence of various political actors and movements, including those based on ethnic particularism. It is concluded that such a political structure is fragile due to the interethnic contradictions between the Kurds and the Arabs in the region.

**Keywords:** Syria; Syrian Kurdistan; Rojava; democratic confederalism; Federation of North and East Syria; Autonomous Administration of North and East Syria; proto-state; YPG.

In the analytical and journalistic literature, the the Autonomous Administration of North-Eastern Syria (AANES) is often referred to as "Rojava" (Kurdish for "West," "Western Kurdistan" or "West Kurdistan").<sup>2</sup> We are talking about the following ter-

<sup>1</sup> English translation from the Russian text: Vertyaev K. 2021. Siriyskiye kurdy kak protogosudarstvennyy sub'yekt ot povstancheskogo gosudarstva k demokraticeskomu konfederalizmu. *Mezhdunarodnyye protsessy [International trends]*. 19(3). P. 22-42. <https://doi.org/10.17994/IT.2021.19.3.66.8>.

<sup>2</sup> In the Kurdish regions of the Middle East, they more often use the term "Western Kurdistan," although geographically Rojava rather refers to the southwest of Kurdistan. It would be more correct to use the term "Syrian Kurdistan," but the

ritories: the northern parts of the Syrian Trans-Euphrates, the self-proclaimed cantons of Cizre and Kobane, the Afrin Region occupied (at the time of writing) by Turkey, and the border rectangle stretching from Tell Abyad east to Ras al-Ayn, or Serekaniye. A large part of the Kurds living in the Kurdish enclaves of Aleppo city also consider themselves part of Rojava. The political structure of Rojava can be described as a practically implemented concept of alternative statehood (and even “anti-statehood”), built on the left-libertarian principles of exercising power “from below,” as well as control over natural resources within the framework of the emerging proto-state (Steiner 2009: 1–8). Scientific interest in this political phenomenon stems from the possible impact of the very existence of Rojava (at the time of writing, AANES) and the sociopolitical model implemented there on the further arrangement of Syria and the balance of political forces both in the country itself and in the region as a whole. Understanding the causes and mechanisms of the formation of proto-statehood in the north-east of Syria is essential both from the point of view of forecasting the development of interrelations and conflicts between the Syrian center and the Kurdish periphery, and as a kind of mold for the emergence in modern societies of proto-states with specific features that distinguish them from traditional and *de facto* political formations of pre-state type that possess sovereignty.

The interest is also due to the existing scientific consensus that in the modern world the phenomenon of proto-statehood is objectively found in various societies and at various stages of formation. The term “proto-state” usually refers to a political entity that is not a fully institutionalized and/or sovereign state (Szekely 2016). In turn, the state is understood as “a legally formalized and institutionally organized activity to exercise the powers of the supreme authority, aimed at meeting the needs of the members of society that they themselves cannot fully satisfy through private initiative” (Lyubashits, Razuvayev 2018: 52). In this definition, we can clearly see a reliance on communalism as a hallmark of statehood. The phenomenon can also be considered in terms of the theory of stateness. In the latter case, the state must have the organizational capacity to mobilize resources (including military resources), maintain internal order, and possess the instruments of regulatory intervention in the economic and social spheres (Bartolini 2005). If we look at Rojava in a general theoretical sense, the relevant question is also whether this polity (just as, for example, ancient Athens or Roman *civitas*) is a proto-state, or whether it represents a special type of stateless communities.

The genealogical approach to studying the balance of power, practices and strategies implemented both in Rojava and in the entire Kurdish political space of the Middle East (the main characteristics of which are an internal propensity for conflict and weak institutionalization), seems preferable here. According to Anthony Giddens’

---

self-proclaimed autonomy, whose borders run almost along the entire Euphrates River, also controls Arab tribal areas. Therefore, the use of the term “Trans-Euphrates” seems most appropriate.

structuration theory, such polities can be approached as “institutional clusters,” where sociologists and political scientists interpret the social world that has already been interpreted by the agents who inhabit it [Giddens 2005]. Identifying the agents of such a cluster is one of the objectives of this article. To what extent can Rojava (Syrian Kurdistan or, geographically more broadly, AANES) be positioned within the theoretical characteristics of proto-statehood? This identification is influenced by globalization processes, the participation of external actors in the Syrian settlement, their donor assistance, relations with Damascus in the broadest sense, as well as the variability of theoretical approaches to the definition of statehood and its practical implementation in the modern world.

### **The Phenomenon of Rojava: Scientific Interpretations**

The Rojava phenomenon remains understudied, with the exception of Thomas Schmidinger’s voluminous field study, which contains a detailed analysis of the structure of power in this entity and the ways in which it is exercised (Schmidinger 2018). The topic is also touched upon in Sinan Hatahet’s article “The Political Economy of the Autonomous Administration of North and East Syria.”<sup>3</sup> Much of literature on Rojava is descriptive, based on field research, observations, and interviews with local officials and representatives of various political forces. Some analysts are politically biased and focused on the demands of external players (the United States, Turkey, Russia, Iran). Of particular interest for understanding the power structure in Rojava are the materials collected by Human Rights Watch on human rights abuses in the region.<sup>4</sup> At the same time, understanding the nature of Rojava as a political phenomenon is impossible without studying the works of the functionaries and leaders of the Kurdistan Workers’ Party (PKK), whose political philosophy formed the basis of the socio-political communal model of “statelessness” (Flach, Ayboğa, Knapp 2016: 14–24; Öcalan 2011; 2014).

As Russian researchers observe, some political theorists still hold the erroneous view that any non-state form of a political entity must be considered pre-state, believing that in the process of development it inevitably transforms into a state. This approach proceeds from the presumption that the most underdeveloped state is more complex than any non-state society, and that political relations only arise with the emergence of the state (Grinin, Korotayev 2009: 429–469). According to Leonid Vasilyev, such theories failed to explain where and why these large organizational structures emerged, without which it was impossible to wage successful wars, leading to

<sup>3</sup> Hatahet S. 2019. The Political Economy of the Autonomous Administration of North and East Syria. European University Institut. URL: <https://op.europa.eu/s/prKS> (accessed: 12.07.2021).

<sup>4</sup> Under Kurdish Rule. Abuses in PYD-run Enclaves of Syria. Human Rights Watch. 2014. June 19. URL: <https://www.hrw.org/report/2014/06/19/under-kurdish-rule/abuses-pyd-run-enclaves-syria> (accessed: 19.07.2021).

the expansion of the territories (Vasilyev 1983: 33–34). In parallel with internationally recognized states, there are polities that cannot be classified as pre-state by their level of development. It can be concluded that proto-states are complex political organizations with the attributes of a state, which may or may not eventually become a full-fledged state.

In the context of the alignment and balance of political forces in the Near and Middle East, it is of interest to analyse the political nature of Rojava as an embodiment of the rebel state model (McColl 1969). The rebel state described by McColl has the characteristics of a proto-state, and such political entities are often formed as a result of unconstitutional seizures of territory by rebel groups that assume the functions of local government (for example, Hayat Tahrir al-Sham, banned in the Russian Federation), quasi-government ( Hamas) and even claim to build their own state (like Islamic State, banned in the Russian Federation). Such political formations rely on compactly settled and politically mobilized ethnic and religious groups. Most of these proto-states, based on ethnic or other particularism, are short-lived, for example Tamil Eelam in Sri Lanka (1983–2009), the Tuareg state of Azawad in Mali (2012–2013), and others.

These cases provide examples of political actors based on ethnic or other particularism, representing atavistic echoes of national liberation movements whose victorious march across the world in the 19<sup>th</sup> and 20<sup>th</sup> centuries legitimized the established proto-states with historical experience of quasi-statehood (e.g., early 19<sup>th</sup>-century Uruguay, or Zimbabwe-Rhodesia). Today's "people's/national self-defence forces" in the Middle East are rapidly acquiring the characteristics of pro-state actors, whose actions lead to the emergence of new quasi-states.<sup>5</sup> They not so much seek to acquire the status of internationally recognized, independent states, as they seek to be accepted as having some degree of autonomy as "sovereign enclaves." Such a model is in demand in countries of the enclave-conglomerate type, as Syria appears to be at present. In such societies, individual groups are able to resist the unifying influence of the environment due to a high level of organization (Bogaturov, Vinogradov 2002: 9). Enclaves are formed by ethnic (cultural-linguistic or confessional) groups with high internal mobilization identities that reject the legitimacy of the ruling regime. They form a space where the group can live according to its own laws and social norms (Szekely 2016: 77).

According to the Marxist interpretation, a proto-state is formed by the self-development of a social organization, often taking the form of a military democracy. A military democracy is a horizontal political structure involving three non-subor-

<sup>5</sup> Here we should mention the differences in the definitions of proto-statehood and quasi-statehood, at least in the Russian-language literature. Despite the fact that the prefix "quasi" means "pseudo," there are different interpretations of this term in English and Russian (English: "proto-state"). Due to some historical traditions in Russian-language works, the prefix "quasi" had (and sometimes still has) pejorative connotations rooted, most likely, in the tradition of Soviet times, when this term meant pseudo-state formations without any substantive (i.e. pronounced national) or political justification, artificially created by obvious or imaginary geopolitical opponents, the bearers of another national or class ideology (for example, non-recognition by the USSR and the United States of the African Rhodesia ["quasi-state"]). For more detail, see: (Lukichev, Skorik 1994: 132).

dinate governing bodies: a leader, a council, and a people's assembly. In the scientific literature, military democracy is often contrasted with the sociopolitical structure of the proto-state called chiefdom (Vasilyev 1980: 157–175). Developing Carneiro's ideas (Carneiro 1981: 37–79), Leonid Vasilyev wrote: "Chiefdom (from the English 'chief') is an intermediate stage in the process of political integration from pre-state forms to the state and therefore is a universal phenomenon known both to farmers and nomads (who did not go beyond this stage), which is typical for both ancient and modern peoples" (Vasilyev 1983: 32).

In chiefdoms (a striking example of which is Iraqi Kurdistan, or, to be more precise, the two political and territorial elements that constitute it, united around the Barzani and Talabani clans, which also have proto-state characteristics), the hierarchy of settlements, their centralization, the stratification of society, the internal power structure characteristic of proto-states, and the stratification of elites into ruling and military classes are clearly visible. In the case of chiefdoms, there is also a tendency to sacralize the person of the supreme ruler, while in a military democracy, there may be expressions of disagreement with the decisions and actions of the leader. In Syrian Kurdistan, under the control of forces affiliated with the Kurdistan Workers' Party, this very element of classical chiefdom is in place – the sacralization of Abdullah Öcalan, the leader and founder of the PKK, who has been in a Turkish prison since 1999. In this case, the element of exaltation, the exclusivity of one's own figure is also present in Öcalan's works themselves (Öcalan 2014: 15–17).

Indeed, in the East proto-states have often been supported by the charisma and authority of their leaders, but they would quickly lose their mobilization potential if the leader was removed or died. Another appropriate example is the Free Lebanon State (1979–1984), self-proclaimed during the Civil War, and which ceased to exist *de facto* after the death of its leader Saad Haddad, a Maronite Christian. Some other examples of chiefdoms in Kurdish history include the Milli Confederation in the early 20<sup>th</sup> century, the Kingdom of Kurdistan, with its capital in Sulaymaniyah (1922–1924), and the Republic of Mahabad (1946). The emergence and gradual sovereignization of proto-states, that is, their transformation into national or conglomerate, complex entities, depends on the concurrence of various circumstances.

According to the Russian researcher Tatiana Kashanina, the necessary condition for proto-statehood is the ability to produce an amount of a product that is not only sufficient to meet one's own needs, but also leaves a surplus for exchange with the external environment (Kashanina 2004: 44–45). Rojava has the appropriate material base: the northern and eastern parts of Syria are rich in wheat and other crops, being the "breadbasket" of the whole country. The northeastern and southern regions of the autonomy, near Deir ez-Zor (Khsham, Al Tabiya), contain large oil reserves (given that Syria is not rich in hydrocarbons). As of the early 2020s, all of these resources were



under the control of the Syrian Democratic Forces (SDF) and the United States. Oil sales account for approximately 60% of the autonomy's revenues, with oil transported by various routes, including through Damascus-controlled territories.<sup>6</sup>

In the context of interpretations of proto-statehood, various categories are used to explain the political nature of such political entities. In the case of Rojava, the predominantly pre-industrial character of economic life keeps society at the stage of proto-statehood, while the Kurds' historical memory also preserves the image of an independent social organism with signs of political sovereignty. In the case of Rojava (or Syrian Kurdistan), the categories of contested statehood, typical, for example, of Kosovo (Weller 2009: 8), do not apply, since the self-proclaimed autonomy is not currently contesting the territorial integrity of Syria: rather, this is a territory with incomplete governance, where the Syrian state performs only part of its functions, or a region with abdicated governance, where the state leaves part of its responsibilities to local groups and elites (as in Iraqi Kurdistan or some border areas of Saudi Arabia).<sup>7</sup> We can also use here the term "parallel statehood," which, in fact, implies the transformation of Syria into a conglomerate society.

A non-state actor, originally formed on the basis of ethno-confessional particularism, is often represented by a pair of related institutions: a self-defence force and a political organization. Such structures are defined as "non-sovereign entities that wield substantial economic, political, or social power and influence at the national, and in some cases international, level" (*The Middle East in a Changing Global Context* 2018: 301). Despite their political differences, they can interact with the central government, including within the framework of consociational democracy, by participating in elections and even by attending parliament meetings, as can be clearly seen in the case of Hezbollah in Lebanon. Non-state actors can perform other functions, challenging the authority and legitimacy of the state within which they exist. These are, in particular, military functions (self-defence, territorial control), border control, and the distribution of external donor aid. Most often, such functions become more relevant in war-time or civil war conditions. Although non-state actors possess many of the characteristics of a state, they lack recognition as a legitimate government, even if they are not capable of governing the territory they claim (Mampilly 2011: 112). Groups based on a common identity and social affiliation tend to form coalitions to contain a common enemy. Such alliances often remain fragile and, at the first opportunity, disintegrate to form a smaller but more cohesive and effective coalition (*The Middle East in a Changing Global Context* 2018: 307).

<sup>6</sup> In April 2021, the administration of the autonomy sent 200 oil trucks to the refinery in Homs. For more detail, see: Bartu P., Ruttimann M. *North East Syria: The Good, the bad and the Oil*. Australian Institute of International Affairs. June 8. 2021. URL: <https://www.internationalaffairs.org.au/australianoutlook/north-east-syria-the-good-the-bad-the-oil/> (accessed: 19.07.2021)

<sup>7</sup> For more detail, see: (Popov 2011).

Sustainability appears to be one of the main features of proto-statehood, where a society within a proto-state acquires the elements of political centralization and acts, in the case of Syria, in the form of an alternative anti-state that challenges the omnipotence of the central government's state elites. This process helps to unite a number of territories around a single center, which sometimes initially has no political significance. The attraction to it is due to linguistic, religious, ethnic and even blood ties, similar lifestyles and customs, as well as geographic proximity.<sup>8</sup> Meanwhile, there is no such center within the democratic confederalism of the Syrian Kurds due to the formation of a proto-state in which the ethnically diverse population is consolidated not only through expansion or the presence of an external enemy, but also through donor assistance from the United States.<sup>9</sup> There is neither province nor periphery here, for each territorial corporation, united around local councils, considers itself a subject of the union, independent within its boundaries. The common political space is maintained through military or other pressure (in the case of Syrian Kurdistan, by the Syrian Kurdish Democratic Union Party, PYD, and the People's Protection Units, YPG, as a political and military organization claiming to be the unifying center of this social entity). In such political formations, power often has a charismatic, and later a traditional (traditionally legitimized) character, when the very observance of the rule of law is conditioned by tradition.<sup>10</sup>

While the abstract commonality of territory is often unstable and the very nature of the entities that form a territorial proto-state does not contribute to their consolidation, a proto-state entity is characterized by a certain level of consolidation, which is largely characteristic of both the Syrian Kurdish self-defense forces (Kurdish YPG: Yekineyen Parastina Gel) and the political forces of the AANES organized on the principles of democratic federalism (the Democratic Union Party, PYD), acting as the organizational and mobilizing center of the proto-state entity, as was mentioned above. In essence, a self-proclaimed polyethnic conglomerate that attempts to replace both the nation-state as a whole and a specific political system in particular is a universal structure, which can include supranational organizations, proto-state formations, anti-system actors of a supra-state type and of the type alternative to the state (Naumkin, Kuznetsov 2020: 109).

Professor Ora Szekeley defines proto-state actors as non-state organizations that have assumed many functions of the state in a given territory and build external relations independently of that state, challenging its legitimacy in that territory. The state

<sup>8</sup> Lukichev P.N., Skorik A.P. Quasi-Statehood: Historical and Theoretical Concept, 20 Years Later. Commentary on the Previously Published Concept. 2013. URL: <https://www.npi-tu.ru/index.php?id=2028> (accessed: 10.05.2021).

<sup>9</sup> The formal recipient of aid from the three main and traditional donors (the United States, Germany, and the United Kingdom) is Syria. These countries, having refused to cooperate with the Assad regime, provide aid directly to territories controlled by the opposition. Syria receives donor aid from 30 countries (Bartenev 2018: 26).

<sup>10</sup> Lukichev P.N., Skorik A.P. Quasi-Statehood: Historical and Theoretical Concept, 20 Years Later. Commentary on the Previously Published Concept. 2013. URL: <https://www.npi-tu.ru/index.php?id=2028> (accessed: 10.05.2021).

functions they claim include a wide range of tasks, the most obvious of which remains military (defense), where the presence of an armed militia clearly challenges the central government, the Weberian standard of state sovereignty, and the monopoly on the legitimate use of force (Szekely 2016: 75). The armed units of some proto-state actors are comparable in size and equipment with the armies of small states, or even surpass them. An important distinction between pro-state actors and ordinary local militias is that the former also perform a number of non-military functions, such as maintaining infrastructure, providing education and medical care, and regulating traffic (Flanigan 2009: 114). They can have an effective bureaucracy and strong administrative capacity, sometimes competing with the agents of the state whose authority they seek to displace, as is evident in both Syrian and Iraqi Kurdistan (Stansfield 2013: 60).

Many pro-state actors have developed effective diplomatic activities: for example, the Palestine Liberation Organization was represented at the UN General Assembly. In this sense, a good example is the international voyage of former PYD co-chair Salih Muslim in 2013–2015 in search of potential partners for a political alliance. In addition, local elites used their improved ties with Damascus to put pressure on outside actors such as the United States, which did not prevent Turkish troops and their Turkoman proxies from seizing the Afrin Region in Syria, which was part of Rojava.<sup>11</sup> Pro-state actors build their foreign policies in response to regional dynamics (in this case, determined by the negative effects of the Arab Spring), as well as in response to the demands of public opinion within the entity itself. The position of an adversary state is also relevant to this study, because Turkey appears to be just this adversary for the Syrian Kurdish autonomy under the control of the PYD–YPG, while it is not an adversary for the US-initiated Syrian Democratic Forces, which includes the YPG.

When it comes to other proto-state actors in the Middle East, such as Hamas or Hezbollah, the foreign policy decisions they made in the context of the Arab Spring (a series of uprisings in Arab countries in 2011), which led to a change of several political regimes, the “chaotic aftermath” of which “unavoidably triggered a debate on whether the current borders in the Middle East are still tenable now that the civil wars in Syria, Iraq, Yemen and Libya seem to have irreparably damaged relations between minorities, tribes and regions which not so long ago lived relatively peacefully together” (Kwarten 2020: 235). This indicates that they are guided not only by the imperatives of fighting for national or religious rights, but also by seeking pragmatic responses to political pressure from the outside. Thus, against the backdrop of worsening relations with Israel in 2021, these political actors pursue their foreign policy in much the same way as states.

<sup>11</sup> Gurbuz M. False Hopes? Prospects for Political Inclusion in Rojava and Iraqi Kurdistan. Rice University's Baker Institute for Public Policy. Issue Brief. May 9, 2018. URL: <https://www.bakerinstitute.org/sites/default/files/2018-10/import/cme-pub-carnegie-gurbuz-101818.pdf> (accessed: 05.05.2021)

Based on the previous analysis of proto-state entities, the theory of an insurgent state coined by Robert McColl in 1969 is still relevant in the case of Syrian Kurdistan. Referring to the radical nature of the socio-economic and political transformations taking place in Syrian Kurdistan, including the establishment of a people's political government and the granting of maximum rights to women, many researchers label them as revolutionary (Life without a State: The Revolution in Kurdistan. 2017: 117). By contrast, McColl argued that revolution seeks to increase the territories under its control, which becomes a "territorial imperative." He pointed out that during the Cold War, the main tactic employed by national revolutions was the creation of an anti-state (an insurgent state) that competed with the very *raison d'être* of the internationally recognized state. This kind of entity establishes control over the territory and the population, in particular through the creation of its own army, and the registration of territory and administrative units. In this regard, it would be wise to consider national revolutions as a process of formation of a territorial-political entity on politically hostile territory. McColl views these phases from a geographical perspective, suggesting that "each stage actually represents the evolution of an insurgent state and its ability to increase the area under its political and military control" (McColl 1969: 619).

The scheme of traditional insurgent groups was used by the rebellious Iraqi Kurds in the 1960s, as has been deployed by the supporters of Abdullah Öcalan and the Kurdistan Workers' Party in Turkey since 1984, when the establishment of control over the territory and the creation of an insurgent state were declared the goals of the armed struggle. For example, in his research on the Iraqi Kurds, Gareth Stansfield refers to the works of Mao Zedong, where this staged tactic was defined through the scheme conflict – parity – counteroffensive – mobile war – regular war (Stansfield 2003: 21). It is precisely this phased pattern of the armed struggle against the Turkish state that was outlined at the fourth congress of the Kurdistan Workers' Party in 1990 – namely, the creation of strategic points on "liberated territory" with the transformation of mobile war into a positional one (Vertyaev 2007: 51). The subsequent mainstreaming of the Kurdish factor in Syria as a result of the Civil War and the fragmentation of the Kurdish proto-state here led to the flow of Kurdish insurgents and PKK personnel from Turkey to Syria, given the close links between Turkish and Syrian Kurds who speak the same Kurdish dialect – Kurmanji.

The creation of an insurgent state has a number of requirements and values for the national liberation movement. *First*, it is a refuge for its leaders in order to continue the struggle and achieve the goals of the national liberation movement, including in terms of human and material resources, creating an aura of legitimacy for its followers (McColl 1969: 614). Although in theory the goal of an insurgent state is the gradual establishment of full control over territory and the displacement or replacement of central authority, according to McColl's view, the 1969 national liberation movements of his day used the creation of a territorially based anti-state (insurgent state) within another state as their primary tactic. This mechanism involves the creation of territorial units that compete with all or many attributes of any legitimate state, and its quasi-

statehood, from the perspective of the elites of such a political entity, is expressed in the control of territory and population, including the creation of its own territorial and administrative units, as well as its own guerrilla army.

Since 2012, the core of the rebel command in Rojava (AANES) has been made up of supporters of the Kurdistan Workers' Party mobilized around the PYD. The political doctrine of this movement from its emergence in 1978 until the beginning of the 21st century was focused on the creation of an insurgent state – a political entity with all the attributes of national sovereignty ("Socialist Kurdistan"), which was perceived by the elites of this political movement as control over the territory and population, a network of support bases and administrative units, as well as force support in the guerrilla army (Vertyaev 2007: 29). Russian researcher Rostislav Turovsky also defines insurgent states as territories controlled by armed opponents of the ruling regime (Turovsky 1999: 216). Today, an insurgent state can also be viewed as a political institution that controls territory and competes with the attributes of statehood of the current regime and the institutions of public authority associated with it. In the case of the PKK, Turkey was (and is) just such an antagonist, the territory on which this political force originated and acted. In this regard, the PKK's doctrine extrapolated to Syrian Kurdistan has acquired qualitatively new characteristics, which will be described below.

### **The Emergence of an Insurgent State in Syrian Kurdistan**

The development of an insurgent state in Syrian Kurdistan is believed to have begun on June 18–19, 2012, when self-defence forces in the Kurdish area of Syria (YPG) took control over the entrance to and exit from Kobane, and in the city itself, the supporters of the Democratic Union Party (PYD) occupied the state institutions. The Syrian Army, forced to fight against the armed opposition in other regions of the country, left the northern provinces inhabited by Kurds, in accordance with agreements reached during negotiations with Kurdish representatives (Acun, Keskin 2016: 12). It only retained control over the airport, train station and checkpoint on the border with Turkey in the main town of Qamishli.

A temporary governing body for Syrian Kurdistan, the Supreme Kurdish Committee (Desteya Bilind a Kurd, DBK), was established in Erbil, Iraqi Kurdistan, in 2012. It was formed on a parity basis from the members of the People's Assembly of Western Kurdistan (PAWK), which was dominated by the PYD, and from the members of the Kurdish National Council in Syria, focused mainly on the Democratic Party of Iraqi Kurdistan. However, the Kurdish groups remained deeply divided over relations with the central government in Damascus, the need for foreign intervention in the Syrian domestic conflict, and unification with the Syrian opposition, which the PYD supporters opposed. In November 2013, the umbrella organization Movement for a Democratic Society (Tevgera Civaka Demokratîk, TEV-DEM) was established in Syrian Kurdistan under the auspices of the PYD, whose goal was to build a political system of "democratic confederalism" (Vertyaev 2015: 368).



The political legitimacy of the local councils that were established under the PYD stemmed exclusively from the dominance of a certain ideologically oriented group (eco-anarchists and representatives of other leftist groups) that had substantial military and administrative backing from the PKK, but consisted overwhelmingly of PYD representatives, political satellites of the PKK who denied the legitimacy of their opponents – mostly from among the supporters of the Barzani clan from Iraqi Kurdistan, and small Kurdish parties of the Kurdish National Council (KNC) in Syria.

Following self-declaration in January 2014, the Kurdish autonomy of Rojava consisted of three Kurdish cantons, with much of the territory between them controlled by the forces of the quasi-state Islamic State (IS). By June 2015, as a result of the armed struggle by the self-defense forces (the YPG–YPJ [women's battalions]) against radical Islamists, the cantons were united into a single quasi-state, Rojava. Autonomy was proclaimed on March 17, 2016 as the Democratic Federation of Rojava – Northern Syria. In late 2016, the autonomy was renamed the Federation of North-Eastern Syria, without mention of “Rojava” (Kurdish for “West” or “Western Kurdistan”), as the democratic armed forces of Syria, with the YPG troops at their core, began to take control of the southern territory of Trans-Euphrates, mainly populated by Arabs.

The *Syrian Democratic Forces* (SDF) took control of approximately three million people in the self-proclaimed Autonomous Administration of North and East Syria, including the Shahba enclave north of Aleppo and the Sheikh Maqsoud neighborhood in central Aleppo, which had been under the joint control of the YPG and Jabhat al-Akrad (and which was taken over by government forces in late December 2017).

As a pro-Kurdish party in Syria, the PYD was able to attract a large number of PKK supporters with experience of fighting against security forces and the Turkish army. The PYD and its armed wing, the YPG, rose to prominence through military victories over IS fighters, largely thanks to donor support they received first from Iran and then from the US-led international coalition. Between 2013 and 2018, the SDF, backed by the United States, took control of all of Syria's Trans-Euphrates south to Deir ez-Zor.

In the early 2020s, the backbone of the SDF was still formed by the Kurdish People's Self-Defence Forces (YPG), formally subordinate to the Supreme Kurdish Committee (SKC), but actually affiliated with the Democratic Union Party (PYD). The border of the self-proclaimed autonomy, separating it from the rest of Syria and from the canton of Kobane, where Russian troops were stationed, de facto ran along the Euphrates.

In the summer of 2017, amid a large-scale offensive against IS, Russia and the United States agreed to establish the Euphrates River as a line separating the SDF forces (which were advancing along the northeast bank of the river) from territories controlled by the Syrian army and other government and pro-government militias.<sup>12</sup> This

<sup>12</sup> Makarenko G., Sidorkova I. A New Turn in the War: How the Victory over IS Changed the Syrian Conflict. RBC. 15 February. 2015. URL: <https://www.rbc.ru/politics/15/02/2018/5a83fa169a79476fb19e3029> (accessed: 19.07.2021)



led to the formation of a de facto quasi-state dominated by the supporters of the Kurdistan Workers' Party (PKK), which is banned in Turkey. According to the supporters of Turkey's opposition People's Democracy Party, shortly thereafter the Turkish government began to put pressure on reactionary jihadist organizations, pushing them to attack the emerging centres of Kurdish self-rule in northern Syria.<sup>13</sup> This largely correlates with the threats to the very concept of an insurgent state, the creation of which, under the PKK ideology, is a "redline" for Turkey's national security (Acun, Keskin 2017: 7–8).

In particular, the first attack took place on the city of Serekaniye (Ras al-Ayn) in November 2012. Attacks on Kurdish autonomies by ISIS (IS since 2014), al-Nusra, as well as some units of the Syrian Free Army continued in the summer of 2013. Their targets were the self-proclaimed autonomous entities (cantons) of Jazira, Kobane and Afrin. Amid attacks on the self-proclaimed autonomy in Syrian Kurdistan, the PYD and the Kurdish Self-Defence Units (YPG) merged. However, due to some internal Kurdish disagreements, the Kurdish National Council (KNC) withdrew from the Supreme Kurdish Committee in November 2013, which led to the suspension of its activities until late 2020, when negotiations resumed between the KNC and the Kurdish National Unity Parties, mainly comprised of the PYD supporters.

One of the obvious reasons for the emergence of Kurdish self-rule in northern Syria is that the representatives of the Syrian Kurdish national movement were not invited as independent political forces to participate in the negotiations in Geneva (the Geneva II talks), set up in an attempt to broker an external diplomatic solution to the Syrian conflict. The sovereignization of the self-declared cantons has not eliminated some dependence on Damascus. The Syrian state has maintained and continues to maintain a formal presence in Rojava, which is reflected, for example, in the fact that Damascus provides textbooks for schools and food in exchange for oil, while also performing a number of formal representative functions (including guarding the airport in Qamishli, where flights were operated from Damascus). The self-proclaimed autonomy has its own stamp on the land border with Iraq, which designates the Federation of Northern Syria as part of the Republic of Syria (not the Syrian Arab Republic). Thus, we see the attributes of proto-statehood, which are expressed in attributive terms characterized by a contestation of statehood without encroaching on Syrian territorial integrity.

### Political Structure of Rojava

The Democratic Union Party was created in 2003 by Syrian PKK supporters as the Syrian branch of the Kurdistan Community Union (KCK), and was under constant pressure and persecution by the Baathist regimes of Syria and Iraq before the

<sup>13</sup> Olug H.K.İŞİD'in Türkiye bağlantıları. URL: <https://www.hdp.org.tr/tr/isidin-turkiye-baglantilari/13616> (accessed: 19.07.2021)

Civil War. One of the political goals of the KCK as an umbrella structure is to unite the entire territory densely populated by Kurds along the principles of democratic confederalism while keeping the existing state borders (that is, without undermining the territorial integrity of Turkey, Iraq, Iran, and Syria). This approach is based on the views of the American eco-anarchist Murray Bookchin, an advocate of a “radically new” political system that, unlike the nation-state model, is based on both physical and institutional decentralization of power and embodies the concepts of libertarian municipalism and confederation.<sup>14</sup>

Rojava’s model “emphasizes the concept of organising the cohabitant singularities of the multitude in line with the models of self-representation and self-organization, as explained below, wherein the institutions of self-organization are not confined to cultural and ethnic categories of identity...” (Knapp, Jongerden 2014: 88–90). Such an organization, in which self-defense forces are extremely strong and influential, has the features of a military democracy, which is also considered a sign of proto-statehood in terms of Marxism, so popular among Rojava supporters. The political system of Rojava is an attempt to implement the concept of “democratic autonomy, confederalism, and a democratic republic in a small territory” (Flach, Ayboğa, Knapp 2016: 101).

According to the American researcher Michael Gunter, the local councils implemented in Rojava do not actually have the power to make important decisions. In reality, all the levers of power are in the hands of the PKK leadership and Abdullah Öcalan personally, who is currently in a Turkish prison (Gunter 2014: 120). Nevertheless, a number of political decisions are made by key commanders such as Mazloun Abdi (General Commander of the SDF armed forces) and Murat Karayılan (Commander-in-Chief of the PKK’s armed wing, the People’s Defence Forces). Meanwhile, the system of councils plays an important role in the functioning of local authorities, in making decisions that affect the daily lives of the autonomy’s residents (Schmidinger 2018: 221). The councils deal with economic issues, provide local feedback and management organization, and are also an important advocacy tool for the PYD social model. Reforming the patriarchal structure of Kurdish society is facilitated by the introduction of female self-government at the local level and ensuring gender equality in the executive branch and self-defence forces.

Since the 2000s, the PKK, with which the PYD is ideologically affiliated, has seen a strategic shift toward a more democratic discourse in order to create federal and confederal entities in the Middle East (Öcalan 2014: 457). In 2011, Abdullah Öcalan wrote that the excessive emphasis on nation-building in the Middle East can be overcome through “democratic autonomy” (Öcalan 2011: 18–20). The Kurdish movement associated with the PKK has relaxed its emphasis on the right to self-determination through the formation of an independent Kurdish state, leaning towards a concept based on self-government, democratic autonomy and democratic confederalism.

<sup>14</sup> Bookchin M. *Libertarian Municipalism: An Overview*. 1991. URL: <http://theanarchistlibrary.org/library/murray-bookchin-libertarian-municipalism-an-overview> (accessed: 11.05.2021)

The founding document (a constitution of sorts) of the Autonomous Administration of North and East Syria (AANES) is the so-called social contract, which proclaims the ideas of democratic autonomy and democratic confederalism as the cornerstone of the regional political structure.<sup>15</sup> The main institution that embodies democratic confederalism in Rojava is the Democratic Autonomous Administration, which consists of the Legislative Council (parliament), the Executive Council (government) with ministries (Kurdish “deste” meaning “board”) and municipalities (local authorities, “people’s municipalities”). The radical/direct democratic structures in Rojava are called the People’s Council of West Kurdistan (Meclîsa Gel a Rojavayê Kurdistanê, MGRK). The basis of the bottom-up model within democratic confederalism is a commune (an assembly composed of households), followed by neighborhoods – villages composed of communes, district people’s councils coordinated by the Movement for a Democratic Society (TEV-DEM), which consists of political parties, social movements, and civic organizations. According to some researchers, this is the “project of radical democracy for the Middle East, which has three main components: anti-nationalism, anti-statehood, and gender liberation” (Flach, Ayboğa, Knapp 2016: 101–102).

One of the signs of proto-statehood is the separation of the state apparatus from society as an inherent property of political power during the formation of the bureaucratic state. In Rojava, the grassroots organization of such a communal system is the village council or city district council. Communities consist of several commissions of 5–19 members each, which are responsible for different areas – economy, defense, etc. Delegates from several communes form a district or village council, which, similar to the communes, consists of several commissions. Such district (village) councils elect regional councils, also consisting of several commissions. These councils elect the People’s Council of West Kurdistan. All councils have two co-chairs, a man and a woman. They have a separate women’s council in their structure (Schmidinger 2018: 219). The highest authority in the autonomy is the Democratic Syrian Assembly.

A sizeable part of the Syrian Kurds is mobilizing around the PYD and its self-defense forces, trying to extend their social experiment to the entire conglomerate of nationalities living there. This theory of democratic confederalism (extremely idiosyncratic for neighboring Turkey), focused on the creation of autonomy for the Syrian Kurds while denying the idea of a nation state, allows local elites who support demands for autonomy in Syria to argue that the Kurds pose no real threat to the country’s territorial integrity, as they are not seeking full independence from Damascus.

The need for Rojava’s consociational structure became evident back in 2012, when the Supreme Kurdish Committee was formed and signs of nation-building based on ethnic particularism began to emerge. Therefore, the PYD’s political paradigm can be defined as “non-Kurdocentric,” based on the maximum inclusiveness of the non-

<sup>15</sup> The full text is available here: Social Contract of the Democratic Confederation of Northern Syria. December 29, 2016. URL: <https://internationalistcommune.com/social-contract/> (accessed: 11.05.2021).

Kurdish ethnic element represented by Assyrians, Yazidis, Arabs, and others. And vice versa, a certain “Kurdish-centric” approach of the Kurdish parties that were affiliated with the Iraqi Kurdistan Democratic Party (KDP) before 2013, provoked rejection in Rojava. Local democratic confederalism is much more flexible even than consociational democracies, which is important in terms of the ability of an emerging political system to resolve disagreements and conflicts caused by ethnolinguistic and ideological pluralism. According to the provisional constitution of the Democratic Federation of Northern Syria adopted in December 2016, this proto-state was built on the principles of “democratic socialism, libertarian municipalism, direct democracy, anarchism, and gender equality.”<sup>16</sup>

A serious problem that Rojava still faces is the lack of a strong leader responsible for making and implementing political decisions, as well as the lack of support for such a political system by competing Kurdish political organizations. The Commander of the SDF, Mazloun Abdi, does not suit those Kurds close to the Kurdish National Council of Syria. The Dohuk agreement between the PYD and the KNC, brokered by the United States on October 21, 2014, which involved the creation of new councils with an equal distribution of representative functions between PYD supporters on the one hand and the KNC supporters on the other, has not yet been implemented. The agreement was supposed to create a joint Kurdish armed force (something the United States wanted), but the political forces within the Kurdish National Council were unable to agree among themselves, not to mention the Syrian Kurdish Self-Defence Forces (YPG) unwilling to join the armed formations (Peshmerga) of Iraqi Kurdistan. Thus, the autonomous Kurdish cantons of Cizre, Kobane and Afrin, which were proclaimed in January 2014 in northern Syria, did not become a joint political structure of Kurdish political forces; rather, they became a political entity under the sole leadership of the PYD in the context of a military democracy.

This notwithstanding, successful negotiations were held in June 2020 between the two main Kurdish organizations that have constantly competed for autonomy: the Kurdish National Council of Syria, close to the Barzani clan from Iraqi Kurdistan, and the umbrella organization Movement for a Democratic Society (TEV-DEM), ideological supporters of democratic confederalism.

Another umbrella organization, the Syrian Democratic Forces (SDF), created with US participation, includes Kurdish, Arab, Turkoman and Assyrian representatives. After the fall of the IS terrorist stronghold in Raqqa in 2017, the Future Syria Party was established in 2018 as an ideological partner of the PYD in the Arab-Sunni areas under the control of the SDF, bringing together those supporting the ideology of democratic confederalism, mainly from among Arabs. The closest non-Kurdish forces to the PYD include the al-Sanadid Forces (Shammar tribe), the Syriac Military Council, and Jaish

<sup>16</sup> Social Contract of the Democratic Confederation of Northern Syria. December 29. 2016. URL: <https://internationalist-commune.com/social-contract/> (accessed: 11.05.2021).

al-Suwar (“Army of Revolutionaries”). All of these organizations are known for their firm opposition to official Damascus. As of the end of 2019, there were approximately 40,000 fighters in groups affiliated with the SDF, which controlled roughly 70% of the region's oil production.<sup>17</sup> Back in 2017, the PYD leadership said it intended to use its control over oil and gas resources in northern and eastern Syria as an argument in negotiations with the Syrian authorities over the fate of Syrian Kurdistan.

Against this background, there is still the problem of legitimizing power in the autonomy, especially in the territories inhabited by Arabs liberated from IS rule. Anti-Kurdish sentiments are brewing among the Arab population under the control of the Syrian Democratic Forces (SDF), with cases of blood vengeance on the rise. In early August 2020, the sheikh of a large Arab tribal conglomerate, Ibrahim Khalil Abboud Al-Jadaan Al-Hafil, was killed and his funeral escalated into a clash between Arabs and Kurds. The centres of the revolt were the settlements of Diban and Al Hawajj, but the unrest soon spread to Deir ez-Zor and was supported by the Arab tribe in Al Hasakah.<sup>18</sup> In early June 2021, clashes broke out in the city of Manbij, where SDF forces opened fire on demonstrators opposed to serving in the Kurdish-led SDF, killing four people.<sup>19</sup>

Such conflicts suggest that if Washington's support for the AANES stops, it will hardly survive as a single political unit, but is more likely to break up into Arab and Kurdish parts. It is difficult to assess how antagonistic the contradictions between Kurds and Arabs in both the southern and the northern parts of the autonomy. Attempts by the Self-Defence Forces and the PYD within the framework of the Syrian Democratic Council (the supreme authority of the self-declared autonomy) to impose the principles of democratic confederalism in the Arab areas of northeastern Syria are often resisted by the population. Yet the PYD leaders and political forces affiliated with them continue their efforts, insisting that there is no room for separatism in the political system of democratic confederalism.

The reasons for contradictions between the PYD and some of the Arab tribes, mostly clerical in nature, lie largely in the fact that the political culture of an Arab ummah of the Middle East has long prevented the introduction of a multiparty system, since the traditional Islamic ideology is characterized by dichotomy, the opposition of the only truth (sent by Allah) to the war (Dar al-Harb) or party (Hizb) of Shaitan (Zvyagelskaya, Kuznetsov 2017: 9). The PYD, as well as the inter-party conglomerate around it (the former TEV-DEM, and since 2020, the Kurdish National Unity Party),

<sup>17</sup> Francis E., Perry T. Syrian Kurds Outgunned but Vow to Inflict Toll on Turkish Army. Reuters. October 10. 2019. URL: <https://www.reuters.com/article/us-syria-security-turkey-sdf-idUSKBN1WO2VX> (accessed: 11.05.2021).

<sup>18</sup> Vertyaev K. The Situation in Rojava: The Autonomous Administration of North and East Syria (AANES) during the Pandemic (2020). November 25. 2020. URL: <https://riataza.com/2020/11/25/situacziya-v-rozhave-avtonomnaya-adminis/> (accessed: 21.06.2021).

<sup>19</sup> Kurdish Forces Opened Fire on Protesters in Manbij, Syria. Russia Toda. June 1. 2021. URL: <https://ria.ru/20210601/siriya-1735151217.html> (accessed: 21.06.2021).



have a better chance of establishing relations with the non-clerical segment of an Arab ummah. This is facilitated by the close association of Rojava (as well as AANES) with leftist, ultra-leftist, environmentalist, neo-Marxist, and anti- and post-clerical movements both in the Middle East and globally, providing the proto-state with ideological support and legitimization in the eyes of many European and American leftist activists. So, the political system that has emerged in Rojava has its own unique characteristics and is managing to maintain political stability despite receiving external donor support.

### **The Prospects for the Stability of Rojava as a Proto-State**

Comparing the Syrian Kurdish movement led by the PYD with the separatists of South Yemen (Southern Transitional Council), we can see a number of parallels. According to Dutch researcher Leo Kwarten, the dynamics of the civil war mobilized the population in South Yemen in 2017–2020 around political forces that used an external threat to them in the form of Houthi attacks to sovereignize the southern regions under their control, an attempt to secede from Yemen (Kwarten 2020: 236). Here we can assume that the Kurdish pro-state entities in Syria also emerged rather as a reaction to the Arab Spring and to the approach of ISIS (IS) forces to the borders of territories inhabited by Kurds, than to the Civil War in Syria itself. If this hypothesis is correct, then the analysis of the situation in Syria would suggest potential alliances that such pro-state actors could enter into across the whole of the Middle East.

In 2011–2013, the outbreak of the Syrian civil war and the temporary victory of the Turkish-backed Islamist governments in Tunisia and Egypt nevertheless caused a major shift in the balance of power in the Middle East region, both in terms of the growing importance of the Islamic factor and in terms of the changing political and clerical elites in the region, when the earlier proto-state actors, such as Hezbollah and Hamas, found themselves challenged, while new Kurdish self-defense forces, the YPG, emerged in tandem with the Democratic Union Party, established in 2003, and, potentially, with the Supreme Kurdish Council. After the outbreak of the civil conflict in Syria, Hamas broke off relations with official Damascus, while Hezbollah, on the contrary, directly participated in the Syrian Civil War, despite the losses in manpower and image (for Lebanon). The Kurdish self-defense forces and their political satellites maintained neutrality in the Syrian conflict.

This PDS–YPG decision is framed by broad regional narratives and domestic political challenges, rather than simply based on the imperatives of securing national rights for the Kurds in Syria. In this regard, the PDS–YPG sought to build alliances not only to address the conflict with Turkey or with rival Kurdish political forces, but also to shift the regional balance of power in its favor by attracting the United States as a donor in order to legitimize its political status quo as a proto-state. Its growing legitimacy in the eyes of the local non-clerical population was facilitated by its successes in confronting ISIS, Turkey (where the PKK and the PYD are recognized as terrorists),



Fatah Halab (until 2016), Ahrar al-Sham, the al-Nusra Front and partly with the central Syrian government in Damascus. So far, this multi-vector military resistance has ensured the stable mobilization of such an insurgent state in the face of antagonistic forces, primarily ISIS (IS).

Analysing the history of autonomous governance and strategies pursued by the PYD in northern Syria since 2012, a number of researchers argue that the PYD has demonstrated a commitment to democracy, while also violating democratic methods of governance in its practices (Ozfelik 2020: 690–691). This is confirmed by the observations of Human Rights Watch.<sup>20</sup> In the case of Rojava, we see how instruments of violence and armed resistance also serve as a way of attempting political legitimization, which is characteristic of many pro-state militant organizations, such as the YPG–PYD (Syria), Hezbollah (Lebanon), Hamas (Palestine), the Polisario Front (Western Sahara) or, for example, the Zapatista Movement in Mexico. The constant military mobilization of insurgent states is an important prerequisite for their survival and possible legitimization with reliance on external donor support.

\* \* \*

The emerging proto-state in northeastern Syria, which at the time of writing is called AANES, is not Kurdish in the ethnic sense. It has the characteristics of a military democracy, with the Syrian Democratic Forces military alliance, composed in large part of Kurdish self-defense forces (YPG). However, the SDF does not have full control over the population and does not hold a monopoly on violence in the territories inhabited mostly by Arab tribes, those under Turkish control following Operation Source of Peace, and those under the control of the Syrian government forces in Al Hassakeh and Qamishli, where Russian armed forces are present as peacekeepers.

At the same time, Syrian Kurdistan (Rojava) appears to be not even a proto-state but an anti-state, within which Syrian Kurds close to the PYD use Abdullah Öcalan's ideas (which he borrowed from Murray Bookchin) that a nation state is not necessary for international recognition, and that the line between separatism and local self-government is blurred. In particular, Öcalan argues that Kurds should not seek to create an independent nation-state structure since the nation-state is inherently a dying institution based on homogenization and assimilation, which is exactly what the Kurds have suffered from in their recent history (Öcalan 2010: 195). As a phenomenon of historical memory, the division of the Kurmanji-speaking unified Kurdish people by the borders of Syria and Turkey since 1921, this political message resonates and is understood by a significant part of the Kurdish population, which provides the basis for maintaining the territorial integrity of Syria (Vertyaev 2018: 448). There are two possible scenarios for the Autonomous Administration of North and East Syria (AANES),

<sup>20</sup> Under Kurdish Rule. Abuses in PYD-run Enclaves of Syria. Human Rights Watch. 2014. June 19. URL: <https://www.hrw.org/report/2014/06/19/under-kurdish-rule/abuses-pyd-run-enclaves-syria> (accessed: 19.07.2021).

which claims to be part of Syria. The first is formal incorporation into the republic of Syria (which would probably require constitutional changes, including in the official name of the country), something that the PYD-allied forces want. The AANES leadership considers the formal recognition of an autonomous status within Syria to be a necessary condition. The alternative is the gradual disintegration of the AANES into two quasi-states, Arab and Kurdish, which, if the United States leaves – that is, if external donors disappear – will inevitably lead to the revival of an Islamic quasi-state (IS or its equivalent) on this territory).

As for the political dialogue that began in 2020 between the competing political groups Kurdish National Council and TEV-DEM (since 2020, the Kurdish National Unity Party) within the AANES,<sup>21</sup> its success and the re-subordination of self-defense forces from the PYD to the Supreme Kurdish Committee will lead to further sovereignization of the AANES as part of the Syrian conglomerate state. At the same time, the ability of the negotiators to do their job continues to raise doubts.

Based on the above, we can assume that Rojava is a proto-state with “a low level of stress resistance due to the lack of internal consensus on the performance of power functions and distribution of public goods” (Bartenev 2018: 22). Stability has been restored here under the influence of endogenous political processes that allow assistance from external forces, with US donor support being one of the key elements of AANES's stability as a proto-state.

#### **About the Author:**

**Kirill V. Vertyaev** – Cand. of Science (Political Science), Senior Research Fellow at Centre of the Near and Middle East, Institute of Oriental Studies, RAS, 12 Rozhdestvenka Str., Moscow, 107031, Russian Federation.

#### **Conflict of interests:**

The author declares the absence of any conflicts of interests.

#### **References:**

- Acun C, Keskin B. 2016. *The PKK's branch in Northern Syria. PYD-YPG*. Ankara: SETA. 74 p.
- Bartenev V. 2018. Pomosh' "khrupkim gosudarstvam" skvoz' prizmu risk-menedjmenta. Labirint ob'yasnitelnyh gipotez [Aiding Fragile States Through the Lens of Risk-management. Labyrinth of explanatory Hypotheses]. *Mezhdunarodnoye protsessy*. Vol. 16. No. 4(55). P. 20—41. (In Russ.).
- Bartolini S. 2005. *Restructuring Europe. Centre formation, System building and Political Restructuring between the Nation State and the European Union*. N.Y.: Oxford University Press. 415 p.
- Baranovsky V.G., Naumkin V.V. (eds.). 2018. *Blizhniy Vostok v menyayushchetsya global'nom kontekste*. [The Middle East in a Changing Global Context]. Moscow: IV RAN. 555 p. (In Russ.).
- Bogaturov A.D, Vinogradov A.V. 2002. Anklavno-konglomeratnyj tip razvitiya. Opyt trans-sistemnoy teorii [The “enclave-conglomerate” type of development. Approach to the trans-system theory]. *Vostok-Zapad-Rossiia. Sbornik statey. K 70-letiyu akademika N.A. Simonii*. Moscow: Progress-Traditsiya. P. 109—128. (In Russ.).

<sup>21</sup> Wilgenburg van W. Syrian Kurdish Parties Agree on Supreme Kurdish Reference. *Kurdistan24*. URL: <https://www.kurdistan24.net/en/news/ba899219-46d4-4ff5-8bf1-465bb634a967> (accessed: 17.05.2021).

- Carneiro R. L. 1981. The Chieftdom: Precursor of the State. In: Jones G. D., Kautz R. R., (eds.) *The Transition to Statehood in the New World*. Cambridge. P. 37—79.
- Flach A., Ayboga E., Knapp M. 2015. *Kurdistan: Realnaya demokratiya v usloviyah voyni i blokady* [Kurdistan: The Real Democracy in Conditions of War and Blockade]. Moscow. 350 p. (In Russ.).
- Flanigan S.T. 2009. *For the Love of God: NGOs and Religious Identity in a Violent World*. N.Y. 184 p.
- Giddens A. 2005. *Ustroyniye obschestva. Ocherki teorii strukturatsii* [Organization of the Society. Essays on the Theory of Structuration]. Moscow. 528 p. (In Russ.).
- Gunter M. 2014. *Out of nowhere: The Kurds of Syria in Peace and War*. L.: C.Hurt &Co. 120 p.
- Kashanina T.V. 2004. *Proiskhozhdeniye gosudarstva i prava* [Origins of the State and the Law] Moscow: Vysshaya shkola. 325 p. (In Russ.).
- Knyazeva S.N. 2009. *Istoriya gosudarstva iprava zarubezhnykh stran* [History of the state and law of foreign countries]. Moscow. 128 p. (In Russ.).
- Kwarten L. 2020. Redrawing the Lines in the Sand? Quests for Decentralisation, Regional Autonomy and Independence Among Syrian Kurds and South Yemeni Separatists. In: Gervais V., van Genugten S. (eds.) *Stabilising the Contemporary Middle East and North Africa: Regional Actors and New Approaches*. Palgrave Macmillan. P. 233—257.
- Lijphart A. 1997. *Demokratiya v mnogosostavnykh obshchestvakh* [Democracy in Plural Societies] Moscow: Nauka. 287 p. (In Russ.).
- Lyubashits V.Ya, Razuveyev N.V. 2018. *Evol'utsiya gosudarstva: istoricheskaya dinamika I teoreticheskaya model* [Evolution of the State. Historical Dynamics and Theoretical Model. Moscow. 533 p. (In Russ.).
- Lukichev P.N., Skorik A.P. 1994. Kvazigosudarstvennost' [Quazi-Statehood]. *Polis. Politicheskiye issledovaniya*. No. 5. P. 139—142. (In Russ.).
- McColl R.W. 1969. The Insurgent State: Territorial Bases of Revolution. *Annals of the American Association of Geographers*. Vol. 59. No. 4. P. 613—631.
- Mampilly Z. C. 2011. *Rebel Rulers: Insurgent governance and civilian life during war*. NY and London: Cornell University Press. 320 p.
- Naumkin V.V, Kuznetsov V.A. 2020. K voprosu o tipologizatsii negosudarstvennykh aktorov na Blizhnem Vostoke [On the Issue of Classification of Non-State Actors in the Middle East]. *Mirovaya ekonomika i mezhdunarodnyye otnosheniya*. Vol. 64. No. 6. P. 104—113. (In Russ.).
- Ocalan A. 2003. *Ozgur Insan Savunmasi* [Defense of a Free Human]. Qetin Yayinlari, Istanbul. 21 p.
- Ocalan A. 2010. *Demokratik Uygarlik Manifestosu: Ortadogu'da Uygarlik Krizi ve Demokratik Uygarlik Qozumu* [Manifesto of the Democratic Civilization: The Crisis of the Civilization in the Middle East and Democratic Civilization Solution]. Istanbul. Mezopotamya Yayinlari. 342 p. (In Turk.).
- Ocalan A. 2011. *Problemy preodoleniya kapitalisticheskogo modernizma idemokratizatsiya. Tsivilizatsiya. Epoha bojestv v maskah i zavualirovannih tsarey* [The Problems of Overcoming Capitalist Modernism and Democratization. Civilization. The Era of Masked Deities and Veiled Kings]. Vol. 1. Moscow, 280 p. (In Russ.).
- Ocalan A. 2014. *Sotsiologiya svobody* [Sociology of the Liberty]. Vol. 3. Moscow. Zebra E. 479 p.
- Okrest D., Petrov D., Lebskij M. (eds.). 2017. *Zhizn bez gosudarstva: Revolyutsiya v Kurdistane* [Life without a State: the Revolution in Kurdistan]. Moscow: Common Place. 312 p. (In Russ.).
- Ozgelik B. 2020. Explaining the Kurdish Democratic Union Party's Self-Governance Practices in Northern Syria, 2012—18. *Government and Opposition*. Vol. 55. No. 4. P. 690—710.
- Popov F. 2011. Ot «bezgosudarstvennoy territorii» k «gosudarstvu de-fakto» [From the "stateless territory" to the "de facto state"]. *Mezhdunarodnyye protsessy*. Vol. 9. No. 2(26). (In Russ.).

- Schmidinger Th. 2018. *Rojava: Revolution, War and the Future of Syria's Kurds*. London. 300 p.
- Stansfield G. 2003. *Iraqi Kurdistan: Political Development and Emergent Democracy*. Routledge. 280 p.
- Steiner H. 2009. Left Libertarianism and the Ownership of Natural Resources. *Public Reason*. Vol. 1. No. 1. P. 1-8.
- Szekely O. 2016. Proto-State Realignment and the Arab Spring. *Middle East policy*. Vol. 23. No. 1. P. 75-91.
- Vasil'yev L. S. 1983. *Pmblemy genezisa kitayskogo gosudarstva* [Problems of the genesis of the Chinese state] Moscow: Nauka. 327 p. (In Russ.).
- Vasil'yev L. S. 1980. Protogosudarstvo-chifdom kak politicheskaya struktura [Chieftdom as a political structure]. *NarodyAzii iAfriki*. No. 6. P. 157-175. (In Russ.).
- Vertyaev K.V. 2007. *Kurdskiy vopros vpolitike Turtsii (konetsXX — nachalo XIX veka)* [Kurdish question in Turkish politics (late XX — early XIX centuries)]. Moscow. 254 p. (In Russ.).
- Vertyaev K.V. 2018. Kurds within the borders of new states under the Sevres (1920) and Lozanne (1923) Treaties. In: Naumkin V., Popova I. (eds) *The Kurds: Legend of the East*. Moscow. P. 242— 258.
- Vertyaev K.V. 2015. Spetsifika kurdsikogo natsional'nogo dvizheniya i ego sovremennaya aktualizatsiya v Turtsii i Sirii [Specifics of the Kurdish National Movement and its acualization in modern Turkey and Syria]. *Natsiii Natsionalizm na musul'manskom Vostoke*. Moscow: IV RAN. P. 361—374. (In Russ.).
- Weller M. 2009. *Contested Statehood: Kosovo's Struggle for Independence*. Oxford University Press. 328 p.
- Zvyagel'skaya I.D., Kuznetsov V.A. 2017. Gosudarstvo na Blizhnem Vostoke. Budushcheye nachalos' vchera [State in the Middle East. The future began yesterday]. *Mezhdunarodnyye protsessy*. Vol. 15. No. 4 (51). P. 6-19. (In Russ.).

# Towards a Draft Declaration on the Right of Peoples to Self-determination and Forms of Its Realization<sup>1</sup>

Azer Kagramanov

Kutafin Moscow State Law University (MSAL)

## **Abstract.**

*Introduction.* This article elaborates on the idea of Professor Y.A. Reshetov, who published a Draft Convention on the Right of Peoples to Self-Determination in the Moscow Journal of International Law. The Draft Convention represents one of the first attempts to draw attention to the problem of the limits of self-determination in plural states, the forms of implementation and the main subjects of the right of self-determination. The purpose of the study is to develop the relevant ideas of Y.A. R.Reshetov, as well as to introduce new ideas, taking into account the evolving processes of the realization of the right to self-determination in the modern world.

*Material and methods.* The study is based on international legal instruments, the advisory opinions of the International Court of Justice, the jurisprudence of other international legal bodies and contemporary research of Russian and international scholars. The methods used in this study are: analysis, synthesis, induction, deduction, comparison, classification, systematization, prediction, as well as comparative and formal legal approaches.

*Research results.* The territorial disputes resulting from ethnic, regional and local conflicts are among the most pressing problems in international relations. It is extremely important for any multi-ethnic state, including Russia, to have a genuine scientific awareness of the principle of equality and the self-determination of peoples, adequate forms of its implementation, and how to structure ethnic identity in the system of civil identity. Exploring well-founded solutions to the matters involved will help consolidate world public opinion and ultimately develop an appropriate international legal mechanism under the auspices of the United Nations.

*Discussion and conclusion.* The article analyses the evolution of the idea of the self-determination of peoples, the place of the principle of equal rights and the self-determination of peoples in the system of basic principles of international law. With reference to the range of subjects of the right to self-determination, the specifics of secession, the institutions of *uti possidetis juris* and delays in secession, as well as questions on the forms and criteria of self-determination of the principal subjects, and the phenomenon of “unrecognized states,” the author presents a Draft Declaration on the Right of Peoples to Self-Determination and the Modalities for its Implementation.

---

<sup>1</sup> English translation from the Russian text: Kagramanov A. 2022. K proektu Deklaracii o prave narodov na samoopredelenie i formah ego realizacii. *Moskovskij zhurnal mezhdunarodnogo prava* [Moscow Journal of International Law]. No. 2. P. 101–114. DOI: <https://doi.org/10.24833/0869-00492022-2-101-114>

**Keywords:** right to self-determination, principles of international law, people, nation, small and indigenous peoples, national minorities, declaration on the right to self-determination of peoples, *uti possidetis juris*, temporary secession, unrecognized states, criteria for self-determination, subjects of the right to self-determination

## Introduction

One source of international tension during the period of the world order that developed following the Second World War is the remaining contradiction between the desire to provide a comfortable living environment for people experiencing gross violations of their human rights on ethnic, religious, linguistic and other grounds, on the one hand, and the unwillingness or unpreparedness of the state authorities to do this, on the other. Tracing the path of the origin, formation and development of the idea of self-determination of peoples, it is obvious that this contradiction is not a phenomenon of the 20<sup>th</sup>–21<sup>st</sup> centuries. The concept of self-determination was first formed as a kind of concept of freedom, social contract and liberalism based on the ideas of Plato and Aristotle (O'Meara, 1992: 14–25), and was given dialectical justification in the works of John Locke, Thomas Hobbes, Jean-Jacques Rousseau, Immanuel Kant and others. Freedom and legal capacity as the main characteristic of human agency form the core of the concept of practical and political philosophy of the modern era – the normative and empirical condition that people are competent to leave a free and independent life. This is the doctrine of the person as a subject of law, who is equal to other independent subjects of law. And the oft-cited formula of Protagoras *Homo mensura omnium rerum est* (“man is the measure of all things”), which is rooted in the depths of unrecorded time and was developed in the theories of natural law and the concept of popular sovereignty during the bourgeois revolutions of the 16<sup>th</sup>–18<sup>th</sup> centuries, became ever clearer and led to the creation of a basic idea that served as the basis for the formation of modern statehood in the 19<sup>th</sup> and 20<sup>th</sup> centuries.

Of particular note is the period in which the concept of the self-determination of peoples was given a generally recognized principle of international law, an imperative of sorts, and was gradually transferred from the political to the legal domain and enshrined in the UN Charter.

## On the Principle of and the Right to Self-Determination

In the science of international law, the issue of self-determination as a principle versus self-determination as a law comes up time and time again. These are, of course, not the same thing, but the wall between them is not insurmountable. While a law acts as a legally binding norm that implies the obligation of the other party (and the appropriate legal relationship arises), a principle is mostly seen as a political category, al-



though this does not derogate from the obligation to follow its provisions. This follows directly from Article 53 of the 1969 Vienna Convention on the Law of Treaties, which defines a principle as a “peremptory norm of general international law.” It should not escape our attention that the 1970 Declaration on Principles of International Law, in using the word “principles” in its title, essentially reveals the forms of exercising the right to self-determination. Tellingly, some international legal documents contain what would at first glance appear to be a rather unusual, but in our opinion, quite acceptable phrase: “the principle of the right of peoples to self-determination.”

One of the methodological foundations of our study was the interpretation of the principles of international law by Professor L.P. Anufrieva, who convincingly revealed the dialectical interaction and organic nature of their ideological component, and the qualities of normativity (Anufrieva, 2021: 6–27). Based on this fundamental premise, it would seem that the provisions of the UN Charter on the principle of equal rights and the self-determination of peoples (the concept) should be constructed in close connection with the right of people to self-determination proclaimed in several other international legal documents (the norm; the rule of conduct for subjects of international law). The numerous attempts of international legal scholars who are building a system of basic principles to isolate a certain key link from their totality and justify a hierarchy of principles of sorts are assessed as illegal and doomed to failure (Konyukhova, 2006: 165).

The only reliable basis in the approach to the problem we are investigating is the strict adherence to the logic (to the “spirit and letter”) of the 1970 Declaration on Principles of International Law (Article 2, Part I of the General Part) and the Final Act of the Conference on Security and Co-Operation in Europe of 1975 (Article X, Part IV of the section “Declaration on Principles”). What this means is that, first of all, all the basic principles are interrelated and must thus be considered in the context of all the other principles; and second, they are of key importance and must be applied equally and rigorously when interpreting each of them, taking the other principles into account. Based on this, we believe that, under certain political and legal circumstances, preference can be given in practice to one of the above principles in order to find a way out of the “territorial integrity – self-determination” dichotomy that often leads nowhere. The UN Security Council, as the guarantor of the Charter of the United Nations and of peace and security, must remain the supreme judge in all situations that acquire an international dimension. When addressing issues of the practical implementation of the right to self-determination, it is necessary to create conditions that ensure that the fairness of the ethical concept, which has become a core foundation of the UN Charter and is reflected in many other international legal documents, is observed. In this regard, such meta-legal categories as “tolerance,” “good faith,” etc. have the right to exist. In our opinion, we must seek to have the political and legal content of international treaties, reflecting, *ipso facto*, the national interests of the participating states, converge as much as possible with their spiritual and moral content (their moral obligations), which would imbue them with additional force.

## Territorial Integrity or Territorial Inviolability?

For a complete understanding of the principle of the territorial integrity of states, we should focus on the ambiguity of the translation in the UN Charter of the English term “integrity” in the authentic Russian text: in Article 2, Paragraph 4, it is translated as *neprikosnovennost* (“inviolability”), while elsewhere, it is translated as *tselosnost* (“integrity”). Following the logic of one of the people who helped develop the UN Charter, S.B. Krylov (Krylov, 1960: 260), we proceed from the fact that the peculiarities of the translation were the result of a political struggle that was going on at the time regarding the need to recognize both the political independence and the territorial inviolability of each state. At the same time, there was the presumption that peoples themselves could establish a political system at their own discretion, and the borders would change accordingly. But the relevant processes must take place legitimately, by agreement, and without the use of force.

We should categorically resist absolutizing the principle of the self-determination of peoples, as well as its opposite, the principle of territorial integrity. Based on the decisions and recommendations of a number of international (and legal) bodies, we can conclude that international law does not establish permissive or prohibitive rules regarding issues of self-determination (Hartwig, 2013: 125–127). At the same time, armed conflicts or other violent actions that may result in the expulsion of part of the population of the territory on ethnic grounds and the declaration of independence of the corresponding territory or its annexation to another state are rejected as grounds for self-determination.

### The People and the Nation

The perception of the concept of “people” is extremely diverse and multifaceted. Sometimes this concept is interpreted as a population united by belonging to a single state (residents of the country), as a social community representing a set of citizens, foreigners and stateless persons permanently residing in the country and having the opportunity to express their political will. In the Russian science of constitutional law, people are usually understood as a single socio-economic and political community of individuals, regardless of their division into national or ethnic communities.

In our opinion, the most unambiguous criteria for characterizing the concept of “people” were proposed in the final report and recommendations developed during the International Meeting of Experts on Further Study of the Concept of the Rights of Peoples held under the auspices of UNESCO on November 27–30, 1989. These criteria are:

1. A group of individual human beings who enjoy some or all of the following common features:
  - a) a common historical tradition;
  - b) racial or ethnic identity;
  - c) cultural homogeneity;

- d) linguistic unity;
  - e) religious or ideological affinity;
  - f) territorial connection;
  - g) common economic life;
2. the group must be of a certain number which need not be large (e.g. the people of micro States) but which must be more than a mere association of individuals within a State;
  3. the group as a whole must have the will to be identified as a people or the consciousness of being a people - allowing that groups or some members of such groups, though sharing the foregoing characteristics, may not have that will or consciousness; and possibly;
  4. the group must have institutions or other means of expressing its common characteristics and will for identity.

When looking at cases where the concepts of “people” and “nation” have been applied in international legal acts and scientific literature, it is important to pay attention to their interchangeability, and sometimes even as the same thing. It would seem that “people” should be considered (in the narrow sense) as a spatial collection of individuals associated with a certain socio-economic, linguistic, cultural and spiritual way of life. In a broad sense, the concept of “people” is characterized as a social community that acquires political subjectivity and thus becomes a nation, which is perceived under certain circumstances as a state.

### **Criteria for the Self-Determination of Peoples and Nations**

Consistent with the architecture of the modern world that was defined after the end of the Second World War and the creation of the United Nations, in which the sovereignty of states plays an imperative role, the very essence of the right to self-determination, when realized in its external form, is anarchic, since it is aimed at destroying the state order.

In our opinion, the realization of the right to self-determination by its principal subjects – people and nations – in the context of the world order is only possible in certain cases and in accordance with the following criteria:

- liberation from colonial dependence;
- the implementation of the *uti possidetis juris* principle (Latin America, the former Yugoslavia, the Soviet Union, Africa);
- the opportunity to secede from the “parent” state, but only with the consent of the central authorities and/or based on the results of a national referendum;
- remedial secession (systematic and massive violations of the rights of a specific group of the population by the state), subject to the recognition of this separation by the international community as a whole.

### 1. Indigenous Peoples and National Minorities. Criteria for Self-Determination

Self-determination served as the legal basis for the formation of hundreds of new states against the backdrop of the process of decolonialization. Since then, the emergence of new states based on this right has effectively come to halt. Nevertheless, the definition itself continues to play an important role in theoretical discussions (Hilpold, 1998: 38; Ott 2008: 454) and indigenous claims to self-determination. These discussions typically end with the question of whether indigenous peoples and national minorities can claim statehood on the basis of self-determination. We agree that such a development of events is possible only when indigenous peoples are systematically subjected to the most serious violations of human rights, or have limited opportunities to exercise self-determination within the country. When looking at the dramatic events that are unfolding before our very eyes in Ukraine, we can state that it was the unwillingness of the Kyiv authorities to provide a set of rights for indigenous peoples and national minorities, defined in the Minsk Agreements that served as the basis for the secession of the Donetsk and Luhansk People's Republics from Ukraine.

The 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted without a vote, does not include the traditional reference to the principle of self-determination in its list of basic principles. The official Commentary to the Declaration explicitly states that “minority rights cannot serve as a basis for claims of secession or dismemberment of a State.” In our opinion, minorities, as well as indigenous peoples, can exercise their right to self-determination, both in the form of territorial autonomy, and in the form of self-organization (self-government) – depending on their size, the specifics of their resettlement, the state of the economy, and other circumstances. Both models (territorial and extra-territorial) are designed to provide minorities and indigenous peoples with unique development opportunities based, among other things, on established traditions and customs in accordance with the state constitution and international law.

### Signs of a Legitimate Secession

A comparison of the different yet closely related concepts of secession and separatism allows us to conclude that the latter, as the goal and the main form of realization, typically involves the separation of any part of the state from the state as a whole, while not excluding other forms of separation (territorial and national-cultural autonomy). In all cases, situations where separatist movements resort to the use of mercenaries, employ terrorist and other methods and means that are contrary to the legislation of the state in question and generally recognized international legal norms are wholly unacceptable.

In this regard, it is important to determine acceptable conditions, a kind of criteria for the legitimacy of secession that would not go against current international and domestic (primarily constitutional) legal norms and are consistent with the scientific interpretation of the concept of the people claiming to carry out the action in question. The approach to the development of criteria should be based, along with legal norms,

on such a moral category as justice. This is especially important in light of the interpretation of the International Court of Justice on the self-determination of peoples as one of the most important principles of international law, which has the character of *ergo omnes*

Of particular danger are ethnic cleansing, the deprivation of the autonomy of peoples who were previously granted such autonomy in the course of state building, and the refusal of the authorities of a given country to grant regional (territorial) autonomy to certain peoples in accordance with the will of the population as expressed in elections (referendums). We believe it is necessary to take the number of peoples and nations, their historical territorial affiliation, and the level of financial, economic and sociocultural development into account when attempting to resolve issues of the form of self-determination. In this sense, it would be a good idea to reproduce each of the provisions of the 1975 Helsinki Final Act on the issue of self-determination, with due account of the other provisions, in a UN General Assembly resolution or an Advisory Opinion of the International Court of Justice, taking this provision from the framework of the OSCE participating countries and giving it a global character.

In order to recognize the legitimacy of the process of self-determination through secession, it is vital to take the interests of the “parent” state and other peoples who are part of that state into account. If this is done, then the separation can be approved by a decision of the highest body of the state or by the results of a referendum – a popular vote on the fate of the disputed territory. Any attempts to influence the vote by way of violence or other coercive measures are unlawful.

*Uti possidetis juris*, or a Method for Determining the Borders of a Newly Formed State

The principle of *uti possidetis juris* is extremely important when it comes to resolving issues related to the realization of the right of peoples to self-determination. It first started to be applied in solving matters of transforming the internal borders of new states into administrative borders (Lauterpacht, 1952: 598–599). It is generally accepted that the principle in this interpretation is associated primarily with South America, where it was at one time used as an effective tool for preventing conflicts arising in connection with the state borders of successor states of the Spanish Empire. Considering the historical experience of applying this formula as a means of recognizing the legitimacy of a territorial claim, the positions of the International Court of Justice, the rulings of international arbitration courts, and the views of legal experts from Russia and around the world (Shaw, 1986: 186; Jancov, Coric, 2012; Mirzaev, 2015: 58), the importance of *uti possidetis juris* for settling certain international territorial disputes and the ability of this legal instrument to prevent armed conflict must be emphasized. At the same time, there are doubts about the advisability of giving *uti possidetis juris* the status of a general principle of international law, thereby elevating this formula to a kind of absolute.

One way out of this situation is to use the *uti possidetis* formula in cases where the parties in conflict over a secession cannot agree on new state borders. This is what was done, for example, during the collapse of the Soviet Union and Yugoslavia, the decolonization of Africa and the independence of Latin American states. At the same time, we must be mindful of the fact that, along with the focus on territorial integrity, priority must also be given to the tasks of preventing bloodshed, the seizure of territory by force, and ethnic cleansing, as well as to resolving the issue of refugees and displaced persons, deploying peacekeeping forces and providing humanitarian aid.

#### ‘Human Rights Advocacy’ or Remedial Secession

Considering the importance of humanitarian aspects in a secession, attention should be paid to connecting violations of individual human rights to the collective right of the people to self-determination. The concept of remedial secession contains three factors that are of fundamental importance: first, this form of self-determination is a kind of “last resort,” an “non-standard solution”; second, the responsibility for secession rests with the “parent” state; and, third, this must involve violation of human rights of “special gravity” (the classification can be based on the list contained in the documents of the 1993 Vienna World Conference on Human Rights). From this, we can argue that secession is an exceptional, extreme and, under certain circumstances, the only possible measure for eliminating the gravest violations of human rights. Looking at the situation surrounding Kosovo, we can conclude that research on the issue focuses almost exclusively on political motives (Hartwig, 2013: 123; Golubok, 2011: 14), to the detriment of international legal aspects. In this regard, statements about the emergence of a legal custom or the existence of *opinion juris* are unacceptable and incorrect. UN Security Council Resolution 1244 needs to be strictly observed, and the parties to the conflict (Belgrade and Pristina) must conscientiously implement all of the agreements reached. On the other hand, considering the reunification of Crimea with Russia in 2014 as an example of remedial secession, the legality of the decisions taken in connection with the coup d’état in Ukraine, which created a situation of constitutional and legal uncertainty, in the context of the ban on the Russian language and the persecution of the Orthodox Church entailed a gross violation of the Russian-speaking population living mostly in Crimea and eastern Ukraine.

#### National and Territorial Forms of Self-Determination

As a form of government, *federalism* provides ethnic groups with additional opportunities to realize their socio-cultural, spiritual, religious, linguistic and other interests. The regional policy of the European Union in this area has proven successful, particularly the widespread practice of devolution – endowing regions with certain administrative functions, the ability to elect their own parliaments and create executive bodies. The expansion and deepening of devolution – providing regions with the ability to self-govern on a large scale, on the one hand, while maintaining the beneficial economic ties that existed beforehand, on the other, represents a more balanced



approach to demands for independence, thus mitigating and weakening separatist tendencies. In many ways, it was the federal structure of the Soviet Union that allowed the authorities to successfully deal with the national question for a great many years, playing a role in the convergence of numerous ethnic groups on the basis of respect for their historical, socio-economic, cultural, linguistic, spiritual and religious characteristics. Arend Lijphart's concept of "consociational democracy," according to which federalism is seen as the best way to integrate territorially isolated segments of society into the political system (a "system of fair accommodation and compromise") (Lijphart, 1997: 107), is useful here.

Granting national minorities an indisputable, unambiguous right to autonomy is seen as a threat both to the stability of individual states, and to international security. In this regard, the rights of minorities cannot in themselves justify demands for separation from the state or its dismemberment. On the other hand, however, the assertion that "international law has not recognized a general right of peoples to unilaterally declare secession from a state" is hardly acceptable (General Recommendation XXI (48) of the Committee on the Elimination of Racial Discrimination).

It would seem that the choice of forms of "territorial accommodation" of ethnic groups – an inevitable process in the context of the growth of national self-consciousness in the modern world – is determined by the specific historical conditions of each state and pursues the goal of economic and socio-cultural development, thus raising the level and quality of life of the people that form that state, with due account for the linguistic, spiritual and other elements inherent in the identity of the respective ethnic groups.

*National and cultural autonomy* is seen as the most acceptable form of self-government (self-organization) for dispersed peoples, which allows them to successfully realize their specific interests and solve the issue of preserving their identity and traditions without prejudice to the territorial integrity of the respective states. This somewhat unique extraterritorial form of self-determination, of course, does not and cannot mean complete separation from a given territory, but it is not directly connected with this aspect, unlike territorial autonomy.

"*Self-organization*" of ethnic groups within the framework of national and cultural autonomy may be considered a form of self-determination with a sufficient degree of conventionality, since, from the point of view of etymology, the word "self" implies the independent determination by an ethnic group of the forms of its development. "Self-organization" in the conditions of national and cultural autonomy is a form of existence of ethnic groups created by the state in order to provide conditions and opportunities for their self-identification and the preservation of their national language, traditions, customs, etc. If this kind of "self-organization" is considered from the point of view of self-determination, then we are obliged to mention its clearly narrow and limited interpretation – by analogy with the interpretation of "limited sovereignty."

## The Phenomenon of Unrecognized States: The Institute of Recognition

When analysing the phenomenon of unrecognized states in connection with the recognition of international law, we should focus on the significance of recognition itself, which opens up additional opportunities for newly formed states to develop cooperation with other countries, effectively introducing them to the circle of full-fledged members of the international community. In practice, the excessive politicization of the institution of recognition sometimes turns it into an instrument of pressure used by certain states to realize their purely pragmatic interests. Research into the theory of recognition is rather extensive.

In the modern world, unrecognized states are increasingly becoming actors in regional politics, and in some cases, they have a great impact on global processes. In view of this, the perception of “unrecognized” states by the international community, as well as the practical interaction (or the refusal to interact) with these countries, acquires a decisive importance. At the same time, the unfounded elitist arguments about obviously “weak,” “failed,” “collapsed,” or “rogue” states, which contradict the elementary ideas about the sovereign equality of all members of the international community and the very foundations of international law, should be rejected outright.

Of particular interest in this regard are the views of James Crawford on military intervention as a means of ensuring self-determination or, on the contrary, as a means of violating it. It may happen that the new state is sufficiently effective to ensure that the way it came into being has no bearing on its recognition as a state. According to Crawford, situations may arise where “illegality of origin” should be considered a paramount factor in accordance with the principle of *ex injuria non oritur jus* (Lat.: “illegal acts do not create law”). Based on this reasoning, which, in our opinion, is not always consistent, Crawford nevertheless comes to a number of interesting conclusions:

- The use of force by a metropolitan state is a violation of Article 2, Part 4 of the UN Charter.
- The assistance provided by other states to “local units” in the implementation of self-determination may be acceptable.
- There is no prohibition on the recognition of a new state – “the normal criteria for statehood – based on qualified effectiveness – apply (Crawford, 2007: 128).

There is a long history of unrecognized states, especially those that emerged in the post-Soviet space, taking active part in international affairs, and this is becoming a real factor in modern world politics, having an impact on the solution of numerous geopolitical problems. On the one hand, this circumstance confirms the legitimacy of the declarative theory of recognition, based on the fact that the emergence of a new state is itself a declaration of such. On the other hand, as practice shows, official recognition by members of the world community opens up a wealth of additional op-

portunities for a new territorial entity, and official admission to the United Nations makes it an equal member of the world community, with all the rights and obligations that come with that status.

It thus follows from this that the position on the division of the theory of recognition into declarative and constitutive parts in today's world seems rather arbitrary. Lack of recognition is not grounds for the world community to bully or harass emerging states, provided that the states concerned agree to follow the established principles and generally recognized norms of international law. If, however, a newly emerged state poses a danger to world peace or its statements and actions suggest a terrorist threat, the mere fact of declaring independence is not enough. In our opinion, each individual case should be considered by the UN Security Council, which actually makes the prospects for the development of a new state dependent on recognition. Of course, in cases of secession, the position of the "parent" state is of no small importance. At the same time, we cannot agree with the statement about the "existence of the duty of recognition" (Tolstykh, 2017: 22). The decision on whether or not to recognize a newly emerged territorial entity as an equal partner is a purely voluntary matter, and is made by each member of the international community based on their national interests.

The issue of signs (criteria) of statehood warrants particular attention. In our opinion, it would be reasonable here to apply the approach adopted by the 1933 International Conference of American States (the Montevideo Convention on the Rights and Duties of States), which is given a broad interpretation, going beyond the geographical limits defined by this convention. It would seem that the most important feature of the state is sovereignty, confirmed by the legitimate (via a referendum, general poll, etc.) will of the people (no matter how they gained power), the supremacy of public power within the country, and independence outside it. In this sense, state (national) sovereignty coincides with the sovereignty of the people, as the realization of their right to self-determination.

## Conclusion

Declaration of the Right of Peoples to Self-Determination and the Forms of Implementing this Right (draft)

### **The UN General Assembly,**

*Reaffirming* that one of the fundamental purposes of the United Nations, as proclaimed in the UN Charter, is to promote and encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion;

*Reaffirming additionally* the principle of the equality of nations large and small, the importance of the universal exercise of the right of peoples to self-determination, sovereignty and territorial integrity as an indispensable condition for the realization of this principle, as well as for the full realization of all human rights;

*Reiterating* the desire and willingness to contribute to the implementation of the fundamental provisions contained in the UN Charter; the Universal Declaration of Human Rights; the Declaration on the Granting of Independence to Colonial Countries and Peoples; the Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations; the Convention on the Prevention and Punishment of the Crime of Genocide; the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights; the Declaration on the Rights of Indigenous Peoples; the Declaration on the Right to Development; the Manila Declaration on the Peaceful Settlement of International Disputes; and in other relevant international instruments that have been adopted at the global or regional level, as well as international treaties and agreements concluded between individual UN Member States;

*Convinced* that the promotion and protection of the rights of people belonging to national and ethnic minorities, as well as the rights of indigenous peoples, contribute to the harmonious development and political and social stability of the States in which they live, and to the strengthening of friendship and cooperation between peoples and States;

*Recognizing* the need to ensure the better implementation of internationally adopted human rights treaties with regard to the rights of people belonging to national or ethnic, religious and linguistic, minorities, as well as to indigenous peoples;

*Believing* that the elimination of massive and gross violations of human rights and the rights of national groups would help create conditions that are conducive to the development of humankind;

*Further believing* that the development and self-actualization of man and peoples requires that equal attention be given to the realization, promotion and protection of all human rights and fundamental freedoms, which are indivisible and interdependent, where the exercise of certain rights and freedoms cannot justify the denial of other human rights and fundamental freedoms;

*Being deeply concerned and alarmed* by the disgraceful intentions and actions of individual States to impede the realization of the peoples that make up these States of their right to self-determination, economic and social development, cultural self-identification and the free use of their native languages;

*Expressing particular concern and alarm* at the involvement in the implementation of the above intentions of mercenaries whose criminal activities, strongly condemned by the international community and causing the loss of life and significant damage to property, pose a threat to the peace, security and self-determination of peoples and are an obstacle to the exercise by peoples of all their human rights,

**proclaims:**

1. That attention once again be drawn to the need for the strict observance of the right of peoples to self-determination, whereby they freely, on the basis of strict and conscientious observance of the provisions of the UN Charter, determine their political status and carry out economic, social and cultural activities. Denial of the right to self-determination is a violation of human rights.

2. That any military action or repressive measures of any nature aimed at preventing the exercise of the right to self-determination in accordance with the purposes and principles of the UN Charter, must cease immediately. All persons detained or imprisoned as a result of the struggle for self-determination must be released immediately and unconditionally, unless their actions were in breach of another law.

3. To strongly condemn the practice of using mercenaries to undermine the exercise of the right to self-determination and to hold those responsible accountable. All States must take the necessary measures to prevent the recruitment, enlistment, training, or financing of mercenaries, as well as their transit to locations where they can carry out actions to prevent peoples from exercising their right to self-determination.

4. To call on all States to take the necessary measures at the national level to implement the internationally recognized right to development in accordance with the 1986 Declaration on the Right to Development, which provides for the realization of the full self-determination of peoples, whereby they have the inalienable right to full sovereignty over all its natural wealth and resources, and the individual is the principal subject and beneficiary of the right to development, in which his or her rights and fundamental freedoms can be fully realized. To proceed from the fact that development, democracy and respect for human rights and fundamental freedoms are interconnected and mutually reinforcing.

5. The right of people belonging to national or ethnic, religious and linguistic minorities to enjoy the heritage of their culture, practice their religion and religious rites, and freely use their native language, as well as to education in their native language, in private and public life. States must, where necessary, take measures to ensure the effective realization by minorities of all human rights and fundamental freedoms, without any discrimination and on the basis of full equality under the law.

6. The renewed commitment of the international community, recognizing the inherent identity and dignity of indigenous peoples and their unique contribution to civilizational diversity, to their economic, social and cultural wellbeing, creating conditions for them to enjoy the benefits of sustainable development. States should guarantee the full and unimpeded participation of indigenous peoples in all aspects of life, paying special attention to matters that affect their specific interests, and take the necessary measures to ensure respect for human rights and fundamental freedoms, equality and non-discrimination, and the recognition of the value and diversity of identity, culture and social organization.

7. To call on all States to:

- take the appropriate measures, in accordance with their international obligations and with due regard to their legal systems, to counter modern forms of racial discrimination, xenophobia and intolerance;
- refrain from any action aimed at assimilating minorities and indigenous peoples against their will, and protect such persons from actions to forcibly assimilate them;
- promote, considering the special situation of minorities and indigenous peoples, full and effective equality between them and people belonging to the majority groups of the population in all areas of economic, social, political and cultural life;
- take immediate steps to strengthen the fight against ethnic cleansing, which is condemned by the international community, with a view to putting an end to such practices as quickly as possible, eradicate them completely and provide effective remedies to the victims.

8. That the means of realizing the right to self-determination, based on their will and full respect for political, civil, socioeconomic and cultural rights, can be territorial autonomy, cultural autonomy, or any other form of self-organization and self-government that meets the interests of the people concerned.

9. The right of peoples in the process of implementing their self-determination to secede from their parent state and establish their own sovereign state. This provision should not be interpreted as authorizing or encouraging any action that violates or undermines, in whole or in part, the territorial integrity or political unity of sovereign and independent states that uphold the principle of equal rights and the self-determination of peoples, and which thus have governments that represent the interests of all the people living in their territories without distinction.

10. That the attention of the international community be drawn to the phenomenon of unrecognized states – territorial formations that have existed for a long time, possess all or most of the features of a state and have a noticeable impact on regional problems and geopolitical competition. This is contrary to the principles of sovereign equality and the self-determination of peoples, is often a source of gross violations of human rights, and poses a threat to peace and international security.

It would be expedient to:

- include the issue of the legal aspects of non-recognition of the agenda of the UN International Law Commission;
- appeal to the International Court of Justice with a request for an opinion of the legal aspects of non-recognition;
- look into the issue of giving the Office of the United Nations High Commissioner for Refugees (UNHCR) the authority to provide legal protection to citizens of unrecognized states and to organize (if necessary) humanitarian assistance to them.

11. All issues related to possible violations of the right of peoples to self-determination should be considered at the international level by the United Nations Economic and Social Council, the Human Rights Committee, the Committee on the Elimination



of Racial Discrimination, and other international legal bodies, universal and regional, which can in turn provide appropriate recommendations to the governments of States in respect of which there are sufficient grounds to believe that they are or have been in violation of the right of peoples to self-determination. The refusal of governments to follow the recommendations may be regarded as evidence of their unwillingness to provide the peoples that make up the respective State with the opportunity to participate in the political, socio-economic and cultural life of the State, thereby exercising their right to self-determination. In these cases, the issue may be taken up by the UN General Assembly and the Security Council.

#### About the Author:

**Azer Kagramanov** – Cand. Sci. (Law), Lecturer at the Department of Practical Jurisprudence, Kutafin Moscow State Law University (MSAL), 9 ul. Sadovaya-Kudrinskaya, Moscow, Russian Federation, 125993. ORCID: 0000-0003-0917-5379

Email: gg.azaro@gmail.com

#### Conflicts of interest.

The author declares the absence of any conflicts of interest.

#### References:

- Aleksanyan S.R. 2017. K voprosu o teorii remedial'noi setsessii v sovremennom mezhdunarodnom prave (On Theory of Remedial Secession in Contemporary International Law). *Moscow Journal of International Law*. No.4. P. 141-150. (In Russ.). DOI: <https://doi.org/10.24833/0869-0049-2017-4-141-150>
- Anufrieva L.P. 2021. Printsipy v sovremennom mezhdunarodnom prave (nekotorye voprosy ponyatiya, prirody, genezisa, sushchnosti i soderzhaniya) (Principles in Modern International Law (Certain Issues of Concept, Nature, Genesis, Substance and Scope)). *Moscow Journal of International Law*. 2021. No. 1. P. 6-27. (In Russ.). DOI: <https://doi.org/10.24833/0869-0049-2021-1-6-27>
- Brownle I. 1990. *Principles of Public International Law*. 4<sup>th</sup> edition Oxford: Oxford University Press. 800 p.
- Crawford J. 2007. *The Creation of States in International Law*. 2<sup>nd</sup> ed. Oxford: Oxford University Press. 870 p. DOI:10.1093/acprof:oso/9780199228423.001.0001
- Golubok S.A. 2011. O sootvetstvii mezhdunarodnomu pravu odnostononnei Deklaratsii nezavisimosti Kosovo. Konsul'tativnoe zaklyuchenie Mezhdunarodnogo Suda OON ot 22 iyulya 2010 g. (On the Conformity with International Law of the Unilateral Declaration of Independence of Kosovo. Advisory Opinion of the International Court of Justice of 22 July 2010). *Mezhdunarodnoe pravosudie*. No.1. P. 21-30. (In Russ.)
- Hartwig M. 2013. Konsul'tativnoe zaklyuchenie Mezhdunarodnogo Suda OON po voprosu o Deklaratsii nezavisimosti Kosovo (Advisory Opinion of the International Court of Justice on the Declaration of Independence of Kosovo). *Daidzhest publichnogo prava*. No. 2. P. 121-155. (In Russ.)
- Hilpold P. 1998. Zum Jahr der indigenen Volker - eine Bestandsaufnahme zur Rechtslage. - *Zeitschrift für vergleichende Rechtswissenschaft*. 97(1). P. 30-56.
- Jankov F., Coric V. 2007. *The legality of Utī Possidetis in Definition of Kosovo's Legal Status. Conference Paper*. 2nd European Society of International Law. 32 p.

Konyukhova I.A. 2006. *Mezhdunarodnoe i konstitutsionnoe pravo: teoriya i praktika vzaimodeystviya* (International and constitutional law: theory and practice of interaction). Moscow: Formula prava Publ. 493 p. (In Russ.)

Krylov S.B. 1960. *Istoriya sozdaniya Organizatsii Ob"edinennykh Natsii. Razrabotka teksta Ustava Organizatsii Ob"edinennykh Natsii (1944-1945)* (History of the United Nations. Drafting of the Charter of the United Nations (1944-1945)). Moscow: Izdatel'stvo IMO Publ. 343 p.

Lauterpacht H. 1952. *Oppenheim's International Law. Vol. II: Disputes, War and Neutrality*. 7<sup>th</sup> ed. London: Longmans, Green & Co. 939 p.

Lijphart A. 1997. Democracy in Plural Societies. A Comparative Exploration In Lijphart A. (ed.) *Demokratiya v mnogostavnykh obshchestvakh: sravnitel'noe issledovanie*. Moscow: Aspekt Press Publ. 297 p.

Lubskii A.V. 2005. *Konfliktogennye faktory na yuge Rossii: metodologiya issledovaniya i sotsial'nye realii* (Conflict Factors in the South of Russia: Research Methodology and Social Realities.). Rostov-on-Donu: SKNTs VSh Publ. 192 p. (In Russ.)

Mirzaev F.S. 2015. Printsip uti possidetis: istoriya zarozhdeniya (Historical Background of the Principle uti possidetis juris). *Moscow Journal of International Law*. 2015. No. 2. P. 57-73. (In Russ.). DOI: <https://doi.org/10.24833/0869-0049-2014-4-56-77>

O'Meara D. 1992. Der Mensch als politisches Lebewesen. Zum Verhältnis zwischen Platon und Aristoteles. – *Der Mensch - ein politisches Tier? Essays zur politischen Anthropologie*. Stuttgart: Reclam, Ditzingen. P. 1425.

Ott M. 2008. *Das Recht auf Sezession als Ausfluß des Selbstbestimmungsrechts der Völker*. Berlin: Berliner Wissenschafts-Verlag. 536 p.

Popov F.A. 2006. Sravnitel'nyi analiz deistvuyushchikh zon rasprostraneniya setsessionizma na territorii Afriki i Ameriki (Comparative analysis of operating zones of spread of secessionism on territory of Africa and America). *Vestnik molodykh uchenykh "Lomonosov"*. 3. P. 98-103. (In Russ.)

*Priznanie v sovremennom mezhdunarodnom prave. Priznanie novykh gosudarstv i pravitel'stv*. 1975. In D.I.Feldman (ed.) Recognition in modern international law. Recognition of new states and governments.. Moscow: Mezhdunarodnye otnosheniya. 167 p. (In Russ.)

Reshetov Yu.A. 2000. K projektu Konventsii o prave narodov na samoopredelenie (To the draft Convention on the Right of Peoples to Self-determination). *Moscow Journal of International Law*. No. 3. P. 417-419. (In Russ.)

Shaw M. 1986. *Title to Territory in Africa International Legal Issues*. Oxford: Oxford University Press. 320 p. DOI: 10.1093/acprof:oso/9780198253792.001.0001

Tolstykh V.L. 2017. Gosudarstvo v istoricheskom i mezhdunarodno-pravovom kontekste (State in Historical and International Legal Context). *Moscow Journal of International Law*. No. 2. P. 18-28. (In Russ.) DOI: <https://doi.org/10.24833/0869-0049-2017-106-2-18-28>