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Research Article

The Kara Sea as an Object of International Legal Policy of Russia[1]

Natalia A. Mincheva

MGIMO University

Abstract. Of all the Arctic seas going into the coast of Siberia, the Kara Sea is noticeably separated by islands from the rest of the Arctic Ocean. These islands have always been under the sovereignty of Russia. These features have predetermined the character of the power of the Russian Empire, the Soviet Union, and modern Russia in relation to the Kara Sea. In 2022, seven Western member states of the Arctic Council brought their disagreements with Russia regarding the non-Arctic issue, thus breaking the traditional "immunity" of the Arctic from political and legal conflicts in other regions.

The author researched legal documents of the Russian Empire, the Soviet Union, and the Russian Federation, along with research publications relating to the status of the Kara Sea. General research methods and specific methods of jurisprudence are used as the methodological basis of the study.

During the period of the Russian Empire, the advisor on international law to the Head of the Russian State was adamant that the Kara Sea could only be classified as internal waters of Russia. However, during the Soviet period, Soviet legal scholars unanimously qualified the Kara Sea as part of the state territory of the USSR. However, no relevant legal act was adopted at the official level to confirm this. In 1985, a government decree was adopted dismissing the previous doctrinal position, and most of the Kara Sea was qualified as waters beyond the state's maritime territory.

In the author's opinion, the 1985 Decree of the Government of the USSR has consequences in the context of general international law – that is, it is impossible for modern Russia to return to the Soviet legal position as formulated by Soviet legal teachings. However, the 2022 breaking by the seven Western Arctic states of the traditional Arctic "immunity" from non-Arctic conflicts (as noted above) has made the retaliatory measures of the Russian Federation in the Arctic legitimate. In this context, Russia is entitled to respond by strengthening its regulatory measures in the Kara Sea. The relevant research views regarding such measures are put forward in this article.

Keywords: Kara Sea, Arctic, internal waters, base-lines, the 1985 Decree of the USSR Council of Ministers, responsive measures

[1] English translation from the Russian text: Mincheva, N. A. 2023. Karskoye more v mezhdunarodno-pravovoy politike Rossii. *Moskovskiy Zhurnal Mezhdunarodnogo Prava* [Moscow Journal of International Law]. No 3. P. 41–51. DOI: 10.24833/0869-0049-2023-3-41-51

Introduction

In his address to participants of the international conference held on September 16, 2015, in Arkhangelsk, Russian President Vladimir Putin emphasized that "Russia, with nearly a third of its territory located in the Far North, bears a special responsibility for the Arctic. For this reason, Russia's priorities in the Arctic zone focus on maintaining a balance between robust economic development and the preservation of the region's unique environment, as well as showing respect for the culture and traditional lifestyles of small indigenous peoples".[2] The map chart titled "Hydrocarbon Resources Development Projects," published in the Proceedings of the conference, highlights that unlike other Arctic seas adjacent to Russia, such as the Laptev, East Siberian, and Chukchi Seas – which also remain ice-covered for most of the year – the Kara Sea hosts not just one or two but five oil and gas projects, namely: "Severo-Karsky," "Heysovsky," "Vostochno-Prinovozemelskoye" (or "East-Prinovozemelsky"), "Priyamalsky shelf areas," "Tasiisky," and "Arctic LNG 3" (Dodin et al. 2011: 68-69).

Driven by increased economic activity in the Kara Sea and the ongoing reduction of Arctic areas covered by year-round ice, there is a growing need to clarify the legal framework governing such operations. Alongside the Kara Sea's expanding role in the economic and energy development of the Russian Arctic, its significance as a key segment of the Northern Sea Route is also rising, particularly for the transport of oil and gas products, including cross-border shipments.

The special geographical and climatic characteristics of the Kara Sea were described in an encyclopedic dictionary published in St. Petersburg as early as in 1907 (the following is quoted directly from the original text): "The Kara Sea, a part of the Arctic Ocean, is bordered by the Vaygach and Novaya Zemlya islands to the west, the Siberian coast to the south, and the Yamal Peninsula to the east. It measures approximately 575 miles in length and 360 miles in width. To the west, the Kara Sea is connected to the Arctic Ocean by three straits: Matochkin Shar, Kara Gates, and Yugorsky Shar. The shores are uninhabited. Depths in the eastern part range from 30 to 50 fathoms, while in the western part they reach up to 100 fathoms; just south of the Kara Gates, depths increase to as much as 400 fathoms. The Kara Sea probably rarely freezes completely and remains ice-free for about 2 to 3 months (July to September). Russian industrialists once navigated the Kara Sea en route to the mouth of the Yenisei River, but this route was abandoned by the early 18th century."[3] Another early 20th-century Russian encyclopedic dictionary also includes a brief entry on the Kara Sea, describing

[2] Egorov I. Predstaviteli 11 stran obsudili v Arkhangelske budushchee Arktiki [Delegates from 11 Countries Convene in Arkhangelsk to Discuss the Arctic's Future]. *Rossiyskaya Gazeta.* 16.09.2015. (In Russian). URL: https://rg.ru/2015/09/16/arctic-site-anons.html (accessed: 2.06.2023).

[3] *Malyy entsiklopedicheskiy slovar': v 4 tomah. Vypusk II.* [Small Encyclopedic Dictionary: in 4 volumes. Issue II]. 1907. St. Petersburg: Brockhaus and Efron. P. 2027-2028. (In Russian).

its location within the Arctic Ocean as "between Novaya Zemlya, Vaygach Island and Siberia" and noting a distinctive feature: it is "covered with ice almost all year round."[4] In contrast, the multi-volume Great Soviet Encyclopedia offers a far more detailed description of the Kara Sea's geographical and climatic characteristics, accompanied by a map chart. Additionally, this Soviet encyclopedia discusses economic activities in the Kara Sea and along its shores and, importantly from a legal perspective, states: "The Kara Sea is part of the Northern Sea Route. The main port is Dickson."[5]

Unlike the detailed coverage of the Kara Sea in Russian sources, foreign encyclopedic editions – even some of the most renowned ones[6] – do not include even brief entries on the Kara Sea.

It is, therefore, unsurprising that both during the Russian Empire and the Soviet era, the issue of legally formalizing the country's sovereignty over the entire Kara Sea – almost entirely enclosed by the Siberian mainland coast and islands under undisputed Russian jurisdiction – was repeatedly addressed. For example, the Ministry of Foreign Affairs of the Russian Empire, while expressing itself diplomatically, broadly emphasized that "from a general political perspective <…> special importance and value should be given to the potentially frequent and widespread display of the Russian military flag in the northern latitudes, where the Empire's territories extend extensively."

The Ministry of Agriculture and State Property, the economic agency of the Russian Empire, articulated a more concrete direction for Russia's legal policy regarding the Kara Sea. As early as the 19th century, it advocated for an "official declaration of the extension of Russia's possessions to encompass the entire Kara Sea area," stipulating that "no foreign industrialists should be permitted entry" there without special documentation "issued by Russian authorities." In line with this approach, Russian government decrees were issued in 1833 and 1869, demonstrating Russia's jurisdiction over the Kara Sea.[7]

Counselor to the Russian Emperor and renowned international law expert F.F. Martens[8] did not endorse the idea that the Kara Sea's special geographical position and its harsh climatic conditions could serve as a legal basis for formalizing Russia's sovereignty over the area. However, as a member of the Russian Foreign Ministry Council, Martens observed that the question of "the belonging of the Kara Sea to Russia, it must be assumed, is still of little concern to European states, since the Russian government's decrees regarding the sea issued in 1833 and 1869 did not provoke any

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[4] *Entsiklopedicheskij slovar'* [Encyclopedic Dictionary]. 1907. St. Petersburg: F.F. Pavlenkov Publishing House. P. 874. (In Russian).

[5] Prokhorov A.M. ed. 1973. *Bolshaya sovetskaya entsiklopediya. Tom 11.* [Great Soviet Encyclopedia. Vol. 11]. Moscow: Great Soviet Encyclopedia Publishing House. P. 460-461. (In Russian).

[6] See: *Dictionnaire Encyclopedique Pour Tous* [Encyclopedic Dictionary For Everyone]. 1961. Paris: Larousse. 1790 p. (In French); *Encyclopedia of World History.* Oxford: Oxford University Press. 1998. 784 p.

[7] Mikhina I.N. 2003. *Mezhdunarodno-pravovoi rezhim morskih prostranstv Arktiki* [The International Legal Regime of Arctic Maritime Areas]. PhD in Law Dissertation. Moscow. P. 41-42.

[8] About the significance of Professor F.F. Martens' work, see: (Voronin 2015; Ivanenko 2009).

protests from other parties." Building on this, Martens argued that the Kara Sea could be considered internal waters of Russia based on historical title. He stated, "On this basis – and only on this basis – one can assert that the Kara Sea actually belongs to Russia" (Martens, 1996: 256). Nevertheless, neither during the Russian Empire, the Soviet Union, nor after its dissolution has Russia enacted any national legislation formally designating the Kara Sea as its internal waters.

The need for a clear legal characterization of Russia's potential international legal policy[9] regarding the Kara Sea is especially urgent in light of the unfriendly statements and actions by seven Western member states of the Arctic Council in 2022[10], which so far have not been met with proportionate responses from Russia.

The Kara Sea as internal waters of the USSR under the Soviet international law Doctrine

In the first Soviet – and indeed the world's first[11] – book dedicated to the international legal status of the Arctic, Professor V.L. Lakhtin categorizes the northern polar seas into two groups: 1) "seas with predominantly permanent and extensive ice cover", and 2) "seas free from such ice cover". Regardless of ice presence, he identifies "internal polar seas" as those "falling under the sovereignty of coastal states". Lakhtin specifically includes "the White Sea and even the Kara Sea" in this category (Lakhtin 1928: 33-34).

This Soviet doctrinal position remained almost universally accepted until the collapse of the USSR in 1991. For instance, in their respective articles, V.N. Durdenevskii (Durdenevskii 1950) and P.S. Odnopozov (Odnopozov 1973) justified classifying the Kara, Laptev, and East Siberian Seas as internal waters of the USSR. Their arguments were based on the economic and political significance of each of these seas to the USSR as the coastal state, the historical absence of international sea routes passing through them, and the 'traditional' status of these seas as part of Soviet territory.

In his book, Professor S.V. Molodtsov, a member of the USSR delegation to the Third UN Conference on the Law of the Sea, also classifies the Kara Sea as internal waters of the country based on historical legal grounds. He states: "The Soviet doctrine of international law classifies the Siberian bay-type seas – the Kara, Laptev, East Siberian, and Chukchi Seas – also as internal waters of the USSR, considering them historical waterways of our country. These seas have been historically developed and maintained in navigable condition through the efforts of Russian and Soviet seafarers, and they hold vital importance for the Soviet Union's economy, defense, and environmental protection in the region" (Molodtsov 1987: 53).

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[9] The purpose of a state's international legal policy, as noted, is to "legitimize" its actions in protecting national interests within the framework of international law, even if other states "do not initially accept" those actions. See more: (Vylegzhanin, Magomedova 2022: 112-117).

[10] For more details, see: (Vylegzhanin et al. 2023).

[11] About legal research of the Arctic, see: (Arkticheskii region… 2013).

E.N. Nasinovsky, an official in the Treaty and Legal Department of the USSR Ministry of Foreign Affairs, also classifies the Kara Sea as "internal waters of the USSR" in the book *Naval International Legal Handbook* published by the USSR Ministry of Defense. However, his justification differs: he argues that "[s]ince the Northern Sea Route – developed by the Soviet Union as a crucial maritime corridor – is fundamentally different from other routes crossing open seas, it falls entirely under Soviet sovereignty. The seas along this route – the Kara, Laptev, East Siberian, and Chukchi Seas – are essentially large bays with unique ice conditions within USSR borders. Therefore, by analogy with 'historic bays' recognized in international law, these seas can be regarded as internal waters of the Soviet Union."[12]

G.A. Glazunov, in a reference book published in 1985, justifies the Soviet Union's "special interests" in the Kara Sea by noting that the sea "is located away from the world's main sea routes and has never been used for international navigation or fishing." Instead, economic activities in the Kara Sea were carried out "almost exclusively by the population of the coastal state" – first the Russian Empire and later the Soviet Union. Furthermore, Glazunov highlights that the Kara Sea is traversed by "the main national maritime route of the Soviet Union, the Northern Sea Route," whose infrastructure was built "under harsh conditions through the heroic efforts and substantial material contributions of the Russian and Soviet people," thereby "predetermining our special interests in this area."[13]

The Kara Sea is also classified as "historic" (internal)[14] waters in a multi-volume work on the law of the sea by scholars from the Institute of State and Law of the USSR Academy of Sciences: "According to the Soviet doctrine of international law, the waters of the Kara, Laptev, and East Siberian Seas are recognized as historic waters of the Soviet Union. From the Soviet perspective, these historically Russian seas are essentially bays extending from west to east into the Siberian continent, which forms a significant part of the USSR's territory. These seas constitute the Northern Sea Route, regarded as an inland waterway of the Soviet Union" (Efendiev 1974:186-187). (It should be noted that in current Russian Federal Law, the Northern Sea Route is designated as a "national transport corridor" rather than an "inland waterway."[15] Indeed, as previously mentioned, the Northern Sea Route's importance for international maritime transport continues to grow.

A.K. Zhudro, Deputy Director of Scientific Institute of the USSR Ministry of Maritime Transport 'Soyuzmorniiproekt' and a member of the USSR delegation to the Third UN Conference on the Law of the Sea, along with his co-author, describes the

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[12] Bakhov A.S. 1956. *Voenno-morskoy mezhdunarodno-pravovoy spravochnik* [Naval International Legal Handbook]. Moscow: Military Publishing House of the Ministry of Defence of the USSR. P. 189.

[13] Gorshkov G.S. 1985. *Mezhdunarodnoe morskoe pravo. Spravochnik* [International Maritime Law. Reference Book]. Moscow, Military Publishing House. P. 229.

[14] About the status of historic waters in general, see: (*Mezhdunarodno-pravovaya kvalifikatsiya*… 2012).

[15] Federal Law No. 155-FZ of July 31, 1998 "On Internal Sea Waters, Territorial Sea and Contiguous Zone of the Russian Federation".

Kara Sea – as well as the East Siberian and Laptev Seas – as seas of "bay type" based on their "physical and geographical characteristics." He explains that these seas are separated from the rest of the Arctic Ocean by "vast archipelagos and individual islands that are geological extensions of the mainland." Zhudro emphasizes the significance of the "actual recognition" by other states of the special legal regime established by Russia and the Soviet Union over the Kara Sea, as well as the "general tolerance" shown by other states toward the coastal state's exercise of authority there. As an example, the authors note that "the Russian government has unilaterally and officially established the regime of the Kara Sea for three centuries, a claim that has gone uncontested by other states" (Zhudro, Dzhavad 1974: 153).

While Soviet international legal scholars almost unanimously classified the Kara Sea as internal waters of the USSR based on historical legal grounds, unlike the White Sea, this classification was never formalized through a state-level legal act. Moreover, until the period of Gorbachev's perestroika, the Soviet Union had not established baselines along its Arctic Ocean coast, though these baselines are essential as the starting points from which the breadth of the territorial sea and internal waters are measured.[16] This legal inconsistency – widespread doctrinal recognition of the Kara Sea as internal waters on historical grounds, coupled with the absence of legislative endorsement – persisted until 1984.

The USSR's international legal policy under Gorbachev: designating most of the Kara Sea as high seas

In 1985, the USSR Government, for the first time in Soviet practice, adopted lists of geographic coordinates defining baselines – including straight lines – along the country's Arctic coast. Following the publication of these coordinates in a special 1986 issue of the *Notice to Mariners*, it became clear to the international community that since 1985, the USSR Government no longer supported the doctrinal classification of the entire Kara Sea as internal waters. Researchers note that the application of the "very modest straight baselines" introduced by the USSR's perestroika-era government resulted in only small portions of the Kara Sea being "classified as internal waters of the USSR". In this context, the authors further note that it is "unsurprising that Western international legal doctrine has observed" that the USSR Council of Ministers' decrees of 1984-1985 "contradict earlier doctrinal claims that the USSR had a historical legal basis for jurisdiction over all Arctic seas adjacent to its coastline" (Vylegzhanin, Dudykina 2018: 67).

The 1985 decree designated most of the Kara Sea as high seas. However, this move prompted a protest from the United States, which argued that drawing straight baselines across the Arctic straits between Soviet islands in the Arctic Ocean and

[16] For more details on baselines, see: [Nikolaev 1969: 3-9; Vylegzhanin, Dudykina 2018].

the Siberian mainland – including the Kara Gates Strait (linking the Barents and Kara Seas from west to east), as well as the Vilkitsky and Shokalsky Straits (connecting the Kara and Laptev Seas in the same direction) – was inconsistent with international law. This criticism was echoed, albeit more cautiously, by international legal scholars, who suggest that these areas could be considered as international straits (Scovazzi 2001: 82).

The U.S. response extended beyond diplomatic protests, consistently opposing the Soviet Union's classification of these Arctic straits – including those connecting the Kara Sea to neighboring Barents and Laptev Seas – as internal waters. Canadian lawyer M. Byers recounts several Soviet-American 'incidents' occurring at the entrances and exits of the Kara Sea. For example, in the summer of 1965, the U.S. warship *Northwind* approached the Vilkitsky Strait from the northern, open part of the Kara Sea with the intent to transit this area – considered by the USSR as its internal waters – without seeking permission from Soviet authorities. This led to a stern warning from the Soviets about the consequences of entering their internal waters without authorization. As Byers explains, the U.S. government ordered the commander of the *Northwind* to turn around under these circumstances. The Canadian maritime law expert further notes that the U.S. State Department's official account of the incident was limited to a single, inaccurate sentence claiming the ship was merely following its course (Byers 2013: 145). Such a direct accusation of the U.S. by a Western international lawyer regarding misrepresentation is notably rare in legal scholarship.

The same Canadian study also describes another incident arising from the differing legal views of the USSR and the USA regarding the status of the waters in the straits connecting the Kara Sea with the Laptev Sea. The incident occurred in the summer of 1967, when two U.S. Coast Guard icebreakers (*Edisto* and *Eastwind*) were navigating the Kara Sea north of Novaya Zemlya Island. Due to ice conditions, the icebreakers, which had initially planned to sail north of the Soviet archipelago Severnaya Zemlya, had to alter their course southward into the southern Kara Sea, heading toward the Vilkitsky Strait. The U.S. State Department sent a carefully worded note to the USSR Foreign Ministry that was deliberately phrased so as not to be interpreted as a request for permission to transit the Vilkitsky Strait. According to the Canadian lawyer, the U.S. note stated that the icebreakers would make a peaceful passage through the Vilkitsky Strait, keeping to the main fairway, as far as possible, without deviating from their course and without delay. On the same day, the USSR Foreign Ministry officially declared the Vilkitsky Strait to be "internal waters of the USSR," requiring foreign vessels, under Soviet law, to "request permission" to pass through at least "thirty days in advance" – a request the U.S. did not make (Byers 2013: 145). The Soviet government would certainly have blocked any unauthorized passage of U.S. Coast Guard ships through its internal waters, as such actions would violate Soviet law. The U.S. State Department accurately assessed that the Soviet Union's hypothetical sinking of American vessels near its own coastline – far from U.S. shores – would not be widely regarded under international law as legitimate grounds for threatening or declaring war against

the USSR. Consequently, the U.S. President opted for a prudent course of action by avoiding military escalation and refraining from sending the U.S. warships through the Vilkitsky Strait.

This means that, by 1985, when the USSR Council of Ministers issued its decree on direct baselines, the United States understood that the USSR considered the western (Kara Gates Strait) and eastern (Vilkitsky Strait) entrances to the Kara Sea as its internal waters, and that any passage through these straits without prior permission would violate Soviet law and be prevented. An article published in a 2020 Bulletin of the Russian Academy of Sciences presents a strong case supporting the classification of the Arctic straits – especially the Kara Sea's western and eastern entrances – as Russia's internal waters. It cites historical documents, including Empress Elizabeth Petrovna's 1753 decree establishing "Russia's exclusive rights in Arctic waters along its shores" and banning "commercial shipping from Europe" without Russian authorization. The authors note that no state challenged this decree at the time (Vylegzhanin, Nazarov, Bunik 2020: 108–1109). However, the United States could not have challenged then, as it did not exist as an independent state in 1753.

The Kara Sea in the Context of Contemporary Russia's International Legal Policy

During the eras of the Russian Empire and the Soviet Union, as previously noted, the level of domestic control over the Kara Sea experienced fluctuations. However, following the collapse of the USSR and under President Boris Yeltsin's leadership, Russia's international legal policy in the Arctic underwent a profound shift. This transformation has been examined in legal scholarship from both supportive (Shinkaretskaya 2013: 76-81) and critical perspectives (Gureev, Bunik 2005: 162-164; Zhudro 2018: 85-108). Central to this change was the adoption of the 1982 United Nations Convention on the Law of the Sea (the 1982 Convention) "as the foundational legal framework governing Arctic waters" (Shinkaretskaya 2013: 81). As a consequence, Russia effectively "voluntarily limited" its claims to the Arctic continental shelf, giving up its historical rights to the adjacent Arctic seas (Zhudro 2018: 85), including the Kara Sea.

Russia's evolving international legal policy demonstrates that the status of the Kara Sea has developed through multiple stages. Initially, Professor F.F. Martens recognized the possibility of classifying the Kara Sea as internal waters of Russia. Subsequently, during the Soviet era and prior to the 1985 decree, Soviet legal doctrine unanimously regarded the Kara Sea as internal waters of the USSR. The 1985 decree then marked a shift by recognizing only parts of the Kara Sea as the USSR's internal waters. Later, under President Boris Yeltsin's international legal policy concerning the Arctic, the 1982 Convention was declared applicable to the Kara Sea, effectively sidelining previously established customary international law norms regarding Russia's historical rights to the Kara Sea and other Arctic waters adjacent to the country's northern coast. This shift played a role in establishing a portion of the International Seabed Area within Russia's Arctic sector (Zhudro 2018: 96-98).

The changes in Russia's Arctic policy has resulted in a diminished legal capacity to unambiguously classify the entire seabed of the Kara Sea as falling exclusively under Russian sovereignty. While Russia retains sovereign rights over natural resources across most of the Kara Sea's seabed (beyond its internal waters and territorial sea), it can no longer assert the entire seabed as part of its internal waters under general international law. Instead, much of this area is now classified under the weaker legal title of the continental shelf. From the perspective of Russian subsurface legislation, there is minimal distinction between the legal status of subsoil resources within state territory and those on the continental shelf. However, a critical difference remains. First, foreign states retain certain rights over the continental shelf that do not apply to the seabed of internal waters or the territorial sea. Second, the continental shelf is always overlain by open sea waters, which differ fundamentally from a state's internal waters in legal status. By redefining most of the Kara Sea's seabed status from uncertain (whether it was part of Russia's internal waters) to a definite classification solely as Russia's continental shelf, the government at that time overlooked the potential to reaffirm the sea's status as historic waters under Russian sovereignty within general international law.

Despite this, under the special provisions of international law on retaliatory measures, there remains a basis for Russia to strengthen its authority in the Kara Sea. Specifically, this pertains to Russia's right to respond to sanctions imposed by Western states in the Arctic following the events in Ukraine – namely, the 2014 coup in Kiev, which occurred with U.S. involvement, and the subsequent developments. As noted in scholarly literature, Arctic states have traditionally kept their regional cooperation separate from disputes in other parts of the world. For example, in 1999, despite Russia condemning NATO's bombing of Belgrade as a serious international crime, Arctic cooperation continued unaffected; similarly, in 2003, the U.S. invasion of Iraq and the execution of its president did not disrupt Arctic relations. Despite Russia's clear condemnation of these violations of international law committed by the United States, it has not pursued, in the Arctic Council, any sanctions against the U.S. or other Council members implicated in these actions. Instead, Russia maintained its longstanding international legal policy of insulating the Arctic region from political disputes occurring outside the Arctic, even when those disputes involved fundamentally opposing positions. Contrary to this approach, in March and June 2022, the United States and six other Western Arctic Council members chose to suspend cooperation with Russia in the Arctic in response to Russia's special military operation in Ukraine. This move nearly led to the effective termination of the Arctic Council's activities altogether (Vylegzhanin et al. 2023).

It appears that the breach by Western countries of the established tradition of keeping the Arctic free from disputes arising in other regions provides Russia with grounds to clarify, in response, its international legal stance regarding those Arctic seas that Soviet science once recognized as historic waters of the Soviet Union. This primarily concerns the Kara Sea, which, as noted earlier, was regarded – even during the Russian Empire period by Professor F.F. Martens – as potentially falling under the country's sovereignty based on historical legal principles.

Conclusions and academic suggestions

It is proposed that Russia formalize retaliatory measures against Western states that supported the ousting of Ukraine's constitutional president in Kiev in 2014, resulting in an illegitimate regime controlled from Washington (Voronin, Kulebyakin, Nikolaev 2015), as well as against those states that aligned with the U.S. sanctions policy. A key measure could be a temporary prohibition on vessels flying the flags of these states from entering any part of the Kara Sea without authorization from the relevant Russian authorities. The duration of this restriction could be linked to the date on which the government of the concerned state notifies the Russian Foreign Ministry that it considers U.S. involvement in the unconstitutional forced removal of Ukraine's elected president and the subsequent shelling of Donbass territories by the illegitimate regime – which was not elected by the Donbass population – as violations of international law. It is proposed that the notification from that Western state also specify the date on which it will cease all military assistance to the illegitimate regime in Kiev. Given the high likelihood that no such notification will be received, the aforementioned Russian retaliatory measures in the Kara Sea are expected to remain in place for years.

Russia will thus take a significant step, as envisioned by Professor F.F. Martens, toward reaffirming its jurisdiction over the Kara Sea through retaliatory measures.

About the Author:

Natalia A. Mincheva – MGIMO University, Russia 76, pr. Vernadskogo, Moscow, Russian Federation, 119454. E-mail: N_Mincheva@rosneft.ru

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The author declares the absence of conflicts of interest.

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International Legal Regulation of States' Activities in The Greater Mediterranean Region[1]

Vladimir N. Koval, Stanislav A. Vasiliev, Evgeniy V. Godovanik, Aleksandr V. Polischuk

Sevastopol State University

Abstract. A trend that is becoming increasingly noticeable in modern international and domestic maritime law is the regional fragmentation of legal regulation. This, in turn, objectifies and brings to the foreground the creation of complex arrays of legal norms, united by the consistency of the political and legal positions of contracting states that have national interests in the relevant water area – primarily coastal states extending their state sovereignty to certain areas of maritime space. In this context, the Greater Mediterranean region should be considered as one of the most important in world merchant shipping, and in naval support for international peace and security. From a logistical point of view, the basin optimally connects the Atlantic and Indian oceans, which requires the formation of an appropriate scientific and methodological basis for the full implementation of the fundamental principle of international cooperation in the maritime policy of the states of the region. The choice to identify the Greater Mediterranean as an independent object of legal regulation was justified by an examination of general and special international legal treaties, the domestic legislation of the Mediterranean states, as well as political and legal documents indicating the existence of certain disputes and situations around certain zones of the Mediterranean water area, primarily in the Eastern Mediterranean region. To obtain reliable and substantiated results, the following methods of scientific knowledge were used: formal-legal, logical, historical-legal, and system-structural analysis. The formal-legal method thus allowed the authors to clarify the content and meaning of international legal treaties concluded at different times and aimed at regulating public relations in the maritime sphere. The logical method made it possible to substantiate the need for comprehensive international cooperation among the coastal states of the Greater Mediterranean. The historical-legal method was used to create an overview of the global, Soviet and Russian practice of applying the norms of domestic and international law to issues related to ensuring international law and order in the Greater Mediterranean region. The logical method allowed the authors to build the necessary connections and patterns of development in international legal regulation in the Greater Mediterranean region in the general context of ongoing universal and regional political and legal processes and transformations. The method of system-structural analysis was used to create a holistic picture of law-making and law enforcement in the Mediterranean states aimed at the formation of unified principles and norms for the exercise of the sovereign rights of coastal states. International maritime merchant shipping is an extremely complex area

[1] English translation from the Russian text: Koval V.N., Vasiliev S.A., Godovanik E.V., Polischuk A.V. 2024. Mezhdunarodno-pravovoe regulirovanie deyatel'nosti gosudarstv v regione Bol'shogo Sredizemnomor'ya. *Moskovskiy Zhurnal Mezhdunarodnogo Prava* [Moscow Journal of International Law]. No. 1. P. 24–43. DOI: 10.24833/0869-0049-2024-1-24-43

of public relations involving a large number of entities with different legal status which, accordingly, are related to each other in a very different way. This work is devoted to the study of the main trends in the development of the Greater Mediterranean region in terms of formulating key international legal guidelines and rules of conduct for its constituent states. The object of the study is the legal relations carried out in the maritime spaces of the Greater Mediterranean as one of the key regions, which, along with its economic and political significance, is an integral zone for the implementation of the national interests of the Russian Federation, extending to the entire World Ocean.

Keywords: maritime law, merchant shipping, Greater Mediterranean, Maritime Doctrine, interstate relations, national interests, environmental cooperation, maritime security, naval forces, international legal regime of maritime spaces

International legal approaches to defining the concept and boundaries of the Greater Mediterranean region

When analyzing the unique aspects of international legal regulation in the Greater Mediterranean region, it is essential to first highlight the role and importance of these maritime areas in advancing the national interests of the Russian Federation. These interests are clearly outlined in the new Russian Maritime Doctrine, approved by Presidential Decree No. 512 dated July 31, 2022[2] (the "Maritime Doctrine").

According to Clause 53 of the Maritime Doctrine, the Mediterranean basin falls under the Atlantic regional focus within Russia's national maritime policy. From an oceanographic perspective, this classification is well-founded, as the Mediterranean Sea is an intercontinental sea connected to the Atlantic Ocean to the west through the Strait of Gibraltar (Gratsianskii 1971: 8).

However, we believe that the Greater Mediterranean should be understood as the entirety of its constituent water bodies – such as seas, straits, gulfs, and channels – along with the territories of the coastal states that hold political, socio-economic, environmental, humanitarian, and other significant public interests in these waters. These states possess sovereign rights over the relevant maritime zones, as established by universal and regional conventions under the international law of the sea, as well as by their national legislation (for instance, Russian national laws specifically regulate the status and use of the Sea of Azov as an internal sea of the Russian Federation).

Based on this interpretation of the boundaries of the aquatic and adjacent areas comprising the Greater Mediterranean, the region should be viewed as encompassing the waters of the Adriatic, Aegean, Alboran, Balearic, Cretan, Cyprus, Ionian, Levantine, Libyan, Ligurian, and Tyrrhenian Seas, as well as the Sea of Marmara, Black Sea,

[2] Ukaz Prezidenta Rossiyskoy Federacii ot 31 iyulya 2022 g. N 512 "Ob utverzhdenii Morskoy doktriny Rossiyskoy Federatsii" [The Maritime Doctrine of the Russian Federation, approved by Decree No. 512 of the President of the Russian Federation of July 31, 2022]. URL: https://base.garant.ru/405077499/#block_1000 (accessed: 13.05.2023). (In Russian).

and Sea of Azov, all of which are part of the Mediterranean basin. Additionally, numerous officially recognized gulfs and straits form an integral part of the Greater Mediterranean, including the Strait of Gibraltar, which plays a crucial role in defining the Mediterranean Sea's connection to the Atlantic Ocean. Furthermore, we consider the Suez Canal – an artificial, lock-free shipping route linking the Mediterranean and Red Seas - to be an essential part of the Greater Mediterranean, as it provides a navigable passage between the Atlantic and Indian Oceans, thereby serving as a vital corridor for global merchant shipping.

From a political and legal perspective, it is appropriate to understand the Greater Mediterranean region as encompassing not only the maritime areas themselves but also the coastal states that exercise full or internationally limited sovereignty over parts of these waters. These states include the Russian Federation (with respect to the Sea of Azov and Black Sea); Georgia, Romania, Bulgaria, Abkhazia, and Ukraine (Black Sea states relevant to the development of the Greater Mediterranean concept); Spain, France, Monaco, Italy, Malta, Slovenia, Croatia, Bosnia and Herzegovina, Montenegro, Albania, Greece, Türkiye, Syria, Cyprus, Lebanon, Israel, Egypt, Libya, Tunisia, Algeria, and Morocco. Additionally, the region includes territories with other statuses, such as the Turkish Republic of Northern Cyprus, Gibraltar, and the Gaza Strip.

The existence of numerous coastal states, each with distinct political and economic interests, naturally underscores the need for comprehensive regulation founded on compromise and respect for the sovereignty of every country.

Focusing specifically on the Mediterranean Sea basin as a geographical area where Russia advances its national interests within the broader context of its Atlantic-oriented strategy, it is important to highlight that, according to Clause 58 of the Maritime Doctrine, the long-term objectives of Russia's maritime policy in this region include: a) transforming the region into a zone of military and political stability and fostering good-neighborly relations; b) maintaining a sufficient and permanent naval presence of the Russian Federation in the area; and c) developing cruise shipping routes from the ports of Crimea and Krasnodar Krai to countries within the Mediterranean region.

The relevance and urgency of the first two strategic objectives stem primarily from the escalating confrontational policies of the North Atlantic Treaty Organization (NATO), which are largely directed against Russia's vital political and economic interests. It is important to note that potential conflict situations are often instigated by the military and political leadership of states that, although they do not possess aquatic or coastal territories within the Greater Mediterranean region, seek to exert considerable political influence over it. In some instances, these attempts escalate into overt pressure that undermines the exercise of exclusive sovereign rights by the coastal states. Such rights, of course, fall within the internal jurisdiction of these states, as recognized by both national legislation and international law, including international maritime conventions.

An example of such hostile actions by NATO member states in the maritime areas of the Greater Mediterranean, including the sovereign coastal territories along Russia's Black Sea coast, is the incident on June 23, 2021. On that day, the British

air-defense destroyer D36 HMS Defender, while sailing from Batumi (Georgia) to Odessa (Ukraine), unexpectedly entered Russian territorial waters and only exited near Cape Fiolent, close to the federal city of Sevastopol, after Russian military jets scrambled from Belbek airfield threatened to intervene (Golovenchenko, 2022: 5). Such actions by the British navy are absolutely unacceptable, as they infringe upon Russia's state sovereignty over territorial waters and warrant responses to counter potential foreign military threats. Nevertheless, the Russian response was measured and firmly grounded in international legal principles and norms, successfully compelling the British ship to leave Russian territorial waters with the aid of an air escort.

Overall, it is important to emphasize that the delimitation and specific international legal regimes of maritime areas in the Greater Mediterranean – as in other regions of the World Ocean – are governed by universal conventions, namely by the relevant provisions of the United Nations (UN) Convention on the Law of the Sea, adopted on December 10, 1982[3].

Accordingly, all states in the Greater Mediterranean generally adhere to the limits for territorial waters (12 nautical miles), the contiguous zone (24 nautical miles), and the exclusive economic zone (200 nautical miles) as established by the Convention, having incorporated these standards into their national maritime legislation.

The most challenging aspect is the delimitation of the continental shelf, which is complicated by several factors: ongoing international legal disputes over the status of and sovereignty over certain islands; persistent political tensions between specific Mediterranean states leading to reciprocal territorial claims; and the continental shelf's critical role, both economically and resource-wise, due to the abundant and high-quality hydrocarbon reserves in the region.

A current example of international legal disputes concerning the status of and sovereignty over territories and waters in the Mediterranean is the mutual non-recognition of political and legal claims between Türkiye and Greece. This tension intensified following the signing of the Memorandum of Understanding Between Turkey and Libya on Delimitation of the Maritime Jurisdiction Areas in the Mediterranean[4] on November 27, 2019, which was premised on denying the Greek islands' entitlement to a continental shelf.

Conversely, Greece takes a fundamentally contrasting position, asserting that Türkiye seeks to unilaterally appropriate a substantial portion of the exclusive economic zone (EEZ) without a bilateral treaty between the two countries delimiting the EEZ. It is important to note that the European Union promptly supported Greece's position, as Greece is a member state, issuing an official statement declaring that the Turkey-

[3] The United Convention on the Law of the Sea of December 10, 1982. URL: https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf?ysclid=mdn4toc4ms775441650 (accessed: 13.05.2023).

[4] Full text of Turkey – Libya maritime agreement revealed. *Nordic Monitor*. 5.12.2019. URL: https://nordicmonitor.com/2019/12/the-full-text-of-turkey-libya-maritime-agreement-revealed/ (accessed: 12.05.2023).

Libya Memorandum of Understanding on the delimitation of maritime jurisdictions in the Mediterranean Sea "infringes upon the sovereign rights of third countries, does not comply with the Law of the Sea and cannot produce any legal consequences for third States."[5] Greece's position was also backed by the U.S. Ambassador to Greece, G. Pyatt, who affirmed that inhabited islands are entitled to exclusive maritime zones and continental shelves[6]. Meanwhile, Türkiye, following the Memorandum with Libya, published new maritime maps delimiting zones without recognizing the maritime claims of the Greek inhabited islands[7]. Türkiye bases its argument on the assertion that islands cannot establish maritime jurisdiction zones beyond their territorial waters. As an example, Hami Aksoy, the spokesperson for the Turkish Ministry of Foreign Affairs, cited the Greek island of Kastellorizo, stating that it is purported to create a maritime jurisdiction zone 4,000 times larger than itself[8].

From an international legal perspective, the central point of contention between Turkey and Greece in the Eastern Mediterranean is the recognition – or non-recognition – of states' rights to establish maritime zones around their islands. This issue contrasts with the uncontested legal basis for establishing maritime zones around continental coastal territories, which is universally accepted.

In recent years, Greece has also been actively pursuing a maritime policy aimed at legitimizing the expansion of its territorial waters under international law, primarily through bilateral treaties with other Mediterranean states. For example, on August 6, 2020, Greece and Egypt signed the maritime delimitation agreement,[9] which, according to Greece, secures the Greek islands' entitlement to their continental shelf and exclusive economic zone.

From an international legal perspective, it is important to highlight that the regime of islands is established at the universal level by Article 121 of the UN Convention on the Law of the Sea (UNCLOS) of December 10, 1982[10]. According to paragraph 2 of this article, the continental shelf of an island is determined by the same rules that apply

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[5] V ES napomnili Turtsii, chto ne priznayut ee memoranduma s Liviei o razgranichenii zon v Sredizemnomorie [EU Reminds Turkey It Does Not Recognize Its Memorandum with Libya on Mediterranean Maritime Zone Delimitation]. *Interfax*. 3.10.2022. URL: http://interfax.az/view/877725 (accessed: 12.05.2023). (In Russian).

[6] V SShA zayavili o raskhozhdenii s Turtsiei po voprosu morskogo shel'fa u grecheskikh ostrovov [U.S. Expresses Disagreement with Turkey over Continental Shelf Claims near Greek Islands]. *TASS*. 12.12.2019. URL: https://tass.ru/mezhdunarodnaya-panorama/7337109 (accessed: 12.05.2023). (In Russian).

[7] ES: Memorandum Turtsii I Livii o razgranichenii v Sredizemnov more ne imeet zakonnoi sily [EU Declares Turkey-Libya Memorandum on Mediterranean Delimitation Lacks Legal Force]. *TASS*. 13.12.2019. URL: https://tass.ru/mezhdunarodnaya-panorama/7338779 (accessed: 12.05.2023). (In Russian).

[8] Vooruzhennye sily Gretsii privedeny v povyshennuu gotovnost' iz-za namerenii Turtsii [Greek Military on High Alert in Response to Turkey's Intensions]. 21.07.2020. *Aravot*. URL: https://www.aravot-ru.am/2020/07/22/332527/ (accessed: 13.05.2023). (In Russian).

[9] Parlament Gretsii ratifitsiroval soglashenie s Egiptom o morskikh zonakh [Greek Parliament Ratifies Agreement with Egypt on Maritime Zones]. *TASS*. 27.08.2020. URL: https://tass.ru/mezhdunarodnaya-panorama/9308771 (accessed: 13.05.2023). (In Russian).

[10] The United Convention on the Law of the Sea of December 10, 1982. URL: https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf?ysclid=mdn4toc4ms775441650 (accessed: 13.05.2023).

to the mainland territories of coastal states. However, paragraph 3 provides an exception for rocks which cannot sustain human habitation or economic life of their own; such rocks are not entitled to their own exclusive economic zone or continental shelf.

Therefore, according to a strict interpretation of legal provisions, determining whether a Mediterranean island qualifies for its own exclusive economic zone and continental shelf must be based on the international legal criterion of its capacity to sustain human habitation and/or economic life. Depending on these factors, the territory may be classified either as an island or as a rock, with the size of the territory not constituting a legally significant factor.

In other words, the most effective way to resolve the dispute would be for Greece and Turkey to reach a compromise, potentially with extensive international mediation under the auspices of the UN. This process should involve a fair and transparent comprehensive assessment of each island's characteristics, followed by the formalization of the agreed terms in a bilateral treaty, which would then be ratified by the parliaments of both countries.

In the short term, however, such a scenario based on mutual respect for sovereign rights and adherence to universally accepted international legal norms regarding maritime delimitation appears unlikely. This is due to the deep-rooted antagonism between the official positions of Greece and Turkey, as well as ongoing unilateral efforts by both sides to impose sharply conflicting boundaries for their exclusive economic zones and continental shelves through political and legal memoranda with third-party states in the Greater Mediterranean not directly involved in the dispute. Such actions hinder the establishment of direct bilateral dialogue and obstruct the search for a mutually beneficial, legally sound, and factually grounded resolution to the complex challenges of contemporary maritime policy in the Mediterranean region.

In addition to maritime delimitation issues, ecology and pollution prevention are key subjects of regional international legal regulation in the Greater Mediterranean. These concerns are comprehensively addressed in the Convention for the Protection of the Mediterranean Sea Against Pollution, commonly known as the Barcelona Convention, which was adopted in 1976 and came into force on February 12, 1978[11].

The Barcelona Convention was adopted under the UN Environment Programme's (UNEP) Regional Seas Programme, launched in 1974. This programme is based on a framework of 18 regional multilateral environmental agreements (conventions) designed to protect marine environments and promote sustainable development in important navigational and geographically interconnected marine regions, designated as "regional seas."[12] The Mediterranean Sea's critical role for the surrounding coastal states is thus formally recognized and defined in UN documents.

[11] The Convention for the Protection of the Mediterranean Sea Against Pollution (Barcelona Convention) of February 2-16, 1976. URL: https://wedocs.unep.org/bitstream/handle/20.500.11822/7096/BarcelonaConvention_Consolidated_eng.pdf (accessed: 13.05.2023).

[12] UNEP Regional Seas Programme. URL: https://www.unep.org/ru/issleduyte-temy/okeany-i-morya/nasha-deyatelnost/programma-regionalnykh-morey (accessed: 13.05.2023).

It is quite natural that the ecology and protection of the Mediterranean Sea basin from pollution serve as a unifying focus of international legal regulation, generating minimal political controversy. This consensus exists because all coastal states share a direct interest in the sustainable development and management of their maritime areas, enabling them to maximize economic benefits from transportation, industry, and tourism. Effective use of marine resources, in turn, positively influences government revenues and supports the stability and growth of national economies. For instance, a shared environmental concern among all Greater Mediterranean countries is the sharp increase in sulfur dioxide and nitrogen dioxide levels in seawater. This issue was highlighted by Carlo Zaghi, President of the Bureau of the Contracting Parties to the Barcelona Convention, during the 22nd Meeting of the Contracting Parties, held in December 2021, in Antalya, Turkey[13].

In this context, we fully endorse the perspective of D.K. Labin, which holds substantial methodological significance. He asserts that "marine environmental law is now central to international law of the sea."[14] Similarly, A.G. Arkhipova emphasizes the crucial role of environmental cooperation within international maritime relations, viewing these issues through a private-law rather than a public-law lens. Arkhipova metaphorically refers to abandonment, general average, and oil pollution of the sea as "the three whales of maritime law"[15]. Indeed, the massive volume of cargo transported by sea in the Mediterranean basin (Fancello 2022: 60-62) underscores the vital role of international legal mechanisms for environmental control as a key component in the comprehensive legal regulation of economic activities in these maritime areas.

An important institutional factor in ensuring effective environmental protection of the Mediterranean is the mandate granted to UNEP to oversee the implementation of the Convention's action plan for the Mediterranean as a regional sea – or, more broadly, as a maritime region, which we consider a methodologically sound interpretation. Similarly, UNEP directly manages integrated environmental systems in other key regions such as the Caribbean, East Asia, East Africa, the Northwest Pacific, and West Africa[16]. This responsibility is driven in part by the need for strengthened environmental oversight in these World Ocean areas, which experience heavy maritime traffic and include some of the world's most critical shipping corridors, such as the Suez Canal.

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[13] Yıldız A., Kalyoncuoğlu Y., Amuyeva U. *V Antalie obsuzhdayut ekologicheskuyu situatsiyu v Sredizemnomorie* [Antalya Hosts Talks about the Environmental Situation in the Mediterranean Region]. *Anadolu Ajansi.* 7.12.2021. URL: https://www.aa.com.tr/ru (accessed: 13.05.2023). (In Russian).

[14] Koval' V.N., Labin D.K. eds. 2023. *Mezhdunarodnoe morskoe pravo: publichnoe i chastnoe: uchebnik* [International Law of the Sea and International Maritime Law. Textbook]. Moscow: KNORUS Publishing House. P. 25. (In Russian).

[15] Arkhipova A.G. *Tri kita morskogo prava: abandon, obshchaya avariya, zagryaznenie morya neftiyu: videolektsiya* [Three Whales of Maritime Law: Abandonment, General Average, and Oil Pollution of the Sea. Video Lecture]. URL: https://mlogos.ru/product/avtorskaya-lekcziya-a-g-arhipovoj-tri-kita-morskogo-prava-abandon-obshhaya-avariya-zagryaznenie-morya-neftyu-2/ (accessed: 13.05.2023). (In Russian).

[16] UNEP Regional Seas Programme. URL: https://www.unep.org/ru/issleduyte-temy/okeany-i-morya/nasha-deyatelnost/programma-regionalnykh-morey (accessed: 13.05.2023).

A distinctive feature of the institutional framework for implementing the Barcelona Convention is the extensive network of regional activity centres that conduct specialized work with direct support from the Mediterranean state parties to the Convention. Currently, these centres include the Programme for the Assessment and Control of Marine Pollution in the Mediterranean (MED POL) (Greece); the Plan Bleu Regional Activity Centre (PB/RAC) (Marseille, France); the Regional Activity Centre for Sustainable Consumption and Production (SCP/RAC) (Spain); the Regional Activity Centre for Specially Protected Areas (SPA/RAC) (Tunisia); the Priority Actions Programme/Regional Activity Centre (PAP/RAC) (Croatia); the Regional Activity Centre for Information and Communication (INFO/RAC) (Italy); and the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC), established jointly with the International Maritime Organization (IMO) (Malta)[17].

A distinctive aspect of the legal framework governing maritime relations in the Greater Mediterranean is the definition of the unique international legal regime applicable to the Mediterranean straits. These include the Strait of Gibraltar, which is strategically vital for global shipping as it provides access from the Mediterranean Sea to the Atlantic Ocean and serves as a transport corridor connecting the Atlantic and Indian Oceans – effectively linking the Northern and Southern Hemispheres. Additionally, this regime covers numerous international and domestic straits within Greece and Italy.

As the author team from the Sevastopol State University rightly points out, "the Strait of Gibraltar holds the greatest economic, political, and legal importance for international navigation."[18]

It should be noted that currently, both merchant vessels and warships have the unrestricted right to transit this maritime area. However, the presence of a NATO naval base in Gibraltar presents potential risks to international navigation. Such concerns are further exacerbated by the alliance's periodic hostile and provocative actions toward sovereign states that do not share the unipolar security vision advanced by the United States and its closest allies. These issues are particularly urgent given the insufficient formalization of the international legal regime governing the Strait of Gibraltar and the lack of legal guarantees safeguarding the rights of all Greater Mediterranean states – without exception – to free and unimpeded passage. Such protections could be established through a multilateral framework treaty involving all coastal states.

When examining the international legal framework governing the Greater Mediterranean basin, it is important to highlight that the region (namely, Malta) hosts the world's largest and most prestigious institute that focuses on international maritime

[17] *Pochemu vazhno sotrudnichat' s Programmoi regionalnykh morei?* [Why Cooperation with the Regional Seas Programme Matters]. URL: https://www.unep.org/ru/issleduyte-temy/okeany-i-morya/nasha-deyatelnost/rabota-po-regionalnym-moryam/pochemu-vazhno (accessed: 13.05.2023). (In Russian).

[18] Koval' V.N., Labin D.K. eds. *Mezhdunarodnoe morskoe pravo: publichnoe i chastnoe* [International Law of the Sea and International Maritime Law]. P. 109.

law research and training – the IMO International Maritime Law Institute. Established in 1988 through an agreement between the International Maritime Organization (IMO) and the Government of Malta, the Institute offers advanced education, training, and research programs in international maritime law, primarily targeting qualified candidates from developing countries. The Institute places special emphasis on the international instruments adopted by IMO and their incorporation into national legal systems. It also provides a specialized Master's program in international maritime law designed for maritime professionals without a formal legal background. Beyond this, the Institute offers postgraduate and doctoral programs, as well as short courses and specialized programs developed in collaboration with internationally recognized universities. Additionally, the Institute regularly hosts lectures and seminars featuring distinguished scholars and practitioners in maritime law and related maritime sectors[19].

Thus, the Mediterranean region stands as a major global center for the study of international law of the sea, possessing substantial organizational and intellectual resources to conduct promising research under IMO's guidance. This research has the potential to create the essential foundation for the significant enhancement and optimization of existing international legal frameworks, as well as to explore fundamentally new approaches to the regulatory and institutional support of mutually beneficial cooperation among sovereign states across the world's oceans.

Current challenges in ensuring navigation safety in the Greater Mediterranean region

In the context of a comprehensive analysis of the unique aspects of international legal regulation in the Greater Mediterranean region, it is important to highlight that contemporary law of the sea is predominantly security-focused. This emphasis arises because threats originating from the high seas – targeting coastal areas, biological resources, and infrastructure such as offshore platforms and installations – are far more likely than threats originating from a state's land territory. This is illustrated by the numerous attacks on the city of Sevastopol during the special military operation in Ukraine (Marchenko 2023: 9-38). These acts of aggression were primarily conducted from the air, with a few occurring by sea; notably, in the vast majority of cases, aircraft approached from over the water.[20]

The Mediterranean Sea serves as a focal point where the interests of many states converge (Kosov, Nechaev, Tatarkov 2021: 123-139; Il'in, Nechaev 2022: 8-23), including those of countries geographically distant from the region (Baranov 2017: 75).

[19] International Maritime Law Institute. URL: https://imli.org/about-us/ (accessed: 13.05.2023).

[20] Petrova A. *"Bespilotnyi terror" Sevastopolya: expert otsenil ugrozy* [Sevastopol Under 'Unmanned Terror': An Expert Evaluates the Drone Threats]. Crimea News. 30.10.2022. URL: https:// crimea-news.com/society/2022/10/30/984626.html (accessed: 25.03.2023). (In Russian).

This area is among the most congested and logistically challenging regions (Fancello 2022: 60-62), and the efforts to influence the legal frameworks governing shipping have sparked numerous unresolved conflicts that have yet to be settled through political means (Moskalenko, Irkhin, Kabanova 2022: 258-277). For instance, the previously mentioned military clashes along the Northern Black Sea coast gave rise to international legal practices concerning the trade of agricultural products originating from this region (Luchian 2022: 796-810; Lis'ikh, Romanov, Shcherbatov 2022: 168-170). To address these disputes, UN institutions became involved, leading to the establishment of the Joint Coordination Centre. This centre, involving representatives from Russia, Ukraine, Turkey, and the UN, aims to ensure the safety of maritime transport during trade operations (Aivazyan 2022: 100).

A key aspect of security in the Greater Mediterranean region involves Russia's international cooperation with countries geographically distant from the area. For instance, Russia's growing collaboration with China – which maintains various bilateral agreements with Morocco, Egypt, Tunisia, and other nations (Polyakov, Shportko 2022: 284) – can indirectly affect global stability. Chinese nationals engage in trade throughout the region, supply essential equipment and components to the logistics infrastructure of many countries, and invest in regional commercial projects, thereby establishing a broad national interest in the area. Consequently, the influence of organizations such as the Shanghai Cooperation Organization, the Collective Security Treaty Organization, and other actors whose activities are not directly focused on this region is growing.

Russian scholars argue that Turkey's expanding influence in this macro-region, alongside U.S.-China global rivalry, could facilitate the creation of a regional security framework to address instability, integrated into wider global security efforts (Agazade, Pavlova, Nikolova 2021: 121). In this context, Russia's political stance comes to the forefront, showcasing its independence and commitment to fully adhering to international law. It is the responsibility of a truly sovereign state – one that upholds international law and prioritizes the security of its people – to develop policies aimed at these objectives, as reflected in its legal frameworks and strategic documents.

Clause 15 of the Maritime Doctrine identifies the waters of the Sea of Azov, the Black Sea, and the eastern Mediterranean Sea as key areas for safeguarding Russia's national interests, particularly in terms of establishing necessary security conditions. Likewise, the doctrine highlights the straits and logistical routes along the African coast, effectively designating nearly the entire Greater Mediterranean region as an area of special strategic importance for Russia.

Clause 56 of the same document outlines that among the priority objectives of Russia's maritime policy in the Atlantic are strengthening relations with Middle Eastern and North African countries to promote military and political stability; maintaining a permanent naval presence of the Russian Federation in the Mediterranean Sea, including through the development of naval infrastructure in Syria and other states (for example, based on Article 2 of the Agreement between the Russian Federation

and the Syrian Arab Republic concerning the deployment of a Russian Armed Forces aviation group on Syrian territory, dated August 26, 2015)[21]; expanding military and technical cooperation with Mediterranean basin states; and conducting marine scientific research to support and reinforce Russia's position in the region.

Based on the above provisions, Russia's security strategy relies primarily on its own resources and capabilities, even when engaging in cooperation with other states. While the country extends its presence well beyond its borders, this approach is fundamentally aimed at preventing the emergence of potential conflict zones or other destructive impacts near its frontiers, thereby safeguarding the lives and health of its people as well as protecting material assets. The Russian Federation remains open to other forms of international cooperation that would, either directly or indirectly, contribute to ensuring domestic security and preventing various conflicts in the region.

Implemented practices have proven their effectiveness, whereas neglecting them exposes vulnerabilities to various threats. For example, European scholars have highlighted the inadequacy of national and international responses in the central Mediterranean Sea during the migration crisis of the 2010s (Kirillova, Suslikov, Tsokur 2016: 3561-3571). This failure forced EU countries to address resulting challenges within their own territories (Gruszczak 2017: 24), often with limited success. In this context, preventive measures are regarded as highly effective, and the use of force or similar actions beyond national borders has been a proven strategy employed by the United States for decades (Farkhutdinov 2020: 417).

According to Article 122 of the UN Convention on the Law of the Sea (UNCLOS) of December 10,[22] 1982, nearly the entire Greater Mediterranean region qualifies as a semi-enclosed sea (Nordquist, Nandan, Rosenne 1995: 346; Bekyashev: 2017: 512). This designation necessitates a particular focus on security issues across various domains, including environmental protection (Boklan 2014: 80-86).

Seas serve as a hub for numerous economically active participants and other actors carrying out their functions within the relevant area. However, under Article 225 of UNCLOS, all activities must be conducted without hindering navigation, and participating states are responsible for ensuring the safety of such operations.

The Convention Regarding the Regime of the Straits, signed on July 20, 1936 (commonly known as the Montreux Convention)[23], plays a crucial role in ensuring the security of the Greater Mediterranean region. This agreement grants the coastal states

[21] Soglasheniye mezhdu Rossiyskoy Federatsiyey i Siriyyskoy Arabskoy Respublikoy o razmeshchenii aviatsionnoy gruppy Vooruzhennykh Sil Rossiyskoy Federatsii na territorii Siriyyskoy Arabskoy Respubliki (s izmeneniyami na 18 yanvarya 2017 goda) [The Agreement between the Russian Federation and the Syrian Arab Republic concerning the deployment of a Russian Armed Forces aviation group on Syrian territory, dated August 26, 2015 (amended on January 18, 2017)]. URL: https://docs.cntd.ru/document/420329053?ysclid=mdn6jt7y6p829175004 (accessed: 13.05.2023). (In Russian).

[22] The United Convention on the Law of the Sea of December 10, 1982. URL: https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf?ysclid=mdn4toc4ms775441650 (accessed: 13.05.2023).

[23] The Convention Regarding the Regime of the Straits of July 20, 1936. URL: https://cil.nus.edu.sg/wp-content/uploads/2019/02/1936-Convention-Regarding-the-Regime-of-the-Straits.pdf (accessed: 13.05.2023).

of the Azov and Black Sea basin certain privileges over other countries regarding free passage through the straits near Istanbul, which are under Turkish control. As a result, it helps safeguard the internal security of these states by regulating the entry of foreign – particularly military – vessels into their coastal waters. According to Article 3 of the Convention, Turkish authorities are required to ensure sanitary safety by inspecting all ships passing freely through the Bosporus and Dardanelles. By being a party to this agreement, Russia, along with other signatory states, is able to indirectly enhance its own security in the region without incurring significant costs.

There are also additional mechanisms that impact security in the Mediterranean Sea, thereby mitigating threats to the Russian Federation. For example, under the NATO-Russia Council Action Plan on Terrorism dated December 9, 2004,[24] Russia participates in efforts to prevent the smuggling of weapons of mass destruction and other hazardous materials disguised as food shipments, doing so with minimal expenditure (Kolodkin, Gutsulyak, Bobrova 2007: 637).

Russia's bilateral agreements also focus on combating terrorism in the Greater Mediterranean region. For instance, the Joint Declaration on the Deepening of Friendship and Cooperation between the Russian Federation and the Syrian Arab Republic, signed on January 25, 2005,[25] commits both parties to intensify their own efforts and urges the international community to strengthen actions in this area. Additionally, Article 5 of the Treaty between the Russian Federation and the Arab Republic of Egypt on Comprehensive Partnership and Strategic Cooperation, dated October 17, 2018,[26] provides for cooperation in the military and technical field. These initiatives are further elaborated in other agreements between the respective countries[27].

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[24] The NATO-Russia Council Action Plan on Terrorism of December 9, 2004. URL: https://www.mid.ru/ru/foreign_policy/rso/1661385/ (accessed: 25.03.2023).

[25] The Joint Declaration on the Deepening of Friendship and Cooperation between the Russian Federation and the Syrian Arab Republic of January 25, 2005. URL: http://www.kremlin.ru/supplement/2167. (accessed: 25.03.2023).

[26] Dogovor mezhdu Rossiyskoy Federatsiyey i Arabskoy Respublikoy Egipet o vse storonnem partnerstve i strategicheskom sotrudnichestve ot 17 oktyabria 2018 goda [The Treaty between the Russian Federation and the Arab Republic of Egypt on Comprehensive Partnership and Strategic Cooperation of October 17, 2018]. URL: https://docs.cntd.ru/document/560897933?ysclid=mdn6wxfmzc394118193 (accessed: 25.03.2023). (In Russian).

[27] Protocol mezhdu Pravitel'stvom Rossiyskoy Federatsii i Pravitel'stvom Arabskoy Respubliki Egipet ob uproshchennom poryadke zakhoda voennykh korabley v porty Rossiyskoy Federatsii i Arabskoy Respubliki Egipet ot 24 noyabrya 2015 goda [The Protocol between the Government of the Russian Federation and the Government of the Arab Republic of Egypt of December 24, 2015, "On the Simplified Procedure for the Entry of Warships into the Ports of the Russian Federation and the Arab Republic of Egypt"]. URL: http://publication.pravo.gov.ru/document/0001201601260050?ysclid=mdo5euffmz868298692 (accessed: 12.10.2023). (In Russian); Protocol mezhdu Pravitel'stvom Rossiyskoy Federatsii i Pravitel'stvom Arabskoy Respubliki Egipet o voenno-tekhnicheskom sotrudnichestvethe ot 23 marta 2014 goda [The Protocol between the Government of the Russian Federation and the Government of the Arab Republic of Egypt of March 25, 2014, "On Military and Technical Cooperation"]. URL: https://docs.cntd.ru/document/420218888 (accessed: 12.10.2023). (In Russian); Soglasheniye mezhdu Pravitel'stvom Rossiyskoy Federatsii i Pravitel'stvom Arabskoy Respubliki Egipet o sotrudnichestve v oblasti bor'by s prestupnost'yu ot 23 sen'tiabria 1997 goda [The Agreement between the Government of the Russian Federation and the Government of the Arab Republic of Egypt of September 23, 1997, "On Cooperation in the Field of Combating Crime"]. URL: http://pravo.gov.ru/proxy/ips/?docbody=&link_id=1&nd=203004897&collection=1&ysclid=mdo5rgljc358281079 (accessed: 12.10.2023) (In Russian); Soglasheniye mezhdu Pravitel'stvom Soyuza Sovetskikh Sotsialisticheskikh Respublik i Pravitel'stvom Siriyyskoy Arabskoy Respubliki o morskom torgovom sudokhodstve ot 4 aprelya 1983 goda [The Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the Syrian Arab Republic of April 4, 1983, "On Merchant Shipping"]. URL: https://docs.cntd.ru/document/1901355?ysclid=mdo5yngyn9533625011 (accessed: 12.10.2023). (In Russian).

Pursuant to Article 24 of the Montreux Convention, the Turkish competent authorities collect information on vessels passing through the relevant straits, which may be utilized to enhance security, provided such actions do not conflict with international law.

Contemporary legal scholars have highlighted violations of the Montreux Convention (Gutsulyak 2017). In particular, the United States has been identified as abusing its rights of passage through the Turkish straits, with its vessels remaining in the Black Sea for periods exceeding those permitted by the international agreement. For instance, in February–March 2014, a U.S. warship stayed in the Black Sea for 33 days, surpassing the allowed 21-day limit. In contrast, the Russian Federation has consistently maintained a firm stance on strict adherence to international law in the region, both in addressing these security challenges and in efforts to combat terrorism (Petrov 2018: 97-104).

International law violations of this nature undermine previously established relationships between countries, as the offending parties become unreliable partners. Continuing such relations may ultimately have a detrimental impact on overall security. Paradoxically, these actions can also contribute to strengthening the energy security of other states (Gusyakov 2018: 14-19). For example, following Europe's reduction in hydrocarbon imports from Commonwealth of Independent States (CIS) countries, energy supplies were redirected toward the Middle East and North Africa (Kapkanshchikov, Omarov 2022: 272). This shift positively influenced stability not only in the economic and social domains of those regions but also strengthened their economies through new partnerships founded on mutual trust. Furthermore, it broadened opportunities for political influence aimed at stabilizing economic processes, free from the subjective and biased judgments of officials representing dominant international powers.

The activities of relevant domestic entities in this sphere of public life are increasingly met with active resistance from unfriendly states.[28] For instance, paragraph 6 of NATO 2022 Strategic Concept, adopted on June 29, 2022,[29] explicitly labels Russia as an aggressor state engaged in military interference with the sovereign functions of countries within the Euro-Atlantic area, thereby posing a potential threat to NATO members. Such declarations provide the alliance with a basis to take steps against Russia, with the Greater Mediterranean macro-region identified as the most probable arena for conflicting interests.

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[28] Rasporyazheniye pravitel'stva Rossiyskoy Federatsii ot 5 marta 2022 goda N 430-r "O perechne inostrannykh gosudarstv i territoriy, sovershayushchikh v otnoshenii Rossiyskoy Federatsii, rossiyskikh yuridicheskikh lits i fizicheskikh lits nedruzhestvennyye deystviya" ["The list of foreign states and territories committing hostile acts against the Russian Federation, Russian legal entities and individuals", approved by Order No. 430-r of the Government of the Russian Federation of March 5, 2022, (amended on October 29, 2022). URL: https://docs.cntd.ru/document/728367755?ysclid=mdo6cy1gxg778747519 (accessed: 12.10.2023). (In Russian).

[29] NATO 2022 Strategic Concept. URL: https://www.nato.int/nato_static_fl2014/assets/pdf/2022/6/pdf/290622-strategic-concept.pdf (accessed: 25.03.2023).

Beyond advancing its own interests, Russia's role in the Greater Mediterranean region is also viewed as contributing to security, including within the territories of other states (Nechaev, Chikharev, Irkhin, Makovskaya 2019: 72). This involvement is supported by Russia's extensive experience in counterterrorism efforts in the Middle East, as well as its substantial military capabilities (Shevtsov 2013: 264).

The most significant aspect of Russia's security engagement in the region remains its military presence in Syria. Under the Agreement between the Russian Federation and the Syrian Arab Republic on the deployment of the Russian Armed Forces' aviation group in Syria, dated August 26, 2015,[30] Russia was granted free use – exempt from taxes and fees – of the airport where this military unit, along with its equipment, personnel, and resources, is stationed. This facility, situated on the Mediterranean coast, possesses several attributes akin to Russian state territory (Baburin 1997: 477), including the unrestricted import of weapons and ammunition and the application of Russian law within the zone.

A comparable legal framework governs the seaside infrastructure under the Agreement between the Russian Federation and the Syrian Arab Republic dated January 18, 2017, concerning the expansion of the Russian Navy's logistics base near the Port of Tartus and the access of Russian warships to Syria's territorial sea, internal waters, and ports[31]. Pursuant to Article 5 of the agreement, Russian vessels equipped with nuclear weapons are permitted to operate within these maritime zones of the Syrian Arab Republic.

This legal arrangement enables Russia to exert a degree of influence in safeguarding its interests, particularly in the eastern part of the Greater Mediterranean region. The Russian Armed Forces' capability to effectively address emerging security threats in this area has already been demonstrated in practice (Dolgov 2021: 203; Sivkov 2020: 75-82).

Ensuring security in the Greater Mediterranean macro-region is a key strategic priority for Russia, as reflected in numerous international and domestic documents. However, it is important to recognize that such efforts are often viewed negatively by other international actors (Chikharev 2021: 442), which significantly complicates the realization of these objectives. Nonetheless, despite these challenges, it is essential to

[30] Soglasheniye mezhdu Rossiyskoy Federatsiyey i Siriyyskoy Arabskoy Respublikoy o razmeshchenii aviatsionnoy gruppy Vooruzhennykh Sil Rossiyskoy Federatsii na territorii Siriyyskoy Arabskoy Respubliki ot 26 avgusta 2015 goda [The Agreement between the Russian Federation and the Syrian Arab Republic concerning the deployment of a Russian Armed Forces aviation group on Syrian territory of August 26, 2015]. URL: http://publication.pravo.gov.ru/document/0001201601140019?ysclid=mdo66i1k26123970754 (accessed: 25.03.2023). (In Russian).

[31] Soglashenie mezhdu Rossiyskoy Federatsiey i Siriyyskoy Arabskoy Respublikoy o rasshirenii territorii punkta material'no-tekhnicheskogo obespecheniya Voenno-Morskogo Flota Rossiyskoy Federatsii v rayone porta Tartus i zakhoda voennykh korabley Rossiyskoy Federatsii v territorial'noe more, vnutrennie vody i porty Siriyyskoy Arabskoy Respubliki ot 18 yanvarya 2017 goda [The Agreement between the Russian Federation and the Syrian Arab Republic dated January 18, 2017, concerning the expansion of the Russian Navy's logistics base near the Port of Tartus and the access of Russian warships to Syria's territorial sea, internal waters, and ports]. URL: http://publication.pravo.gov.ru/document/0001201701200039?ysclid=mdo6n15rt476285222 (accessed: 25.03.2023). (In Russian).

continue progressing in this direction by upholding existing interstate norms to defend Russia's interests, preserve its sovereignty, and ensure the security of its diverse population.

In light of the above, it can be concluded that the Russian Federation, despite facing numerous challenges near its borders, is pursuing a coherent and systematic policy to ensure security throughout the Greater Mediterranean region, including its more distant areas. Given the prevailing international climate and the hostile stance of many states, Russia must conduct its activities in strict accordance with international law. At the same time, there are numerous instances where other parties to relevant agreements have failed to honor the rules they voluntarily accepted. This underscores the critical importance of robust domestic legislation and bilateral agreements in achieving the overarching goal of preserving sovereignty in its broadest sense.

Emerging trends in customs regulation in the Greater Mediterranean

The regional diversity and varied development paths of the Greater Mediterranean states frequently give rise to political, social, and religious tensions among them. Nevertheless, all countries in this region are actively involved in international trade, both with each other and with external partners.

Regional economic cooperation serves as a key factor in ensuring stability and fostering the successful development of the Greater Mediterranean. It also provides a foundation for addressing many other challenges that emerge within the region.

Thanks to its strategic geographical location, transport and logistics corridors connecting the international trade networks of Europe, Asia, and Africa pass through the territories of the Black Sea and Eastern Mediterranean countries.

Effective legal regulation of customs matters plays a crucial role in supporting trade cooperation throughout the Greater Mediterranean region.

In the Russian Federation, which is a member of the Eurasian Economic Union (EAEU), customs regulation is administered at both the national and supranational levels, encompassing countries from the European and Asian regions. It is important to note that the majority of customs regulation matters currently fall under the jurisdiction of the EAEU institutions.

The provisions of the EAEU Customs Code are grounded in the principles of the International Convention on the Simplification and Harmonization of Customs Procedures (adopted in Kyoto on May 18, 1973), as well as the 2021 SAFE Framework of Standards to Secure and Facilitate Global Trade (the "SAFE Framework of Standards")[32].

[32] The Customs Code of the Eurasian Economic Union (amended on May 29, 2019, and March 18, 2023) (Annex No. 1 to the Treaty on the Customs Code of the Eurasian Economic Union). URL: http://www.eaeunion.org/ (accessed: 25.05.2023).

At the national level, the Strategy for the Development of the Customs Service of the Russian Federation until 2030, approved by Order No. 1388-r of the Government of the Russian Federation on May 23, 2020 (the "Customs Strategy 2030"),[33] formulated in accordance with the aforementioned international documents, outlines the development priorities of the Russian Customs Service. Among other objectives, this strategy aims to support the key goals of Russia's national maritime policy.

One of the priorities is the comprehensive digitalization and automation of customs authorities' functions, including the implementation of customs operations enhanced by artificial intelligence via the introduction of an 'intelligent' checkpoint model (Skiba, Pozdnjakova 2022: 19-33). Unlike current checkpoint practices, this model minimizes the involvement of customs officials in processes, maximizes the use of customs control technologies, and leverages advanced information technologies. This innovative approach aims to significantly reduce the time and financial costs for foreign trade participants involved in the movement of goods and international transport across customs borders, while also holding potential for widespread application in international customs practices.

The adoption of advanced customs control technologies could serve as a foundation for enhancing international cooperation and expanding trade among the countries of the Black Sea and Mediterranean regions. The harmonization and simplification of customs procedures, along with strengthened information sharing and collaboration in customs regulation and trade security matters, will undoubtedly bolster economic ties within the Greater Mediterranean region.

Equally important for fostering regional and interregional cooperation is the implementation of modern technologies that ensure compliance with trade prohibitions and restrictions through integrated digital information systems. Furthermore, reaching international agreements on the harmonization and mutual recognition of product quality standards will promote increased investment and stimulate the growth of trade between contracting states and regional unions.

The implementation of international customs regulation initiatives, in line with the Customs Strategy 2030, can be carried out through integration associations, international organizations, and joint projects conducted in both multilateral and bilateral formats.

The SAFE Framework of Standards[34] (clause 2.11.1) emphasizes that governments should engage with all partner international bodies that are involved in international trade and supply chain security to develop, maintain and enhance harmonized international standards.

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[33] Rasporyazhenie pravitel'stva Rossiyskoy Federatsii ot 23 maya 2020 goda № 1388-r "Ob utverzhdenii Strategii razvitiya tamozhennoy sluzhby Rossiyskoy Federatsii do 2030 goda" ["The Strategy for the Development of the Customs Service of the Russian Federation until 2030", approved by Order No. 1388-r of the Government of the Russian Federation of May 23, 2020]. URL: https://docs.cntd.ru/document/564952866?ysclid=mdo70xvbwr965541119 (accessed: 25.05.2023). (In Russian).

[34] World Customs Organization: SAFE Framework of Standards to Secure and Facilitate Global Trade 2021. URL: https://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/safe-package/safe-framework-of-standards.pdf (accessed: 25.12.2021).

As a key priority in international cooperation, the SAFE Framework of Standards highlights the development of Authorized Economic Operator (AEO) programs within regional customs unions and the establishment of procedures for their mutual recognition.

However, it is important to note that the legal framework governing AEOs within the customs legislation of the EAEU and the Russian Federation does not yet fully align with current best practices and requires further refinement (Sharoshhenko 2022: 28-33). The advancement of this framework could be facilitated through international cooperation with countries in the Black Sea and Eastern Mediterranean regions by establishing regional AEO programmes.

The establishment and practical implementation of such programmes aim, first, to offer participating businesses advantages and easier customs procedures, and second, to ensure compliance with foreign trade laws by enabling participating countries' customs authorities to access AEO information online and collaborate to reduce customs violations.

Regional AEO programs are designed to ensure that a) customs authorities, by establishing a pool of trustworthy foreign trade participants (AEOs) and fostering cooperation with them in various forms, uphold customs regulations and strengthen the security of international trade; and b) AEOs receive support from customs authorities in customs control procedures and protection of their rights against unfair competition.

In practice, this approach is expected to expand international trade among contracting countries and regional associations, while significantly increasing the attractiveness of territories and maritime areas, including the continental shelf, for foreign investors.

The signing of free trade agreements plays a significant role in the development and reinforcement of foreign economic relations between countries. Considering the international trade priorities of each participant and their respective export/import profiles, such agreements should incorporate a list of goods eligible for duty-free trade that aligns with national economic interests and supports the advancement of regional integration and cooperation.

Regional customs cooperation should not remain a distant goal. The World Customs Organization Strategic Plan 2022-2025[35] highlights the integration of customs authorities into environmental compliance processes within international trade and their contribution to the global green economy as a key priority for customs development. Sustainable development involves establishing and advancing economic interactions based on closed-loop systems and effective waste management. These business processes are already emerging today and tend to be implemented more rapidly and

[35] WCO: Strategic Plan 2022–2025. URL: https://www.wcoomd.org/-/media/wco/public/global/pdf/about-us/administrative-documents/strategic-plan-2022_2025.pdf?db=web) (accessed: 12.07.2023).

efficiently at the regional level. Delayed participation in regional cooperation could significantly limit the presence of Russian businesses in the emerging international circular economy. Therefore, strengthening and expanding collaboration with foreign trade partners – through coordinated efforts among customs authorities of contracting states and regional unions – will assist foreign trade participants from Russia and other EAEU countries in integrating into the global trade networks of the Black Sea and Eastern Mediterranean regions.

Conclusions

In summary, an analysis of the convention-based mechanisms and institutional framework governing the international legal regulation of maritime relations in the Greater Mediterranean region leads to the following key conclusions:

a) The most comprehensive and well-developed international legal regulation of maritime relations in the Greater Mediterranean pertains to environmental protection, as embodied in the Barcelona Convention. The effective enforcement of this convention is supported by a wide network of regional centers that monitor the marine environment and implement the necessary measures stipulated by the convention.

b) In recent years, the most contentious and sensitive issues in maritime relations in the Greater Mediterranean have centered on Turkey's and Greece's efforts to delimit the exclusive economic zone and continental shelf in the Eastern Mediterranean according to their respective national economic and political interests. These efforts have failed to achieve the mutual compromise necessary to maintain peace and reach agreement, particularly concerning the legal status of small Greek islands whose exclusive economic zones extend beyond their territorial seas.

c) The international legal regime governing the Strait of Gibraltar requires further formalization and the establishment of guarantees protecting the rights of all Mediterranean states without exception. This could be achieved through the adoption of a multilateral treaty with the broadest possible regional scope.

d) Amid rapidly evolving international relations and Russia's role within them, implementing its Maritime Doctrine through bilateral agreements aimed at ensuring national security becomes critically important.

e) Modernizing the forms and methods of customs operations within integration associations is crucial for improving the investment appeal of Greater Mediterranean states and for boosting trade cooperation among them.

About the Authors:

Vladimir N. KOVAL – Doctor of Legal Sciences, Director of Judicial Institute, Sevastopol State Universit, 33, Universitetskaya st., Sevastopol, Russian Federation, 299053. E-mail: v.n.koval@sevsu.ru

Stanislav A. VASILIEV – Candidate of Legal Sciences, Associate Professor, Head of the Department of Constitutional and Administrative Law, Sevastopol State University, 33, Universitetskaya st., Sevastopol, Russian Federation, 299053. E-mail: mnogoslov@mail.ru

Evgeniy V. GODOVANIK – Doctor of Legal Sciences, Associate Professor, Professor of the Department of Constitutional and Administrative Law, Sevastopol State University, 33, Universitetskaya st., Sevastopol, Russian Federation, 299053. E-mail: evgodovanik@mail.sevsu.ru

Aleksandr V. POLISHCHUK – Candidate of Historical Sciences, Associate Professor, Associate Professor of the Department of International, Maritime and Customs Law, Sevastopol State University, 33, Universitetskaya st., Sevastopol, Russian Federation, 299053. E-mail: avpolischcuk@mail.ru

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The "Environmental Dimension" of Article 234 of the United Nations Convention on the Law of the Sea and Russian Legislation on the Regulation of Navigation in the Waters of the Northern Sea Route[1]

Viatcheslav V. Gavrilov, Gleb S. Liashko

Far Eastern Federal University

Abstract. Climate change in the Arctic, caused by global warming, and the political processes taking place in the world associated with the increased pressure from the countries of the collective West on the Russian Federation, once again raise the question in Western doctrine of the validity of the Russian Federation establishing a national regime for navigation in the waters of the Northern Sea Route in accordance with Article 234 of the 1982 UN Convention on the Law of the Sea. Doubts have been raised about Russia's compliance with the Convention's requirement to maintain a balance between freedom of navigation and environmental protection. The purpose of this work is to analyse the validity of claims against the Russian Federation regarding its alleged abuse of the right to establish a national regime for navigation in the Arctic under the guise of environmental protection. The problems raised in this work are structurally divided into three main groups. The first involves an analysis of the specific features of shipping in the Arctic in the context of a changing climate and outlines why a special legal regime for navigation in polar waters needs to be established. The second is devoted to the systematic interpretation of Article 234 of the UN Convention on the Law of the Sea, in its relationship with other norms of the Convention, identifying the criteria and restrictions established therein in relation to the rules of navigation adopted by the coastal State in ice-covered areas, as well as the legal content of the requirement of "due regard to navigation and the protection and preservation of the marine environment." The third part of the work is devoted to assessing the legislation of the Russian Federation on the regulation of navigation along the Northern Sea Route for its compliance with the requirements of Article 234 and maintaining the balance of freedom of navigation and protection of the marine environment in the Arctic. The legislation of the Russian Federation on the regulation of navigation in the waters of the Northern Sea Route fully meets the conditions and criteria established by Article 234 of

[1] English translation from the Russian text: Gavrilov V.V., Liashko G.S. 2023. «Ekologicheskoe izmerenie» stat'i 234 Konventsii Organizatsii Ob"edinennykh Natsii po morskomu pravu i zakonodatel'stvo Rossii o regulirovanii sudokhodstva v akvatorii Severnogo morskogo puti. *Moskovskiy Zhurnal Mezhdunarodnogo Prava* [Moscow Journal of International Law]. No. 4. P. 18–34. DOI: 10.24833/0869-0049-2023-4-18-34

the Convention, and is aimed at ensuring the functioning of a unified and centralized system for managing the safety of navigation in the particularly dangerous conditions of the Arctic, preventing accidents and environmental pollution environment. The restrictions established by Russian legislation are not discriminatory and are based on current and constantly updated scientific data. Shipping in polar waters involves enormous risks to human life, valuable property, and an extremely fragile and vulnerable environment. The effects of global warming are only exacerbating these risks, leading to increased ice instability and worsening climate problems. In this regard, in ice-covered areas, a centralized navigation management system is objectively necessary, and special, uniform legal regulation to ensure the uninterrupted functioning of such a system should be established. A systematic interpretation of Article 234 of the UN Convention on the Law of the Sea allows us to conclude that the establishment by a coastal state within its exclusive economic zone of non-discriminatory laws and regulations aimed at preventing, reducing, and control pollution of the marine environment by ships is not a privilege, but a duty of the state based on its more general obligation to protect the marine environment, established in articles 192 and 194 of the UN Convention on the Law of the Sea. The rule of "due regard to navigation" in this regard should be interpreted to mean that the restrictions and requirements imposed by the laws and regulations of the coastal State must be primarily aimed at ensuring the safety and protection of the marine environment in harsh climatic conditions, without being at the same time discriminatory, unreasonable, and excessive.

Keywords: international law of the sea, UN Convention on the Law of the Sea, ice-covered areas, Northern Sea Route, Arctic, laws and regulations of a coastal State, prevention of marine pollution, Russian legislation on Arctic shipping, climate change

Introduction

Climate change and environmental protection rank among the most critical issues in contemporary international politics. These challenges are especially pronounced in the Arctic region, which is highly vulnerable due to its exposure to climate change and fragile natural ecosystems. According to estimates by the Russian Federal Service for Hydrometeorology and Environmental Monitoring (*Roshydromet*), the Arctic is expected to warm at a rate more than 2.5 times faster than the global average over the coming decades. By the end of the 21st century, during the seasonal minimum of sea ice in the Northern Hemisphere, the Arctic could be nearly ice-free[2]

The rise in temperatures in the Arctic region will lead to profound changes in the Arctic and sub-Arctic tundra biomes. These changes may cause permafrost degradation, coastal erosion, soil loss, droughts, floods, and the decline or extinction of certain plant and animal species. Simultaneously, habitats for species from milder climatic zones are likely to expand.[3]

[2] Tretij ocenochnyj doklad ob izmeneniyah klimata i ih posledstviyah na territorii Rossijskoj Federacii. Obshchee rezyume [Third assessment report on climate change and its consequences on the territory of the Russian Federation. General summary]. Saint Petersburg: High technology Publ. 2022. P.19. (In Russian).

[3] Ibid. P. 108–109.

Interestingly, these environmental changes are closely connected to the international legal challenges concerning the future of Arctic coastal states' rights to regulate navigation within their Exclusive Economic Zones (EEZs) in the Arctic Ocean. Currently, these rights are upheld under Article 234 of the United Nations Convention on the Law of the Sea.[4]

It is clear that the inevitable reduction in Arctic ice coverage due to global warming may prompt non-Arctic states to initiate extensive debates regarding the continued applicability of Article 234 to the Arctic, or the necessity to reinterpret it under current conditions. In recent years, Western academic literature has increasingly suggested that Article 234 might be temporary, valid only while the sea remains ice-covered,[5] or that the legal status of the Northern Sea Route becomes more problematic as Arctic ice retreats more rapidly (Rossi 2014: 496–497). These developments highlight the urgent need to strengthen our country's efforts to safeguard its sovereign rights and national interests in the Arctic region (Gavrilov, Dremliuga, Kripakova 2017: 153).

Further developments in this regard became clear following the Russian Federation's launch of a special military operation in Ukraine, which led to significant opposition from the collective West against the implementation of Russia's Arctic policy. In March 2022, seven out of the eight member states of the Arctic Council issued a joint statement suspending their participation in all Council meetings during Russia's presidency.[6] Three months later, they released another joint statement expressing their intention to implement a limited resumption of their work in the Council, in projects that do not involve the participation of the Russian Federation.[7]

The ongoing political developments have triggered vigorous debate within the Western academic community regarding Russia's future role in international Arctic initiatives and the potential effects of the Ukrainian crisis on the regulation and development of Arctic shipping (Solski 2022). Particularly noteworthy is the stance of J. Solski, who in one of his publications openly questions the advisability of implementing a national navigation regime in the Arctic seas under Article 234. He writes: "Does the end justify the means? Does the objective of protecting and preserving fragile Arctic ecosystems justify the absolute unilateralism of Article 234 of the United Nations Convention on the Law of the Sea (UNCLOS)? And should we presume that a unilateral course of action must lead to better protection than the diluted common denominator of internationally agreed rules and standards, such as those adopted by

[4] The United Nations Convention on the Law of the Sea of December 10, 1982. URL: https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf (accessed: 23.11.2023).

[5] Bouffard T.A. Developing Maritime Operational Environment: Forward Presence and Freedom of Navigation in the Arctic. 12.01.2021. URL: https://www.naadsn.ca/wp-content/uploads/2021/01/Strategic-Perspectives-A-Developing-Maritime-Operational-Environment-Bouffard.pdf (accessed: 15.12.2023).

[6] Joint Statement on Arctic Council Cooperation Following Russia's Invasion of Ukraine. URL: https://www.state.gov/joint-statement-on-arctic-council-cooperation-following-russias-invasion-of-ukraine/ ((accessed: 23.11.2023).

[7] Joint Statement on Limited Resumption of Arctic Council Cooperation. URL: https://www. state.gov/joint-statement-on-limited-resumption-of-arctic-council-cooperation/ (accessed: 23.11.2023).

the International Maritime Organization (IMO)? After all, can we trust Russia to act as a better steward of Arctic ecosystems than the IMO, given that much of the dilution of the Polar Code's environmental part can be attributed precisely to Russia's resistance to more stringent regulation?" (Solski 2021: 399-400).

The way this issue is framed compels us to revisit the interpretation and application of Article 234, including an analysis of the reasons for its drafting and adoption, as well as the crucial importance of environmental preservation in establishing a national navigation regime in the Arctic. At the same time, the primary objective of this article is to assess the legitimacy of the accusations against the Russian Federation concerning its alleged misuse of the right to implement a national navigation regime in the Arctic under the pretext of environmental protection.

To address the issue, this article systematically explores how the climatic impacts of global warming affect navigation conditions in Arctic waters, assesses the continued relevance of Article 234 within the new climatic context, and evaluates Russian legislation regulating navigation in the Northern Sea Route (NSR) waters for its compliance with the Article's requirements – specifically, maintaining an appropriate balance between safeguarding freedom of navigation and protecting the marine environment, based on the available scientific evidence.

Overview of navigation conditions in the Arctic

Arctic exploration is frequently and rightly likened to space exploration due to the complexity and risks involved. Even today, the Arctic remains one of the few regions on Earth where natural conditions pose substantial challenges to human and economic activities. This is especially true for navigation in the Arctic.

Despite the rapid decline of Arctic Ocean ice cover and the steady rise in average annual temperatures, the region remains far from having the mild climatic conditions of Mediterranean resorts, and the risks associated with Arctic navigation have not diminished significantly. Moreover, experts rightly emphasize that sea ice is only one of many factors influencing shipping in the Arctic, and the belief that reduced ice cover alone will lead to increased shipping activity is a misconception.[8] Additionally, the challenges posed by free-drifting ice and the persistence of extensive ice fields during winter continue to be significant concerns.[9]

However, even if the Arctic Ocean becomes completely ice-free, this will introduce new and serious challenges that threaten navigation. For example, the expansion of open water will significantly intensify the effects of polar cyclones. As temperatures continue to rise, the frequency of icebergs breaking off from glaciers will also increase,

[8] Mednikov V., Hantington G.P. Arctic Shipping: Good Governance Based on Facts, Not Myths // Russian Sea News. 17.04.2017. URL: https://morvesti.ru/themes/1698/62546/ (accessed: 23.11.2023).

[9] Farré A., Valeeva E., Efimov Ya. Analysis of Arctic Shipping Potential // Pro-Arctic. 15.04.2015. URL: https://pro-arctic.ru/15/04/2015/expert/15541 (accessed: 23.11.2023).

posing additional hazards to shipping. Furthermore, climate warming is expected to lead to more mesocyclones, which generate destructive waves that are especially dangerous due to their sudden and rapid development.[10] Sudden weather changes will also make marine icing a much more frequent and hazardous occurrence.

It is also important to remember that the severe climatic conditions of the Arctic seas significantly heighten environmental risks in this already highly vulnerable region. Low temperatures in the Arctic Ocean inhibit the biodegradation of oil, while drifting ice can absorb spilled hydrocarbons and carry them over long distances. Additionally, responding to oil spills often requires the use of icebreakers, which may not always be able to reach the spill site quickly, allowing the oil to become firmly embedded in the ice cover.

Even minor malfunctions of marine equipment in the Arctic can result in significant environmental damage, as the pressure from drifting ice can easily cause ship failures and accidental spills (Statuto 2020: 7-8). In the event of a vessel flooding at sea, it becomes a major source of pollution due to the release of radioactive materials, fuel, and lubricants (Nersesov, Rimskij-Korsakov 2021: 20).

The foregoing indicates that the melting of Arctic ice not only fails to reduce but actually heightens the risks and challenges associated with navigation in the region. Consequently, while access to Arctic waters becomes easier, this advantage is largely counterbalanced by climatic changes that intensify the difficulties in ensuring maritime safety and require greater efforts to prevent pollution from ships.

Considering these factors, it can be confidently stated that, given the considerable length of the NSR and the unique climatic and environmental conditions of the region it traverses, Russia holds special rights over this section of the Arctic Ocean, including authority related to the regulation of NSR operation, under Article 234 (Gavrilov 2015).

However, to determine the extent of such control and the degree to which it should genuinely focus on protecting and preserving the Arctic's fragile natural environment, it is necessary to revisit a systemic interpretation of Article 234. This also requires a clearer definition of the criteria and limitations that Article 234 imposes on national laws and regulations enacted to govern navigation in polar waters.

Interpretation of Article 234 in the context of environmental protection

Section 8 of Part XII of the Convention consists of a single provision – Article 234, according to which "[c]oastal States have the right to adopt and enforce non-discriminatory laws and regulations for the prevention, reduction and control of marine pollution from vessels in ice-covered areas within the limits of the exclusive economic zone,

[10] Sukhanovskaya T. Effects of Climate Warming on Shipping in the Arctic // RG. 05.07.2022. URL: https://rg.ru/2022/07/05/reg-szfo/kak-poteplenie-povliiaet-na-sudohodstvo-v-arktike.html (accessed: 23.11.2023).

where particularly severe climatic conditions and the presence of ice covering such areas for most of the year create obstructions or exceptional hazards to navigation, and pollution of the marine environment could cause major harm to or irreversible disturbance of the ecological balance. Such laws and regulations shall have due regard to navigation and the protection and preservation of the marine environment based on the best available scientific evidence."

From a historical perspective, it is clear that Canada and Russia, as the primary beneficiaries of Article 234, intended to use it to internationally legitimize their national shipping regulations designed to mitigate the risk of marine pollution from foreign non-state vessels passing through their Arctic waters. Their position received support from other states during the drafting and adoption of the Convention. Notably, Article 234 was the sole provision included in Section 8 of Part XII, titled "Protection and Preservation of the Marine Environment," underscoring the drafters' intent to establish special rules exclusively focused on safeguarding the marine environment of a specific, clearly defined region (Gavrilov, Dremliuga, Kripakova 2017: 156).

However, the term "ice-covered areas" should not be understood in a strictly literal sense, as ice cover varies in type and form, each presenting different challenges for navigation and requiring distinct organizational and technical approaches. This variability gives rise to multiple possible interpretations of what constitutes "ice-covered areas."[11] Consequently, to ensure legal clarity, coastal states must assert their rights over ice-covered areas regardless of the specific type or extent of ice present at any given time, since the fundamental purpose of Article 234 remains constant.

In any case, both the logical interpretation of the Article and its drafting history clearly show that the special rights granted to Arctic coastal states over their EEZs aim to ensure the highest possible level of navigation safety and to strengthen control over pollution from ships – an objective necessity given the unique natural conditions of the Arctic region (Gavrilov, Dremliuga, Nurimbetov 2019: 3–4).

Taking into account the historical context of the Convention's adoption, the rules of interpretation established by the 1969 UN Vienna Convention on the Law of Treaties[12], and the fact that ongoing climate changes in the Arctic Ocean increase rather than diminish risks to navigation safety and environmental protection, the reduction of Arctic sea ice alone cannot justify Russia losing its right to regulate navigation in the Arctic Ocean.[13]

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[11] The World Meteorological Organization's Sea-Ice Nomenclature explicitly defines "sea ice" as "*any form of ice found at sea which has originated from the freezing of sea water*". From this, it follows that, from a formal legal perspective, neither the type of sea ice (whether floating or fast), its age, nor its spatial extent should determine the interpretation of "ice-covered areas," since all forms and concentrations of sea ice pose navigational hazards. See: WMO Sea-Ice Nomenclature, 1970–2014. 2014. URL: https://library.wmo.int/records/item/41953-wmo-sea-ice-nomenclature (accessed: 15.12.2023).

[12] Vienna Convention on the Law of Treaties of May 23, 1969. URL: https://www.mid.ru/ru/foreign_policy/ international_contracts/international_contracts/international_contracts/1717276/ (accessed: 23.11.2023).

[13] The question of whether the Arctic Ocean waters can still be classified as "ice-covered areas" if they become entirely ice-free in the future remains highly significant. At present, this question cannot be answered with complete certainty and warrants further independent research to explore the possibilities and limitations of applying Article 234 under such global climatic changes.

Therefore, this research should primarily focus on the extent to which Russia complies in practice with the conditions and procedures set forth by Article 234, rather than on the legitimacy of its asserted rights under this provision.

The first important point to highlight is the requirement that laws and regulations adopted by a coastal state under Article 234 must be non-discriminatory – that is, they should apply equally to all vessels navigating the designated waters, regardless of nationality. However, we believe that this principle should be understood not only as ensuring equal access to the Arctic seas for all interested states but also as guaranteeing that the safety and environmental protection standards set by the coastal state are applied uniformly. Therefore, in the context of environmental protection, this requirement can be interpreted in two ways: first, as a safeguard against negative discrimination and the abuse of rights by the coastal state towards other countries; and second, as a mechanism to prevent positive discrimination by ensuring that vessels failing to comply with established navigation rules for ice-covered areas are prohibited from operating in Arctic waters.

Regarding the geographical scope of Article 234, it is clear that, beyond its limitation to the EEZs, the Article sets out two additional equally important and complementary criteria. The first pertains to the presence of obstructions or exceptional hazards to navigation, while the second concerns the risk of major harm to the environment.

It is important to note that the first criterion is defined in Article 234 not only by the presence of "ice covering" a particular maritime area over a certain period but also by the existence of "particularly severe climatic conditions." Based on the data discussed above, it can be confidently asserted that despite the melting of Arctic ice, these severe conditions are unlikely to change, and the current obstructions and exceptional hazards to navigation in the Arctic Ocean will remain significant. Therefore, the legal basis for upholding and continuing to apply Article 234 in the Arctic, including within Russia's EEZ, will persist.

Another key aspect of Article 234 is the explicit link it establishes between environmental risks and hazardous navigation conditions. Therefore, the scope of the coastal state's laws and regulations under Article 234 is not limited merely to their role in "prevention, reduction and control of marine pollution," but also extends to their application in areas where hazards to navigation are exceptional. In practical terms, this means that coastal state's regulations should address not only the direct prevention of marine pollution from vessels but also related navigation safety issues. These may include the designation of shipping routes, crew and vessel design requirements, compulsory icebreaker escort and ice pilotage services, and similar measures. This interpretation of Article 234 is reasonable, as navigation safety has a direct impact on the Arctic marine environment – any accident involving a vessel is likely to result in marine or air pollution, with potentially severe consequences for this ecologically vulnerable region.

To fully grasp the meaning of Article 234, it is important to remember that it is part of Part XII of the Convention, titled "Protection and Preservation of the Marine Environment," and therefore should be read in conjunction with the other articles

within that Part. Of particular relevance to this research are the provisions of Article 194, which address measures to prevent, reduce, and control pollution of the marine environment.

The general obligation of the Parties to the Convention regarding these measures is set out in Article 194 (1) as follows: "States shall take, individually or jointly as appropriate, all measures consistent with this Convention that are necessary to prevent, reduce and control pollution of the marine environment from any source, using for this purpose the best practicable means at their disposal and in accordance with their capabilities, and they shall endeavour to harmonize their policies in this connection."

These measures include, *inter alia*, those outlined in Article 194 (3)(b), which are designed to minimize, to the fullest possible extent, "pollution from vessels, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, preventing intentional and unintentional discharges, and regulating the design, construction, equipment, operation and manning of vessels."

The Convention thus establishes a direct correlation between measures aimed at ensuring navigation safety and those designed to prevent pollution of the marine environment.

A systemic interpretation of Article 234 in conjunction with the other provisions within Part XII of the Convention leads to a significant conclusion: all its norms should be understood in light of the states' general obligation to protect and preserve the marine environment, as set forth in Article 192. According to many scholars, this obligation, due to its widespread recognition and acceptance worldwide, has effectively become a rule of customary international law. Some even consider the duty to "protect and preserve the environment" as part of the peremptory norms (*jus cogens*) of contemporary international law. These experts argue that Article 192 "does not limit the obligation to protect the marine environment solely to internal or territorial waters or to waters under the jurisdiction of coastal states. Instead, it emphasizes the need to safeguard the marine environment as a whole. Based on this, scholars such as the German researcher A. Prölß view the protection of the marine environment as a matter of interest for the entire international community, thereby creating an *erga omnes* obligation arising from this duty" (Ezhova 2014: 149). The subsequent provisions of Part XII further clarify and expand upon the principles established in Article 192 (Sun, Ma 2016: 527–528).

Article 234, which grants coastal states the right to adopt and enforce non-discriminatory laws and regulations to prevent marine pollution in the Arctic, should, therefore, be regarded as a lex specialis in relation to the more stringent procedure outlined in Article 211 (6)(a). The latter requires states to adopt similar laws and regulations for clearly defined areas of their respective EEZs only after consultations through the competent international organizations (Virzo 2015: 33-34). At the same time, the interplay between Articles 192 and 194 and Article 234 effectively *obliges* the coastal state to enact appropriate legislation to protect the fragile natural environment of the Arctic region.

The only constraints the coastal state must observe under Article 234 are the requirements to have due regard to "navigation and the protection and preservation of the marine environment based on the best available scientific evidence" when formulating national regulations.

We concur with J. Solski's view that a prudent interpretation of the standard of due regard is to require the coastal state to accommodate both concerns – freedom of navigation and the protection and preservation of the marine environment – and draw an appropriate balance between them. Solski emphasizes that the obligation to take into account the interests of other states regarding their navigation in the Arctic is one of the few explicit limitations on the coastal state's jurisdiction under Article 234. Consequently, when foreign states question the legality of Canada's or Russia's adoption of relevant laws and regulations, their concerns primarily stem from doubts about whether this requirement has been adequately respected (Solski 2021: 401).

However, based on the preceding analysis of the Arctic region's unique climatic conditions and a systemic interpretation of Article 234, the requirement to balance freedom of navigation with the protection of the marine environment cannot be construed as giving equal legal weight to both criteria in this context. The particularly severe climatic conditions and the extreme vulnerability of the Arctic ecosystem clearly establish the priority of environmental protection over navigational interests.

Thus, "Russia's authority over environmental and navigation safety extends to the Arctic waters within its exclusive economic zone, where freedom of navigation must generally be ensured under *lex generalis* in accordance with the Convention. However, in areas that are ice-covered for a significant portion of the year, stricter environmental regulation of navigation should be enforced under special rules (*lex specialis*). Russia's arguments supporting the international legitimacy of this special environmental regime for the NSR are reinforced by customary international law, as well as Article 234 of the 1982 Convention" (Vylegzhanin, Nazarov, Bunik 2020: 1114).

Based on this, the "due regard" criterion should be interpreted to empower the coastal state to enact laws and regulations that provide the highest possible degree of environmental protection without unduly infringing upon freedom of navigation.

Supporting this interpretation is the second limiting criterion of Article 234, which states that the balance must be drawn "based on the best available scientific evidence." As J. Solski emphasizes, this requirement implies that the coastal state is under a duty to actively conduct relevant scientific research or endeavor to obtain the best scientific evidence that exists and be able to convincingly argue that its measures are reasonable in light of this evidence (Solski 2021: 401). Importantly, such scientific evidence can serve as the foundation for setting specific rules and restrictions for navigation in Arctic waters.

Ensuring "due regard to navigation" in this context may depend on the scientific justification for implementing certain measures designed to preserve the fragile ecosystem. For example, if a coastal state enacts legislation allowing for the temporary complete closure of a portion of Arctic waters to navigation due to particularly hazard-

ous ice or weather conditions, it is clear that such measures do not violate the freedom of navigation. Rather, they aim to prevent potential man-made disasters that threaten not only the lives of ship crews but also the natural environment, and are based on scientific evidence.

Accordingly, a systemic interpretation of Article 234 leads to the conclusion that a coastal state's exclusive right to enact non-discriminatory laws and regulations aimed at protecting the natural environment of ice-covered areas stems primarily from the exceptionally severe navigation conditions and the fragility of the Arctic ecosystem. In this context, adopting such measures is not only a right but also a duty of the state. Allowing unrestricted and uncontrolled navigation in ice-covered waters would inevitably result in catastrophic outcomes – numerous accidents and shipwrecks causing not only loss of life and significant property damage, but also severe, irreversible harm to the unique and vulnerable Arctic ecosystem. Therefore, the requirement to have "due regard to navigation and the protection and preservation of the marine environment based on the best available scientific evidence" should be interpreted as prioritizing environmental protection.

Russian legislation regulating navigation in the NSR in light of Article 234 requirements

Building on the preceding analysis of the climatic conditions of the Arctic Ocean and regulatory framework governing shipping in the region, this section of the research will focus on examining Russian practice in implementing the provisions of Article 234. The aim is to assess the extent to which the laws and regulations enacted by the Russian Federation for the prevention, reduction and control of marine pollution from vessels comply with the requirements of the Article.

To address this question, it is essential first to refer to Article 5.1 of the Merchant Shipping Code of the Russian Federation (the "Code"),[14] which outlines the fundamental requirements regarding the conditions and procedures for navigation in the NSR waters. It also provides a list of regulations governing specific aspects of navigation in this area. Among these are the Rules of Navigation in the Waters of the Northern Sea Route,[15] the Regulations on Ice Pilots,[16] the Rules of Icebreaker Escort for Vessels in the

[14] Merchant Shipping Code of the Russian Federation. No. 81-FZ of April 30, 1999. URL: https://www.wto.org/english/thewto_e/acc_e/rus_e/wtaccrus33a1_leg_15.pdf (accessed: 23.11.2023).

[15] Resolution No. 1487 of the Government of the Russian Federation of September 18, 2020, "On the Approval of the Rules of Navigation in the Waters of the Northern Sea Route" (amended on September 19, 2022). URL: https://www.consultant.ru/document/cons_doc_LAW_362718/?ysclid=lq9xwgcb8u482675596 (accessed: 23.11.2023).

[16] Order No. 424 of the Ministry of Transport of the Russian Federation of October 20, 2022, "On the Approval of the Regulations on Ice Pilots". URL: https://base.garant.ru/405845849/?ysclid=lq9y0ex9m83882664 (accessed: 23.11.2023).

Waters of the Northern Sea Route,[17] the Rules of Ice Pilotage of Vessels in the Waters of the Northern Sea Route,[18] the Rules of Route Guidance for Vessels in the Waters of the Northern Sea Route,[19] and the Regulations on Hydrometeorological Support for Vessel Navigation in the Waters of the Northern Sea Route.[20]

An analysis of the aforementioned instruments reveals the following legal regimes that impose binding rules and restrictions on vessels navigating the waters of the NSR:

1) prior authorization procedure for navigation in the NSR waters;
2) management of vessel nagivation in the NSR waters by the competent authority;
3) compulsory icebreaker escort and ice pilotage services in the NSR waters.

Each of these regimes is analyzed below to evaluate their alignment with the conditions and criteria outlined in Article 234.

The prior authorization procedure for navigation in the NSR waters is established by Clause 3 of the 2020 Rules for Navigation in the Waters of the Northern Sea Route (the "2020 Rules"). Permits for vessel navigation within the NSR are issued by the State Atomic Energy Corporation Rosatom or its subordinate organization (the "competent authority"). Without such a permit, a vessel is not allowed to enter the NSR waters.

According to Clauses 4 and 5 of the 2020 Rules, applications for a permit must be submitted electronically to the competent authority, accompanied by a set of documents including, but not limited to: 1) detailed information about the vessel and its voyage, 2) copies of classification and tonnage certificates, 3) a copy of the certificate of insurance or other financial guarantee covering civil liability for damage caused by marine pollution from the vessel, 4) a copy of the polar ship certificate issued in accordance with the Polar Code,[21] 5) a copy of the contract for icebreaker escort services, which is compulsory for vessels meeting the admission criteria, along with other relevant documents.

As outlined in the following provisions of the 2020 Rules, this set of documents is required from the applicant to provide the most comprehensive and reliable information regarding the vessel's characteristics, condition, and ice class. This information is

[17] Order No. 17 of the Ministry of Transport of the Russian Federation of January 24, 2022, "On the Approval of the Rules of Icebreaker Escort for Vessels in the Waters of the Northern Sea Route". URL: https://base.garant.ru/404779449/?ysclid=lq9y35i7gu402505390 (accessed: 23.11.2023).

[18] Order No. 25 of the Ministry of Transport of the Russian Federation ofFebruary 1, 2022, "On the Approval of the Rules of Ice Pilotage of Vessels in the Waters of the Northern Sea Route" (amended on September 28, 2022). URL: https://base.garant.ru/404779333/?ysclid=lq9y4evyeg389847237 (accessed: 23.11.2023).

[19] Order No. 18 of the Ministry of Transport of the Russian Federation of January 24, 2022, "On the Approval of the Rules of Route Guidance for Vessels in the Waters of the Northern Sea Route". URL: https://www.garant.ru/products/ipo/prime/doc/404679441/?ysclid=lq9y9e7ibz162716405 (accessed: 23.11.2023).

[20] Order No. 19 of the Ministry of Transport of the Russian Federation of January 24, 2022, "On the Approval of the Regulations on Hydrometeorological Support for Vessel Navigation in the Waters of the Northern Sea Route". URL: https://base.garant.ru/404779361/?ysclid=lq9yblzivr122252479 (accessed: 23.11.2023).

[21] The International Code for Ships Operating in Polar Waters (Polar Code). URL: http://publication.pravo.gov.ru/Document/View/0001201712260021?ysclid=lq9yd5lfne104928249 (accessed: 23.11.2023).

essential for assessing the vessel's capability to navigate under specific ice and weather conditions, as well as for verifying its compliance with binding requirements established by the Polar Code, as well as by the International Convention on Civil Liability for Bunker Fuel Pollution Damage, 2001,[22] and the 1992 Protocol to Amend the International Convention on Civil Liability for Oil Pollution Damage, 1969.[23]

An exhaustive list of grounds for rejecting a permit is provided in Clause 11 of the 2020 Rules. These include: a) the vessel's failure to meet the admission criteria; b) the applicant's failure to submit a copy of the icebreaker escort services contract when such escort is compulsory under the admission criteria; c) submission of incomplete or inaccurate information in the application or accompanying documents; d) absence of the applicant's signature; e) the vessel's expected navigation route within the NSR waters and/or navigation period falling outside the designated areas and/or seasons established by the authorized organization responsible for classification and certification of vessels; and f) the application being accompanied by an incomplete set of documents or invalid documents.

The grounds outlined in Clauses 11 a) and b) refer to Annex 2 of the 2020 Rules, titled "Criteria for Admission of Vessels to the Northern Sea Route Waters." The Annex consists of three tables detailing vessel ice classes, methods of ice navigation (either independent or requiring compulsory icebreaker escort), specific periods of the calendar year, designated areas within the NSR waters, and the types of ice conditions in those areas. Admission of vessels to the NSR waters is based on these criteria, which assess whether a vessel of a particular ice class can safely navigate under the prevailing ice conditions. The other grounds for rejection primarily concern incomplete or inaccurate information about the vessel and its voyage, which is essential for ensuring both the operational safety of navigation and the protection of the marine environment in the area.

Clause 17 of the 2020 Rules states that a vessel holding a permit must not enter the NSR waters before the permit's effective date and must exit the area no later than the permit's expiry date. If the vessel is unable to leave within this timeframe, the master is required to promptly notify the competent authority, providing the reasons for the delay, and to follow any instructions received.

Furthermore, according to Clauses 17.1 to 17.7 of the 2020 Rules, the competent authority may suspend, annul, or amend the permit. In exercising these powers, the competent authority must base its decisions solely on up-to-date data about ice conditions.

[22] The International Convention on Civil Liability for Bunker Fuel Pollution Damage of March 23, 2001. URL: https://base.garant.ru/2568139/?ysclid=lq9yfca6 zk71761703 (accessed: 23.11.2023).

[23] The 1992 Protocol to Amend the International Convention on Civil Liability for Oil Pollution Damage, 1969, November 27, 1992. URL: https://base.garant.ru/2541621/?ysclid=lq9ygx669m110709149 (accessed: 23.11.2023).

In particular, a permit may be suspended or amended only in the following cases:

a) if actual or anticipated ice conditions are more severe than those specified in the permit;

or b) if icebreaker escort is possible only by close towing, but the vessel's design makes such towing impossible (Clauses 17.1 and 17.3). In such instances, the competent authority must reinstate the permit within 72 hours of ice conditions improving (Clause 17.2). If the ice conditions do not improve within 30 days from the date of suspension, the competent authority will annul the permit (Clause 17.5).

All restrictions associated with the prior authorization procedure for navigation in the NSR waters are exclusively aimed at assessing the feasibility of admitting vessels under specific ice conditions and ensuring their safe passage. Consequently, the prior authorization procedure cannot be considered an excessively restrictive measure. This is because it is intended, first, to collect information on vessels entering the NSR waters for use in navigation management, and second, to prevent vessels from operating in hazardous ice conditions that could lead to accidents. The admission criteria do not include discriminatory or scientifically unsupported restrictions, and the process for obtaining permission is straightforward, prompt, and transparent. Any vessel technically equipped for Arctic navigation under certain conditions may be permitted to navigate in the area. Therefore, in our opinion, this legal regime is fully consistent with the restrictive criteria outlined in Article 234.

The second regime specified in Article 5.1 of the Code is the management of vessel navigation in the NSR waters by the competent authority.

According to Article 5.1 (3), vessel navigation in the NSR waters is managed by the State Atomic Energy Corporation Rosatom in accordance with the 2020 Rules and the corporation's internal regulations. This management includes, among other responsibilities: 1) coordinating the development of vessel navigation routes and the deployment of icebreaker fleet vessels in the NSR waters, taking into account hydrometeorological, ice, and navigation conditions; 2) coordinating the provision of navigation-related information services, enforcing safety requirements, and managing the implementation of icebreaker escort services; 3) assisting in the coordination of search and rescue operations within the NSR waters; 4) monitoring vessel traffic in the NSR waters; 5) providing information on hydrometeorological, ice, and navigation conditions in the NSR waters; and 6) supporting efforts to address pollution incidents involving hazardous and harmful substances from ships, as well as efforts to prevent and respond to oil and oil product spills in the NSR waters.

Clauses 18 to 25 of the 2020 Rules require the ship's master to notify the competent authority 48 hours before approaching the boundaries of the NSR water area. This notification must include the estimated arrival time, as well as detailed information about the vessel and its crew, including the ship's condition and characteristics, cargo, fuel, fresh water, and food supplies. Similar information must also be provided when the vessel calls at or departs from a Russian port or navigates Russian inland waterways. While sailing within the NSR waters, the vessel is required to report additional infor-

mation to the competent authority every 24 hours at 12:00, including any incidents or damage to the vessel, as well as current climatic and ice conditions.

Based on this information, the competent authority, pursuant to Clause 30.1 of the 2020 Rules, monitors vessel navigation in ice conditions and, when necessary, issues instructions to ensure navigation safety.

These measures are clearly designed to maximize safety of navigation in the challenging Arctic environment. The competent authority continuously receives up-to-date information on the geographical position, course, and condition of vessels operating in the NSR waters. Using this data, along with information on hydrometeorological, ice, and navigation conditions, it exercises 'manual control' over navigation, guiding vessels along the safest routes possible. Given the region's unique climatic conditions, this approach appears to be the most effective in ensuring safety and, consequently, protecting the marine environment in ice-covered areas.

The third navigation restriction in the NSR waters, as established by Russian legislation, concerns the compulsory provision of icebreaker escort and ice pilotage services for vessels operating in the region.

According to Clause 2 of the 2020 Rules, icebreaker escort in the NSR waters refers to the navigation of a vessel, or a convoy of vessels, assisted by one or more icebreakers, as well as the activities of the icebreaking fleet that support such navigation. These activities include forming a convoy of vessels and arranging their order to follow the icebreaker(s) (known as an "ice convoy"); preliminary ice channeling; towing vessels through ice; conducting ice reconnaissance by an icebreaker; and ensuring safe anchorage or drifting of vessels in ice while waiting for better ice conditions.

In describing this legal regime, it is important to highlight several key points.

First, as noted earlier, the 2020 Rules require entering into an icebreaker escort services contract only for vessels for which such escort is mandated by the admission criteria. In other words, icebreaker escorts are not compulsory for all vessels navigating the NSR waters, but only for those whose passage in certain ice conditions is either impossible or poses a significant risk to navigation safety.

Second, in accordance with Clause 30 of the 2020 Rules, icebreaking operations must be conducted by icebreakers flying the Russian Federation's state flag.

This requirement should not be interpreted as discriminatory against other countries possessing icebreaker fleets. Given that the 2020 Rules establish a uniform navigation regime across the entire NSR water area, and that overall navigation management and icebreaker escort services are under the jurisdiction of Rosatom Corporation, it is both logical and reasonable that icebreaker escort vessels be Russian-flagged and therefore subject to Russian law.

Furthermore, this requirement is well justified from a logistical standpoint, as Russia is the only country possessing a substantial nuclear-powered icebreaker fleet, managed by Atomflot, a subsidiary of Rosatom Corporation. This arrangement ensures not only a consistent legal framework but also a uniform approach to managing maritime operations, which undoubtedly enhances navigation safety.

The requirement that icebreaker escorting be carried out exclusively by vessels flying the Russian flag is thus a necessary and sufficient measure to ensure both navigation safety and environmental protection. The obligation for a vessel to receive icebreaker escort depends on whether its ice class corresponds to the anticipated ice conditions during navigation. Additionally, the requirement that the icebreaker operate under the law of its flag state ensures legal and logistical consistency in these maritime operations.

Compulsory ice pilotage is established by Clause 26 and Section II.1 of the 2020 Rules to ensure the safety of ship navigation, prevent accidents, and protect the marine environment in the NSR waters. This requirement is further detailed in the 2022 Rules of Ice Pilotage of Vessels in the Waters of the Northern Sea Route.

Essentially, this regime closely resembles the standard pilotage framework and does not impose additional burdens on shipowners, other than the obligation to take an ice pilot on board and follow their guidance. The ice pilot evaluates ice conditions and adjusts the vessel's course and speed accordingly.

Other restrictions established by the 2020 Rules, which are not directly related to the previously mentioned legal regimes, include additional requirements for vessel equipment and supplies – such as warm clothing, fuel, fresh water, and food (Clauses 38-39) – as well as the prohibition of discharging oil residues into the water (Clause 41). These measures are designed to ensure both maritime safety and environmental protection.

Therefore, based on the above analysis of the laws and regulations enacted by the Russian Federation concerning the portions of its EEZ within the NSR waters, it can be confidently affirmed that they fully comply with the requirements and criteria set forth in Article 234. The primary – and essentially sole – purpose of these laws and regulations is to establish a highly professional and centralized system for managing navigation in the severe and hazardous climatic conditions of the Arctic Ocean, while maximizing navigation safety and protecting the Arctic marine environment.

Conclusion

Shipping in polar waters involves significant risks to human life, valuable assets, and the highly fragile and vulnerable environment. These risks are further exacerbated by global warming, which causes greater instability in ice conditions and worsens climatic challenges. Consequently, there is a clear need for a centralized navigation management system in ice-covered regions, backed by a special, uniform legal framework to ensure its continuous and effective operation.

A systemic interpretation of Article 234 leads to the conclusion that a coastal state's enactment of non-discriminatory laws and regulations for the prevention, reduction and control of marine pollution from vessels within the limits of its EEZ is not a discretionary privilege but a mandatory obligation. This obligation stems from the broader duty to protect the marine environment, as outlined in Articles 192 and 194 of the

Convention. Accordingly, the principle of "due regard to navigation" should be interpreted to mean that any restrictions or requirements imposed by the coastal state's laws and regulations must primarily aim to ensure safety and environmental protection in severe climatic conditions, without being discriminatory, unreasonable, or excessive.

Therefore, any concerns expressed by foreign states about the Russian Federation's establishment of navigation rules in the NSR waters lack legal foundation. A thorough analysis of the relevant regulations clearly shows that the legal restrictions and requirements established by Russian law are intended to maintain and operate a centralized system for managing Arctic shipping safety, based on continuous monitoring of ice and climatic conditions. These measures aim to prevent vessels unsuited to specific ice conditions from entering the area, while ensuring the systematic collection and processing of information on all ships transiting the NSR. This approach supports maritime operations that enable Arctic navigation with minimal risks to both safety and the marine environment.

About the Authors:

Viatcheslav V. Gavrilov – Doctor of Legal Sciences, Associate Professor, Director of the School of Law, Head of Public and Private International Law Department, Far Eastern Federal University,10, Ajax Bay, Russky Island, Vladivostok, Russian Federation, 690922. E-mail: gavrilov.vv@dvfu.ru

Gleb S. Liashko – Assistant at the Public and Private International Law Department, Far Eastern Federal University, 10, Ajax Bay, Russky Island, Vladivostok, Russian Federation, 690922. E-mail: liashko.gs@dvfu.ru

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The Role of Brics in The International ICT Security Regime[1]

Elena S. Zinovieva[1], Alexander A. Ignatov[2]

[1] MGIMO University
[2] MGIMO University, Russian Presidential Academy of National Economy and Public Administration

Abstract. The ubiquitous implementation of information and communication technologies (ICTs) is giving rise to cross-border security threats that require joint international responses. Fragmentation and growing conflict in the global information space complicate international cooperation within the UN to form a comprehensive global information security regime. Western countries actively support the formation of a cyber security regime based on Western values and promoted as a general initiative of the international community, without taking the position of developing countries into account. An alternative approach focused on securing digital sovereignty is being promoted by many non-Western negotiating platforms, among which the BRICS occupies an important place. This article aims to assess the potential of the BRICS influence on the international ICT security regime and the main directions of the association's activities in this area. In this paper, the BRICS ICT security agenda is studied on the basis of official documents of the association's annual summits and the main commitments made by the member countries. The discourse analysis of the strategic planning documents of the BRICS countries allows to identify their priorities in this area, and to assess the potential for the implementation of these obligations at the BRICS level. All the BRICS countries focus on ensuring ICT sovereignty. However, Russia, India, and China consider digital development and ICT security as the most important area of state policy and international cooperation. They are also more advanced when it comes to digital technologies compared to the other BRICS countries, which means they are more vulnerable. In turn, Brazil and South Africa do not consider this area as a priority, placing greater emphasis on ICT development, access to technology, and bridging the digital divide. However, all five countries are interested in solving the problem of extremism and terrorism in the digital sphere, which is also a promising area for BRICS multilateral cooperation. A study of the voting of the BRICS countries in the UN and an analysis of their participation in alternative initiatives in the formation of a cyber security regime promoted by Western countries showed the high efficiency of BRICS as a negotiating platform. Its main contribution in this respect is the development of a common position on the norms and principles of the international information security regime and their support at the UN level. Thus, BRICS can make a constructive contribution to the formation of the norms and principles of the international ICT security regime based on the principles of respect for state sovereignty, the internationalization of internet gov-

[1] English translation from the Russian text: Zinovieva E. S., Ignatov A.A. 2023. BRIKS v global'nom rezhime IKT-bezopasnosti. *Mezhdunarodnye protsessy* [International Trends]. 21(4). P. 104–132. DOI: 10.17994/IT.2022.20.3.70.4

ernance, and combatting to the criminal use of ICTs. An important advantage of BRICS in this area is the possibility of aggregating the interests and positions of developing countries.

Keywords: BRICS; discourse analysis; ICT security; digital economy; global governance

Digital technologies, and the internet in particular, have penetrated all spheres of society. As the infrastructural basis of the growing digital economy (Bukht, Hiks 2018), the internet is also a source of threats to the security of the individual and the state (Krutskikh 2007; Krutskikh, Streltsov 2014; Bezkorovajnyj, Tatuzov 2014; Zgoba et al 2014; Karpova 2014; Malakhin, Malakhina 2018; Romashkina 2020).

The importance of combatting information threats has been written into both the National Security Strategy of the Russian Federation and the Doctrine of Information Security of the Russian Federation.[2] It also appears in similar documents of leading international players concerning the development of the digital economy.[3] Specifically, Russia's partners in BRICS (Brazil, India, China, and South Africa) have adopted documents enshrining the importance of ICT security issues at the national and global levels.[4]

A significant topic on the international agenda is the development of rules for regulating and ensuring the safe development of the ICT space. This issue is being addressed by the United Nations,[5] but in the 2020s, the United States and its allies have put forward a number of initiatives aimed at creating alternative regimes outside of the UN system, including the Paris Call for Trust and Security in Cyberspace,[6]

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[2] Decree No. 400 of the President of the Russian Federation "On the National Security Strategy of the Russian Federation" of July 2, 2021. URL: http://www.kremlin.ru/acts/bank/47046 (accessed: 11.09.2022); Decree No. 646 of the President of the Russian Federation "On Approving the Doctrine of Information Security of the Russian Federation" of December 5, 2016. URL: http://kremlin.ru/acts/bank/41460 (accessed: 11.09.2022).

[3] See: The EU's Cybersecurity Strategy for the Digital Decade. 2020. URL: https://digital-strategy.ec.europa.eu/en/library/eus-cybersecurity-strategy-digital-decade-0 (accessed: 4.08.2022); White House Interim National Security Strategic Guidance. 2021. URL: https://www.whitehouse.gov/wp-content/uploads/2021/03/NSC-1v2.pdf (accessed: 27.01.2022).

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[5] See: Report A/68/98 of the Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security dated June 24, 2013. URL: https://namib.online/wp-content/uploads/2020/04/Report-of-the-UN-Group-of-Governmental-Experts-on-Developments-in-the-Field-of-Information-of-24-June-2013.pdf (accessed: 11.09.2022); Resolution GA73/27 "Developments in the field of information and telecommunications in the context of international security" of December 5, 2018. URL: https://namib.online/wp-content/uploads/2020/04/Developments-in-the-field-of-information-and-telecommunications-in-the-context-of-international-security-UN-GA-Resolution-A7327-on-5-December-2018.pdf (accessed: 11.09.2022) and others.

[6] Paris Call for Trust and Security in Cyberspace. URL: https://pariscall.international/en/call (accessed: 11.09.2022).

and the Declaration for the Future of the Internet.[7] As for combatting cybercrime, the United States and its NATO partners are promoting the Budapest Convention, adopted back in 2001.[8]

Such projects undermine inclusive negotiations on these topics held under the auspices of the United Nations.[9] At the global level, there is a competition of approaches to the development of norms and rules underlying the regulation of ICT security. International cooperation in this sphere takes the form of a complex of regimes that includes many global, regional, functional, and transnational governmental systems that often intersect, and in some cases, contradict each other. In the absence of uniform, internationally agreed upon rules of the game, we are witnessing attempts by a number of states to shift responsibility for cyber incidents to their rivals,[10] as well as an intensification of the political and military use of ICT, which only hurts international security. The existence of competing regimes opens up the possibility of manipulating the choice of institutions, and also implies that states are able to pick and choose how they fulfil the obligations they have assumed.

The difficulties that the United Nations is currently facing have meant that transregional governance institutions, including the G20 and BRICS, are becoming increasingly relevant (Lebedeva, Kuznetsov 2019). The possibility of developing solutions to such complex issues as ensuring ICT security on alternative platforms is a popular topic for research. BRICS has an impressive portfolio of decisions that have been developed, agreed upon, and implemented despite differences between the participants (for example, the BRICS New Development Bank was established through the joint efforts of the parties (Kuznetsov 2020). Originally conceived as a group of fast-growing economies, BRICS today covers a wide range of issues and its agenda continues to expand (Larionova et al 2020). The Russian researcher Viktoria Panova has noted that BRICS is taking bold steps towards intensifying cooperation in international security (Panova 2015: 121). This involves, first of all, coordinating foreign policy positions on issues related to ensuring international security. Although initiatives to create institutions have been so far less successful (Abdenur 2017: 73).

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[7] Declaration for the Future of the Internet. URL: https://www.state.gov/declaration-for-the-future-of-the-internet (accessed: 18.05.2023).

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[10] We are talking about the politicization of the process of attributing cyber incidents, and the possibility of unfounded and unconfirmed accusations occurring. See: U.S. Accuses Russia of Cyberattacks on Ukrainian Banks // Interfax. 18.02.2022. URL: https://www.interfax.ru/world/823034 (accessed: 29.08.2022); Taiwan Accuses China of Targeted Plans to Invade the Island // MK. 9.08.2022 URL: https://www.mk.ru/politics/2022/08/09/tayvan-obvinil-kitay-v-celenapravlennoy-podgotovke-vtorzheniya-na-ostrov.html (accessed: 29.08.2022).

The BRICS countries are quick to highlight the fundamental differences in their positions with Western countries on a number of global governance issues, including in the digital space. In this context, the association can be seen as a kind of laboratory for testing the foreign policy initiatives of a group of countries eager to become a leader in global norm-setting. This article attempts to answer the question of the role that BRICS can play in the establishment of a global information security regime within the United Nations.

In terms of its structure, this paper is divided into three parts. We start by defining the basic concept for the topic under consideration – ICT security. Having reviewed existing approaches to defining the subject area of international information security, we propose an adjusted definition of this concept that more accurately reflects the differences between cybersecurity and information security. It also aligns with the approach taken by the BRICS countries in this area. Then we present the theoretical and methodological foundations of the study. Specifically, we use the theory of international regimes and the methodological apparatus developed by the researchers at the University of Toronto to identify, monitor, and give an expert assessment of how effectively informal institutions are fulfilling their global governance obligations. Next, we examine the priorities of the BRICS countries in ICT security – we determine the main focus of each member in this area, compare them and draw conclusions regarding their compatibility. We then analyse multilateral decisions taken by BRICS on ICT security. By identifying politically binding decisions and analysing the results of the subsequent monitoring and assessment by BRICS of the implementation of collective commitments, and then comparing these decisions with the findings of the second section of this paper, we arrive at a conclusion regarding the real prospects for developing multilateral decisions on ICT security within BRICS and the nature of the BRICS countries' influence on the formation of a global information security regime.

The Concepts of "International Information Security," "Cybersecurity," and "ICT Security"

To study the role of BRICS in the formation and evolution of the ICT security regime, we first need to define the terms we will be using – that is, we need to outline the approach to the regulation of the international regime we are looking at. At the same time, the terminology used in this area is itself the subject of heated international debate (Zinovieva, Mishhishina 2022).

The Fundamentals of State Policy of the Russian Federation on International Information Security adopted in 2021 offers the following definition: "International information security is a state of the global information space in which, on the basis of generally recognized norms and principles of international law and on terms of equal partnership, the maintenance of international peace, security, and stability is

ensured."[11] Russia has adopted a broad interpretation of threats to international information security, which encompasses protecting networks, systems, and data (information and technical security), as well as a wider range of issues related to controlling the content of information networks (political and ideological security). The majority of Russian experts take a similar approach to defining threats and what exactly constitutes "international information security" (Boyko 2019; Krutskikh 2022; Romashkina 2022).

At the same time, difficulties arise when it comes to distinguishing between the concepts of information security and cybersecurity:[12] in some studies they are completely mixed up and used arbitrarily, with no indication of the methodical differences between the two (Kartskhiya 2014; Malyuk, Polayanskaya 2016; Khabrieva, Rujpin 2017; Romashkina 2020).[13] A consensus is only just starting to appear among Russian experts regarding the relationship between the subject areas of the two concepts, specifically that cybersecurity is a semantic subspace of information security (Kadulin, Klochkova 2017: 7–8). Most researchers interpret information security as a broader concept than cybersecurity, which aligns fully with the official position.

Outside of Russia, experts do differentiate between these two concepts. However, the subject of cybersecurity in these works appears to extend further than that of information security. For example, (von Solms, Niekerk 2013) identity a common generic root of the concepts – the security of something, going on to clarify that cybersecurity covers a wider range of threats, vulnerabilities, and assets that are subject to security actions. Information in this understanding is a key protected asset, which implies a similar list of threats and vulnerabilities that affect the confidentiality, integrity, and availability of information to varying degrees. At the same time, cybersecurity can address issues of protecting individuals from targeted harmful influence (cyberbullying), the physical assets of individuals that can be damaged as a result of a breach of information security (such as the failure of smart home appliances), and critical infrastructure from the actions of terrorists or a hypothetical aggressor (von Solms, Niekerk 2013: 3–4). Meanwhile, issues of social and state security in the digital age, which form an important layer of Russian academic literature in this area, remain outside the scope of attention of Western researchers.

International negotiations on the creation of a mechanism for regulating relations in the ICT environment have been held within the framework of six UN Groups of Governmental Experts on International Information Security (UNGGE) and two convocations of the Open-Ended Working Group on International Information Security

[11] Decree No. 213 of the President of the Russian Federation "The Fundamentals of State Policy of the Russian Federation on International Information Security" of April 12, 2021. URL: http://www.scrf.gov.ru/security/information/document114/ (accessed: 17.12.2023).

[12] This is noted in particular by (Massel et al. 2016) when considering issues of Russia's energy security.

[13] It is also worth mentioning here the intersection of the concepts of "information weapons" / "cyber weapons"; "information impact" / "cyber impact," and so on.

(OEWG). These are the most authoritative platforms for coordinating multilateral decisions in this area, although they have not yet fully justified the obligations imposed on them under the mandate – not a single legally binding document on issues of ensuring information security has been signed, although a list of rules for the responsible behaviour of states has been formed as a soft-law step. The OEWG and the UNGGE use the compromise term "security within the scope of use of ICTs and ICTs themselves," or the shorter version "ICT security," which is the term we use in this paper. The terminology is generally similar to the official position of Russia and is based on a broad interpretation of security threats, which include political and ideological, as well as informational and technical, aspects. At the same time, in terms of the subject areas of security, it includes issues of countering military-political threats (developing rules for the responsible behaviour of states in the ICT environment), criminal threats, terrorism, and extremism in the digital space. Because the academic literature in Russia, following the official position, places significant emphasis on the problems of ensuring sovereignty in the ICT environment and the management of the digital space in general, the problematic field of ICT security often includes issues of internet governance at the international level (Zinovieva 2021; Krutskikh 2022). In this paper, we use this term as a compromise between the various approaches.

Despite the importance of these issues, the number of works on developing solutions in the field of ICT security in BRICS is relatively small. And those that do exist often do not differentiate between the concepts of cybersecurity and information security, which means that the BRICS agenda on ICT security is overly broad. For example, in addition to countering virus threats and espionage using ICT (Khabrieva, Rujpin 2017: 132), cybersecurity also includes issues of cultural interaction between the BRICS member countries and information support for state policy in the international dimension (Mikhalevich 2017). It would be more appropriate, therefore, to include in the sphere of ICT only those issues that are directly related to ensuring security from threats in this area, while at the same time keeping this area broad enough to cover issues of technical security, content control, and digital sovereignty, as well as the issue of global internet governance and countering the criminal use of ICT.

Thus, we have identified a number of challenges associated with decision-making on ICT security issues at several levels at once – from defining the subject area to interaction at the level of multilateral global governance institutions. The answer to the key question posed in this paper – What role does BRICS play in establishing the international ICT security regime, and what are the prospects for the further work of the association in this area? – is directly related to the definition of the subject area of ICT security.

Global ICT Security as a Complex of Regimes

This paper is based on the theory of international regimes. The key concept is the international regime as such. The most commonly cited definition of this was formulated by Stephen Krasner: "An international regime is a set of principles, norms, rules,

and decision-making procedures around which actors' expectations converge in a specific area of international relations" (Krasner 1982: 1).

Several important points should be noted here. First, the participants in regimes, primarily states, can negotiate in conditions of international anarchy, and their interaction does not necessarily have to be a "zero-sum game." Second, an established and functioning regime is not a static phenomenon. Both the interests of the parties and the composition of the participants and their understanding of the issue at hand can be subject to dynamic change. Third, while the role of the state in the formation and maintenance of the international regime is certainly prioritized, non-state players are taken into consideration too. Robert Keohane noted that there is a constant field of opportunities in global politics for the formation of an international regime that can establish responsibility for certain legal actions, promote the dissemination of more reliable and complete information, or reduce the associated costs of international interaction.

In this context, the formation of a universal international regime can be considered an important condition for the stable development of ICT. Russia officially supports the creation of an international information security regime within the United Nations, one that would include issues of ensuring the responsible behaviour of states in the global ICT environment, as well as issues of internet governance and counteracting the criminal use of ICT.[14]

Given the growth in the number of international organizations and institutions, researchers are publishing works about the formation of both independent regimes and regime complexes. Describing the current trends in cyberspace regulation, Joseph Nye defined the concept as a set of several international regimes.[15] An important implication of Nye's work is the inclusion of the G7/G8 and G20 groups in the list of players. Consequently, BRICS, as a similar institution, can also be considered a full-fledged participant in the process of forming international regimes.[16] The concept of "regime complex" has become rather widespread in the academic literature (Drezner 2013). The regime complex assumes the existence of several different regimes that intersect, complement each other, and in some cases compete with each other. This situation reduces the effectiveness of global governance due to the competition between different institutions, the potential for individual players to manipulate the choice of institution, and the difficulties of monitoring the fulfilment of obligations taken on under individual regimes (Drezner 2013).

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[14] Decree No. 213 of the President of the Russian Federation "The Fundamentals of State Policy of the Russian Federation on International Information Security" of April 12, 2021. URL: http://static.kremlin.ru/media/events/files/ru/RR5NtCWkkZP-Tuc5TrdHURpA4vpN5UTwM.pdf (accessed: 11.09.2022).

[15] Nye J. S. The Regime Complex for Managing Global Cyber Activities. 2014. URl: https://www.cigionline.org/sites/default/files/gcig_paper_no1.pdf (accessed: 11.09.2022).

[16] Nye wrote the article in 2014, a year before BRICS started active work in this area, which is why the association is not mentioned in his analysis.

This is precisely the trend we are seeing in ICT security, where the competition between regulatory approaches and institutions has emerged. The ICT security regime complex is made up of several subject areas, including the development of responsible behaviour norms for states in the ICT environment, counteracting the criminal use of ICT, the internationalization of internet governance, and the protection of human rights in the digital environment. At the same time, international cooperation in this area represents a set of related and intersecting regimes that are constantly developing.[17]

The fragmentation of the internet has only intensified the competition between the different approaches to internet governance[18]. And this has led to the emergence of competing regimes within a single regime complex. The regimes themselves differ in terms of the configuration of participants (for example, the Paris Call focuses on the participation of businesses and non-state actors, while BRICS and the Shanghai Security Organisation are more concerned with inter-state cooperation), subject areas (for example, the Christchurch Call was devoted exclusively to a discussion of issues of countering digital terrorism and extremism; the International Telecommunication Union focuses on the technical aspects of security; and the United Nations, Shanghai Security Organisation, and BRICS deal with a wide range of issues in ICT security).

At the same time, the most serious contradictions concern the norms and principles underlying ICT security regimes. The United States promotes the principle of the freedom of information transfer, including across state borders. Russia, China, and their partners share of vision of an ICT security regime based on the principle of respect for state sovereignty – that is, they transfer the principles of the Westphalian world order to the digital sphere. The United States seeks to form a unilateral imperial order in the digital environment, eroding the principle of sovereignty. The formation of multipolarity is accompanied by growing international conflict, so competition among various platforms of global governance in the ICT environment, including BRICS, is intensifying.

To sum up, a regime complex in the field of ICT security had taken shape by the mid-2020s. The current situation opens up the possibility of manipulating the choice of institution under the regime complex, which could undermine international stability in the ICT environment. Russia calls for the establishment of a universal ICT security regime under the auspices of the United Nations, with regional and macroregional platforms, including BRICS, playing a significant role in achieving this goal.

[17] Zinovieva E. S. 2019. Mezhdunarodnoe sotrudnichestvo po obespecheniu informacionnoi bezopasnosti: subjekty i tendentsii evolyutsii. [International Cooperation on Information Security Provision: Subjects and Evolution Tendencies]. Doctoral thesis. MGIMO. 362 p. (In Russian).

[18] Fick N., Miscik J. Confronting Reality in Cyberspace: Foreign Policy for a Fragmented Internet. 2022. URL: https://www.cfr.org/task-force-report/confronting-reality-in-cyberspace (accessed: 16.05.2023).

Methodology for Analysing BRICS ICT Security Priorities

Our analysis of the specifics of the BRICS ICT security agenda is carried out with the help of a research tool developed by experts from the University of Toronto that is used to identify, monitor, and provide an expert assessment of the effective implementation of commitments by informal governance institutions – specifically, the G7/G8, the G20, and BRICS. This approach has gained wide recognition and has been used for many years now (Lesazh 2014; Wang 2022; Kirton, Wang 2022).

The tool allows us to establish and substantiate cause-and-effect relationships between the priorities declared by members of global governance institutions and the agreed communiqués, declarations, and other types of documents produced by them. The task set by the creators of the methodology is to assess the trustworthiness of statements made by leaders following summits and whether it is worth paying attention to the documents (communiqués and declarations) adopted following high-level meetings.

The key concept here is "commitment," which is understood as a separate, specific, politically binding, and publicly expressed statement of intent. Each commitment contains elements of discreteness (an indication of a collective goal and/or instrument for achieving a goal), concreteness (certain abstract results are not accepted as goals – for example strengthening international peace and harmony), political obligation (the expression of collective intention, usually worded "we undertake to…" or something similar), an orientation to the future (work to achieve the goal will be carried out in the period following the adoption of the document enshrining the commitment), and collectiveness (the actors implementing the decision are member countries of the institutions themselves; appeals to international organizations and platforms found in the text are not considered commitments). An example of a commitment is the intention of the BRICS member states to develop multilateral cooperation to expand universal access to digital communications, adopted at the 2015 BRICS Summit in Ufa.[19]

Our study of the ICT security commitments of the BRICS countries and their implementation is based on three groups of sources. The first group consists of strategic documents of the BRICS countries, which we studied in order to identify priorities in terms of individual aspects of ICT security. The second includes documents agreed upon by BRICS leaders during annual summits, starting with the 2015 meeting in Ufa,

[19] "We commit ourselves to focus on expanding universal access to all forms of digital communication and to improve awareness of people in this regard" (Communique of BRICS Ministers of Communications on the outcomes of the meeting on "Expansion of Cooperation in the Field of Communications and ICTs". URL: https://www.ranepa.ru/images/media/brics/ruspresidency2/Communique_BRICS_ICT_ministers.pdf (accessed: 11.09.2022). The monitoring process, the specifics of fact collection and the verification process, as well as the final assessment are described in more detail in a special manual. See: Global Governance Program. Compliance Coding Manual for International Institutional Commitments. 2020. URL: http://www.g7.utoronto.ca/compliance/Compliance_Coding_Manual_2020.pdf (accessed: 11.09.2022).

up to the New Delhi summit in 2021.[20] And the third group is made up of resolutions and other official UN documents reflecting trends in international cooperation in ICT security at the global level, which made it possible to fit BRICS initiatives into the global context and compare it with current trends in the global ICT security regime.

We chose 2015 as the starting point for our study. Although information security issues had been included in the BRICS agenda and final documents before that (the first mention was in the Action Plan released following the 2013 BRICS Summit in Durban), 2015 was nevertheless selected as the starting point. As the Brazilian researcher Luca Belli notes, the BRICS Ufa Declaration of 2015 can be considered the document that marked the beginning of the BRICS consensus on the need to develop a common policy in digital technologies and cybersecurity (Belli 2021).

Our research thus used the methodology for analysing the implementation of commitments developed by University of Toronto scholars to study BRICS documents published from 2015 onwards. This allowed us to assess the interdependence between the declared priorities of cooperation, the actual decisions taken, the coordination of the policies of the BRICS countries within the United Nations, and the potential for institutionalization of cooperation in this area.

ICT Security Issues in BRICS Decisions

There is no consensus among the BRICS countries regarding the substantive content of the concept of ICT security. Russia, China, and India believe that ICT security involves not only a technical component, but also a content-related component. Brazil[21] and South Africa,[22] on the other hand, focus on the technical aspects of information security, while not excluding the political component of security threats.

The issue of ensuring ICT security was introduced into the BRICS agenda at almost the same time that the broader agenda of promoting the development of the digital economy was separated from issues of scientific and technical cooperation. By 2015, ICT development had started to take shape as an independent policy area in the BRICS member countries. ICT security was consolidated as a separate area of international cooperation during Russia's presidency of the association, when, at the initiative of the host country, the first BRICS Communications Ministers' Meeting was held in

[20] This limited time period for studying the 2015 BRICS agenda is due to the fact that the association's agenda for the development of information and communication technologies, which in a broad sense includes issues of ensuring cybersecurity, was separated from its agenda for scientific and technological development. See: (Larionova et al. 2020).

[21] National Information Security Policy of Brazil 2019. URL: https://www.gov.br/governodigital/pt-br/estrategias-e-governanca-digital/estrategias-e-politicas-digitais/politica-nacional-de-seguranca-da-informacao (accessed: 15.12.2023).

[22] The National Cybersecurity Policy Framework. 9.12.2015. URL: https://www.gov.za/sites/default/files/gcis_document/201512/39475gon609.pdf (accessed: 14.12.2023).

Moscow. The parties approved a joint communiqué on "Expansion of Cooperation in the Field of Communications and ICTs."[23] The main results of the meeting were included in the final declaration of the Ufa BRICS Summit.[24]

At the 2015 Summit in Ufa, the leaders of the BRICS countries adopted 12 commitments on digital development issues, four of which are directly related to issues of ensuring ICT security. More specifically, the following priority areas of digital cooperation were identified: a) interaction and cooperation in responding to information security emergencies; b) joint research to develop new technologies and ICT-related services; c) promotion of a peaceful, secure, open, trust-based, and cooperative digital and internet space; and d) promotion of the use of innovative telecommunications equipment, the development and implementation of new communications standards and technologies for the purpose of creating an information/digital society and countering cyber threats.[25]

The ICT security initiatives put forward by Russia during its 2015 BRICS presidency were supported by the association's partner countries, most notably China. For example, at the 2017 BRICS Summit in Xiamen, the leaders of the five countries declared their support for the development of internationally recognized and universally acceptable rules governing ICT infrastructure security, data protection, and the internet, and committed to jointly building a reliable and secure network.[26] It was at this Summit that the BRICS Roadmap was adopted, which declares the need for collective agreement on the norms and principles that would form the basis of the global ICT security regime.[27]

Decisions on ICT development were also taken during India's (2016 and 2021), South Africa's (2018), and Brazil's (2019) presidency of BRICS, although they were given less emphasis compared to the years when Russia and China set the agenda for discussions. As per the established rotation procedure, Russia took over presidency of the association again in 2020. Its priorities included continuing the dialogue on ensuring international information security and combatting information crime (along with developing cooperation between BRICS countries in combating terrorism and extremism). A special feature of Russia's 2020 BRICS presidency in terms of the association's agenda on information security issues was that it combined two tracks – that is, it reduced the rather broad ICT security agenda to the narrower task of countering

[23] Communique of BRICS Ministers of Communications on the outcomes of the meeting on "Expansion of Cooperation in the Field of Communications and ICTs". 23.10.2015. URL: https://infobrics.org/files/pdf/24.pdf?ysclid=mg0jns9g1t980956703 (accessed: 15.12.2023).

[24] VII BRICS Summit. Ufa Declaration. 9.07.2015. URL: https://www.mea.gov.in/Uploads/PublicationDocs/25448_Declaration_eng.pdf (accessed December 15, 2023).

[25] Ibid.

[26] BRICS Leaders Xiamen Declaration. 4.09.2017. URL: https://nkibrics.ru/system/asset_docs/data/5a4f/6bcb/6272/695d/471a/0000/original/IX_BRICS_SUMMIT_-_XIAMEN_DECLARATION_SEPTEMBER_4__2017_XIAMEN__CHINA.pdf?1515154379 (accessed: 11.09.2022).

[27] Ibid.

terrorism and extremism. At the same time, it continued to focus on coordinating foreign policy on ICT security at the United Nations, developing a comprehensive agreement on international information security and adopting a convention on combating the criminal use of ICT.

The 2020 BRICS Summit in Moscow led to the adopted of the BRICS Counter-Terrorism Strategy, which included collective decisions on ICT security and the use of ICTs, specifically: a) countering extremist narratives conducive to terrorism and the misuse of the internet and social media for the purposes of terrorist recruitment, radicalization and incitement and providing financial and material support for terrorists; and b) strengthening cooperation against the misuse of information and telecommunication technology for terrorist and other criminal purposes.[28]

Our analysis of BRICS decisions on ICT security issues leads us to several important conclusions. First, Russia and China are the most active member countries when it comes to determining the development of the BRICS agenda as a whole,[29] and in the area of international information security in particular. The presidencies of these countries have seen the largest number of decisions made on these issues, not to mention the most substantive. At the same time, Moscow places greater emphasis on the political component of ICT security issues, while Beijing is more concerned on the economic component and issues of network infrastructure development and data security.

Second, an analysis of the content of the collective decisions taken by the association suggests that the broad agenda of guaranteeing ICT security has been gradually narrowed and shifted to focus on countering extremism and terrorism as an institutionally formalized interaction, which is acceptable for all BRICS members.[30] As regards coordinating foreign policy initiatives, the BRICS countries support the creation of an international information security regime under the auspices of the United Nations.

Third, we cannot ignore the fact that the other BRICS members are far less active in terms of putting forward initiatives on international information security. For example, the presidencies of Brazil (2019), India (2016 and 2021), and South Africa (2018) did not bring about any significant decisions in this area and focused on expressing general support for the agenda proposed by the partners.[31]

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[28] BRICS Counter-Terrorism Strategy 2020. URL: http://www.brics.utoronto.ca/docs/2020-counterterrorism.html (accessed: 11.09.2022).

[29] For a more detailed analysis of the BRICS internet governance agenda, see: (Ignatov 2022).

[30] See: BRICS Counter-Terrorism Strategy 2020.

[31] For example, the 2021 New Delhi Declaration states that the BRICS countries agree to strengthening "capacities of individual States and international organizations to better respond to new and emerging, traditional and non-traditional challenges, including those emanating from terrorism, money laundering, cyber-realm, infodemics and fake news," and also welcomed the "successful conclusion of the work of the Intergovernmental Expert Group (IEG) on Cybercrime."

The commitments adopted and areas of international cooperation can be classified according to a modified version of the University of Toronto methodology discussed earlier depending on their compliance with the basic criteria presented (Table 1).

To determine how effectively the agreements have been implemented, it would be a good idea to analyse the ICT security priorities and approaches of the BRICS, as well as the decisions taken in this area at the international level.

Table 1

Decisions and Areas of BRICS Cooperation on International Information Security

Area of cooperation	Concreteness	Political obligation	Future-oriented	Collectiveness
Support for the development of norms and rules for the responsible behaviour of states in the ICT space (within the framework of the OEWG)	+	+	+	–
Support for the development of a Convention on Combating the Criminal Misue of ICTs and the UN level	+	+	+	–
Existence of bilateral agreements on international information security	+	+	+	+
Adoption of a BRICS Convention on International Information Security	+	+	+	+
Counteracting terrorism and extremism in the ICT	+	+	+	+

Source: compiled by the authors.

ICT Security Priorities of BRICS Member States

Brazil

Brazil ranks 66th in ICT development according to the International Telecommunication Union's 2017 index.[32] It is one of the most developed states in Latin America and, according to expert estimates, one of the most promising countries in terms of digital technology development.[33] It is for this reason that Brazil is interested in cooperation if information security issues in BRICS. At the same time, Brazil's main priority is capacity building and assistance in developing the ICT sector, including disruptive technologies (Perminov: 1520). What is more, the country is rife with ICT crime,[34] which only makes it more eager to engage in international cooperation in this area.

[32] Measuring the Information Society Report 2017. Volume 1. International Telecommunication Union. URL: https://www.itu.int/en/ITU-D/Statistics/Documents/publications/misr2017/MISR2017_Volume1.pdf (accessed: 18.12.2023).

[33] See: Digital trends in the Americas region 2021. International Telecommunications Union. URL: https://www.itu.int/dms_pub/itu-d/opb/ind/D-IND-DIG_TRENDS_AMS.01-2021-PDF-E.pdf (accessed: 15.12.2023).

[34] Ibid.

Brazil adopted its Basic National Cybersecurity Strategy in 2020. The strategy combined the key provisions of several documents that defined national priorities in the field of cybersecurity and were relevant at the time, specifically, the National Strategy of Defense (updated in 2012),[35] the 2019 National Information Security Policy,[36] and the 2018 Brazilian Digital Transformation Strategy[37] (Hurel & Lobato 2021). The Brazilian leadership has highlighted among its priority tasks adapting the national legislation to changing conditions, referring specifically to the development of a new classification of cybercrimes and requirements for ensuring cybersecurity for people who work remotely, as well as the drafting of a new bill on cybersecurity. Plans have also been announced for the creation of a centralized cyberthreat management system, the development of national requirements for ensuring cybersecurity at the level of individual users and information input devices for government organizations, the implementation of relevant requirements in supply chain management, public procurement systems, and so on.

Notable results from the 2019 BRICS Summit in Brazil are the host country's initiative to develop bilateral agreements between the BRICS countries on this issue. The final declaration also expresses support for the initiatives of the OEWG and the UNGGE launched in 2019 and emphasizes the importance of the UN's work in combatting the criminal use of ICTs.[38]

In terms of its foreign policy, Brazil prioritizes the development of cooperation in Latin America, along with other areas that are typically mentioned in documents of this level, such as participation in multilateral discussions and concluding relevant international agreements. Brazil's goal to create a centralized cyberthreat management system is unashamedly similar to models adopted in several other countries, in particular the United Kingdom, where a special National Cyber Security Centre has been set up to coordinate the efforts of various government departments, as well as private businesses in this area.[39]

In practice, Brazil's participation in international negotiations on ensuring cybersecurity are directed "outside BRICS" and do not fully align with the Russian position. In 2018, Brazil abstained from voting on the draft resolution "Developments in the field of information and telecommunications in the context of international security"

[35] National Strategy of Defense. The government Brazil, 2008 (updated 2012). Available at: https://www.files.ethz.ch/isn/154868/Brazil_English2008.pdf (accessed December 18, 2023).

[36] Política Nacional de Segurança da Informação. The Government of Brazil, 2019. Available at: https://www.gov.br/governodigital/pt-br/estrategias-e-governanca-digital/estrategias-e-politicas-digitais/politica-nacional-de-seguranca-da-informacao (accessed September 11, 2022).

[37] Brazilian Digital Transformation Strategy. 2018. Available at: https://www.gov.br/mcti/pt-br/centrais-de-conteudo/comunicados-mcti/estrategia-digital-brasileira/digitalstrategy.pdf (accessed December 11, 2023).

[38] XI BRICS Summit Brasilia Declaration. 2019. URL: http://www.brics.utoronto.ca/docs/191114-Braslia_Declaration.pdf (accessed: 18.05.2023).

[39] Hurel L. M.. Cybersecurity in Brazil: An analysis if the national strategy. Ingrapé Institute Strategic Paper 51. 2021. URL: https://igarape.org.br/wp-content/uploads/2021/04/SP-54_Cybersecurity-in-Brazil.pdf (accessed: 15.123.2023).

proposed by Russia to get past the stalemate in the UNGGE negotiations and in which the creation of an OEWG was envisioned, reasoning that there was no point duplicating the work of the UNGGE (Stadnik, Tsvetkova 2021: 75). Brazil wants to remain equidistant from the various participants in the negotiation process, an approach to cyber diplomacy that experts have called "wavering" (Hurel 2022). At the same time, this sharp change of course and the sudden support for the Budapest Convention were partly connected with the rise to power of right-wing politician Jair Bolsonaro.

Representatives from Brazil took part in both the UNGGE negotiations and the two OEWG sessions. While at the federal level Brazil has not officially endorsed the Paris Call for Trust and Security in Cyberspace presented by France in November 2018,[40] the state of Sao Paulo and at least a dozen private companies and civil society organizations in Brazil have expressed support for the initiative. Brazil has similarly not joined the initiatives of the Programme of Action for Advancing Responsible State Behaviour in Cyberspace first proposed by France and Egypt in 2020,[41] and received further embellishment in 2022[42] with the aim of replacing the OEWG with an institutional mechanism of the Programme of Action.

Brazil supports work on the UN Treaty on the Criminal Use of ICTs, but it has also joined the Council of Europe's Budapest Convention, which Russia, China, and South Africa view as inconsistent with the principle of respect for state sovereignty. ICT security thus cannot be considered a foreign policy priority of Brazil, a fact that explains its relative lack of interest in developing and deepening cooperation in this area at the institutional level compared to other BRICS members, as well as its somewhat changeable foreign policy line. Brazil is most interested in combatting ICT crime at the international level.

Russia

Russia has a highly developed digital economy, ranking 45th in the International Telecommunication Union's 2017 ICT Development index and exhibiting a high level of network penetration.[43] As of 2023, Russia had managed to retain its high digital potential, despite the sanctions pressure from the West. In its foreign policy, Russia places an emphasis on ensuring international information security and strengthening digital sovereignty.[44] Russia faces a significant number of attacks in cyberspace, which

[40] Paris Call for Trust and Security in Cyberspace. URL: https://pariscall.international/en/call (accessed: 11.09.2022).

[41] Programme of Action (PoA) for Advancing Responsible State Behaviour in Cyberspace. 2020. URL: https://front.un-arm.org/wp-content/uploads/2020/10/joint-contribution-poa-future-of-cyber-discussions-at-un-10-08-2020.pdf (accessed: 15.12.2023).

[42] Programme of Action to Advance Responsible State Behaviour in the use of Information and Communications Technologies in the Context of International Security. 2022. URL: https://digitallibrary.un.org/record/3991743?ln=ru (accessed: 15.12.2023).

[43] Measuring the Information Society Report 2017. Volume 1. International Telecommunication Union. URL: https://www.itu.int/en/ITU-D/Statistics/Documents/publications/misr2017/MISR2017_Volume1.pdf (accessed: 15.12.2023).

[44] Decree No. 229 of the President of the Russian Federation "On Approval of the Concept of Foreign Policy of the Russian Federation". URL: http://static.kremlin.ru/media/events/files/ru/udpjZePcMAycLXOGGAgmVHQDIoFCN2Ae.pdf (accessed: 18.05.2023).

is why it addresses this issue.[45] Russia is a leader in promoting the subject of information security within the United Nations and BRICS (Krutskikh 2022).

The Russian position on ICT security issues is presented in a wide range of strategic documents, including the National Security Strategy of the Russian Federation,[46] the Doctrine of Information Security of the Russian Federation,[47] the Concept of Foreign Policy of the Russian Federation,[48] the Fundamentals of State Policy of the Russian Federation on International Information Security,[49] and the Strategy of the Information Society Development in the Russian Federation for 2017–2030.[50]

In the international arena, Russia's key task is to form an international information security system in order to effectively counter attempts to use ICT for military and other purposes that are contrary to international law, primarily through the creation of appropriate international legal mechanisms. The National Security Strategy of the Russian Federation places priority on the establishment of an international legal regime for ensuring security in the sphere of ICT use. The Concept of Foreign Policy of the Russian Federation indicates that the capabilities of information and communication technologies are increasingly used to solve foreign policy problems, including in the military-political dimension.[51] Finally, the Strategy of the Information Society Development in the Russian Federation for 2017–2030 contains several important points concerning Russia's activities in the field of ICT security in the international arena. The latter document focuses on the creation of international mechanisms to ensure trust on the internet.[52] ICT security is thus the most important area of Russia's foreign policy, and its long-term goal is to form an international legal regime in this area.

Russia is the most consistent and active supporter among the BRICS members of the development of a universal regulatory framework in the field of ICT security. Moscow initiated the discussion of this issue at the United Nations in 1998,[53] and pro-

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[45] Interview With Deputy Secretary of the Security Council of the Russian Federation O. Khramov // Security Council of the Russian Federation. 08.04.2022. URL: http://www.scrf.gov.ru/news/allnews/3217/ (accessed: 19.12.2023).

[46] Decree No. 400 of the President of the Russian Federation "On the National Security Strategy of the Russian Federation" of July 2, 2021. URL: http://www.kremlin.ru/acts/bank/47046 (accessed: 11.09.2022).

[47] Decree No. 646 of the President of the Russian Federation "On Approving the Doctrine of Information Security of the Russian Federation" of December 5, 2016. URL: http://kremlin.ru/acts/bank/41460 (accessed: 11.09.2022).

[48] Decree No. 229 of the President of the Russian Federation "On Approval of the Concept of Foreign Policy of the Russian Federation". URL: http://static.kremlin.ru/media/events/files/ru/udpjZePcMAycLXOGGAgmVHQDIoFCN2Ae.pdf (accessed: 18.05.2023).

[49] Decree No. 213 of the President of the Russian Federation "The Fundamentals of State Policy of the Russian Federation on International Information Security" of April 12, 2021. URL: http://www.scrf.gov.ru/security/information/document114/ (accessed: 11.09.2022).

[50] Decree No. 203 of the President of the Russian Federation "On the Strategy of the Information Society Development in the Russian Federation for 2017–2030" of May 9, 2017. URL: https://base.garant.ru/71670570/ (accessed: 11.09.2022).

[51] Decree No. 229 of the President of the Russian Federation "On Approval of the Concept of Foreign Policy of the Russian Federation". URL: http://static.kremlin.ru/media/events/files/ru/udpjZePcMAycLXOGGAgmVHQDIoFCN2Ae.pdf (accessed: 18.05.2023).

[52] Decree No. 203 of the President of the Russian Federation "On the Strategy of the Information Society Development in the Russian Federation for 2017–2030" of May 9, 2017. URL: https://base.garant.ru/71670570/ (accessed: 11.09.2022).

[53] United Nations General Assembly Resolution A/RES/53/70 "Developments in the field of information and telecommunications in the context of international security" of December 4, 1998. URL: https://digitallibrary.un.org/record/265311?ln=ru (accessed: 15.12.2023).

posed the initiative to convene the OEWG when negotiations in the UNGGE format stalled. The content of the resolution on cybersecurity issues was developed thanks to Russia's efforts not only in the United Nations, but also in the Shanghai Cooperation Organisation, which contributed to the achievement of an international consensus on the establishment of an additional negotiating format.[54]

The Concept of the Participation of the Russian Federation in BRICS, approved by the President of the Russian Federation in February 2013,[55] sets out Russia's main goals in its cooperation with the BRICS member states on issues of international security. Among these are: cooperating towards ensuring international information security; harnessing the capabilities of BRICS to promote initiatives in this area at various international platforms and organizations, primarily the United Nations; and strengthening cooperation within BRICS to counter the use of ICT for military, terrorist, and criminal purposes, as well as for purposes that run counter to the provision of international peace, stability, and security. Russia thus attaches great significance to developing and deepening cooperation within BRICS on issues of international information security.

In late 2021, Russia and the United States presented a joint draft resolution on cybersecurity issues, which was approved by the General Assembly without a vote.[56] The resolution established the possibility of developing additional mandatory rules of conduct for states in cyberspace, with a proviso "if necessary." Guided by considerations of the need to create broad formats for regulating relations in cyberspace against narrow "coalitions of the willing," which could be formed as a result of the French initiative mentioned above, Russia was not among those who supported the Paris Call (Chikhachev 2022), although several major Russian IT companies declared their support for it.

At the 77th session of the UN General Assembly in 2022, Russia submitted a draft resolution on "Developments in the field of information and telecommunications in the context of international security"[57] for discussion. The resolution was aimed at continuing the work of the UN OEWG beyond 2023. China was the only BRICS member country to co-sponsor the document.[58]

Russia champions international cooperation on issues of international information security at the BRICS level, and the range of issues it includes in this area is extensive, including countering military and political threats, ICT crime and extremism

[54] Russia and SCO Countries to Present Draft UNGA Resolution on Cybersecurity // TASS. 14.12.2017. URL: https://tass.ru/politika/4811804 (accessed: 11.09.2022).

[55] Concept of the Participation of the Russian Federation in BRICS. Approved by the President of the Russian Federation in 2013. URL: http://static.kremlin.ru/media/events/files/41d452a8a232b2f6f8a5.pdf (accessed: 15.12.2023).

[56] UN General Assembly Adopts Russia–U.S. Cyberspace Resolution // TASS. 07.12.2021. URL: https://tass.ru/mezhdunarodnaya-panorama/13127057 (accessed: 11.09.2022).

[57] UN General Assembly Adopts Several Russian Resolutions on Security and Disarmament // TASS. 08.12.2022. URL: https://tass.ru/mezhdunarodnaya-panorama/16533015 (accessed: 18.05.2023).

[58] Chernenko E. Manhattan Projects: How Russia and Western Countries are Pushing Competing Cybersecurity Resolutions at the UN // Kommersnat. 07.11.2022. URL: https://www.kommersant.ru/doc/5651792 (accessed: 18.05.2023).

on the internet, protecting digital sovereignty from external interference, and issues of internet governance. In the long term, Russia is guiding the international community and BRICS towards concluding legally binding agreements on ICT security at the global and regional levels.

India

India is one of the world's largest providers of information and communications services. But this does not mean that the country has a highly developed system of priorities and action plans in the ICT field. This can be explained by the fact that, until recently, the Indian leadership did not attach any real importance to the risks of confrontation in the digital space.[59] In fact, the full-fledged development of a system to counter emerging threats only began in 2018, meaning that there are only two doctrinal documents available for analysis – the National Security Strategy and the National Digital Communications Policy.

India's National Security Strategy contains a short list of threats and suggests areas of action in ICT security.[60] Among the threats named in the Strategy are cybercrime, the possibility of using cyber weapons elements of the country's critical infrastructure, and the use of social media to influence the population "to sow discord amongst people, spread propaganda and weaken faith in the government."[61] Unprotected personal data is seen as a risk of the dissemination of personal false information. Key tasks in this regard include implementing requirements for the localization of user data; drawing up a more detailed list of steps to counter the use of cyber weapons, in particular the creation of a single decision-making centre (a cyber command); and building up cyber-attack detection capabilities, with cyber-attacks themselves being classified as unfriendly acts and a violation of state sovereignty.

The National Digital Communications Policy highlights the economic potential of ICT and, as such, emphasizes the priority of protecting the "digital sovereignty" of the state.[62] This includes, first of all, taking steps to protect user date from unauthorized access, supporting local service and product providers, increasing the effectiveness of communications product licensing bodies, and promoting national interests in the context of formulating international industry standards. In terms of data security issues, India's policy appears to be similar to China's position, and the emphasis on digital sovereignty brings its stance closer to that of Russia.

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[59] Kupriyanov A. V. India in the Era of Cyber Wars // Russian International Affairs Council. 7.08.2019. URL: https://russiancouncil.ru/analytics-and-comments/analytics/indiya-v-epokhu-kibervoyn/ (accessed: 4.08.2022).

[60] India's National Security Strategy. 2019. URL: https://manifesto.inc.in/pdf/national_security_strategy_gen_hooda.pdf (accessed: 11.09.2022).

[61] Ibid.

[62] National Digital Communications Policy. 2018. URL: https://dot.gov.in/sites/default/files/EnglishPolicy-NDCP.pdf (accessed: 11.09.2022).

India supports the inclusion of ICT security issues in the UN and BRICS agendas. It is no coincidence that the theme of the 2021 BRICS Summit in India was "BRICS Partnership for Global Stability, Security, and Prosperity." At the same time, India placed an emphasis on cooperation in the fight against terrorism. The document also notes the importance of cooperation in ICT security and asserts the need to work towards "a BRICS intergovernmental agreement on cooperation on ensuring security in the use of ICTs and on bilateral agreements among BRICS countries."[63] Special emphasis is placed on the central role of the United Nations in this area and support for work on developing a comprehensive convention on countering the use of ICTs for criminal purposes.[64] At the same time, India also supports the cooperation formats proposed by Western countries, including the most recent convocation of the UNGGE. India has not formally joined the Paris Call,[65] although more than 50 private companies and civil society organizations in the country have expressed their support for the non-binding set of principles contained in it. This is more than any other BRICS country. India, along with China, did not support the resolution proffered by Russia and the United States in 2021. Nor did it support the Programme of Action for Advancing Responsible State Behaviour in Cyberspace proposed by France in 2020,[66] or the Declaration for the future of the Internet put forward by the United States in 2022.[67] However, India did vote in favour of UN General Assembly Resolution 77 proposed by France on a "Programme of Action to Advance Responsible State Behaviour in the Use of Information and Communications Technologies in the Context of International Security,"[68] as an alternative to the Russia-led OEWG initiative.[69]

India views ICT as a critical driver of economic growth and development and is thus interested in cooperation on ICT security, including the formation of an international legal regime under the auspices of the United Nations based on the principles of respect for digital sovereignty, as well as the conclusion of a formal agreement on ICT security in BRICS. Another important priority for India is combatting the criminal use of ICTs and digital terrorism. Despite the fact that India is forced to take the position of Western countries that promote an alternative vision of the cybersecurity regime

[63] XIII BRICS Summit. New Delhi Declaration. 2021. URL: https://www.ranepa.ru/ciir/briks/predsedatelstva/briks-indiyskoe-predsedatelstvo-2021g/New%20Delhi%20Declaration%202021%20RUS.pdf (accessed: 11.09.2022).
[64] Ibid.
[65] Paris Call for Trust and Security in Cyberspace. 2018. URL: https://pariscall.international/en/ (accessed: 15.12.2023).
[66] Programme of Action for Advancing Responsible State Behaviour in Cyberspace. 2020. URL: https://front.un-arm.org/wp-content/uploads/2020/10/joint-contribution-poa-future-of-cyber-discussions-at-un-10-08-2020.pdf (accessed: 15.12.2023).
[67] Declaration for the Future of the Internet. 2022. URL: https://www.whitehouse.gov/wp-content/uploads/2022/04/Declaration-for-the-Future-for-the-Internet_Launch-Event-Signing-Version_FINAL.pdf (accessed: 15.12.2023).
[68] Programme of Action to Advance Responsible State Behaviour in the Use of Information and Communications Technologies in the Context of International Security. 2022. URL: https://digitallibrary.un.org/record/3991743?ln=ru (accessed: 15.12.2023).
[69] Zinovieva E. S. International Information Security in US-Russian Bilateral Relations. Russian International Affairs Council. 2022. URL: https://russiancouncil.ru/analytics-and-comments/analytics/mezhdunarodnaya-informatsionnaya-bezopasnost-v-dvustoronnikh-otnosheniyakh-rossii-i-ssha/?sphrase_id=98721820 (accessed: 18.05.2023).

into account, in many respects its priorities in the field of ICT align fairly well with the stances taken by Russia and China, which increases its interest in institutionalizing interaction and supports active cooperation within BRICS on issues of ICT security.

China

China is a recognized leader in cyberspace regulation, and the country's approach to this issue can be described as among the most stringent in relation to ensuring digital sovereignty. China (along with the United States) leads the way when it comes to developing disruptive technologies,[70] including Big Data, the Internet of Things, and machine learning. China is implementing its Belt and Road Initiative, which includes a Digital Silk Road component that is aimed at building digital infrastructure in developing countries.[71] The economic aspects of digital development are thus a priority for China, but implementing them requires ensuring a high level of security.

The regulatory framework for China's policy in this area started to take shape with the establishment of the National Coordination Group on Cybersecurity and Information Security, which led to the first iteration of a specialized national strategy (Romashkina & Zadremaylova 2020: 124). The current version of the Strategy, adopted in 2016,[72] sees cyberthreats as one of the main obstacles to economic growth and political and economic security. Among the possible consequences of the use of ICT capabilities for illegal and hostile actions, the document mentions the disruption of critical infrastructure (the transport and energy infrastructure in particular), the dissemination of false information, civil unrest, and the overthrow of existing regimes. As a countermeasure, the Chinese government controls online activity in order to suppress illegal activities (especially calls for civil disobedience and separatism), strengthen socialist values as an integral element of online culture, and develop a talent pool and national technological base. The Counterterrorism Law of the People's Republic of China (2015),[73] the China Cybersecurity Law (2016),[74] and the Regulations on the Security Protection of Critical Information Infrastructure (2021)[75] provide the legal basis for these activities.

[70] UNCTAD Digital Economy Report // UNCTAD. 2021. URL: https://unctad.org/publication/digital-economy-report-2021 (accessed: 15.12.2023).

[71] Action Plan on the Belt and Road Initiative // The State Council of the People's Republic of China. 2015. URL: https://english.www.gov.cn/archive/publications/2015/03/30/content_281475080249035.htm (accessed: 15.12.2023).

[72] Unofficial translation of the National Cyberspace Security Strategy. URL: https://chinacopyrightandmedia.wordpress.com/2016/12/27/national-cyberspace-security-strategy/ (accessed: 11.09.2022).

[73] Counterterrorism Law of the People's Republic of China (Order No. 36 of the President of the PRC). URL: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=103954&p_country=CHN&p_count=1189 (accessed: 11.09.2022).

[74] Unofficial of the China Cybersecurity Law. URL: https://d-russia.ru/wp-content/uploads/2017/04/China-Cybersecurity-Law.pdf (accessed: 11.09.2022).

[75] Gong J., Yue C. 2021. China Released Regulation on Critical Information Infrastructure // Bird & Bird. 06.09.2021. URL: https://www.twobirds.com/en/insights/2021/china/china-released-regulation-on-critical-information-infrastructure (accessed: 11.08.2022).

In June 2021, Beijing passed a new Data Security Law that establishes stricter requirements for the processing of important data, key government data, and sensitive data, extends the requirement to comply with the Cyber Security Law's Multi-Level Protection Framework to all automated data processing, and broadens data localization obligations to include the important data categories already mentioned.[76]

China's foreign policy priorities in ICT security are further elaborated in the International Strategy of Cooperation on Cyberspace, adopted in 2017,[77] which enshrines the principles of non-pursuit of cyber hegemony, non-interference in the internal affairs of other countries using ICT capabilities, and the priority of realizing state sovereignty in the information space (Romashkina, Zadremaylova 2021: 130). The authors of the Strategy call for the creation of a system for regulating relations in cyberspace based on agreed rules and norms developed on the basis of equal participation and non-discrimination.

In 2020, China rolled out its Global Initiative on Data Security,[78] which postulates the importance of sovereignty in the digital space and the central role of the United Nations in data governance and ensuring international information security.

China did not co-sponsor the U.S.–Russian resolution put forward in 2021, nor did it support Western initiatives in this area. For example, like the other BRICS countries, China has not officially supported the Paris Call at the state level. And among representatives of the private sector and civil society, only one company has openly expressed support for the initiative. As for the highly politically motivated initiatives of the United States and Western countries – for example, the Declaration for the Future of the Internet[79] and the Programme of Action for Advancing Responsible State Behaviour in Cyberspace[80] – China has expressed its unequivocal opposition to them.

Issues of ensuring information security were at the forefront of discussions at the 2022 BRICS Summit in Beijing. Specifically, the Beijing Declaration emphasized "the need to advance practical intra-BRICS cooperation through the implementation of the BRICS Roadmap of Practical Cooperation on ensuring security in the use of ICTs and the activities of the BRICS Working Group on security in the use of ICTs."[81] The document also notes the progress made in the work of the UN Open-Ended Ad Hoc Committee of Experts to elaborate a comprehensive international convention on countering the use of ICTs for criminal purposes.[82]

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[76] Data Security Law of China. 2021. URL: https://digichina.stanford.edu/work/translation-data-security-law-of-the-peoples-republic-of-china/ (accessed: 15.12.2023).

[77] International Strategy of Cooperation on Cyberspace. 2017. URL: http://www.xinhuanet.com/english/china/2017-03/01/c_136094371.htm (accessed: 11.09.2022).

[78] Global Initiative on Data Security. 2020. URL: https://www.fmprc.gov.cn/eng/wjb/zzjg_663340/jks_665232/kjlc_665236/qtwt_665250/202406/t20240606_11405182.html (accessed: 18.05.2023).

[79] Declaration for the Future of the Internet. 2022. URL: https://www.state.gov/declaration-for-the-future-of-the-internet (accessed: 18.05.2023).

[80] General Assembly official records, 77th session: 46th plenary meeting. 07.12.2022. URL: https://digitallibrary.un.org/record/4009684?ln=en (accessed: 18.05.2023).

[81] XIV BRICS Summit Beijing Declaration. 23.06.2022. URL: http://www.kremlin.ru/supplement/5819 (accessed: 15.12.2023).

[82] Ibid.

Thus, the positions of Russia and China regarding the main parameters of international cooperation in the field of ICT security are extremely close. Both countries advocate the creation of an international regime in this area based on the Westphalian principles of respect for sovereignty, placing it in opposition to the initiatives promoted by the United States and its allies. Other important aspects of China's position are the fight against the use of ICTs for criminal purposes and terrorist acts and the protection of data, which is considered the most important resource for technological and economic development.

South Africa

South Africa is a leader in digital development in the African region (Pantzerev 2018:14). However, the issue of ensuring cybersecurity is only developed at the surface level in the country's official documents and strategies, despite the diversity of the threats that exist in this area. The National Cybersecurity Policy Framework was adopted in 2015. At the time, South Africa was already among the highest-ranked countries in terms of the number of online fraud incidents and other internet-related crimes.[83] The main threats to cybersecurity identified by the authors of the National Cybersecurity Policy Framework led them to the conclusion that equipment and technologies that are important for ensuring an adequate protection need to be imported into the countries. The lack of experts capable of countering the increasing number of cyber incidents in the previous years was also noted. The document proposed establishing effective coordination of the actions of state bodies, as well as a specialized coordinating body. The main coordinating functions were assigned to the Cybersecurity Hub, which was also responsible for developing strategic documents.

The process of adapting South Africa's national legislation to the realities of the spread of cybercrime has taken quite a long time. The first draft of the Cybercrime Law was presented in August 2015. The revision process took about a year and a half, meaning that it was only sent to parliament for consideration in early 2017. The original version of the law was strongly supported by President Jacob Zuma's followers, but it was met with strong opposition. Many believed that that it did not differentiate "between espionage and an act of journalism" and, given the increasing number of scandals involving members of the Zuma administration, could be used to exert pressure on the media.[84] After Zuma's resignation and allegations of corruption,[85] the draft

[83] The National Cybersecurity Policy Framework. 2015. URL: https://www.gov.za/sites/default/files/gcis_document/201512/39475gon609.pdf (accessed: 11.09.2022).

[84] Joseph R. South Africa's Cybercrimes and Cybersecurity Bill is deeply flawed // Index or Censorship. 07.01.2017. URL: https://www.indexoncensorship.org/2016/01/raymond-joseph-south-africa-cybercrimes-and-cybersecurity-bill/ (accessed: 11.09.2022).

[85] Burke J. Zuma in the dock: South Africa's ex-president faces corruption charges // The Guardian. 06.04.2018. Available at: https://www.theguardian.com/world/2018/apr/06/south-africa-jacob-zuma-court-corruption-charges (accessed: 06.11.2022).

law was subject to public consultation on two separate occasions, in 2018 and 2019. In later 2020, the bill was supported by both houses of the South African parliament. President Cyril Ramaphosa signed the Act into law in May 2021, and it came into effect on December 1, 2021. Prior to the adoption of the Cybercrime Act, the South African authorities used the provisions of the Criminal Procedure Code, which, coupled with the absence of a clear definition of cybercrime in the law, has made it difficult to investigate crimes committee in cyberspace.[86]

The South African leadership has consistently taken a sceptical position on international agreements concerning ICT security, despite the stated priority of developing international cooperation within the National Cybersecurity Policy Framework. One of the more glaring examples in this respect is the "Afro-sceptic" position taken by South Africa to the African Union Convention on Cyber Security and Personal Data Protection (Orji 2018),[87] refusing to ratify the document.

Like its BRICS partners, South Africa did not endorse the Paris Call, and fewer than twenty private companies and civil society organizations in the country supported it. And while South Africa did support the 2021 draft resolution put forward by the Russian and the United States, it did not join the Programme of Action for Advancing Responsible State Behaviour in Cyberspace. During the 77th Session of the UN General Assembly in 2022, South Africa spoke in support of the Russian draft resolution on international information security. It is also a signatory of the 2001 Budapest Convention on Cybercrime, although this does not prevent it from participating in negotiations at the UN on the development of a Convention on Combatting the Criminal Misuse of ICTs and supporting this initiative at the BRICS level. The Second Johannesburg Declaration of BRICS noted the commitment to continue work on the development of a convention on combatting ICT crime in the UN, as well as the formation of a BRICS legal framework on issues of ensuring security in the use of ICTs.[88]

It is thus clear that South Africa is less interested in developing cooperation in ICT security than other BRICS members, but supports BRICS initiatives in this area at the United Nations, as well as the signing of an intergovernmental agreement within BRICS.

An analysis of the strategies and other important documents related to the national policies of the BRICS countries on ICT security allows us to draw the following conclusions. First, the degree to which the countries of the association have elaborated these issues differs significantly. Russia and China have the most detailed systems of

[86] Allen K. South Africa lays down the law on cybercrime // Institute for Security Studies. URL: https://issafrica.org/iss-today/south-africa-lays-down-the-law-on-cybercrime (accessed: 11.09.2022).

[87] African Union Convention on Cyber Security and Personal Data Protection. 2014. URL: https://au.int/sites/default/files/treaties/29560-treaty-0048_-_african_union_convention_on_cyber_security_and_personal_data_protection_e.pdf (accessed: 11.09.2022).

[88] XV BRICS Summit Johannesburg II Declaration. 24.08.2023. URL: http://static.kremlin.ru/media/events/files/ru/ls471x-8ogLBhjRQx05ufVB2uzMFo1kWs.pdf (accessed: 15.12.2023).

priorities and tasks in the field of cybersecurity and have therefore gone further than the others member states in terms of legislative support for the various initiatives and actions we have discussed at the national and international levels. Moscow and Beijing are the most active among the BRICS countries in the international discussion of this issue, and among these two, Russia is usually the one coming up with new initiatives. The trio of Brazil, India, and South Africa noticeably lags behind in this regard, which is more or less in line with the estimated level of digital development of the BRICS countries (Ignatov 2020). Second, each of the partners has different priorities when it comes to cybersecurity. Russia, China, and India tend to directly or indirectly treat issues related to the dissemination of information through digital communication networks as part of international information security, which significantly expands the scope of potential threats. The approach of Brazil and South Africa is more practical and involves working primarily with traditional cybersecurity challenges (in particular, the potential for using ICTs as a means of committing cybercrime). Breaking the group into two subgroups – Brazil and South Africa on the one hand and Russia, China, and India on the other – more or less corresponds to the concept of weak digital sovereignty (limited government intervention in ensuring cybersecurity) and strong digital sovereignty (cybersecurity issues are raised to the level of a national security problem and are supported by appropriate actions) discussed in (Ignatov 2022). Despite the fact that these countries are classified in the academic literature as "sovereignty hawks" (Panova 2015), in reality the interpretation by states of the content of digital sovereignty varies somewhat. The emphasis on the importance of digital sovereignty means that little attention is paid to coordinating the activities of non-state BRICS players within the ICT security regime, as the priority is coordination among the states involved.

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This paper successfully tackled a number of research problems. We proposed a more precise definition of the concept of ICT security, which we then used in our discussion of the national priorities of BRICS member countries and the decisions taken within the association in this issue.

Our analysis of the strategic planning documents of the five BRICS member states revealed that they are all committed to the norms of respect for state sovereignty in the ICT environment and see it as the basis of the international regime in this area. This allowed us to divide the BRICS countries into two groups. The first group is made up of Russia, China, and India, which have adopted an approach to ensuring ICT security that includes issues of regulating the content of the global internet and its technical security (this approach is reflected in the terminology used – "international information security" (Zinovieva, Mishhishina 2022), and also pay significant attention to issues of information security. The second group includes Brazil and South Africa, whose position focuses on capacity building and bridging the digital divide. They are less interested in regulating digital content. All five BRICS member states support the

need for international cooperation in combatting the criminal use of ICTs within the framework of the special committee of the UN General Assembly based on respect for the principle of state sovereignty. At the same time, India is more active than Brazil and South Africa when it comes to developing cooperation among the BRICS countries in ICT security. All the BRICS countries are paying increasing attention to issues of data security.

Russia and China effectively determine the direction of multilateral discussions within BRICS on the issue of ICT security. At the global level, Russia is the most active in promoting issues of international information security at the United Nations, while China is more focused on issues of digital technology development and support for its Digital Belt and Road project. India leans more towards Russia in this regard, as it too is inclined to include matters relating to the circulation of information in the digital environment and, importantly, control over its content as part of cybersecurity as a whole. Brazil and South Africa do not consider these tasks to be priorities and are more concerned with how to overcome the digital divide and how to increase their digital technological capacity. What is more, Russia and China are significantly ahead of their partners in terms of setting strategic guidelines and adapting national legislation to the changing international situation.

BRICS is a major player in the process of forming an international cybersecurity regime in terms of developing the basic norms and principles of cooperation supported by all countries within the United Nations. The commonality of approaches of the BRICS states to the formation of the international information security system was confirmed quite clearly during the adoption of the Russian draft resolutions "Developments in the Field of Information and Telecommunications in the Context of International Security" and "Countering the Use of Information and Communications Technologies for Criminal Purposes" at the 73rd Session of the UN General Assembly. We can thus say that in no area is the effectiveness of interaction within BRICS demonstrated better than in coordinating foreign policy courses and supporting initiatives at the United Nations.

The table below shows how the BRICS countries have voted on, and thus participated in, the formation of an international ICT security regime (Table 2). The information contained in the table indicates a high degree of coordination among the BRICS countries of their foreign policies within the United Nations on issues of forming a global ICT security regime. At the same time, in the context of growing international conflict, it seems unlikely that any international agreements will be adopted at the level of the United Nations any time soon. Given this, it would be a good idea to narrow the BRICS agenda on this issue.

Table 2
Voting on the Main Projects and Participation of BRICS Countries in the Formation of an International Security Regime

	Brazil	Russia	India	China	South Africa
Support for the development of a universal treaty on international ICT security (within the framework of the OEWG initiated by Russia)	+	+	+	+	+
Support for the development of a convention on combatting the criminal misuse of ICTs	+	+	+	+	+
The existence of bilateral agreements with Russia on international information security	+	+	+	+	+
Support for Russia's 2022 UNGA Resolution (on extending the OEWG mandate beyond 2025)	+	+	+	+	+
Support for France's 2022 resolution (PoA)	+	–	+	–	+
Support for the Paris Call and the Declaration on the Future of the Internet	–	–	–	–	–
Participation in the 2001 Budapest Convention	–	–	–	–	–

Source: compiled by the authors.

Narrowing the BRICS ICT security agenda to mutually acceptable topics for discussion, such as countering online extremist and terrorism in all its manifestations, will help deepen institutional cooperation within the association. Combatting ICT crime is another priority common to all the BRICS countries, but cooperation in this area is already well established at the UN platform, so it does not really make sense to deepen interaction on this issue within BRICS too, since it could divert resources and attention from the UN process. Advancing Russia and China's positions on ICT security issues that require discussion and multilateral decision-making within BRICS will allow many practical issues to be resolved in the future. One example of this could be the establishment of a broader exchange of information on countering the spread of extremist materials.

Given who is next in the next few rotations of the BRICS presidency, in particular Russia's 2024 chairmanship, it would be wise to steer negotiations towards a more detailed study of issues related to ensuring international information security. Priority could be given to issues concerning the principles of cooperation and confidence-building measures in identifying sources of ICT threats and the functioning of mechanisms for ensuring trust and verifying actions in the ICT space. Another important point is to agree on a position regarding the initiative of UN Secretary General António Guterres – that is, the adoption by the United Nations of the Global Digital Compact,

which is expected to cover much of the same ground as the Russia-led UN OEWG. This approach could help further promote the BRICS consensus position within larger platforms, the United Nations in particular.

It is difficult at the present juncture to speak with any certainty about the prospects for a rapprochement of positions with the new BRICS member states on issues of ICT security. Some of them, for example Argentina and Saudi Arabia, have experience participating in multilateral G20 initiatives alongside BRICS member states, while Egypt, Iran, Ethiopia, and the United Arab Emirates do not. At the same time, we can assume that Iran, which has been actively increasing its own cyber potential in recent years[89], will likely back the approach of Russia and China in order to maximize its digital sovereignty. The prospects for further rapprochement of the expanded BRICS on issues of ensuring ICT security will largely depend on how effectively Russia is able to get the members to coordinate their positions during its upcoming presidency of BRICS in 2024.

About the Authors:

Elena S. Zinovieva – Doctor of Political Sciences, Professor, MGIMO University, 76, Prospect Vernadskogo Moscow, Russia 119454. E-mail: zinovjeva@mail.ru

Alexander A. Ignatov – Postgraduate Student, MGIMO University, 76, Prospect Vernadskogo Moscow, Russia 119454; Research Fellow, Center for Research of International Institutions, Russian Presidential Academy of National Economy and Public Administration, 84, Prospect Vernadskogo Moscow, Russia 103274.

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Research Article

The Influence of Mediator Military Power on Armed Conflicts Resolution[1]

Victoria V. Mustafina, Artem M. Maltsev

HSE University

Abstract. The study of mediation in resolving armed conflicts remains a promising area of research in international relations. However, contemporary IR research provides a limited understanding of the role of the mediator's military power in the cessation of hostilities and the implementation of peace agreements. We have suggested that asymmetry and parity can characterize the military superiority (or lack thereof) of a mediator state. To assess the relevant characteristics of military power, we propose using a generalized indicator of military asymmetry created through a simple comparative analysis. Within the framework of the methodology presented in this article, various metrics of the military power of the parties to conflicts and their respective mediators were compared in pairs with each other according to the criterion of threshold values (quartiles), indicating an asymmetry (or parity) of military power. Various thresholds of sufficient skewness, ranging from 20% to 50%, were then also used to aggregate the binary scores into a single score. Through the assessment of a series of regression models, we were able to establish that the aggregate military superiority of the mediator state over the warring parties contributes in a statistically significant manner to both the immediate cessation of hostilities and the successful establishment of peace in the long term. Control variables in the form of the features of peace agreements also influence the positive outcome of the peace process. Key among these are increasing the transparency of political decision-making procedures and the involvement of various social groups in power processes at various levels. The results of this study demonstrate the interconnectedness of military force and successful mediation and also indicate the complementarity of military and negotiation components in the context of state-led mediation. Thus, this study proposes to transform the idea of mediation that currently dominates international relations theory.

Keywords: armed conflict; non-state player; mediator state; military strength; asymmetry; parity; simple comparative analysis; regression analysis

[1] English translation from the Russian text: Mustafina V., Maltsev A. 2023. Voyennaya sila gosudarstva-posrednika i uregulirovaniye vooruzhyonnykh konfliktov. *Mezhdunarodnye protsessy* [International Trends]. 21(4). P. 6-40. DOI: 10.17994/IT.2023.21.4.75.8

The end of the Cold War did not guarantee the end of local armed conflicts. A total of 286 armed conflicts were waged during the 1990s, and in the 2000s this number ballooned to 311[2]. This was the situation at the beginning of the 21st century, when articles started to appear in the scientific literature suggesting that international mediation could be the most effective method of resolving armed conflicts (Bercovitch, Jackson 2001; Bercovitch, DeRouen 2005). Moreover, researchers started to indicate that states could perform this function more flexibly than institutional entities (regional and international organizations and alliances), and therefore be more effective. A flexible approach to mediation would mostly involve the mediator establishing the interests and goals of the parties to a given conflict, as well as in determining its root causes (Bercovitch, Jackson 2001). At the same time, previous studies have emphasized that effective mediation hinges on the cumulative power of the mediator state, primarily based on its economic potential (Sahadevan 2006).

In the early 2000s, researchers drew attention to the fact that the ratio of military power between the parties to a conflict, on the one hand, and the mediator, on the other, can influence the course of mediation. For example, Virginia Fortna suggested that military superiority, or even dominance, on the part of the mediator state would most likely prevent the resumption of hostilities after peace agreements are signed (Fortna 2003). The statistics, however, have yet to prove this to be the case. How significant is military superiority in preventing conflicts from flaring up years after the signing of peace agreements? And how, in principle, can we empirically assess the overall military superiority of a mediator state?

In this paper, we use the term military force (power) to refer to a wide range of means of warfare that allow for coercion and the achievement of sociopolitical goals set during an armed conflict. In order to quantify military power, we proposed a comprehensive set of various indicators. The metrics of military power used in the study were: defence budget; specific parameters of ground, naval, and air forces (indicating individual types of weapons and equipment); and the presence of heavy arms, weapons supplies, etc.

In determining the prerequisites for the successful resolution of armed conflicts, we relied on the concept of "resource asymmetry" (Geiss 2006; Paulus, Vashakmadze 2009). This concept refers to the unequal distribution of certain goods, which provides players with strategic advantages when it comes to achieving their political goals (Gross 2009). Information asymmetry is another factor that is frequently mentioned in the context of studying armed conflicts. It implies that the mediator state has extensive information about the motives, interests, intentions, and strategies of the conflicting parties (Kressel, Pruitt, Pruitt 1989). Thanks to this, the mediator can build a

[2] Correlates of war. URL: https://correlatesofwar.org/ (accessed: 24.04.2022).

more flexible dialogue with the direct participants in the conflict and help them reach a mutually beneficial compromise (Walter 2002)[3].

We proceeded from the assumption that the ratio of military power between the parties to an armed conflict and the mediator state can be classified as asymmetrical or parity. With the concept of "resource asymmetry" in mind, we attempted to develop our own methodology for forming a generalized indicator of military asymmetry/parity. Then we tested the presence and nature of the relationship between the asymmetry/parity ratio of military power of all parties and the resolution of the armed conflict. By ***resolution***, we mean the *complete cessation of hostilities after the start of the negotiation process, as well as remaining peace five years after the signing of peace agreements*

Previous studies have suggested that an asymmetry of military power in favour of the mediator state could be an important factor in successful negotiations (Fortna 2004). This idea stems from analyses of military interventions, where the intervention of an external player strengthens the military potential of one of the parties to the conflict. In the context of a civil war, for example, an external actor is more likely to provide military support to government forces rather than rebels.[4] And this makes it far more likely that government forces will emerge victorious in an armed conflict (Greig, Rost 2013). In other words, material (military-technical) superiority arising as a result of the intervention of a third party in a conflict may play a role in the victory of one of the sides. What is more, it has been argued that the military capability of a third party makes intervention less violent and more effective.

The logic of asymmetry was introduced into the study of mediation by Virginia Fortna. She shifted the focus of the analysis of asymmetry in armed conflicts from the assessment of the ratio of military power of the parties to a given conflict to an assessment of the military potential of the parties to the conflict and the mediator state. At the same time, Fortna emphasized that mediation does not imply military victory, but rather negotiations and the search for compromise between the parties to the conflict. She suggested that the superior military power of the mediator state could influence the warring parties to move more quickly from fighting to peace negotiations. As a result, the likelihood of a general peaceful settlement to the conflict increases. This assumption has not undergone any further testing, meaning that a statistical relationship between the asymmetry of military power in favour of the mediator state and the cessation of hostilities has not yet been confirmed. Moreover, it has not been established whether the dominance of the mediator state in terms of military power helps prevent the resumption of hostilities down the line, after peace agreements have been signed.

The authors of the present study assessed the ways in which asymmetry in military power in favour of the mediator state influences the cessation of hostilities, if at all, and the possibility of lasting peace after the signing of the relevant agreements.

[3] Doyle, M. W., Sambanis, N. 1999. Building peace: challenges and strategies after civil war. *World Bank*. 34 p.
[4] Ibid.

The proposed hypothesis is that the military superiority of the mediator state contributes not only to the cessation of hostilities, but also to their non-resumption in the future.

In this study, effective mediation is measured as a result of the interaction of two components – the asymmetry of military power and the provisions of the peace agreements. A similar approach to conceptualizing the mediation process is actively used in the analysis of historical examples of armed conflict resolution. For example, the armed conflict between Egypt and Israel was resolved thanks to the mediation efforts of the United States (Quandt 2016). The Camp David Accords were signed in conditions of absolute military superiority of the United States, outnumbering the parties to the conflict by approximately 4–5 times in terms of combined armed forces in 1978–1979 (McMahon, Miller 2013). At the same time, the negotiation process itself was an important component of the overall peace settlement (Wallensteen, Svensson 2014). The main goal of negotiations was to identify the underlying contradictions between the parties to the conflict and, thus, its root causes. The text of the peace agreement proposed compromise solutions to overcome political differences between the fighting sides. The Camp David Accords addressed the interests of all parties to the conflict, and the United States, with powerful military potential, acted as the guarantor that the peace agreements would be implemented.

Conceptualization of Mediation and Theoretical Approaches to Its Study

What is at the very heart of the mediation process? I. William Zartman and Saadia Touval stress that a mediator is able to help the parties to a conflict develop compromise solutions that the parties cannot reach on their own (Zartman, Touval 1985). Scott Gartner argued that only a state mediator is capable of ensuring tripartite communication, primarily through building a constructive dialogue with each party to the conflict (Gartner 2014). This allows the mediator to get a handle on the specific motives and interests of the conflicting parties and develop solutions that would be most acceptable to them.

Gartner attempted to generalize the features of mediation, offering the following definition of this phenomenon: "The mediation of international conflict represents a process whereby disputants work with a third party to reach a mutually acceptable peace agreement" (Gartner 2011). This definition does not offer anything in terms of which players can or should act as mediators and, moreover, which of them might play this role most effectively. Given this, the most relevant conceptualization of mediation is the one presented by Jacob Bercovitch and his co-authors: "a process of conflict management where disputants seek the assistance of, or accept an offer of help from, an individual, group, state or organization to settle their conflict or resolve their differences without resorting to physical force or invoking the authority of the law" (Bercovitch et al. 1997; Bercovitch, DeRouen 2005; Bercovitch, Langley 1993).

It is this understanding of mediation that informs the present study. In this scheme, the mediator will be interpreted as **a state** that demonstrates its intention to enter the negotiation process as a third party and put an end to the conflict. In the event of an armed conflict, the mediator state must initiate a negotiation process at the level of senior officials (Ruhe 2015). What is more, even before the negotiation process is launched, the mediator should establish two-way communication with each conflicting party, including non-state actors (Jenne 2010). Lastly, the mediator must be present at the signing of the peace agreements. The above criteria were used to determine whether or not a mediator state was present in armed conflicts that later formed the sample of the study presented in this paper (Lundgren, Svensson 2020).

A broader vision of mediation is offered by various theories that explain the nature of armed conflicts and their resolution. These are based on the contractual (trade) theory of war, which is better known in the English-language literature as the bargaining theory of war (Powell 2002). According to this theory, armed conflict is seen as a search for a balance between benefits and losses (Reiter 2003). Peace negotiations can maximize the benefits for each party to a conflict, regardless of its position on the battlefield. However, despite the potential benefits of peace negotiations, parties to armed conflicts often tend to continue fighting anyway. The main reason for this is because the parties do not possess sufficient information about the other's intentions.

Moreover, one of the key representatives of the bargaining theory of war, James Fearon, argued that it is extremely difficult for the parties to a conflict to comply with the agreements and obligations reached (Fearon 1995). This phenomenon has to do with the political elite of the conflicting countries, the composition of which can undergo significant changes during periods of active fighting. As such, the bargaining theory of war presents armed conflict as a struggle between antagonistic players whose goals are often opposite. At the same time, it is possible to find a balance in such an antagonistic struggle, which will ultimately be reflected in the provisions of the peace agreements.

The bargaining theory of war has a number of limitations. For example, overcoming information asymmetry (for example, notifying the warring sides of a mutual intention to move to peace negotiations) does not always lead to a change in behaviour of the parties. What is more, it is almost impossible to establish a universal formula for costs and benefits using theory alone, since the benefits depend on the motives and goals of each party to the conflict.

We should note here that the bargaining theory of war does not distinguish between different types of armed conflicts. When the theory was being developed, it was important to identify, on a case-by-case basis, the conditions for concluding a deal in which the parties would agree to cease hostilities. In other words, the essence of the bargaining theory of war consisted, first of all, in defining the goals and motives of the parties to an armed conflict, identifying its causes, and determining the conditions of interaction at the negotiations. All of these are universal characteristics of all armed conflicts, regardless of their type. Finally, the presence of a third party as a mediator

state is necessary to facilitate the transition from intense hostilities to peace negotiations, and this is true for both intra-state and inter-state armed conflicts. Consequently, the bargaining theory of war may become a relevant theoretical paradigm for both types of conflict (intra-state and inter-state) presented in this paper

An Empirical Study of Mediation

Having now conceptualized mediation, it now becomes apparent how complex this phenomenon actually is. The process of mediation consists in the mediator state defining the goals and interests of the disputants, and developing a compromise solution to the contradictions that caused the outbreak of hostilities. However, we have also suggested that a mediator state with great military potential could contribute not only to the end of hostilities, but also to a lasting peace after the signing of (final) peace agreements (Popova 2009). This means that both resources (primarily military) and negotiation ability are integral components of state mediation in the resolution of armed conflicts.

Putting an end to hostilities and ensuring a lasting peace are more likely with the participation of a mediator state (Sidorov 2018). Mark Mullenbach stresses that mediation activities are most likely to commence when there is a risk that the combat zone could expand and new players might become involved in the conflict (Mullenbach 2005). Other scholars have suggested that the likelihood of mediation also increases if the mediator and at least one of the parties to the conflict are members of the same international alliance (Jones 2000). For example, in their analysis of armed conflicts in the post-Soviet space, the Russian experts Vladimir Zolotarev and Filipp Trunov noted that membership in the Commonwealth of Independent States accelerated mediation processes (Zolotarev, Trunov 2018).

Assistance of this kind in resolving armed conflicts corresponds to the true nature of mediation, since it implied an appeal for assistance on the part of the conflicting players (i.e. the voluntary nature of mediation), as well as the consent of all CIS members regarding the start of mediation activities (Kurylev et al. 2018). This kind of involvement can be described as an example of institutional mediation. However, this particular regional association has an obvious leader, and this country assumes a key role when it comes to carrying out implementation. That said, many other researchers also agree that participation in an international association can contribute to successful mediation (Goryunova 2022).

The strategy of the mediator state in resolving armed conflicts may depend on what the prerequisite for launching mediation was in the first place. Even so, many researchers agree that the communicative aspect of mediation, manifested in conducting peace negotiations, is extremely important in the formation of a mediation strategy. If the mediating state succeeds in establishing a constructive and trusting dialogue with each party to the conflict, then the likelihood of a peaceful settlement will increase. At the same time, as Elizabeth Menninga notes, it is extremely important for the mediator

state to constantly emphasize the difference in the balance of power with the disputants (Menninga 2020). The sooner the parties to the conflict acknowledge the military superiority of the mediator, the more effective the negotiation process will be. How exactly should this military superiority be expressed? How should it be demonstrated?

First, however, we need to understand how significantly the methods of resolving armed conflicts have changed in recent decades. And this immediately invites the question: To what extent are the armed conflicts of the 2010s–2020s different from earlier armed conflicts (those that took place in the second half of the 20th century)? Specifically, the idea began to spread in the 2010s about the growth in the number of potential hotspots for conflicts that could pose a threat to all the countries of the world (Popova 2009). O. Popova linked these concerns with the fact that the world's leading countries had started to actively develop their respective military-industrial complexes (2015). What this means is that the likelihood of states testing improved military capabilities is constantly increasing.

At the same time, the armed conflicts of the 2010s–2020s were characterized by an intense struggle for vital resources against the backdrop of ever-increasing socio-economic threats (Stepanova 2020). Hence yet another problem: the intensification of the circulation of weapons (including obsolete models) increases the risk of them falling into the hands of destructive players, in particular terrorist organizations. As a result, terrorists become more actively involved in hostilities, which, in turn, reduces the chances of resolving the conflict through peace negotiations. Finally, another distinctive feature since the mid-2010s has been the aggravation of regional armed conflicts (in North Africa and the Middle East) that took place in the 20th century. The only difference is the current lack of obvious mediators. This may be due to the desire of the heads of the warring states to resolve the conflict independently, without external influence (Druckman 2001).

As we can see, experts (mainly Russian-speaking) have identified a number of characteristics inherent to armed conflicts in the 2010–2020s. However, the authors of the present paper are inclined to believe that the conflicts of the second half of the 20th century also demonstrated the features described above (in particular, threats of a socio-economic and terrorist nature). Consequently, there are grounds for analysing armed conflicts of the 20th and 21st centuries in a single analytical context.

Many who specialize in the analysis of conflicts have focused on identifying the factors that directly influence the success of mediation activities, which can be expressed in the cessation of hostilities and lasting peace after the signing of peace agreements (Bercovitch, DeRouen 2005; Savun 2008; Walter 2002). We have previously suggested that resource asymmetry in favour of the mediator state can directly influence the successful resolution of armed conflicts. Researchers often resort to the concept of asymmetry to describe the disproportionate potential of direct participants in an armed conflict. At the same time, this interpretation of asymmetry does not imply that military actions cannot continue despite the obvious superiority of one of the parties to the conflict. Since the early 2010s, the concept of structural asymmetry, which im-

plies "sharp differences in the organizational forms of the opposing sides," has become increasingly relevant (Stepanova 2020). The evidence of these differences is the status of the parties to the conflict (state or non-state players), as well as in their power, mobilization and ideological potential. Consequently, some participants in the conflict may have a rigid hierarchy and a unified strategy, while others, on the contrary, may *de facto* consist of (semi-)autonomous groups that do not share common ideological and strategic principles and are thus not headed by a single leader.

That said, most researchers use the term asymmetry when describing the potentials of the warring sides. The present study is valuable if only for the fact that it applies the concept of asymmetry to describe the relationship between the military potential of the parties to a conflict and the mediator state.

Resources are not the only factor that can shape the mediation process. Other factors that maximize the likelihood of a successful settlement include involving all interested parties in the negotiations, establishing the foundations for future democratic institutions, and developing compromise solutions on issues that caused the conflict in the first place [Mediation in international relations 1994; Resolving international conflicts 1996]. Menninga insists that a real difference in the balance of power in favour of the mediator state could form the basis for the settlement of international conflicts (Menninga 2020). She reduces the balance of power to military and economic resources. Mediators with greater military and economic power can promote the normalization of relations between previously conflicting countries far more quickly (Carnevale, Pruitt 2012; Chodosh 2003; Crocker et al. 1999; 2001; 2004).

Druckman and Fisher also emphasized that a mediator state with superior military power could establish a barrier between the warring parties, reducing the likelihood of renewed hostilities to zero (Druckman 2001; Crocker et al. 1989). It is important to note here that mediation also involved organizing and holding negotiations. According to Rost, Schneider, and Kleiby, successful negotiations are always based on establishing the interests and goals of all the disputants (Rost, Greig 2011). What is more, according to Bercovitch and Houston, when setting up negotiations, the mediator state must take into account the possible influence of external forces (Resolving international conflicts 1996). Such players are usually not directly involved in the confrontation, but often provide significant military, technical, intelligence and other assistance to the participants in an armed conflict. Assistance of this kind can escalate hostilities, and if it is not interrupted in a timely manner, it could complicate the peaceful settlement of the conflict significantly (Beardsley 2009; Chodosh 2003; Rost, Greig 2011; Greig, Diehl 2005).

Many researchers argue that the cessation ("freezing") of hostilities is itself a sufficient condition for the subsequent settlement of a given conflict. In this situation, the signing of peace agreements and their long-term implementation can be considered secondary tasks (Bartenev 2014). However, the lack of compromise on the issues that caused the armed conflict in the first place could lead to a resumption of hostilities (Zhukov 1987). If this happens, all previous efforts of the mediator state to resolve the

conflict will be in vain. Bolshakov, for example, stresses that "freezing" methods have been employed for some armed conflicts (the Georgian–Abkhaz Conflict, for example), leaving them, at least temporarily, explosive situations (Bolshakov 2008). Nevertheless, the risks of renewed hostilities in such conflicts increase due to the ethnic nature of the confrontations, although many researchers see the conservation method as applicable to them (Bekmurzaev 2021). This method involves ensuring peace through the permanent presence of a peacekeeping contingent in the combat zone, primarily made up of representatives of the mediator state.

It was important for the authors of this study to understand what exactly ensures that hostilities will not resume after they have ceased. Many researchers believe that in times of global instability it is especially important to guarantee the long-term implementation of the agreements reached, which, in turn, minimizes the likelihood of a resumption of hostilities (Kukushkin, Polikanov 1997). In this regard, another area of the academic literature examined in this paper is devoted to the issue of maintaining peace in the post-conflict period. Some researchers emphasize the importance of mutual disarmament following the signing of peace agreements, as well as preventing the sides from rapidly building up their military might in the future (Sullivan et al. 2020; Reid 2017). Further, if the mediator provides economic assistance to the former combatants, then this will reduce the likelihood of renewed armed clashes (Dundich 2010). In such conditions, the formerly belligerent parties will most likely reorient themselves towards their own socio-economic recovery, and continuing military operations would thus be inadvisable.

There is already a general idea of what mediation in armed conflicts is. Moreover, researchers argue that the resource superiority of the mediator state often plays a role in the full reconciliation of the warring parties (Lisenkov et al. 1988). However, no comprehensive justification for the assumption that asymmetry of military power in favour of the mediator state contributes to the cessation of hostilities and the maintenance of peace years after the signing of peace agreements has been presented to date. The question of whether the discussion of contentious issues during negotiations can contribute to the complete resolution of an armed conflict given the already established military superiority of the mediator (or the lack of such superiority) also remains unanswered.

Sources

The prerequisite for any armed conflict is the presence of opposing parties (parties to the conflict). When forming our sample of conflicts, "parties to the conflict" were defined as players representing opposing political forces who took direct part throughout the conflict in military actions as part of military units and subdivisions of the armed forces of states, temporary and rebel formations, or other military associations (Kukushkin, Polikanov 1997; Kreß 2010).

In addition, we developed, based on the literature we studied, a set of criteria for determining the presence or absence of a state mediator in a given armed conflict (Ruhe 2015; Paulus 2009; Reiter 2003). First, the mediator must initiate the negotiation process at least at the level of representatives of the highest-ranking officials of the disputants. Second, representatives of the leadership of the mediating state must also be present at the negotiations. Third, even before negotiations begin, the mediator must establish two-way communication with each of the parties (Wennmann 2009). A mediator is deemed to be a state that is capable of organizing negotiations in which all the parties to a given conflict (and primary non-state actors) are equally involved. Finally, the mediator must be present at the signing of the peace agreements.

In order to make the procedure for forming the research sample as transparent as possible, the authors used the Correlates of War data, which contains information on all armed conflicts that took place in the period 1961 to 2021. The reason for choosing this timeframe is because the need for state mediation, as well as the study of this phenomenon at the academic level, was only recognized after the Second World War.

For each armed conflict, we analysed whether a mediator state was involved. Conflicts where no mediator was apparent were excluded from the general list. Applying these criteria for determining the mediator in all the armed conflicts that took place between 1961 and 2021 provided us with a final research sample of 60 armed conflicts. These included both intra-state and inter-state conflicts.

Keeping in line with the proponents of the bargaining theory of war (on which this study is based), we deliberately refused to distinguish the specific features of mediation in conflicts of different types. First, the only reasonable way to compare the nature of intra-state and inter-state conflicts is by identifying all the differences between these types of conflict, which could very well be the subject of a separate study. Only then would we be able to talk about the tailored and targeted meditation tactics in the settlement of intra-state and inter-state armed conflicts. Second, when discussing the theoretical foundations of this study, we pointed out that all types of conflicts demonstrate common patterns (motives, goals, interests, negotiating positions), meaning that the boundaries between different types of conflicts can effectively be erased. This assumption becomes especially relevant given that approximately one fifth of the armed conflicts in our sample are ongoing.

The following set of indicators was used to measure the military potential of mediator states and the parties to conflicts: population; gross domestic product; defence budget; ground, naval, and air forces; and the presence of heavy weapons. The "population size" indicator allowed us to assess the total potential of the armed forces of states (including reserve forces). At the same time, population size and **normalized** GDP are often included in works that study military power. These are also important indicators in *The Military Balance* reference guide, the most comprehensive source for a systematic description of the military power of states. At the same time, the level of economic development of a given state could point to how much it is able to spend on increasing its military potential (Simons 2021). The economic potential of states may prove

even more significant in the long term (during the transition to a peaceful life). For this reason, we supplemented the original data set with the indicators "gross domestic product" and "defence budget."

Each specific indicator of military power (including population size) is itself directly related to the success (or failure) of mediation. That is, the relationship between individual indicators of military power (primarily population size) is not linear. That said, measuring and comparing the military potential of players is no small feat. Consequently, any of these indicators (or the initial indicators included in it) will only indirectly reflect the real balance of power of all parties. Nevertheless, the transparency of the procedure for forming a generalized indicator of military power asymmetry (which we will present below) allows us to state with confidence that it is sufficiently valid.

Furthermore, this study will point to a direct positive relationship between the "military asymmetry" indicator and successful mediation (as demonstrated by the regression calculations presented below). While demographic and economic indicators can contribute to the growth of a state's combat capability, the most obvious manifestations of a state's military power are its ground, naval, and air forces. Our description of the military strength of states (mediators and parties to conflicts) using this set of indicators was informed by the materials contained in the archive of *The Military Balance* reference book for 1961–2021[5].

When attempting to describe the military potential of players involved in an armed conflict, it is also worth paying attention to whether or not the mediator state has military bases in the combat zone. However, there appears to be no information regarding the presence or absence of military bases in a host of countries during the 1960s. There is a similar gap with regard to crisis response forces. What is more, it should be noted that mediation activities are often led by senior officials, which increases the likelihood that armed forces of the mediator state will make up the main part of any future peacekeeping contingent.

Finally, it is important to note that the nature of mediation requires an understanding of the role that perception plays in the mediation process. Most times the parties to a conflict recognize the absolute military superiority of the mediator state and thus agree to open negotiations without any obvious coercion. In other words, there is always a turning point at which the transition to the peaceful settlement of armed conflicts in the presence of a mediator state begins. The launch of a peaceful settlement process is vital in the context of increasing escalation and the loss of civilian life due to intensive fighting. In such conditions, even seemingly abstract indicators as GDP and defence budget can at least create the appearance of the unconditional superiority of the mediator state, meaning that any attempt by the parties to the conflict to continue military operations will be doomed to failure.

[5] IISS. The Military Balance. URL: https://www.iiss.org/publications/the-military-balance (accessed: 23.03.2022).

Our analysis of research papers on the subject revealed that economic assistance to belligerent parties can be a positive factor in mediation. However, such assistance may go beyond simple financial benefits. Economic assistance can come in the form of humanitarian aid, for example, or in other ways. What is more, economic assistance from the mediator state is not always explicit, since it involves redirecting budgetary funds of the mediator state. These funds may be used to resolve intra-state socio-economic issues of the mediator state itself. As a result, it sometimes makes sense for both the mediator and other players providing support to the warring parties to carry out such activities unofficially, that is, not record them in any documentable way. The limited, non-systemic, and heterogeneous nature of the available data does not allow us to assess the role of economic assistance in the mediation process (Lanz 2011). Finally, in practice, support for parties in the post-conflict period is not limited exclusively to economic assistance, and often concerns political issues (aspects of transforming government institutions, delineation of power, etc.). This is also the reason for considering aspects of the peace agreements, the implementation of which, under the supervision of the mediator state, can contribute to the establishment of peace.

Many armed conflicts today are what we call intra-state conflicts. This much is confirmed by the ratio of intra-state to inter-state armed conflicts in the research sample (presented in the online appendices)[6]. A distinctive feature of intra-state conflicts is that they typically involve irregular armed groups (non-state players), including rebel groups (opposition forces), as well as terrorist organizations (for example, ISIS and al-Qaeda). In other words, our assessments of military potential include analyses of non-state actors too. This allows us to assess the impact of asymmetry in various armed conflicts, including those involving rebel and terrorist groups (Palmiano 2019).

Our evaluations of the military strength of various non-state actors in armed conflicts leaned heavily on the Non-State Actor Database compiled by David Cunningham et al. in 2013 (Cunningham et al. 2013). When describing their military strength, it is almost impossible to single out individual branches of the armed forces and the types of weapons they use. To address this, Cunningham and his colleagues identified four characteristics that reflect the overall military strength of non-state armed groups. These were used to determine the average, maximum, and minimum estimates of the size of armed forces, as well as their relationship with the factors that typically determine the military power of state players (parties to the conflict and mediators):

- Rebestimate – average estimate of the number of troops under the command of rebel forces
- Rebestlow – lowest estimate of the number of troops under the command of rebel forces
- Rebesthigh – highest estimate of the number of troops under the command of rebel forces

[6] The full list of armed conflicts and their features can be found in the online appendices to this article: https://drive.google.com/file/d/1RMGEkUUNug5NMI-P2aEzQ_bon3z6a70g/view?usp=sharing.

– Rebstrengh – the ratio of military strength between the rebels and other participants in the conflict

Since the figures represent the overall military power of non-state actors, it seemed logical to compare them with the overall military power of states. This is a purely minimalistic comparison, based not on all the indicators we have identified, but on their ground, air, and naval forces only. What is more, these are the parameters that were included in the rebestimate mentioned above. The authors of the present paper calculated the arithmetic mean of the indicators of the ground, air, and naval forces of mediator states and compared them with the rebestimate indicators. In cases where several non-state actors were involved in a conflict, we summed their average scores for military power. By using threshold values (presented below), we were able to establish the presence or absence of asymmetrical military power in favour of the mediator relative to non-state actors.

To describe the military power of non-state actors in conflicts since 2013, we had to resort to "gluing" data, meaning that we searched for identical codes in numerous databases in order to carry out further data supplementation. The codes use in this study consisted of the name of the conflict and the corresponding year.

The military potential of the parties to an armed conflict also depends on the supply of weapons and military equipment. For this reason, we used the SIPRI Arms Transfer Database, which is maintained by the Stockholm International Peace Research Institute.[7] The information gleaned from this particular source allowed us to establish how the volume and frequency of arms and military equipment deliveries were counted in the research sample. The data also helped us understand how the ratio of military powers of the parties to the conflict and the mediator shifted as a result of these deliveries.

In addition to assessing potentials, we identified the provisions that are most often discussed and written into peace agreements. Many experts note the vital importance of communication in resolving armed conflicts. At the same time, negotiations – and the conclusion of peace agreements in particular – constitute its quintessence. That is, they are the main result of negotiations (Keels, Greig 2019).

As we noted above, mediation is a diplomatic method of resolving armed conflicts. In this sense, it would be folly to consider the military superiority of the mediator state as the only prerequisite for mediation in the settlement of armed conflicts. On top of this, the features of peace agreements that enshrine the diplomatic settlement of conflicts need to be considered too. These may include reform of the political system, in which opposing sides are incorporated into the legal political process, with mechanisms of checks and balances. In addition, such peace agreements may contain information on decision-making procedures between branches of government,

[7] Davis, I., van der Lijn, J. (n.d.). SIPRI (1961–2021): Yearbook: Armaments, Disarmament and International Security. URL: https://www.sipri.org/databases/milex (accessed: 16.03.2022).

the structure of state institutions, and various issues of social and cultural policy. The Political Agreement in Internal Conflicts (PAIC) database published by a group of conflict scholars from the University of Birmingham in the United Kingdom was used to incorporate the specific features of the negotiation process into our analysis[8].

For example, our analysis of issues related to the reorganization of power was duly informed by the provisions regarding the representation of various social groups in the legislative, executive, security, and judicial spheres. Furthermore, this block also included an analysis of issues affecting political decision-making in the relevant branches of government. The "Justice and Social Reform" block allowed us to account for the procedure for investigating war crimes in the post-negotiation period, as well as for the punishment for such crimes. We were also able to integrate indicators into this block that called for the creation of institutions of reconciliation and social cohesion.

The "Building a Vertical Power Structure" block allowed us to track the potential influence of factors such as reintegration, disarmament and demobilization policies, as well as the processes of decentralization and the holding of referendums on the status of the disputed territories. Finally, our consideration of cultural aspects included an assessment of the impact of media and education reforms, as well as the organization of cultural events.

In the course of working with the PAIC database, the issue of how to integrate the details of peace agreements (to end intra-state conflicts) into our own database with its indicators of military power (described for intra-state armed conflicts) arose. The latter was considered the main database, since it included a much wider range of intra-state and inter-state armed conflicts. This ensures greater external validity of the study. Since our database already contained information on the military power of participants in intra-state and inter-state armed conflicts, the "gluing" procedure required supplementing data on the basic features of peace agreements in inter-state conflicts. We examined the data sources used by the compilers of the PAIC database, and also consulted similar sources describing the basic features of peace agreements in inter-state armed conflicts. The additional data was entered manually, in strict accordance with the variables proposed by the creators of the PAIC database. The main source used for this was the Uppsala Conflict Data Program (UCDP), as well as other publications describing the process of resolving interstate armed conflicts. We were able to enter the additional data manually because the number of inter-state armed conflicts included in the research sample was quite small.

The reader might ask the question: Why did we consider inter-state armed conflicts in the same context as intra-state armed conflicts in this study? Furthermore, the reader might be wondering: To what extent are the features of the peace agreements discussed above relevant in the context of inter-state conflicts? First, our analysis did

[8] The dataset of Political Agreements in Internal Conflicts (PAIC). URL: https://www.researchgate.net/publication/343808007_The_dataset_of_Political_Agreements_in_Internal_Conflicts_PAIC (accessed: 25.02.2022).

not reveal a correlation between the type of armed conflict and the dependent variables. However, if we construct separate paired regressions for the "conflict type" predictor and both dependent variables, it turns out that the predictor is not statistically significant in either model. In addition, if we conduct separate ROC analyses for different types of conflicts with the same dependent variables, we see virtually identical optimal models for different types of conflicts. So, there was no purely statistical basis for including just one type of armed conflict. Second, all of the inter-state and intra-state armed conflicts we looked at involved a high degree of military action. This gave reason to believe that, regardless of the type of conflict, the mediation mechanisms used for them are the same. Third, and most importantly, the inter-state conflicts in the research sample involved a struggle for influence in certain territories, which may include an economic as well as a socio-cultural component (the latter might serve to consolidate the establishment of influence in the territories that were being fought over). This allows us to state that inter-state and intra-state conflicts are similar in nature, or at least to consider them in a single context.

Thus, following the logic of examining the mediation process we outlined above, we have compiled a single database that includes both military and negotiation (peace agreement) variables. A distinctive feature of the compiled data array is the presence, alongside aspects of the peace agreements, of a generalized indicator of military asymmetry (parity) formed according to the methodology we developed. The third and final feature of the data set is that it identifies changes in military characteristics and provisions of peace agreements, which are fluid depending on the duration of each armed conflict. The final sample for our study included 270 observations, each of which represents a feature of an armed conflict for a specific period (month or year) depending on its general chronology and has the form "name of armed conflict + month/year."[9] Two dependent variables (outcomes of the armed conflict) were specified for each observation: 1) cessation of hostilities; and 2) lasting peace five years after the signing of the peace agreements. The first dependent variable was the absence of hostilities during the mediation process. The second dependent variable uses the first five years after the signing of the peace agreements as the reference time period. It is our contention that this is the period in which the resumption of armed clashes and full-scale hostilities is most likely (Yang et al. 2022).

It is important to stress here that previous works on this subject point to the preservation as peace as an integral part of ensuring the overall peaceful settlement of armed conflicts. The reasoning here is that, in some cases, the cessation ("freezing") of hostilities is not irreversible and after some time the conflict resumes. With this in mind, it was important for us to understand what ensures that hostilities will not re-

[9] The full list of armed conflicts and their features can be found in the online appendices to this article: https://drive.google.com/file/d/1RMGEkUUNug5NMI-P2aEzQ_bon3z6a70g/view?usp=sharing.

sume after they have ceased. It was this consideration that led to a second dependent variable being introduced into the analysis.

The procedure of combining and supplementing databases thus ensured that all players (mediators and participants in conflicts), as well as all intra-state and inter-state armed conflicts, were characterized from the standpoint of the features of military power and peace agreements. It is important to note that the simple comparative analysis presented below was based on cross-sectional time-series data[10]. This allowed us to establish asymmetry/parity in military power at different stages of armed conflicts. At the same time, constructing a logistic regression does not involve working with cross-sectional time-series data. Rather, it involves analysing characteristics in a specific (in this study, a terminal) period of armed conflicts. With this in mind, logistic regressions in this study were constructed using the characteristics of military power and features of peace agreements corresponding to the terminal stage of armed conflicts.

Research Methodology

Researchers have attempted to provide comprehensive assessments of the military power of states since the 1950s. for example, Princeton University professor and adviser to the U.S. government Klaus Knorr effectively equated national and military power and suggested measuring them using the military-economic indicators of the state (such as GDP and defence budget) (Knorr 1970; Knorr 2019). Knorr's idea was developed in the 1960s by Cambridge University professor G. Clifford, who put forward that the military power of a state is the sum of the following components: territory, population, nuclear potential (as a component of military power), and an industrial base (Horowitz 2011). In 1963, J. David Singer and his colleagues developed the National Potential Index (Singer et al. 1972), which considers not only the resources that the state currently possesses, but also the potential that the country is expected to have in 5–10 years.

Later, researchers started to argue that the only way to determine a state's true combat capability is through a comprehensive assessment of its weapons. This led to the creation of the Global Firepower (GFP) index, which combines more than 50 different indicators of the combat readiness of a state.[11] In addition to indicators relating to ground, naval, and air forces, the developers of this index also took the volume of economic resources allocated to maintaining the military potential of the state into account.

[10] Database compiled by the authors. URL: https://docs.google.com/spreadsheets/d/15t8GgP65E-Gxi28062R0d-PvD7ubE8loq/edit#gid=1452593445.

[11] Global Firepower 2022. URL: https://www.globalfirepower.com/ (accessed: 17.05.2022).

Even so, a universal method for measuring military power based on the comparison and aggregation of its individual indicators has still not been put forward by international relations scholars. Existing indices either aggregate the macroeconomic potentials of military power into single indicators that are only indirectly related to the actual combat capability of the armed forces, or represent structured compendiums listing the country's material and technical base (mainly a number of various types of weapons and military equipment). The methodology for assessing military power proposed in this paper seeks to provide a qualitative description of asymmetry, while at the same time referring to specific quantitative indicators of the armed forces. It is based on a pairwise comparison of indicators of military power of the parties to a given conflict and the mediator state. Table 1 presents, in a step-by-step form, the algorithm for creating a generalized indicator of military power asymmetry

Table 1

Stages in a Simple Comparative Analysis

Preparatory stage: calculating the ratios between the parties using various metrics of military power	**Stage 1. Data unification:** converting different numerical ranges into a single quartile form
Stage 2. Selected metrics of military power. Asymmetry: At what quartile value can we detect asymmetry at the level of an individual metric? Asymmetry (designated 1) was consistently found at quartiles 0.25, 0.5, and 0.75, respectively.	**Stage 3. Aggregate military asymmetry:** What percentage of asymmetric values is sufficient to establish the mediator's overall military superiority? Threshold values of 20%, 30%, and 50% were chosen.
Stage 4. Combining threshold values: Model 1: quartile 0.25 – percentage value 20% Model 2: quartile 0.25 – percentage value 30% Model 3: quartile 0.25 – percentage value 50% Model 4: quartile 0.5 – percentage value 20% Model 5: quartile 0.5 – percentage value 30% Model 6: quartile 0.5 – percentage value 50% Model 7: quartile 0.75 – percentage value 20% Model 8: quartile 0.75 – percentage value 20% Model 9: quartile 0.75 – percentage value 50%	**Stage 5. Obtaining a generalized indicator of military asymmetry:** The asymmetric values calculated in the nine models were summed separately for each observation.

Source: compiled by the authors.

To assess the level of military power asymmetry in armed conflicts, we first used the method of simple comparative analysis. This method is designed to compare and aggregate individual metrics of a complex parameter into a single qualitative assessment of a binary type – in our case, the presence or absence of asymmetry. This involved performing a pairwise comparison of the corresponding values for each quantitative indicator of the military power of the mediator state and the parties to the conflict.

The main criterion for comparative analysis was the use of the quartile, a tool used in statistics. We used this tool to divide the entire ordered numerical range into four roughly equal quarters (quartiles). The first quartile combined 25% of the values of the ordered range, and the second quartile (median) combined 50% of the values. A spe-

cific formula for converting into quartiles of 0, 0.25, 0.5, 0.75 or 1 was established for each metric. This gave us unified quartile values for all the quantitative assessments of military power in our data array. Table 2 outlines how the values for the military power indicators, converted to quartiles, are related.

Table 2

Expression of the Ratio of Forces of the Parties to Conflicts and the Mediator State in Various Metrics of Military Power, in Quartiles

(ratios are given for every 20th observation in the research sample)

	Population	GDP	Defence budget	Army	Navy	Air force
1	0	0.25	0.25	0.5	1	0.75
20	0.5	0.5	0.5	0.5	0.25	0.75
40	0.75	0	0	0.5	1	0.5
60	1	0.25	0.75	0	1	0.5
80	0.5	0.75	0.25	0.5	0.75	0.5
100	0.25	0.5	1	0.25	0.25	0.5
120	0.25	0.25	0.25	0	0.25	0.25
140	0.25	1	0.75	1	0.5	0.25
160	1	0.25	0.5	0.75	0.25	0.75
180	0	1	0.25	0.25	0.25	0.75
200	0	1	0.75	0.5	0.75	0.75
220	0	1	0.75	0.5	0.75	0.75
240	0.25	0.5	0.5	0.75	0.75	0.75
260	1	0.75	0.75	0.25	0.75	0.75
270	0.5	0.25	1	0.5	1	0.75

Source: compiled by the authors.

When conducting the simple comparative analysis, it was important to define a set of threshold values that would allow us to identify the presence or absence of military asymmetry at the level of individual indicators. This required converting all the data in the array into binary form, giving us values of 0 (no asymmetry) or 1 (asymmetry). Asymmetry values can vary widely depending on the chosen threshold. When converting quartiles into binary form, standard mathematical rounding rules (rounding 0.5 and 0.75 to 1) are perfectly acceptable. However, it is reasonable to assume that significant asymmetries in total military power may be the result of significant superiority in some particular aspect of it (for example, air force potential as an instrument of power projection). As such, we proposed three different threshold criteria for asymmetry for subsequent robustness checks of the statistical modelling results. The asymmetry in individual indicators of military power was found to be 0.25 In the first model, 0.5 in the second model, and 0.75 in the third model.

Threshold values were again used to aggregate individual asymmetry estimates into a single indicator. A similar approach is used by the National Democratic Insti-

tute for International Affairs[12]. According to the index developed by researcher at this NGO, a political regime is identified as democratic if it demonstrates 20%, 30%, or 50% of individual democratic features. Identical thresholds are used in this paper. In the first model, total asymmetry of military power was determined if 20% of the total number of military power indicators collected in a single array showed asymmetry (value 1). The thresholds for the second and third models were set at 30% and 50%, respectively. Thus, the application of more or less "soft" thresholds of asymmetry at the quartile level of individual indicators and the general aggregation of estimates gave us nine models ("three by three") to work with, which are presented in Table 3.

Table 3

Ratio of Quartile Percentage Thresholds in Models 1–9

Model	Combination of threshold values
Model 1	0.25 – 20%
Model 2	0.25 – 35%
Model 3	0.25 – 50%
Model 4	0.5 – 20%
Model 5	0.5 – 35%
Model 6	0.5 – 50%
Model 7	0.75 – 20%
Model 8	0.75 – 35%
Model 9	0.75 – 50%

Source: compiled by the authors.

The second stage of the study involved assessing the statistical significance (if it exists) of the military superiority of the mediator state for the resolution of armed conflicts. Since the 1970s, the general mechanisms of reproduction and resolution of armed conflicts have been studied in the form of patterns on large samples (so-called "large-N studies"). Statistical methods – typically various regression models – were frequently used in the late 1990s and early 2000s to analyse armed conflicts (Lee & Greig 2019)[13].

Multiple regression is one of the most commonly used methods of multivariate analysis of statistical data in international relations, as it allows us to identify and evaluate the strength and tendencies of statistical relationships between various characteristics of the object of study (for example, countries, conflicts, or other phenomena). In

[12] National Democratic Institute for International Affairs (2010). See: https://spisok-inoagentov.ru/natsionalnyy-demokraticheskiy-institut-mezhdunarodnyh-otnosheniy-ssha-national-democratic-institute-for-international-affairs/. On March 10, 2016, the activities of the National Democratic Institute for International Affairs were declared undesirable on the territory of the Russian Federation.

[13] Garrigues J. 2015. *The case for contact: overcoming the challenges and dilemmas of official and non-official mediation with armed groups.* Norwegian Peacebuilding Resource Centre. 9 p.

the context of this study, regression analysis allowed us to establish the nature of the statistical relationship between success in ending a conflict and implementing a peace agreement as dependent variables, and parameters of asymmetry in military power between the mediator state and the warring sides as independent predictors.

Specifically, we used a logistic regression model (logit-model), designed to model a binary dependent variable. The reasoning for this was that the characteristics of armed conflict resolution (ceasefire and maintained peace for five years) during the simulation were assigned a value of 0 (failure) or 1 (success). The independent variables were the characteristics of military power asymmetry calculated using the nine models of pairwise comparative analysis we outlined above. As for control variables, these were the characteristics of the peace agreements. What is special about control variables is that they do not change over the course of the study and thus allow a better understanding of the nature of the relationship between the dependent and independent variables.

Research Results

Simple Comparative Analysis

The first stage of the study involved establishing, through simple pairwise comparative analysis, whether or not an asymmetry of military power existed within each armed conflict. As we explained in the previous section, this was done by reducing the difference in values for each of the indicators between the mediator state and the warring peoples to quartile form. This allowed us to establish asymmetry in individual metrics of military power at quartile levels of 0.25, 0.5, and 0.75. Depending on the severity of the quartile threshold for different conflicts, the asymmetry of power is determined by a greater or lesser number of indicators (Table 4). This, in turn, affects the probability of passing the aggregate asymmetry threshold. A less stringent threshold by quartile allows us to identify the overall asymmetry of military power in a larger proportion of observations.

Table 4

Percentage of Recorded Asymmetric Values Depending on the Set Value Threshold (quartiles)

Observation number (example)	**Quartile 0.25** (percentage of asymmetric values among all observations)	**Quartile 0.5** (percentage of asymmetric values among all observations)	**Quartile 0.75** (percentage of asymmetric values among all observations)
1	77.78	44.44	29.63
20	51.85	29.63	18.44
40	66.67	37.33	25.93
60	14.81	11.11	6.44
80	62.96	31.33	22.22
100	55.56	51.85	44.44
120	48.15	25.33	15.33

Observation number (example)	**Quartile 0.25** (percentage of asymmetric values among all observations)	**Quartile 0.5** (percentage of asymmetric values among all observations)	**Quartile 0.75** (percentage of asymmetric values among all observations)
140	59.26	33.33	19.33

Source: compiled by the authors.

Combining different comparison thresholds for both individual and general indicators gave us nine models for assessing the ratio of military power between the parties to an armed conflict and the mediator state. Table 5 shows that the set value of asymmetry and parity can depend significantly on the thresholds that are chosen.

Table 5

Ratio of Quartile and Percentage Thresholds in Models 1–9

	M. 1 0.25 20%	**M. 2 0.5 20%**	**M. 3 0.75 20%**	**M. 4 0.25 35%**	**M. 5 0.5 35%**
Parity	2.96	7.41	29.19	7.14	19.05
Asymmetry	97.04	92.59	70.81	92.86	80.95
	M. 6 0.75 35%	**M. 7 0.25 50%**	**M. 8 0.5 50%**	**M. 9 0.75 50%**	
Parity	44.44	14.68	40.87	99.63	
Asymmetry	55.56	85.32	59.13	0.37	

Source: compiled by the authors.

Table 6

Threshold Value Dependent Rating Spread of Asymmetry or Parity of Military Power
(Models 1–9)

Observation number	**Combined quartile and percentage thresholds in models 1–9**								
	M. 1 0.25 20%	**M.2 0.5 20%**	**M.3 0.75 20%**	**M. 4 0.25 35%**	**M.5 0.5 35%**	**M.6 0.75 35%**	**M. 7 0.25 50%**	**M.8 0.5 50%**	**M.9 0.75 50%**
1	1	1	1	1	1	0	1	0	0
20	1	1	0	0	0	0	1	0	0
40	1	1	1	1	0	0	0	0	0
60	0	0	0	0	0	0	0	0	0
80	1	1	1	1	1	1	1	1	0
100	1	1	1	1	1	1	1	1	1
120	1	1	0	1	1	1	1	1	0
140									
…	1	1	1	1	0	0	1	0	0

Source: compiled by the authors.

The various combinations of more or less strict quartile and percentage values allow us to establish asymmetry or parity of military power in a given percentage of observations (larger or smaller).

Table 6 shows that, at low threshold values, asymmetry is observed in almost all armed conflicts. Conversely, at the maximum values of both thresholds, the overwhelming majority of observations prove a parity of military power. It can thus be assumed that if military power asymmetry is identified in several models with intermediate thresholds, then this indicates that the mediator state really does have superiority over the warring parties.

Table 7

Number of Armed Conflicts with Overall Military Superiority of the Mediator State in at Least One of the Models

	M. 1 0.25 20%	**M.2 0.5 20%**	**M.3 0.75 20%**	**M. 4 0.25 35%**	**M.5 0.5 35%**
Number of armed conflicts where asymmetry in favour of the mediator state is recorded	3	39	35	52	47
	M.6 0.75 35%	**M. 7 0.25 50%**	**M.8 0.5 50%**	**M.9 0.75 50%**	
Number of armed conflicts where asymmetry in favour of the mediator state is recorded	44	17	21	10	

Source: compiled by the authors.

As we can see from Table 7, most combinations of thresholds, with the exception of the maximum and minimum values, suggest a stable asymmetry or parity of military power for many conflicts. We also examined how resolved and unresolved conflicts are distributed in terms of the aggregate asymmetries of military power they yield. In models 1–9, asymmetry was most often recorded in conflicts that are now over (approximately eight of the nine models (Table 8). The same cannot be said of unfinished conflicts, however, where the military superiority of the mediator could not be established, even when using relatively soft threshold values.

Table 8

Average Number of Overall Military Asymmetry and Parity Indicators in Models 1–9 for Finished and Unfinished Armed Conflicts

	Average number of asymmetric values	**Average number of parity values**
Finished armed conflicts	7.67	1.33
Unfinished armed conflicts	0.83	6.78

Source: compiled by the authors.

Regression Analysis

The regression analysis tested a number of assumptions (hypotheses), which we will list below.

Hypothesis 1. The asymmetry of military power in favour of the mediator state will contribute to the cessation of hostilities.

Hypothesis 2. Military power asymmetry will have a positive impact on maintaining peace five years after the signing of the peace agreements. Conversely, parity in military power will hinder both the cessation of hostilities and the establishment of lasting peace.

Hypothesis 3. Peace agreements are also an important element of the overall peace settlement when there is an asymmetry of power. In this regard, a peaceful settlement will be easier to achieve if issues of the reorganization of political decision-making processes and representation in government bodies are considered.

The main dependent variables in the regression analysis were: 1) the cessation of hostilities; and 2) the maintenance of peace five years after the signing of the peace agreements. At the same time, the generalized indicators of military asymmetry (parity) calculated at the previous stage of the study, and for each observation in the sample, acted as a key independent variable. The statistical significance of this predictor could indicate the extent to which the military superiority of the mediator state influences conflict resolution as a whole.

The first stage of the regression analysis involved determining how the military superiority of the mediator affects **the cessation of hostilities in armed conflicts**. First, we assessed the statistical significance of the generalized indicator of military asymmetry (parity). It was found to be statistically significant for both the cessation of hostilities and the maintenance of peace five years after the signing of the peace agreements (Table 9). Conversely, the variable indicating parity in military power between all parties demonstrated the opposite (a negative relationship between this variable and the dependent variables).

Table 9

Paired Regression Model. Testing the Statistical Significance of the Generalized Indicator of Military Asymmetry with Respect to both Dependent Variables

	Dependent variable 1. Cessation of military hostilities	**Dependent variable 2. Lasting peace five years after signing of peace agreements**
Generalized indicator of military asymmetry	2.89658*** (0.49765)	3.23357*** (1.08760)

Significance codes: 0 ‘***’ 0.001 ‘**’ 0.01 ‘*’ 0.05 ‘.’ 0.l ‘ ’ 1

Source: compiled by the authors.

As we noted above, the negotiation process is an integral part of mediation. Presumably, negotiations could have an equal impact on both ending hostilities and maintaining peace in the post-negotiation period. At the same time, the negotiation process itself is made up of a number of overt and latent phases, which would be better left for consideration in separate studies. At the same time, the signing and implementation of peace agreements is the quintessence of the negotiation process. The compromises written into peace agreements, along with their consistent implementation, can guarantee that hostilities will not resume, at least in the short term.

What key provisions of peace agreements can guarantee, first and foremost, the cessation of hostilities? Almost all the main characteristics of peace agreements mentioned by various researchers are collected in the PAIC database. The thematic blocks (aspects of peace agreements) included in this array were designated above. We hypothesized that different provisions of peace agreements may impact the cessation of hostilities and the maintenance of peace five years after their signing in different ways. Specifically, we proceeded from the assumption that the provisions dealing with cultural issues were the least significant. Conversely, resolving issues of citizen representation in government bodies and political decision-making is likely to have the greatest impact on the overall peace process.

In constructing regression models, we assessed the simultaneous impact of all provisions of the peace agreements, primarily on the cessation of hostilities (the first dependent variable). Keep in mind that the variables characterizing peace agreements were treated as control variables in the regression models. Our regression analysis made it possible to prioritize different aspects of the peace agreements in terms of their impact on dependent variable 1 (Table 10). It turns out that education reforms and the establishment of common symbols and national holidays do not have any effect on the cessation of hostilities. At the same time, the regression analysis allowed the researchers to conclude that the transformation of the media (also included in the "Cultural Aspects" thematic block) contributes to increasing the explanatory power of the regression model. The positive effect of this variable became even more apparent when the factor of military power asymmetry was also present in the model. In other words, the reorganization of the media space can contribute to the cessation of hostilities (especially when there is an asymmetry in military power).

How do other provisions of peace agreements affect the cessation of hostilities? Specifically, the what extent including issues of justice in peace agreements brings an end to hostilities closer? The PAIC database's block on justice examined the following variables: the investigation of war crimes and the verification of the respective involvement of officials; and socio-legal reforms aimed at preventing crime. Researchers argue that the transformation of the legal field of the warring sides should be carried out gradually and without the intervention of a third party (Kastner 2015). At the same time, the regression analysis we performed demonstrated that launching investigations into war crimes can contribute both to the cessation of hostilities and to the prevention of re-occurrences. That said, investigations into war crimes can only be successfully

carried out when there is an asymmetry in military power. This is also confirmed by the regression model: the variable "investigation of war crimes" is only significant in conditions of military power asymmetry.

Table 10

Regression Model. Results of Testing Aspects of Peace Agreements and the Generalized Indicator of Military Asymmetry with Respect to Two Dependent Variables

	Dependent variable 1. Cessation of military hostilities	**Dependent variable 2. Lasting peace five years after signing of peace agreements**
Generalized indicator of military asymmetry	2.89658*** (0.49765)	3.23357*** (1.08760)
Executive decisions	0.68017** (0.52687)	1.10115** (0.60373)
Legislative decisions	0.16578* (0.56338)	0.16249** (0.60825)
Judicial decisions	0.24567* (0.53467)	0.22282* (0.65890)
Power decisions	0.18756 (0.51383)	1.42249* (0.23222)
Representation in executive decision-making	1.81264** (0.80205)	0.96661* (0.60571)
Representation in legislative decision-making	1.08367* (0.25768)	1.32846** (0.60457)
Representation in judicial decision-making	0.33853* (0.57687)	0.24482* (0.66677)
Representation in decision-making at the level of power	0.80143** (0.12609)	0.42794* (1.12747)
Gender aspects	−1.76006 (0.87236)	−0.71672 (0.81962)
Laws on violent acts committed against citizens	0.71634* (0.58548)	1.15867* (0.64054)
Investigation of war crimes	1.58985* (0.54765)	1.21622 (0.65980)
Institutions of social cohesion	0.27389 (0.53271)	0.08684 (1.87070)
Disarmament and demobilization policy	1.53547** (0.50654)	0.73443 (0.83273)
Reintegration policy	0.69678 (0.51347)	0.71478 (1.55888)
Bodies to facilitate reconciliation between the warring groups	0.43758 (0.52224)	0.04856 (0.98764)
Education reforms	−0.73979 (0.54796)	−0.23549 (0.98243)
Media reforms	1.31200* (0.51797)	1.56790** (0.60878)
Large-scale cultural events	0.32989 (0.51500)	0.51769 (0.47892)

	Dependent variable 1. Cessation of military hostilities	Dependent variable 2. Lasting peace five years after signing of peace agreements
Building a vertical power structure	1.48651* (0.54780)	1.26785* (0.46780)
Decentralization and delegation of powers	1.54772** (0.53678)	0.76341 (1.99964)
Referendum on the status of disputed territories	1.58645** (0.50908)	−0.64789 (1.67589)

Significance codes: 0 '***' 0.001 '**' 0.01 '*' 0.05 '.' 0.l ' ' 1

Source: compiled by the authors.

The PAIC database allowed us to integrate the following processes into the regression model: centralization of power; scope of powers of the local authorities; and the presence of autonomous territories in the state. It turns out that all of these circumstances can contribute to the cessation of hostilities and the preservation of peace years after the signing of peace agreements. Attempts to implement these provisions of peace agreements conditions of a parity in military power, on the contrary, may hinder the overall peaceful settlement of armed conflicts. Thus, the provisions of peace agreements concerning issues of decentralization of power and the organization of territorial self-governance cannot be successfully implemented in the absence of a mediator state with powerful military potential.

Can the institutionalization of new principles for the functioning of various branches of government influence the dynamics of an armed conflict? Will greater citizen representation in the legislative, executive, judicial, and security spheres help put a quick end to hostilities? The PAIC dataset does not identify specific political positions within each branch of government that may be filled by different groups of the population after the end of the armed conflict. It does, however, allow us to assess how much attention is paid to issues of civil representation in various branches of government of the peace agreements. Including the variables of representation in the legislative, executive, judicial, and security spheres in the regression model allowed us to conclude that it is the legislative sphere, and representation in it, that is of primary importance for the cessation of hostilities. At the same time, there needs to be a clear asymmetry of military power in favour of the mediator state if these factors are to play a role in the cessation of hostilities. Otherwise, any attempt to reach a compromise will inevitably lead to an escalation of the armed conflict. This much is clear from the negative relationship between these variables and the dependent variable, which is observed when the generalized indicator of military asymmetry is not included in the model.

The PAIC database, among other things, allows us to include such control variables as policymaking in the legislative, executive, judicial, and security branches of government and predict the effect that they may have. In this case (according to the compilers of the PAIC database), we are talking about the very fact that changes have been made to the procedures for making political decisions in these areas of gov-

ernment. Our regression analysis showed that all four variables listed above have the greatest influence (compared to the groups of predictors we looked at earlier) on the explanatory power of the model. What this means is that the provisions of peace agreements that deal with the procedures for making political decisions and their transformation as a result of the implementation of the agreements are the most significant, at least when it comes to bringing hostilities to an end. At the same time, a trend we spotted earlier can still be observed: compromise on these provisions of peace agreements can only be achieved when the mediator state has clear military dominance.

The cessation of hostilities at the time the peace agreements are signed is just one of the two components of the complete settlement of armed conflicts. It is just as important for the mediator state to ensure peace five years down the line. Accordingly, it was necessary to determine the significance of the mediator state's military might not only in terms of ending hostilities, but also in terms of preventing a full-scale resumption of fighting. To do this, we began with constructing another paired regression – for the preservation of peace in the initial years following the signing of peace agreements (See Table 9). Testing of the generalized indicator of military asymmetry revealed that its statistical significance relative to the second dependent variable was just as strong as it was relative to the first dependent variable. This observation allows us to state with greater confidence that, even in the post-conflict period, the mediator state still has to exercise its duties as a mediator (albeit in a more indirect form).

The regression model with the second dependent variable was constructed in the same way as the regression model with the first dependent variable. Similar predictors (thematic blocks) were used, and the procedure for testing them also remained unchanged. The regression analysis revealed that transformation of the media space towards greater transparency and inclusiveness is no less important for maintaining peace. However, in this case, successful transformation of the media space requires monitoring by an intermediary with powerful military potential. In the absence of a generalized indicator of military asymmetry in the regression model, the relationship between the variable "transformation of the media space" and the second dependent variable ("maintaining peace five years after the signing of peace agreements") becomes negative. In other words, even years after peace agreements are signed, the mediator state should continue to monitor the media space of the belligerent parties and prevent the transmission of hostile or violent narratives through the media.

At the same time, other cultural aspects – education reforms, symbols and emblems for minorities, and common holidays and special events – become more important for maintaining peace than they were during the negotiation stage. What is more, the reorganization of the cultural aspects mentioned in peace agreements (the thematic blocks were described earlier) can be of particular importance when there is military parity between the parties to the conflict and the mediator state. This can be explained by the fact that the creation of a communication and socio-cultural space based on unity and equality contributes to a peaceful coexistence. We should note here that the predictor "investigation of war crimes" proved statistically significant for the

successful cessation of hostilities. However, testing it in relation to the second dependent variable revealed the opposite – that it can hinder the establishment of a lasting peace in the post-negotiation period. And the likelihood of re-occurrences increases as a result.

As noted earlier, the reorganization of the vertical power structure can play a role in the cessation of hostilities (especially when there is an asymmetry of military power). The testing of variables that characterized such aspects of peace agreements as "Decision-making procedures" and "Representative in government bodies" revealed that they contribute not only to the cessation of hostilities, but also to lasting peace. Representation of various population groups in legislative and executive bodies is itself something that can guarantee continued peace. In the long term, however, and we are talking years after the peace accords are signed, the asymmetry of military in favour of the mediator state does have an effect on the maintenance of peace. Otherwise, attempts to regulate issues of representation and decision-making in power structures may lead to greater confrontation. This much was evident from the regression analysis: the statistical significance of these variables decreased in the absence of a generalized indicator of military asymmetry in the model.

Discussion of Results

The results of the study demonstrate that asymmetry in military power is important both for ending hostilities and for maintaining peace years after peace agreements are signed. At the same time, even in cases where the mediator has superior military force, the role that the actual content of the peace agreements plays is resolving the conflict should not be underestimated. The regression analysis and construction of ROC models within it led us to the conclusion that the optimal models for the first and second dependent variables are practically identical. Finding a compromise on the provisions of peace agreements that deal with issues of gaining, distributing, and maintaining power is crucial both for the cessation of hostilities and the preservation of peace. At the same time, this issue can only be resolved in the presence of a mediator state with military potential that is superior to that of the combatting parties. Military parity between the parties to the conflict and the mediator state is not conducive to reaching a consensus on how to organize public authority. In this case, it is extremely unlikely that the armed conflict will be resolved. Decentralization and referendums on the status of the disputed territories can also contribute to the successful resolution of a conflict, but only when there is a parallel reorganization of all branches of government.

The statistical significance of the variables related to representation and decision-making was somewhat lower compared to the predictors that characterized changes in other branches of government. Our regression analysis demonstrated that, in conditions of military parity, predictors related to the functioning of the security forces do not contribute either to the cessation of hostilities or to the maintenance of peace.

At the same time, the implementation of the provisions of peace agreements concerning the investigation of war crimes, the holding of referendums on the status of disputed territories (if any) and the implementation of decentralization processes can complement

and complete the process of a general peace settlement. Transformations of this kind will contribute to the formation of a more democratic legal framework in states that were parties to armed conflicts. What is more, the introduction of decentralization processes will be an impetus for the development of local self-government. This, in turn, can ensure that all social groups are involved in the decision-making process, that their interests will be heard and considered. Having said all this, the results of our regression analysis indicate that the provisions of peace agreements we have just mentioned can only have a positive impact on the cessation of hostilities and a lasting peace when there is an asymmetry of military power between the parties to the conflict and the mediator state. The basis for successful mediation, and for peaceful settlement in general, is thus finding a solution to issues of acquiring and distributing power, coupled with military superiority of the mediator state.

* * *

Mediation is a unique method of modern armed conflict resolution in the sense that it combines the military superiority of the mediator state with the elimination of deep contradictions between the parties to the conflict through peace negotiations. What is more, mediation is not limited solely to the use of military force, but rather involves creating favourable conditions for launching a constructive dialogue between the parties to the conflict. At the same time, the parties themselves, realizing the significant military superiority of the mediator state, will not dare resume hostilities. Mediation by a player with powerful military potential thus reduces the likelihood of escalation of an armed conflict.

There are some limitations to this study. One is that it examined intra-state and inter-state armed conflicts that took place between 1961 and 2021. Accordingly, doubts may remain as to the possibility of extrapolating the results to other historical eras. That said, the need for institutional mediation was only realized after the Second World War. The notion of mediation by another state emerged even later, and it remains the most undervalued means of resolving armed conflicts today. Moreover, until 1960, there was no systematic data on the characteristics of the military power of all the states in the world. The first examples of what we would today call state mediation came during the height of the Cold War, that is, in the 1960s (Wallensteen, Svensson 2014). A considerable number of armed conflicts in the period 1961–2021 involved state mediators. These were a mix of inter-state, intra-state, and non-state conflicts.

Thus, despite the chronological limitations, our study allowed us to analyse a wide range of armed conflicts and thus obtain reasonably valid and representative results. Another limitation of the study was that it only identified the military power ratio (asymmetry and parity) between the mediator state and each of the parties to the conflict. In other words, we did not calculate the military power ratio between the conflicting states. This is not an oversight on our part, since any analysis of mediation primarily involves assessing the extent to which the mediator is superior to the parties to the conflict, regardless of the individual characteristics of their military power. We proceeded from the assumption that the greater this superiority, the easier it would be to resolve the armed conflict. And this

was borne out in the study: the overall military dominance of the mediator state (regardless of the balance of power between the participants) already creates favourable conditions for the successful resolution of an armed conflict.

One thing that stood out in this study was that it considered the characteristics of military power and peace agreements as complementary and equivalent prerequisites for successful mediation. This was itself an attempt to transform the very concept of mediation, which is often limited to negotiations and the signing of peace agreements. In addition, through simple comparative analysis, we were able to develop a generalized indicator of military asymmetry that demonstrates how the military power of the parties to the conflict on the one hand and the mediator state on the other relates to each other. Finally, the formation of this indicator made is possible to fill in the methodological gap – the lack of understanding in the scientific literature of how to move from a pairwise comparison of the metrics of military power of the parties to a conflict and the mediator to an overall qualitative assessment.

Thus, our study successfully demonstrated that asymmetry of military power in favour of the mediator state is equally important for both ending hostilities and for maintaining peace years after the conclusion of the negotiation process. However, the implementation of aspects of peace agreements dealing with representation in government bodies and political decision-making processes is of paramount importance for the overall peaceful settlement of an armed conflict. Ensuring the representation of all social groups in different branches of government, increasing the transparency of decision-making procedures, holding referendums, and implementing decentralization can contribute to achieving and maintaining peace. At the same time, the regression analysis demonstrated that the only way to find compromise solutions on these issues and implement these solutions in practice is when there is an asymmetry of military power in favour of the mediator state.

This paper represents an attempt by its authors to contribute to the study of the phenomenon of mediation involving a state mediator, and have probably already proven the relevance of this method of resolving armed conflicts. This clearly highlights the need for even deeper study of the phenomenon of mediation. The emergence of new academic knowledge in this area can inform real political strategies for achieving peace in territories where active hostilities are currently taking place.

About the Authors:

Victoria V. Mustafina – HSE University, 20 Myasnitskaya Ulitsa, Moscow, Russia 101000.

Artem M. Maltsev – HSE University, 20 Myasnitskaya Ulitsa, Moscow, Russia 101000.

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The authors declare the absence of conflicts of interest.

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