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ПОЛІТИЧНІ ПРОБЛЕМИ МІЖНАРОДНИХ ВІДНОСИН

УДК 327

TAIWAN AS AN ECONOMIC MIRACLE

ЕКОНОМІЧНЕ "ДИВО" ТАЙВАНІЮ: ПРИЧИНИ І НАСЛІДКИ

“ЭКОНОМИЧЕСКОЕ ЧУДО” ТАЙВАНЯ: ПРИЧИНЫ И ПОСЛЕДСТВИЯ

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Abstract. *Taiwan is actually ‘overshadowed’ by China and, therefore, has to uphold a sizable defence budget. On the other hand, this small island attracted considerable investments during the Japanese colonial rule in 1895-1945 and after 1949 when the Kuomintang was finally defeated in the civil war and many representatives of the business circles en masse fled from the mainland. The article considers the reasons for the Taiwanese economic miracle that did happen in this barren mountainous territory despite its limited local agriculture developing in a few productive areas and the deficiency of natural resources being suitable for commercial exploitation.*

Key words: *Taiwan, China, technologies, semiconductors, airlines, free economic zones, ports, tourism.*

Анотація. *Тайвань розташований буквально у «китайській тіні» і через це змушений витратити колосальні бюджетні кошти на оборонні потреби. З іншого боку, малому острову вдалося залучити значні інвестиції в японську колоніальну добу в період між 1895 і 1945 рр. і відразу після поразки партії «Гоміньдан» у китайській громадянській війні в 1949 р., коли представники ділових кіл з материкового Китаю масово перебрались на його територію. У статті розглядаються причини тайванського економічного дива, яке відбулося, незважаючи на той чинник, що у межах цього гірського острова сільське господарство розвивається на обмеженій площі, а сам він позбавлений комерційних покладів корисних копалин.*

Ключові слова: *Тайвань, КНР, технології, напівпровідники, авіалінії, вільні економічні зони, порти, туризм.*

Аннотация. *Тайвань расположен в «китайской тени» и из-за этого вынужден тратить существенные бюджетные средства на оборонные нужды. С другой стороны, небольшому острову удалось привлечь значительные инвестиции во время японского колониального периода 1895-1945 гг. и сразу после поражения партии «Гоминьдан» в китайской гражданской войне в 1949 г., когда представители деловых кругов массово*

перебрались сюда из материкового Китая. В статье рассматриваются причины экономического чуда на Тайване, которое действительно имело место, несмотря на то, что на горном острове сельское хозяйство развивается на ограниченной площади, а сам он практически лишен коммерческих месторождений полезных ископаемых.

Ключевые слова: Тайвань, КНР, технологии, полупроводники, авиалинии, свободные экономические зоны, порты, туризм.

Current problem. China considers the Taiwan issue as the last unresolved colonial question of the Japanese and American legacy that is detrimental to national security of the official Beijing. Therefore, the Chinese military expenditures are growing, and the balance of power cannot be seen as shifting in favour of Taiwan. Under present conditions, this small island tries being attractive for investors and developing new fields of economy in order to accumulate funds for defence purposes. As a result, Taiwan boasts considerable GDP and forex reserves, but remains highly dependent on the mainland market, Chinese production basis, and tourists. Today, the economic destinies of China and Taiwan are interrelated, but the political ones are evolving separately.

Research assumption consists in a paradox formed by the existence of both close economic relations and political confrontation between the neighbours. Despite this fact, Taiwan remains quite successful in the economic respect by playing the role of logistic intermediary between China as the ‘world’s factory’ and various external markets. It can also be considered as the main Chinese subcontractor or even the contractor in the high-tech industry.

Analysis of the latest publications. *Michael C.Y. Ling and Perry Wong* claim that in 1966 Taiwan became the first player to introduce the free economic zone offering a tax holiday and developed infrastructure in order to attract foreign capital in steel and petrochemical industries in the 1970-ies. The funds were also invested in R & D in order to create gigantic semiconductor corporations [1]. *Anne Welle-Strand, Pei-Fen Chen and Graeme Ball* point out that colonial Japanese reforms, evacuation of gold reserves from the mainland conducted by the Kuomintang in 1949 and generous US assistance played a key role in economic growth of the island [2]. *Tibor Scitovsky* finds out striking similarities between Taiwan and South Korea, as the latter introduced new types of rice and constructed paved roads during the Japanese occupation. Japanese property confiscated after the end of World War II also contributed to the growth of young Taiwanese economy. The influence of Japan is highlighted as well in the similar editorial article published by Taiwan Today. It mentions the takeover of Japanese enterprises done by the local authorities after the War, the development of textile and fibre industries, the assembly of radio- and TV-sets at the request of Japanese multinationals, the introduction of the first semiconductor foundry in 1967 and, finally, the intensification of people-to-people exchanges with China after 2010 [3]. Some local news outlets, e.g. Focus Taiwan, Taiwan News, Taipei Times, and sites devoted to high-tech industries of East Asia were also used by the author while preparing this research.

Taiwan is a small player with the land area of about 36 thousand sq. km and the population of over 23.487 million people. This narrow mountainous island is 400 km long, and it acutely lacks fertile land [4]. The map shows that it has strategic location at the crossroads of China, that is ‘hanging over’ Taiwanese landmass to the West and North, the Philippines – the northernmost country of Southeast Asia – to the South, and the Ryukyu Islands hosting US military bases to the Northeast. Taiwan is separated from China by the Taiwan Strait that is 160-km-wide. From time to time, US destroyers are moving through the Strait in order to notify the Chinese leadership that most other countries view this area as international waters being open to all vessels, so the freedom of navigation should be respected by all regional states [5].

The island consists of the coastal narrow plain in the West and the hilly terrain with dense vegetation covering rest of the regions. As a result, the largest land area is covered by mountain ranges and there are many hot springs being generally found in regions of volcanic activity [6]. The majority of locals are crammed into limited space next to the Western coast. Because of this, the population density remains relatively high in the West and all main urbanized centres are also

located there. These are the de facto capital Taipei with 7.8 million residents, Kaohsiung having 1.5 million inhabitants, and Taichung with roughly 1 million people [7].

Taiwan is literally swimming in the water and constantly suffering from several natural calamities like typhoons, earthquakes and landslides, since it belongs to the Pacific Ring of Fire. For example, the 2018 Lloyd's City Risk Index ranks Taipei among the most dangerous cities for insurers because of constant threats of windstorms and earthquakes and permanent possibility of major conflict with China [8]. All these factors are negatively influencing the development of the island.

Taiwan is known for astonishing economic growth despite its land area and population are modest in size. For instance, its forex reserves exceeded USD 543 billion in 2021 that allowed this actor with 23.4 million people to rise to the 5th position across the world, next to giant India having 1.4 billion residents [9]. Taiwan GDP is also extremely high, since this player has well-developed and export-oriented economy represented by manufacturing industries which produce numerous high-tech goods. In 2021, it constituted approximately USD 789 billion, or more than TWD 22 trillion. GDP per capita is equal to about USD 34,500 dollars being one of the highest GDP per capita rates in Asia [10].

The Western part of the island boasts of more developed infrastructure. The port city of Kaohsiung in the Southwest functions as the main 'window' to the outside world. It includes 6 container terminals, an extensive area for bulk cargoes, numerous storage facilities and the export processing zone. In 2020, Kaohsiung was ranked 17th out of 50 world's busiest ports and dominated over the top German hub of Hamburg by having the output of 9.6 million standard containers [11]. Kaohsiung's district Cianjhen is the historic site where the first economic zone and industrial park were created in 1966. This policy represented an attempt to diversify the economy and to develop heavy industry using such tools as customs simplified procedures, tax holidays and efficient single window governmental services for investors [12]. In 2017, the Van Oord corporation, that had made the name for itself constructing the archipelago of artificial islands in Dubai, extended the land area of the Kaohsiung operational zone by 250 hectares with the help of sand dredging. Now, the port can accommodate mega-ships carrying 22,000 containers [13].

The efficient logistics policy is at the heart of this economic success. Thus, Taiwan acts as a player in the maritime trade that is perfectly capable of moving its own products and goods from the numerous Chinese free economic zones overseas. Today, the island has three important shipping lines – Evergreen, Yang Ming, and Wan Hai being more marginal player. Having 333 ships, Evergreen Marine is best known for its capacity to handle 1.2 million standard containers and is ranked 7th in the world by the tonnage. On the other hand, the second largest Taiwanese carrier Yang Ming is not far away: it is ranked 10th and has 95 ships that can carry 616 thousand containers at its disposal [14].

The historic example of Evergreen Marine, whose container ships are painted in green, shows how such companies become quite successful. This enterprise was founded back in 1968; later, in 1975, it opened the supply lines to serve two main destinations: East Asia – Western Hemisphere and East Asia – Europe. Subsequently, it rented container terminals in Colon (in the North of Panama) and Taranto (the city located in the South of Italy near Brindisi and connected to the Italian railway system) in addition to its own large operational zones in the Kaohsiung and Taichung ports. By doing so, Evergreen Marine became an important logistics middleman having its own storage facilities in Europe and Latin America which can be used to serve the top destinations of the Chinese and Taiwanese external trade with the European countries and the US [15].

Taiwan is known worldwide as the supplier of spare parts and electronic components; so, only several local corporations are represented by famous brands. For example, Taiwan-based smartphone maker HTC, established in 1997, gradually lost its popularity among consumers in the face of strong competition from the American, Chinese and Korean producers. In order to survive, the struggling company sold its R&D unit to Google for USD 1.1 billion in 2017. Today, some former HTC engineers that left with the unit are working as Google's designers of Pixel smartphones. But the rest of HTC manpower and the leadership of the corporation decided to

continue developing mobile devices and also invested money in virtual reality computer helmets in order to stay afloat. This area of entertainment is new, so the company's success is not guaranteed [16].

Another Taiwanese manufacturer Asus (established in 1989) tried to fill the void with the models of sophisticated and expensive ZenFone and Rog smartphones. Moreover, Asus is among the top sellers of normal or gaming laptops and related equipment like motherboards and computer screens. Since its creation, the corporation has presented many unique inventions in order to gain the ground against international competitors. In this respect, one should name introduction of flip phones, laptops with webcams, computers for game enthusiasts having great graphic cards, smartphones with improved sound quality, sophisticated motherboards, and, finally, – ultrabooks [17]. On the other hand, the IBM rival Acer is a highly respected Taiwanese brand that was introduced in 1976 and became associated with home computers, multimedia computers, ultrabooks, and generous sponsorship of sport events. The corporation became successful in 1986 when it developed the first Chinese language user computer, outsourced some of its production factories to locations overseas in order to make electronics cheaper and bought several competitor facilities in computer assembly [18]. As we can see, many Taiwanese electronic brands are among the oldest in the world, but they are quite innovative and still working.

There are several extremely successful companies which are playing the roles of spare parts providers for the famous world brands. As the 'world's factory' China is located very close to Taiwan, this is the crucial factor. In order to fulfil the orders of their own producers of electronics, as well as of the foreign ones, the Chinese enterprises have to rely on the Taiwanese chips. For example, Mediatek is the name to reckon with among the producers of relatively cheap processors for smartphones having low internal memory and limited hard disk drives that are popular in China and in developing countries of the world. In 2021, this corporation controlled a whopping 37 per cent of international market for those components in the category below 5G [19].

Taiwan semiconductor manufacturing company (TSMC) is the world's top producer of semiconductors with record-breaking market capitalization of USD 578 billion in 2021. The winning formula used by this giant is simple: the corporation manufactures the largest global number of chips by receiving direct orders from third parties and fulfilling them at the lowest price that is possible due to the high production output. The TSMC investments are subsequently channelled into R&D and production of the world's smallest processors which are created with the use of new technology known as the extreme ultraviolet lithography. These ultra-tiny chips are not only the most powerful and advanced, but also very energy-saving. As a result, TSMC remains an absolute leader in the field, since only very rich multinationals are in position to finance the construction of even one foundry for chips [20].

The famous California brand Apple has been teaming up with TSMC since 2014 when iPhone 6 was presented. That has led to the strong annual growth of the shares of both corporations. For example, Apple made 21 per cent of profits of this Taiwanese enterprise and ordered almost all types of TSMC-produced chips in 2020. This success is reflected in the Taiwanese stock exchange where the shares of influential TSMC account for at least 30 per cent of the SE general value. By the way, the stocks of other players in this field, like United Microelectronics and Nanya's Technology, are also quite valuable [21].

South Korea is widely known as the Republic of Samsung, and Taiwan can be called the Land of Foxconn, as this corporation plays a major role in the assembly of smartphones for Apple and other popular brands. It was created in 1974; in the 2000-s, it became a trusted Apple's contractor due to its innovative technologies and punctuality. Foxconn has more than 1 million workers at its disposal and owns a giant factory in Zhengzhou (the Henan province) that remains one of the largest in China. This famous facility is known as iPhone city and can be considered as the economic hub of the province [22]. In 2021, the Apple leaders asked Foxconn to go ahead with the production of the latest iPhone 13, and the assembly of the most expensive and largest Apple phones became the responsibility of this Taiwanese corporation [23].

Taiwan is self-reliant having 21 million tons of steel in 2021, and China Steel Corporation is considered the most important local player giving roughly two thirds of the national output. In general, a small island is ranked 11th in the world and has the position above such established producers as Ukraine, Mexico and France by annual steel tonnage [24].

Another specialization of Taiwan is the production of gasoline and chemicals despite the fact that local land is poor in natural resources. The state enterprise CPC Corp. and family-owned Formosa Plastics Group are the two most important actors in this field. Formosa Plastics Group is the top producer of chemicals, resins and plastics with a strong presence in the US, China and Vietnam. This corporation also controls the fleet containing 65 ships for transportation of chemicals and crude oil, as well as the refinery located in the private Mailiao port that is the deepest in Taiwan [25].

On the other hand, the state-owned and more inward-oriented CPC Corp. operates Taoyuan and Dalin refineries in the far North and in the Southwest of the island which have aggregate output of 600,000 barrels (by the way, Dalin is considerably larger industrial object that produces the two thirds of local fuel in the vicinity of the largest Taiwanese port of Kaohsiung). At least 1,898 gas stations out of 2,494 that are present in Taiwan belong to CPC Corp. and its partners. This player also owns and operates two LNG terminals and the extensive net of gas pipelines located along the Western coast and, thus, considered the main provider of energy security [26].

The island with a small population and relatively narrow internal market of cars decided to be a contractor of foreign corporations and functions as an important provider of car parts for the US, Japanese and Chinese producers nowadays. As we already know, the competitive advantage of Taiwan is linked to the most inexpensive computer chips for automotive industry. However, the other strengths of local small and medium enterprises can be found in the fields of autolamps, headlights and collision parts (bumpers) production [27].

Bicycles are extremely popular in some countries of East and Southeast Asia. Being located at the crossroads of the two regions, island is known as the Bicycle Kingdom while exporting 2 million of expensive bikes, around 580,000 e-bikes and a countless number of spare parts on the annual basis. Many expensive and middle class bicycles are assembled in Taiwan. Among those products, the e-bikes are becoming increasingly popular in the world, since they are better suited for hilly terrain and handy for people having health problems. Today, Giant, Merida, BESV and Volando are the famous Taiwanese brands that are in great demand abroad [28].

In general, semiconductors, computers and computer parts, car parts, gasoline, smartphones, bikes and e-bikes, steel products and chemicals are the products which the Taiwanese corporations are predominantly selling abroad.

On the other hand, import requirements remain considerable. As it is widely known, the mountainous island is dependent on foreign coal, crude oil and LNG, foodstuffs and cars. Products of the last category are rather expensive, since they are almost completely imported from Japan. In 2020, about 457,000 cars were sold in Taiwan: in the opinion of Taiwanese consumers, the Toyota, Nissan and Honda models were the most popular and reliable. For example, Toyota sold 146,000 cars and became the undisputed leader of the market. But local producers want to win over their Japanese counterparts, and Foxconn, in cooperation with Yulon Motor and several multinationals with the expertise in this field, unveiled electric car, jeep and bus in 2021 [29].

Local agriculture contributes only 2 per cent to GDP that is extremely unusual for Asia. This field of economics is poorly developed because of mountainous topography, unfavourable typhoon-prone weather conditions and relatively old population. Despite this, Taiwan remains an important importer of tractors and other types of sophisticated agricultural machinery [30]. It also depends on the wheat grain from the US or Australia, the beef from the US, Australia and New Zealand, as well as on the corn for livestock breeding from the US and Brazil [31].

Taiwan can be considered a long-time user of nuclear power. Currently, it is counting on several outdated reactors that are producing only 12.7 per cent of the island's electricity. In 2025, all such facilities should be closed down (probably, under the influence of the Fukushima Daiichi nuclear accident of 2011 and the electoral promise of current President Tsai Ing-Wen to carry out

the revolution in this field) and new LNG-receiving terminals are to be erected to increase the import of gas instead. The electricity is cheap, but as the renewable sources represent only a small share of power generation market, growing import of LNG may cause price hikes [32]. Thus, the island is among the largest importers of liquefied natural gas having two active CPC Corp. terminals. Every year, local consumers are buying at least 18 million tons of this fuel which mainly comes from Qatar, Australia and Russia, and Qatar is supplying the largest volumes [33].

In general, the island is ready to get away with thermal and nuclear plants in favour of green energy, even at the exorbitant costs. The governmental energy transition promotion scheme stipulates that at least 20 per cent of electricity should be generated by renewable sources and 50 per cent – by imported LNG, with the construction of strategic gas storage facilities being considered as the top priority of energy security, in 2025. Enlargement of current LNG-receiving terminals and construction of new ones is also underway and it will be synchronized with the shutdown of old coal-fired power plants [34].

Services remain the integral part of the Taiwan economy and international tourism is very important in this respect. For example, visitors can see one of the highest skyscrapers in the world, known as Taipei-101, located among relatively modest houses in the East of the capital. It was constructed as a traditional Chinese pagoda in 2004 and distinguished for green shining glass. But the building looks like a growing bamboo from a great distance. With the height of 508 metres, this masterpiece of engineering is considered the highest structure in the zone of natural calamities [35].

Foreign tourists are striving to get inside, since Taipei-101 constructed at the cost of USD 1.8 billion hosts an expensive shopping mall and a unique heavy golden-painted ball having the weight of 616 tons that is fixed at the top of the building in order to prevent it from shaking during quakes or gusts of powerful wind. The Taiwan stock exchange is also located here that makes Taipei-101 the main destination for business tourists. Moreover, one can reach the open platform at an elevation of 460 metres and experience devastating winds while being securely fastened to the fence. During New Year celebrations, namely this high-rise becomes the hub of social life, since the stuff of the building organizes numerous fireworks [36].

One of the city's eastern districts hosts the National Palace Museum which is universally known. It was originally opened for public in the Forbidden City of Beijing in 1925 and contained the treasures of several Chinese dynasties. However, the nationalists evacuated the most precious artworks to Taiwan during the last stage of the Chinese Civil War and displayed them in the specially constructed palace with yellow façade and green roof in Northeast Taipei in 1965. This building can be found in calm area surrounded by mountains and has underground storage facilities at its disposal. In general, around 600,000 artifacts had been transferred to the island by the end of 1949, and the Forbidden City lost all its treasures, so many palaces and pavilions are standing empty even today [37]. Of course, the leaders of the Communist Party of China are extremely keen on returning this largest global collection of Chinese masterpieces in order to increase tourist attractiveness of Beijing. In 2021, record-breaking 56 UNESCO World Heritage sites were counted in China: in this respect, it may want to win over its closest competitor Italy and the return of such outstanding artworks from Taiwan is intended to help it to achieve this objective [38].

The second city to be most known among the foreigners is Tainan which is located to the North of Kaohsiung. It was established in approximately 1620 and considered the cultural capital of the island due to such attractions as four old city gates (like in Seoul's district of Gangbok), canals, the very first Taiwanese Confucius temple, the Dutch fortifications, and historic buildings of foreign trade missions [39].

Being located right in the middle of Taiwan and surrounded by mountains, hazy and scenic Soon Moon Lake is the largest body of water here. It can be found at the altitude of 748 metres in wild area where numerous birds are present. The shores of the Lake are adorned with relatively new temples and provide perfect infrastructure for day travelers presented by numerous roads for bikes, hiking trails, promenades, and ropeways. This is the centre of festivals and the top holiday destination for residents of urbanized areas during weekends [40].

Transport infrastructure in the West is capable of serving the locals and foreigners. Taiwan, as Japan-oriented player, became the very first foreign customer of bullet train services that had been introduced in Japan before the 1964 Olympic Games. Back in 2007, the Japanese consortium developed the railroad for such trains stretching along a 345-km-long 'Western corridor' which concentrated almost all the population of the island. The line snaked around the Western coast from the North to the South, between the cities of Taipei and Kaohsiung. Kawasaki Heavy Industries, Ltd. has provided 30 700T bullet trains along with rail cars [41]. Despite the fact that the Taiwan North-South High Speed Rail Project became too expensive with the price tag of USD 16.5 billion, bullet trains satisfied travel needs of 600 million passengers and showed high efficiency during March 2007 – January 2020 [42].

Since 1996, the Northern region of the island has been served by the system of Taipei Mass Rapid Transit (TMRT) that is connected to the Taiwan international airport located in the Northwest of Taiwan via a separate link. It consists of 6 lines, 131 stations and 152 km of railroads and several branches are interconnected for the convenience of commuters. Moreover, numerous stations are well-known for their sculptures and paintings helping passengers to relax underground, as well as for the green gardens located outside for those who are jogging [43]. All in all, the success of TMRT forced other considerable cities like Kaohsiung and Taoyuan following the suit with similar projects in 2008; and today they can boast of well-developed infrastructure [44].

The Taoyuan international airport to the West of Taiwanese capital is the main transport hub for travelers to the island; it counts on two terminals. Taiwan is located at the crossroads of Japan, China, South Korea and the Philippines that explains a relative tourist success of the island. In 2019, the airport served 41.34 million passengers, but that number considerably deteriorated and constituted only 7.35 million people in the Covid-affected year of 2020. It is also the top Asian cargo hub with 2.1 million tons handled during the same period, probably due to the growing demand for semiconductors and electronic parts exported from the island to the world markets [45].

In 2021, Samsung C & T Corporation, which is known for its successful airport projects in China and Mongolia, obtained the right to build the third gigantic terminal with the capacity of 45 million passengers in the next several years. As the airport was introduced in 1979, that enlargement was badly needed because of growing passenger and cargo traffic. The price of the project is USD 1.56 billion, but it will allow Taiwan becoming a principal travel hub of East Asia and attracting more tourists from outside the region [46].

A small island boasts of two air passenger carriers, China Airlines and Eva Air (Evergreen Air), which are relatively successful in transportation of perishable goods and high-tech products and are known for their young fleet. China Airlines founded in 1959 is considered the largest carrier in Taiwan with 10.9 thousand workers. It boasts of the fleet of 83 aircrafts, including 21 cargo planes. The vast majority of aircrafts are used for long-distance flights. Among them, there are new 14 Airbus A-350 jets standing out as the latest arrivals with fuel-saving technologies [47].

Eva Air is a relative newcomer to the island, since the company commenced its operations only in 1989. Today, it controls almost the same number of employees as its counterpart. Eva Air has around 80 planes (including 34 Boeing 777-300 jumbo jets) at its disposal and expects to operate 21 efficient Boeing -787 planes (10 of them are currently in service) in order to save funds spent on fuel in the nearest future [48]. According to the internationally-acclaimed Skytrax Awards, this Taiwanese carrier was ranked 7th best airline in the world in 2021, as it has such distinctions as excellent budget class, cleanness onboard and well-trained crew [49].

By any account, the strategy to develop cargo flights can be considered successful in the age of coronavirus for both Taiwanese airlines, and they will never go bankrupt.

In 2019, 11.84 million tourists visited Taiwan, including 2.71 million of Chinese citizens. Because of this dependence, the Chinese government sometimes limits group trips to the island responding so to political tensions. Local leaders are trying to lessen the dependence on the Chinese market introducing the New Southbound Policy of 2016 that emphasizes development of cultural ties, education, trade and liberalization of visa regime with 18 countries belonging to Southeast Asia and South Asia regions, Australia and New Zealand [50].

As a result, versatile Taiwan can be considered a truly Asian Tiger and the most essential world rankings are proving this. The 2021 World Competitiveness Yearbook ranks it 8th in the world [51]. In the 2020 Ease of Doing Business ranking, it was recorded the 15th position and stood out for the easiness of getting construction permits and the supply of electricity [52]. It is currently No. 6 in the 2021 Economic Freedom ranking, as it is known for limited governmental participation in economy, negligible corruption and low public debt [53].

Conclusion. On the whole, the world-class infrastructure, free economic zones, developed shipping companies and airlines fulfilling well-established cargo operations, the culture of hard work, investments in R & D and the readiness to become subcontractors contributing to the success of famous brands based in China or elsewhere are the factors influencing the stunning economic story of Taiwan. The most important lessons that can be learnt after the Taiwanese example are the necessity to find one's own niche in the world economy and to produce in-demand goods, to develop facilities for transportation of products and services, to cooperate with multinationals from the third countries while constructing complex devices, to join and share Chinese success by investing in China and by serving as the intermediary between China and the world markets.

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THE PARTICULARITIES OF THE FORMATION AND MECHANISMS OF IMPLEMENTATION OF THE JAPAN'S INTEGRATION POLICY

ОСОБЛИВОСТІ ФОРМУВАННЯ ТА МЕХАНІЗМИ РЕАЛІЗАЦІЇ ІНТЕГРАЦІЙНОЇ ПОЛІТИКИ ЯПОНІЇ

ОСОБЕННОСТИ ФОРМИРОВАНИЯ И МЕХАНИЗМЫ РЕАЛИЗАЦИИ ИНТЕГРАЦИОННОЙ ПОЛИТИКИ ЯПОНИИ

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Abstract. *Using a variety of theoretical and methodological tools, the article reveals the features of Japan's integration policy in the Asia-Pacific region in the first decades of the XXI century. The influence of internal and external factors on its formation and implementation is shown. In the context of the principles of regionalism and globalism, the origins and basic principles of the doctrine of "open regionalism" as a basis for the formation of a multilateral free trade area are analyzed. , but also the world economy. All this gives grounds to assert that regional and global liberalization go hand in hand, reinforcing each other. Japan.*

The difference between Tokyo's approaches to the issue of integration cooperation in the region and the classical European model is traced. The example of Japan's participation in the Association of Southeast Asian Nations (ASEAN) shows how the combination of economic feasibility in the foreign economic strategy with geopolitical processes in the region. Japan has contributed to expanding the range of participants (ASEAN + 3, ASEAN + 6). It is emphasized that strengthening the position of ASEAN is considered by Tokyo as one of the tools to strengthen the collective position of the participating countries in international relations. The role and motives of Japan's participation in the TPP are clarified - to benefit from full-scale liberalization and to formulate common economic and political goals of the countries in the region, which will ensure unity of action in countering China's trade and economic expansion. It is emphasized that in the conditions of international uncertainty and high conflict in the world, Japan demonstrates the ability to adjust its foreign policy. In this regard, the growth of its interest in strengthening the format of trilateral cooperation between Japan-China and South Korea to ensure stability and security in the region is significant.

Key words: *integration, region, globalization, pragmatism, "open regionalism" doctrine, Asia-Pacific region, East Asia, Southeast Asia, APEC, ASEAN, ASEAN + 3, ASEAN + 6, TPP-12, TPP-11, trilateral format, South Korea, China.*

Анотація. Використовуючи різнобічний теоретико-методологічний інструментарій в статті розкриваються особливості інтеграційної політики Японії в Азіатсько-Тихоокеанському регіоні в перші десятиліття XXI ст. Показано вплив внутрішніх і зовнішніх факторів на її формування та реалізацію. В контексті принципів регіоналізму та глобалізму проаналізовані витоки та основні засади доктрини «відкритого регіоналізму», як бази формування багатосторонньої зони вільної торгівлі. Підкреслено, що сприяння лібералізації торгівлі і інвестицій, розглядається в японських урядових колах, як фактор, необхідний не тільки для стійкого росту японської економіки, але й світової економіки. Все це дає підстави стверджувати, що регіональна та глобальна лібералізація протікають разом, підсилюючи одна одну. Наголошується, що стримування протекціонізму в торгівлі, підтримка і зміцнення СОТ, яка забезпечує правову стабільність і передбачуваність міжнародної торгівлі, захист прав інтелектуальної власності залишаються сьогодні основними завданням в зовнішньоекономічній політиці Японії.

Показано відмінність підходів Токіо до питання інтеграційної взаємодії в регіоні від класичного європейського зразка. На прикладі участі Японії в Асоціації держав Південно-Східної Азії (АСЕАН) показано, як завдяки поєднанню в зовнішньоекономічній стратегії економічної доцільності з геополітичними процесами в регіоні Японія сприяла розширенню кола учасників (АСЕАН+3, АСЕАН+6). Підкреслюється, що зміцнення позиції АСЕАН розглядається Токіо як один із інструментів посилення колективних позицій країн-учасниць в міжнародних відносинах. Показана роль і з'ясовано мотиви участі Японії в ТПП - отримати переваги від повномасштабної лібералізації і сформулювати спільні економічні і політичні цілі країн регіону, що дасть можливість забезпечити єдність дій в протистоянні торгово-економічній експансії КНР. Акцентується увага, що в умовах міжнародної невизначеності і високої конфліктності у світі, Японія демонструє здатність до корегування своєї зовнішньої політики. В цьому плані показовим є зростання її зацікавленості у зміцненні формату тристороннього співробітництва Японії-КНР-Південної Кореї для забезпечення стабільності і безпеки в регіоні.

Ключові слова: *інтеграція, регіон, глобалізація, прагматизм, доктрина «відкритого регіоналізму» Азіатсько-Тихоокеанський регіон, Східна Азія, Південно-Східна Азія, АТЕС, АСЕАН, АСЕАН+3, АСЕАН+6, ТПП-12, ТПП-11, тристоронній формат, Південна Корея, Китай.*

Аннотация. Используя разносторонний теоретико-методологический инструментарий в статье раскрываются особенности интеграционной политики Японии в Азиатско-Тихоокеанском регионе в первые десятилетия XXI века. Показано влияние внутренних и внешних факторов на ее формирование и реализацию. В контексте принципов регионализма и глобализма проанализированы истоки и основные принципы доктрины «открытого регионализма», как базы формирования многосторонней зоны свободной торговли. Подчеркнуто, что содействие либерализации торговли и инвестиций, рассматривается в японских правительственных кругах, как фактор, необходимый не только для устойчивого роста японской экономики, но и мировой экономики. Все это дает основания утверждать, что региональная и глобальная либерализация протекают вместе, усиливая друг друга. Отмечается, что сдерживание протекционизма в торговле, поддержка и укрепление ВТО, которая обеспечивает правовую стабильность и предсказуемость международной торговли, защита прав интеллектуальной собственности остаются сегодня основной задачей во внешнеэкономической политике Японии.

Показано отличие подходов Токио к вопросу интеграционного взаимодействия в регионе от классического европейского образца. На примере участия Японии в Ассоциации

государств Юго-Восточной Азии (АСЕАН) показано, как благодаря сочетанию во внешнеэкономической стратегии экономической целесообразности с геополитическими процессами в регионе. Япония способствовала расширению круга участников (АСЕАН + 3, АСЕАН + 6). Подчеркивается, что укрепление позиции АСЕАН рассматривается Токио как один из инструментов усиления коллективных позиций стран-участниц в международных отношениях. Показана роль и выяснено мотивы участия Японии в ТТП - получить преимущества от полномасштабной либерализации и сформулировать общие экономические и политические цели стран региона, что позволит обеспечить единство действий в противостоянии торгово-экономической экспансии КНР. Акцентируется внимание, что в условиях международной неопределенности и высокой конфликтности в мире, Япония демонстрирует способность к корректировке своей внешней политики. В этом плане показателен рост ее заинтересованности в укреплении формата трехстороннего сотрудничества Японии-КНР- Южной Кореи для обеспечения стабильности и безопасности в регионе.

Ключевые слова: интеграция, регион, глобализация, прагматизм, доктрина «открытого регионализма» Азиатско-Тихоокеанский регион, Восточная Азия, Юго-Восточная Азия, АТЭС, АСЕАН, АСЕАН + 3, АСЕАН + 6, ТТП-12, ТТП-11, трехсторонний формат, Южная Корея, Китай.

Introduction. In a narrow sense, integration is seen as a process of relations intensification and voluntary rapprochement of states based on common interests. This mutually beneficial union gives certain advantages to states at different levels of economic development. At the same time, the integration policy of each of the Asia-Pacific countries has its differences and cannot be adjusted by common rules.

In this regard, it is worth noting the study of Japan's integration policy, which is based on the philosophy of free trade. Its goal, in accordance with the "Economic Growth Strategy" adopted by the Ministry of Economy and Industry in 2006, is not only to maintain Japan's status as one of the largest economies, but to transform the country into a strong dominant economy in the world.

At the same time, the influence of domestic and foreign policy factors on the implementation of its economic strategy is noticeable. As for the domestic political factor, it reveals the contradictions between the desire of part of the population to historical rapprochement with neighbors in Asia on the postwar Franco-German model and the new nationalism, which is usually referred to as the desire for greater persistence in foreign affairs [Мелькина, 2018: 101].

As for the foreign policy factor, this includes, first of all, dissatisfaction with the continued Japan's military dependence on the United States.

The factors noted by us do not contribute to the formation of Japan's common economic and political goals of the region. Therefore, the lack of such unity does not give us grounds to consider existing free trade zones, customs unions as instruments of integration, but rather as instruments of trade and economic relations. However, given the global and functional interdependence in the modern world and the dynamics of economic growth in China and India, Japan's foreign policy is undergoing significant changes. First of all, in an effort to maintain its leadership position, official Tokyo seeks to reconcile its political and economic interests with other countries in the region, which gives us reason to consider these steps as prerequisites for the formation of a new integration union.

Definitions, methods, and research structure. The objective of this article is to investigate the impact of internal and external factors on integration policy, to reveal the mechanism of the implementation of the country's foreign economic strategy and the features that distinguish it from the policy of China and other participant states of the Asia-Pacific region.

The Asia-Pacific region is becoming one of the world's centers of growth, forcing Tokyo to look for ways to intensify its foreign policy. One of the important instruments for its implementation is the country's foreign economic activity. Its goal, in accordance with the "Economic Growth Strategy" adopted by the Ministry of Economy and Industry in 2006, is not only

to maintain Japan's status as one of the largest economies, but to transform the country into a strong dominant economy in the world.

Rested on pragmatic foreign economic strategy, Japan, however, is forced to consider both domestic and foreign policy factors. At the same time the domestic political factor reveals the contradictions between the part of the population which is for historical rapprochement with their neighbors in Asia on the postwar Franco-German model and the rising tide of nationalism, which manifest itself in the aspiration for greater persistence in foreign affairs [Мелькина, 2018: 101].

Regarding the foreign policy issues there is some discontent with the Japanese sustained military reliance on the United States, the growing influence of China, and the escalating battle between the two economies for leadership in Asian and the world affairs.

Literature review and research background.

Judging by the analysis of recent publications on international relations, we have every reason to believe that the world has entered an era of uncertainty. On the one hand, we are witnessing how the fear of losing its leading position is undermining the strength of the West, on the other hand, there are dynamic changes in the Asia-Pacific region, which claims to be the new global leader. Therefore, it is not surprising that the leading players in the region are actively searching for a new ambitious model that can strengthen its authority in the rest of the world. As one of the key players in this process, Japan is trying to use its economic potential to increase its influence. At the same time, as noted by Ukrainian researchers M. Kulnych, Y. Konstantinova, J. Leshchenko, Y. Pakhomov, S. Shergin, L. Areshidze, M. Malyutin, G. Chufrin, to achieve its political goals, Japan skillfully uses the format of multilateral cooperation, both with the countries of the Asia-Pacific region and other leading countries.

Such American and Western European researchers as B. Buzan, L. Hagstrom, D. Shambaug, J. Linda, M. Lohdi, M. Green, G. Hook, G. Roseman emphasize that it is Japan's participation in multilateral dialogues that ensures the sustainability of economic cooperation and improves Japan's image as a responsible regional partner and expands its opportunities for diplomatic maneuver.

However, it should be noted that due to objective reasons: the growing influence of China and India in the region and the growing conflict between the United States and China, the question of Japan's influence on integration and key political processes in the region remains poorly understood.

Materials of the research. Speaking of regional integration, it is necessary to define the essence of the concept of "region", which in modern regionalism does not have a single definition. Based on the object and subject of our study, the most successful foreign policy interpretation of the region was proposed by K. Deitch, N. Palmer, W. Rostow, according to which "the region is a group of countries that in many obvious parameters are more interconnected than with other countries" [Субботина, 2017: 210].

It should be noted that there is no single point of view on the Asia-Pacific region geographical framework issue and on its integrity both in domestic and foreign science [Субботина, 2017: 211]. Such lack of uniformity of opinions is associated with the mobility and dynamism of APAC's boundaries changing. Therefore, for the most part, the Asia-Pacific region is seen as a geopolitical space or megaregion that unlike a geographical area has no clearly defined boundaries.

Another feature is that the political and economic instability of the region in the postwar years made it difficult to choose the development strategy of individual countries. Therefore, Japan, as a leading economy had in the 60-80's XX century to implement its foreign economic policy by creating an extensive production and trade network, which contributed to the liberalization of regional trade and investment. These steps resulted in the activating of economic life in the region and the emergence of other integration initiatives including the first meeting of the Asian Development Bank in 1966, the establishment of ASEAN to ensure peace and stability in Southeast Asia in 1967, the founding of the Pacific Economic Council (TEC), a regional association of business, and even the Pacific Conference on Trade and Development (PAFTAD), a scientific society, which is engaged in the study of the region's development challenges and solutions. The

institutionalization of integration processes has created the prerequisites for regional integration which were not supported by Japan as the key beneficiary of the multilateral trading system.

The absence of the single legal framework for uniting is one of the important reasons for it. Uncertainty of legal mechanisms for the implementation of integration projects could lead to destabilization of the situation in the region and separatism. Therefore, Japan criticized the positions of individual countries on the integration of economies and supported an open, stable and based on the rules of GAAT and WTO international economic order [Терехов, 2009: 94].

It was more important for Japan, to promote the economic growth of the region through free trade and the WTO-based international economic order support as it would enhance it as a guarantor of economic stability in the region. This was the approach of its foreign economic strategy adopted by the government in the 1960s and 1980s. By creating a favorable regime for the location and operation of enterprises in the Asia-Pacific region, Japan drew the countries of the region into its orbit, and thus changed the historical image of the aggressor's country formed during World War II.

It was these circumstances that determined the peculiarity of Japan's integration policy in the 70-90's XX century and affected the integration processes in the Asia-Pacific region that were different from the classical model of European integration.

The Doctrine of Open Regionalism in 2000

Japan's Foreign economic policy during the 70-90's XX century was based on the principle of "open regionalism", which further determined the directions of economic cooperation in the Asia-Pacific region and the policy of trade liberalization and economic relations.

In 2006, the business representatives of the APEC economies put forward the idea of creating an Asia-Pacific Free Trade Area (APTA). Seeking the ways to weaken Japan's influence in the region China became the biggest booster of its creation. Following the results of the APEC summit in November 2014 the Beijing *roadmap* to vast Asia-Pacific free trade area was adopted. With the help of this document China struggled to establish a specified time frame for the establishment of a Free Trade Area with the participation of the APEC economy until 2025. However, most countries in the region opposed it.

Japan instead initiated the adoption of the APEC Growth Strategy in 2010. This program document identifies areas of work for the formation of a new model of economy, which would include such components of economic growth as balance, inclusiveness, sustainability, innovation, security.

The key issue is how to improve the interconnection in the Asia-Pacific region, both at the level of infrastructure and at the level of institutions and individuals. Hence, the formation of a holistic, comprehensively interconnected and integrated space in the physical, institutional and humanitarian dimensions was defined as the main goal.

On the eve of Japan's G20 presidency in 2019, Prime Minister Abe said that as a free trade promoter, Japan would actively build up the prosperity and stability of the Asia-Pacific region, a "global growth center", and that Japan would secure and strengthen its Asian-Pacific presence as a supporter of the "Free and Open Indo-Pacific" and the Pacific Islands Leaders' Meeting (PALM) [4].

Accordingly, the principle of "open regionalism" has gained global popularity thanks to APEC, which remains a major factor in the world trade system [5].

However, it should be noted that neither the decisions taken at the summits of heads of states and APEC governments, nor the Japanese government's official documents contain a definition of "open regionalism" as a doctrine. As a result, several competing ideas about the essence of the principle and the mechanisms of its implementation have emerged. The two main approaches interpreting "open regionalism" through the relationship between multilateral and regional trade agreements should be highlighted. Those who view it as a multilateral process express three main concerns. First, they note that regional agreements give preferences to member countries, putting other trading partners at a disadvantage. Since apart from differentiated tariffs, APEC members can enjoy preferential rules and set their own regional requirements. At the same time, there are

concerns that an individual member of the preferential agreement may suffer from the negative impacts of profit distribution arising from the income redistribution of tariff rates [6].

Secondly, they argue that countries may lose interest in the multilateral system taking active part in regional initiatives halting its evolution and even threatening its viability [6].

The sharp changes in US trade policy since the early 1980s were particularly worrying. During this period, the United States foreign policy combined global liberalization with participation in regional initiatives. By negotiating and concluding bilateral agreements and free trade with Israel and Canada, they facilitated large-scale free trade agreements in the Asia-Pacific region through APEC and in the Western Hemisphere through the introduction of a free trade area. Due to fear of the adverse effects of regionalism some countries have focused much of their criticism on the United States policy as the state has been a longtime (and sometimes the only) leader in global liberalization [7].

The third problem of regionalism is its geopolitical influence. Some researchers point out that in previous epochs, regional trade agreements (and economic blocs in general) could have contributed to political and even military confrontation between nations. The imperial preferences of the United Kingdom of Great Britain and Ireland (later the Commonwealth) and the closed economic zone created in Central Europe by Nazi Germany in the 1930s provide a good illustration of this. Modern critics of regionalism do not expect such extreme results, but fear that large and intense regional ties can go beyond the economy and lead to annoyance and even conflict in other areas of international relations.

Practice shows that it is impossible to resolve the dispute "regionalism against globalism". Therefore, one should probably agree with those researchers who believe that regional and global liberalization go hand in hand, and therefore they tend to strengthen each other. An example is the United States, which has implemented its regional initiatives through global leadership of multilateral liberalization. Undoubtedly, this approach can provide counterarguments that would give alternative judgments. But the practice of post-war cooperation between the United States and Japan shows that the only **undeniable conclusion is that** the relationship between regionalism and globalism depends on the management of the process by the key countries involved.

Balance and dynamics of economic relations is achieved through constructive decisions of the participants [8]. According to Japanese government officials, promoting the trade and investment liberalization today is necessary not only for the sustainable growth of the Japanese economy, but also for the rest of the world economy. At the same time, restraining trade protectionism, supporting and strengthening the WTO, which ensures legal stability and predictability of international trade, protection of intellectual property rights remain the main tasks in Japan's foreign economic policy [Ito, Iwata, McKenzie, Urata, 2018: 3].

Japan's participation in the ASEAN integration association

ASEAN is considered one of the most influential integration entities in Southeast Asia. Its formation was driven by the need for military and political stabilization in the region. These political factors contributed to the revival of economic relations between the countries. From the mid-1950s until the 1990s, Japan, through its "planned and rational model of development," not only became one of the leading economies in the Asia-Pacific region, but also contributed to their economic growth and economic modernization by assisting neighboring countries. Such a mediating role strengthened the liberalization of trade and economic relations between the states and contributed to the involvement of Japan in bilateral and regional initiatives of ASEAN member countries [9].

Since the early 1970s, thanks to trade and private business investment, as well as government support, these relations have deepened significantly, establishing the classic model of interdependence of economies.

Japan strengthens its economic influence politically by participating in various ASEAN activities. In this way it helps to stabilize the situation in the region, which is crucial for Japan's security and prosperity.

ASEAN member states have been important suppliers of natural resources and food to Japan. For example, in 2011, Malaysia, Indonesia and Brunei together accounted for about 35 percent of Japan's total demand for natural gas. Thailand provided about 60 percent of Japan's sugar imports (imported sugar will provide 90 percent of Japan's demand for sugar). At the same time, ASEAN countries relied heavily on Japanese products: about 30 percent of the region's imports of transport equipment came from Japan during the 2000s. These relations reflect the classical theory of comparative advantage, which is an important aspect of Japan-ASEAN bilateral trade [10].

In addition to this classic economic interdependence, Japan and ASEAN member states have established another interdependent link in the manufacturing sector. To take advantage of labor costs, in the late 1980s and 1990s, Japanese firms aggressively increased their investment in ASEAN member countries. As a result, the region includes a significant part of the global production networks of Japanese multinational companies. Aggressive investments by Japanese multinational companies have shifted labor-consuming production processes, such as assembly lines, to other countries. This trend was particularly noticeable in the Japanese electric machinery sector. The division of production processes and the transfer of those that are labor-intensive to countries with large numbers of manpower helped to reduce overall production costs and to increase scale of production [10].

The Asian financial crisis, which began in 1997, has shown how vital for Japan is the ASEAN's economic stability. The new challenges prompted the search for new formats of cooperation within ASEAN + 3 (People's Republic of China, Japan and the Republic of Korea).

The main objectives of the new association were consolidated in 1999 in the Joint Statement on East Asian Cooperation. In November 2004, the states agreed to Japan's initiative to connect India, Australia and New Zealand to the existing format. (ASEAN +6).

The presence of China's economy in the region has prompted Japan to take the lead in supporting ASEAN member states. In fact, during and after the crisis, Japan actively assisted ASEAN member states by creating two new funds: the Japan-ASEAN Solidarity Fund in 1999 and the Japan-ASEAN General Exchange Fund in 2000. Broadly speaking Japan managed to improve its relations with ASEAN member states in several respects during the 2000s. In particular, the ASEAN-Japan summit in 2003 in Tokyo adopted a package of agreements covering various areas of cooperation. Among them there is the Regional Economic Partnership Agreement, which eventually created the regulatory framework for the Comprehensive Economic Partnership between ASEAN and Japan. The summit stressed the need to reduce the economic development disparities among ASEAN member states and stressed the importance of cooperation between Japan and ASEAN in global issues such as control of terrorism, the fight against piracy, environmental protection, and the control of infectious diseases [12].

ASEAN's economic integration will expand the region's domestic market which will contribute to intra-industry trade with Japan, attract new Japanese investment, encouraging Japanese transnational enterprises to move their subsidiaries to neighbouring countries. Such processes will increase the effect of agglomeration and increase the productivity of the new economy. However, the benefits of ASEAN integration will depend on the extent to which "real" integration is achieved, which should remove non-tariff barriers as well as tariffs. It is clear that the definition of non-tariff barriers is more difficult than targeting tariffs [12].

The degree of ASEAN integration depends on attracting additional investment from abroad, in particular Japan. The main feature of Japanese investments in the region is that they contribute to the creation of well-paid, highly productive jobs. From the Japanese government point of view the existence of multinational enterprises, the transactions they perform, and the employments they create have to contribute to the economic growth of the host country. In order to deepen integration in the region, the Japan-ASEAN Integration Fund (JAIF) has supported the ASEAN integration increase in many areas, including the assistance in reducing economic inequality in the region by enhancing ASEAN cooperation. At the Japan-ASEAN Summit in November 2018, Prime Minister Abe noted that Japan's assistance to ASEAN exceeded its 2013 commitment to provide 2 trillion yen over five years. He also admitted that Japan will continue to support private investment and

promote the development of regional infrastructure of high quality in accordance with international standards, respecting the unity of ASEAN and its dominating role. A number of summit initiatives will also contribute to the integration deepening: the Initiative for Cooperation in the Field of Industrial Human Resources Development; ASEAN-Japan Fourth Industrial Revolution Initiative; cooperation with the Smart Cities Network in partnership with the ASEAN Smart Cities Network (ASCN); cooperation between ASEAN and Japan in disaster management through the use of JAIF, cooperation with the ASEAN Coordination Center for Humanitarian Aid in Disaster Management, environmental cooperation, etc.

As a result of participating in regional integration processes, Japan has managed to expand cooperation with ASEAN countries. However, due to the rise of China's economy and the central role of ASEAN in the integration process Japan was no longer responsible for their further development and there are no any reasons to speak of its leadership in the region. Although this situation undoubtedly opens opportunities for the establishment of China as a leading actor in the region, but it also constitutes the risk of escalating the struggle between China and Japan and affects US interests.

Security issues in Japan's regional integration policy

As South-East Asia develops, Japan's political role in the region becomes more visible. In particular, it has been hard at work on the security cooperation. At 1992 ASEAN Prime Ministerial Conference, Foreign Minister Nakayama Taro proposed to add a security policy dialogue to the agenda. Since peace was achieved in Cambodia Japan has worked to strengthen ASEAN's role in the region and to promote the Establishment of the Security Cooperation Council in the Asia Pacific (CSCAP) [13].

The existence of a politically stable Southeast Asia is in Japan's interests. One of the threats to this stability is the illicit trafficking of small arms. In May 2000 together with the Government of Indonesia and the United Nations Regional Center for Peace and Disarmament in Asia and the Pacific Japan as the Chairman of the UN Group of Governmental Experts on Small Arms co-sponsored a seminar on small arms and light weapons in Jakarta. It was attended by all ten ASEAN countries, with China, Pakistan and South Korea as observers. The seminar was the first occasion to discuss regional cooperation on this issue.

Ethnic, religious disputes, and social and political unrest caused by poverty and bureaucratic corruption are not a lesser threat to the stability in Southeast Asia. Contributing to regional stability through mediation and economic assistance, Japan feels itself comfortable in this political role.

In early December 2002, Japan, along with the United States, the European Union, and the World Bank, hosted a peace conference in Tokyo, demonstrating support for international cooperation on a peace settlement [14].

According to the «*Vision Statement on ASEAN-Japan Friendship and Cooperation*» and the «*Joint Statement*» adopted at the ASEAN-Japan Anniversary Summit, held in Tokyo in 2013. The creation of a more stable and prosperous ASEAN is seen as an important way for the prosperity of the region.

In November 2018, the readiness to strengthen ASEAN-Japan cooperation in a wide range of areas, including advancing ASEAN integration, enhancing economic growth, improving people's lives, and promoting peace, stability and prosperity across the Indo-Pacific region was confirmed by the Joint Statement of the 21st ASEAN-Japan Summit to Commemorate the 45th Anniversary of ASEAN-Japan Friendship and Cooperation. Prime Minister Abe Shinzo noted the importance of strengthening cooperation between Japan and ASEAN in four regional partnerships, namely Partners for Peace and Stability, Partners for Prosperity, Partners for Quality of Life, and Heart-to-Heart Partners.

Prime Minister Abe stated that Japan would promote practical cooperation within the framework of the Vientiane Vision (Japan-ASEAN Defence Cooperation Initiative) and strengthen cooperation in cybersecurity. With regard to regional and international affairs, Prime Minister Abe said that Japan would continue to work closely with ASEAN member states to support and change the "free and open Indo-Pacific region".

Referring to North Korea, Prime Minister Abe stated that UN Security Council resolutions must be fully implemented to ensure complete annihilation of all weapons of mass destruction and ballistic missiles by North Korea [Terada, 2014:13]. With due regard to the threat of North Korea's nuclear capabilities strengthening, Foreign Minister Kono praised the efforts of the United States and Republic of Korea to "fully denuclearize" North Korea. Japan declares for closing the loopholes in sanctions against North Korea and enhanced cooperation on the protection of intellectual property rights.

Together with other countries Japan shares serious concerns about the rapid and massive construction of Chinese outposts in the South China Sea. During the official visit of Prime Minister Abe in October 2018 to China, it was emphasized that Japan and China must play a constructive role in ensuring peace and prosperity of the international community in East Asia. Vectors for future development of such cooperation were discussed at the 13th meeting of the SAC, which took place in Singapore in November 2018. Prime Minister Abe said that disputes should be resolved peacefully, on the basis of international law, and not by force [17].

The settlement of the conflict with China over the status of the South China Sea is of the particular importance for Japan. The South China Sea is critical for both Japan and ASEAN as they have achieved peace and prosperity through trade. Therefore, ASEAN countries have expressed deep concern over China's unilateral attempts to change the status quo in the South China Sea. Japan supports ASEAN's initiatives to demilitarize the area and maintain a peaceful and open South China Sea to ensure maritime security and safety for both sides.

Thus, external factors affect the regional role of ASEAN and its relations with partners. This is evident in Japan's emphasis on the supremacy of law in the field of maritime security and in ASEAN's ongoing efforts to manage conflicts connected with territorial requirements in the South China Sea. ASEAN generally does not support any separate territorial claims by Brunei, Malaysia, the Philippines and Vietnam. The organization seeks to maintain its role as a judge by involving China (also the plaintiff) as a regional group under the Declaration of Conduct in the South China Sea in the Code of Conduct. However, China prefers to consider different territorial claims on a bilateral basis. China's fears that the South China Sea issue could be used against its interests and could force it to use the ASEAN consensus principle in ASEAN-China negotiations.

Therefore, Japan updates the format of multilateral relations with bilateral initiatives to inform and facilitate regional discussions. At the same time, enduring tensions between China and ASEAN countries such as the Philippines and Vietnam will continue to intensify discussions on that subject.

However, the South China Sea issue may not be the best objective for assessing ASEAN's response to external challenges or influences. There have been cases where ASEAN has successfully responded to external situations considered by all the members a common threat to regional stability. The 2000 Chiang Mai Initiative, launched by ASEAN finance ministers and their counterparts in China, Japan and South Korea, demonstrates a desire to prepare for future economic shocks in the region, such as the 1997-98 Asian financial crisis.

Our analysis shows that for half a century of its existence, ASEAN represents an interesting picture for the analysis of the integration processes. After creating the space among competing nations for achieving the superiority the first generation of founders gradually ceded the helm to successors who faced different regional realities. The new group of leaders brings different interpretations of the "ASEAN path", as well as different views on bilateral cooperation with external partners [Wallace, 2018: 884].

Since 2012, ASEAN members have openly faced the challenge of maintaining a balance between the unity of the organization's goals of regional stability and security. Member States must also withstand the pressures of external influences that underlie members' bilateral relations with other countries in the wider region and beyond.

Increasing influence in trilateral relations Japan - China - Republic of Korea

Due to the weakening of the US position in ATP and the deterioration of US-China relations, Japan took the lead in the Asia-Pacific region. At the same time, it successfully uses dissatisfaction

with US protectionist policies in the world trade to restore and strengthen its influence in the format of the trilateral summit Japan - China - Republic of Korea.

The relations with its regional neighbors are extremely important for Tokyo. First of all the election of the leader of the ruling Liberal Democratic Party (LDP) of Japan has proved their impact on the domestic political situation in the country, and secondly, tripartite summit relations ensure its participation in the integration and other political and economic processes taking place in the region.

After winning the election, the Shinzo Abe government made every effort to resume dialogue in a tripartite format interrupted in November 2015 due to a number of contradictions. Relations between the East Asian States in particular have been complicated by territorial disputes between Japan and China in East Asia China Sea, with South Korea on the ownership of the Dokto Islands / Takeshima and the differences between Beijing and Seoul on regional security and the location of American THAAD missile defence systems on the territory [Wallace, 2018: 885].

The thawing of relations between Tokyo and Beijing and the unpredictability of the US President D. Trump's policy contributed to the reduction of tension in the interstate relations within the East Asian triangle. An equally important factor in the resumption of dialogue has been the situation on the Korean peninsula in connection with the DPRK's nuclear program. Ensuring security and stability in the region required the further coordination. The resolving the situation on the Korean Peninsula became one of the central issues during the meeting between the Japanese Prime Minister Shinzo Abe, the Premier of the State Council of the People's Republic of China Li Keqiang, and the President of the Republic of Korea Moon Jae-in. The discussion of the prospects of creating a common free trade area and protection against all forms of protectionism in the world trade was equally important for the three states [18].

After mutual visits of top officials from the United States, Japan, South Korea, China, and the Democratic People's Republic of Korea, as well as the Inter-Korean Summit in April 2018, there was a need for further coordination in the region. In May 2018, the Tokyo summit which provided an opportunity to hold tripartite consultations and discuss the results of separate meetings between Xi Jinping and Moon Jae-in with Kim Jong Un and S. Abe with D. Trump took place. The declaration adopted as a result of the tripartite dialogue of the heads of state praised the results of the Inter-Korean Summit and reflected the intention of China, Japan and Republic of Korea to achieve full denuclearization of the Korean Peninsula.

The summit was an important diplomatic success for the Abe government in reviving of the trilateral format of the meeting of the leading East Asian states and bringing in Tokyo into the North Korean negotiating process.

Together with the need to coordinate action on North Korea's policy the discussion on financial and economic issues was important for Japan and South Korea. As a result, the leaders of China, Japan and the Republic of Korea emphasized their determination to combat all forms of protectionism in the world trade and the desire to develop a tripartite free trade area (FTA) in the final declaration [19].

The document also expresses support and seeks the further development of the format of the Common Regional Economic Partnership – RCEP. During a press conference following the summit, Premier Li Keqiang called on his colleagues to develop the FTA between the three countries and to expedite the conclusion of negotiations on RCEP. The first step towards Tokyo was Beijing's decision to provide Japan with a quota of qualified foreign institutional investors (Renminbi Qualified Foreign Institutional Investor Program, RQFII) of 200 billion yuan (about \$ 31.36 billion) to support active investment by Japanese financial institutions in the capital market PRC [20].

More than ten economies in Asia, Europe and the Americas have joined the system so far. All these efforts have shown that the current state of affairs contributes to the intensification of the negotiation process between China, Japan and South Korea.

However, as the practice of relations between the states shows, despite the common financial and economic interests on the way to the implementation of the integration project there is still a

mistrust between the states, generated by the tragic past of the Second World War. And while Beijing, Tokyo and Seoul are trying to overcome the legacy of the past, historical memory prevents them from looking to the future and developing plans for mutual cooperation. It was the serious controversy between Tokyo and Seoul over the issue of compensation for the forced recruitment of Korean workers in Japanese enterprises during World War II that prevented a tripartite meeting in October 2020 with the participation of Premier Li Keqiang, President of South Korea. Moon Jae-in and Japanese Prime Minister Eshihide Suga.

Referring to the agreement between Tokyo and Seoul in 1965, the Japanese government believes that all compensation for damages has been paid. Therefore, any concessions on this issue do not exclude that Korea will demand compensation and apologies for the occupation endlessly. In October 2018, having considered the dispute over compensation for Korean workers who were forcibly mobilized and put to forced labor during the Japan occupation, determined that Japanese companies must pay them compensation. Nippon Steel property was seized. In response, in July 2019, the Japanese government imposed restrictions on exports to South Korea of materials without which the production of semiconductors is impossible [21]. Despite the trade war and the existing contradictions, China, Japan and South Korea are struggling to maintain the trilateral format, as further escalation of relations around the "selective historical memory" may puncture a scheme to create a tripartite free trade area by 2035 [Rostow, 1993: 57]. Following the exchange of statements Seoul intends to make efforts to hold a tripartite summit between South Korea, China and Japan. According to the South Korean President Kang Ming Sik administration's representative if there are open issues that need to be resolved, it is necessary to be bent on holding a meeting, and refusal to participate should not be a lever of pressure in resolving various issues between countries.

The experience of integration processes in the Asia-Pacific region shows how dangerous is the «selective use of historical memory» for obtaining political dividends by individual political forces of the country. Thus, the states found themselves facing a choice whether to carry on further speculation about historical memory which will lead to the collapse of plans to boost economies and improve the lives of citizens, or to search for compromises and to create a tripartite free trade zone that will radically change the situation in the region and give unprecedented trade and economic opportunities for three countries by 2035. And as soon as they do it they will confirmation their ability to move forward without ever looking back.

Conclusions and discussions. The peculiarity of Japan's position on regional integration is in the considering the whole world as a single market and seeking the ways to improve the conditions for business activity in cooperation with other countries.

At the same time, emphasizing the interests of global world cooperation, Japan not only promotes the development of national economies but also strives to prevent regional separatism.

Having skilfully integrated economic feasibility into the region's geopolitical processes in its external economic strategy Japan has contributed to the expansion of the membership of the Association of Southeast Asian Nations (ASEAN + 3, ASEAN + 6). Always actively participating in the implementation of APEC and TPP integration projects Japan finds it important to reach specific agreements between the participating countries in certain areas of economic cooperation, which allows to lay the foundations for the national economy integration into a comprehensive mechanism of regional cooperation.

Integration policy is distinguished by its pragmatic orientation in all areas of international cooperation, from the "free trade zone" to the cultural and educational sphere. However, the US withdrawal from the Trans-Pacific Partnership in 2017 reduced Tokyo's role as its main ally and strengthened China's position in regional integration. Beijing seeks to strengthen its position in Tokyo's traditional spheres of influence by promoting alternative integration projects. After lengthy negotiations China succeeded to reach an agreement on signing a Regional Comprehensive Economic Partnership (RCEP) in November 2020. Thus, Beijing has managed to create the largest free trade area, covering 2.2 billion people and about a third of world economic production. The signing of this agreement by the Government of Japan reduces its role as the center of the Asian

region which, being the largest consumer market, will determine the vector of economic and political direction of the developed countries in the future.

Thus, in our opinion it is worth noting several trends that will become increasingly visible in the regional policy of states due the dynamics of events in the region. In particular, the presence of three economic leaders in China, Japan and India will lead to the emergence of new integration projects and the struggle between them for the less influential countries support to form new economic associations. At the same time, in the absence of internal conflicts such presence would be the potential for bringing the countries of the region closer together despite the existence of different political regimes in the countries, and the proximity of cultures and traditions.

In such state of affairs there is a danger of intensifying the conflict between China, Japan and India which might affect US interests. Therefore, it is important for Japan that the countries participating in the regional project reach concrete agreements in certain areas of economic cooperation, which allows to lay the foundations for the integration of national economies into a comprehensive mechanism of regional cooperation.

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MORAL AND PSYCHOLOGICAL ASPECT OF «HISTORICAL TRAUMA» OF THE ETHNIC GROUP. WHETHER SEPARATISM IS BORN OR RAISED?

МОРАЛЬНО-ПСИХОЛОГІЧНИЙ АСПЕКТ «ІСТОРИЧНОЇ ТРАВМИ» ЕТНОСУ. СЕПАРАТИСТОМ СТАЮТЬ ЧИ НАРОДЖУЮТЬСЯ?

МОРАЛЬНО-ПСИХОЛОГИЧЕСКИЙ АСПЕКТ «ИСТОРИЧЕСКОЙ ТРАВМЫ» ЭТНОСА. СЕПАРАТИСТОМ СТАНОВЯТСЯ ИЛИ РОЖДАЮТСЯ?

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Abstract. *The purpose of research is to explore and analyze the moral and psychological aspects of separatism, which depends on the individual's demeanor to the problem of inequality. Each ethnic group has a special history of development, but, unfortunately, its history is not always accompanied only by successful victories. Some ethnic groups have been discriminated for a long period of existence, their culture and language have been disrespected and brutally destroyed. The traumatic legacy of the past has always had a profound imprint on the present and future of every nation. The memory of state's tragic history, and, especially, the history that is connected with the oppression and intolerance of one ethnic group to another one, has hidden manifestations of separatism in its representatives. The desire to restore «justice» has already spread to many countries around the world and even to the most democratic West countries, that also suffer from separatist movements in their territory. Globalization only accelerates these processes and creates even greater schism in the consciousness of such ethnic groups. Separatist's political and social position is formed as a result of his upbringing in the same environment, where there is the spirit of revenge for the tragic ancestor's fate and the restoration of long-awaited «justice» and the retribution for the past mistakes.*

Key words: *nationalism, separatism, ethnicity, self-determination.*

Анотація. Метою статті є дослідити та проаналізувати моральні та психологічні сторони сепаратизму, які залежать від поведінкової реакції індивіда на проблему нерівності. Кожна етнічна група має особливу історію розвитку, але, на жаль, її історія не завжди супроводжується лише успішними перемогами. Деякі з етносів протягом довгого періоду існування зазнавали дискримінації, їх культура та мова нівелювалися та жорстоко знищувалися. Травматична спадщина минулого завжди мала неабиякий відбиток на сьогодення та на майбутнє кожного народу. Пам'ять про трагічні сторінки історії кожної держави, а особливо ті, що стосуються пригноблення та нетерпимості одного етносу по відношенню до іншого, несе в собі приховані прояви сепаратизму в її представників. Жага відновлення «справедливості» вже охопила чимало країн по всьому світу та й навіть найбільш демократичні країни Заходу, які також страждають від сепаратистських рухів на своїй території. Глобалізація лише пришвидшує ці процеси та створює ще більші розколи в свідомості таких етнічних груп. Політична та громадська позиція ідеолога сепаратизму формується внаслідок його виховання в умовах такого ж середовища, де постійно витає дух реваншу за трагічну долю предків та відновлення довгоочікуваної «справедливості» та відплати за помилки минулого.

Ключові слова: націоналізм, сепаратизм, етнос, самовизначення.

Аннотация. Целью статьи является исследовать и проанализировать моральные и психологические стороны сепаратизма, которые зависят от поведенческой реакции индивида на проблему неравенства. Каждая этническая группа имеет особую историю развития, но, к сожалению, ее история не всегда сопровождается только успешными победами. Некоторые из этносов в течение долгого периода существования подвергались дискриминации, их культура и язык нивелировались и жестоко уничтожались. Травматическое наследие прошлого всегда имело большой отпечаток на настоящее и на будущее каждого народа. Память о трагических страницах истории каждого государства, особенно те, что касаются угнетения и нетерпимости одного этноса по отношению к другому, несет в себе скрытые проявления сепаратизма в ее представителей. Жажда восстановления «справедливости» уже охватила многие страны по всему миру и даже самые демократические страны Запада, которые также страдают от сепаратистских движений на своей территории. Глобализация только ускоряет эти процессы и создает еще большие расколы в сознании таких этнических групп. Политическая и общественная позиция идеолога сепаратизма формируется в результате его воспитания в условиях такой же среды, где постоянно витает дух реванша за трагическую судьбу предков и восстановление долгожданной «справедливости» и возмездия за ошибки прошлого.

Ключевые слова: национализм, сепаратизм, этнос, самоопределение.

Introduction. In the modern world, separatism is becoming a very powerful ideology among nations and ethnic groups not only in Europe, but also around the world. The tendency to resume separatist aspirations in those regions that have wanted to become independent for many centuries is quite popular. The «flame» of separatism in those regions have never completely extinguished, but only smoldered until a certain moment. As an example we can mention the recent events in Northern Ireland, where in April 2021, supporters of the Sinn Fein party (which was repeatedly accused of collaborating with the Irish Republican Army and supporting separatism) attended the funeral of one of the IRA militants, Bobby Story. This behavior was strongly disliked by the rest of the Irish population, who always gravitated towards the British crown. Heterogeneity of political views has always been one of the main problems of separatist regions. Looking at these facts, we can ask a very important question: «Why are some ethnic groups or individuals capable of infiltrating separatists ideas and others are not?». Is there a certain moral and psychological aspect of the formation of personality in a society with a difficult historical destiny? Does it matter to the separatist who his ancestors were and whether they were also supporters of radical ideas? All these

questions concern another, no less important, but, unfortunately, the least studied aspect of the evolution of the separatist's concept – moral and psychological.

The purpose of research – to analyze the moral and psychological aspect of separatism, which concerns a certain individual who is brought up within the society with a clear tendency to the ideas of separation.

Recent literature review. Despite the rather great interest in the study of separatist movements and the peculiarities of their origin, there is still no unambiguous explanation of the conditions for the emergence of separatism in a society with certain moral, psychological and mental conditions. Theoretical and systematic approaches to understanding the concept of «separatism» have been studied in the works of Ukrainian authors: Filonenko M. [*Filonenko and Ripa: 2018*], Rafalsky I. [*Rafalsky: 2014*], Panibudlaska V. [*Panibudlaska: 2009*], Olishevskaya V. [*Olishevskaya: 2013*] and others. Many scientific studies are devoted to the typology of separatism depending on their regional features, among them the publications of Nakonechny V. [*Nakonechny: 2018*], Ryabinina E. [*Ryabinin: 2012*], Bulvinsky A. [*Bulvinsky: 2015*] and others. Many scientific studies on the ideological principles of separatism have been covered in foreign works by the following authors: Siroky D. [*Siroky and Guffe: 2015*], Forest J. [*Forest: 2018*], etc. Foreign studies on European separatism and its features are considered in the scientific works of Cabestan J. [*Cabestan and Pavkovic: 2013*], Chu Chen [*Chu: 2017*], Bieri M. [*Bieri: 2014*] and Ataseven [*Ataseven: 2021*]. In studying the concept of «separatism» it is customary to take into account a superficial understanding of the main purpose and causes of the struggle of individual separatist movements without taking into account their moral, ethical and psychological characteristics of behavior. As a result, researchers usually ignore another aspect of separatism – moral and psychological, which has a serious impact on the formation of separatist ideas in certain ethnic groups with a tragic history.

Research results. The confrontation of ethnic groups for socio-economic and political domination did not begin in the last century or decade, it is a process that has been going on since the first mention of human settlements. Quite interesting in this context is the interpretation of the concept of «ethnicity» in the Encyclopedia of Modern Ukraine. Ethnos – a community in which people are united by ideas about the common origin and the presence of cultural community – language, customs, myths, epic [*Lisovyi: 2009*].

We can conclude that the formation of an ethnos takes place mostly within the framework of socio-cultural and moral aspects and not within the framework of clear political or economic differentiation. It is also fair to note that ethnic separatism is based on the same features of formation – socio-cultural and moral values. In any paradigms of separatism there is no clear political and economic motivation for such actions and, if there are, they follow as a consequence of already formed certain cultural features of a particular ethnic group.

Quite a similar idea is expressed by Anthony Smith in his work «National identity. Ethnos life». He notes that «separatist movements are associated with processes of cultural politicization, which tend to create an ethnic nation with a distinctive culture». This means a return to the idealized image of «who we are», who will set an example and a guide for the future nation. Returning to the ethnic past, the community opens up a map and a place for its unfocused aspirations. In the same way, «our past» will instill in the present generation not only the virtues of its ancestors, but also its immediate responsibilities. This will reveal to the community its true nature, its authentic experience and hidden destiny. Knowing the past, the community will discover its inner spirituality, which determines its character. The main aspiration of all ethnic nationalisms is to open their communities through the use of history and the revival of fallen customs, rituals and languages. It is not enough to simply mobilize the masses: to support mobilization, to turn the «masses» into «nations», they must first be instilled with an awareness of their special spirituality, thus giving them a unique identity and destiny [*Smith: 1993*].

Analyzing this statement, we can state the fact that any ethnic separatism depends on the level of consolidation and self-identification of the ethnos and depends on a large number of factors: economic, political, spiritual and cultural, and a very exceptional place is occupied by socio-

psychological factor. In such a society, due to the joint development of economic, cultural and trade relations, a common language, culture, features of the mental composition of the individual and mentality have developed.

Professor of Psychology at Baku State University Imdad Bayramov in the article «Socio-psychological features of separatism in the context of globalization» also uses the concept of «socio-psychological factor» of separatism and gives us a clear explanation: «socio-psychological factor» – a set of orientations, social feelings, attitudes, motivations that reflect the inner world of the human, his system of moral values and norms. Separatism always has some theoretical or ideological basis, mostly formed on emotions, rather than on rational views [Bayramov: 2011].

In this case, it should be noted that every separatism movement, which over time transformed into the ideology of some radical parties (such as the right-wing Batasuna party in the Basque Country) and organizations, has indeed always been based on a certain «statutory-ideological document». Let us mention, for example, the Green Paper of the Irish Republican Army, or the «liberation charter» of the Basque ETA (terrorist organization in the Basque Country), or the ideology of Palestinian nationalism and pan-Arabism created by the Palestine Liberation Organization and a dozen similar separatist movements with their uniqueness around the world.

For example, in recruiting volunteers, the Irish Republican Army acknowledged that the most successful members of the underground had certain characteristics; they were intelligent, reliable and always ready to die. These characteristics ensured that the volunteers would constantly carry out rather complex orders of the command, regardless of their own position, and in spite of any personal problems. Some qualities can disqualify a person as a candidate: among them were emotionally, sensationalism and adventurism [Sheketa: 2021].

Through the study and analysis of such documents, we trace the connection between the ideological and mental postulates of the ethnos and the general political or military activities of its separatist movement. The psychology of the society in which the individual is and the uniqueness of his mentality is always the basis of his political beliefs and civic position.

Imdad Bayramov notes in his article that the national or ethnic affiliation of an individual is an extremely important factor for social psychology because it captures a certain character of the microenvironment in which the personality is formed [Bayramov: 2011]. Analyzing this study, we understand that a person's worldview, especially his political beliefs, values and moral guidelines directly depend on the environment in which he was raised and was living for a long time.

Once again, if a child is raised in a family where, for example, his or her parents have conservative or radical views, then their offspring will usually have the same views. Of course, during a person's life he can change his political affiliation, but the postulates of upbringing in certain conditions will still be preserved and will impose a certain shade on the social position of the individual.

Quite interesting is the definition given to us by Boyd Miller, Ph.D., University of Toronto. Dr. Miller introduces the term «moderate separatism» in his study. In his opinion, «moderate separatism» - strict separatism demands are limited not only to a certain social class and that simply exist on paper or in slogans, but it is a unique experience of each individual formed on the basis of their own feelings and perceptions. The author notes: «I advocate moderate separatism, referring to examples of ordinary human experience where sensory qualities and intentional content diverge» [Miller: 2010].

We can understand that often separatism is based more on certain sensory qualities of the individual: what exactly did a person feel when someone was unfair to him? How does everyone feel when they are forbidden to speak their native language, profess the religion of their ancestors, study and respect their own culture and traditions, or live with a complex of «inferiority» in relation to other ethnic groups? All these aspects form the desire for justice in the oppressed ethnic groups and push them to fight for their own freedom and self-identification. Sometimes such a struggle turns into terrorist acts that take the lives of dozens of innocent people.

A similar view is expressed by Damien Kingsbury, a professor at Dickin University (Australia). In his article «Why Separatist Movements Rarely Succeed», the researcher points out

that independence movements often begin with a small number of idealists, but grow rapidly when the central government responds to such actions with repression. Under such circumstances, the desire for «freedom» is rooted and thriving among the masses. Thus, the first reaction of central government to separatist movements are crucial for their further development and consequences. There are currently more than 100 separatist movements in the world, but despite their number, only a few are successful, while government spending on them can be very high for all participants [Kingsbury: 2017].

The separatist movement, with more obvious risks than chances of success, seldom declares absolutely pragmatic goals and real ways to achieve them. Usually, separatist ideas are more about passion, situational decisions and emotions from actions, which are interpreted differently by most people. If an «unfair» attitude affects a particular person or a member of his family or a close friend, it is much more important and has a greater impact on consciousness than hearing about «injustice» from a stranger on the street or through the media [Murer: 2002].

Even if it is successful, the cost of «independence» will be too high. It can lead to wars, lack of economic stability and professional leaders of the movement who could become experienced politicians and statesmen. The skills needed to gain independence are not the same as those needed to run a successful state with a stable economy.

The formation of personal consciousness takes place within a certain group, where the natural development occurs through specific circumstances: historical heritage, geography, belief in a common origin and development, etc. Differentiation of ethnic groups is always a normal phenomenon of social life, which has developed historically. However, there are cases when a certain ethnic group has suffered a collective historical trauma in the past, which has greatly affected the consciousness of the entire ethnic group. Such historical trauma or so-called «traumatic experience» can cause a variety of side effects aimed at counteracting the feeling of humiliation, loss and aimed at aggression against another ethnic group that is considered to be guilty [Sheketa: 2021].

The book «Pulling together or pulling apart», published by Oxford University on the prospects of nationalist movements for a united Europe, states the important thesis that nationalism and the nation have both bad and good qualities. Nationalism calls for an «imaginary past» in support of the demands of the future, which must satisfy the current ambitions of «national identity». Anyway, identity is an integral part of belonging to something. Regardless of its objective or subjective components, it is always realized as a social phenomenon [Bayo Belenger and Brady: 2020].

Everyone strives to belong to a certain community that has many similarities with itself. This phenomenon is a normal component of a modern integrated society. Separatism is supported by emotional aspirations or the fact creating a separate state. However, emotions in this case are so strong that distort reality and can harm the existence of the state as a whole. Sometimes, any ideology slogan of separatism has a strong emotional color and its ideologues can use such emotions to uplift large masses of people and provoke ethnic or national intolerance towards others.

Political autonomy is usually considered the main advantage of any independence. It is more important and relevant than the culture and tastes of the region, which differ from the rest. In fact, it is through the struggle for political power that a separatist movement is emerging in a politically autonomous state. The leaders of such a movement always seek to gain power in order to allocate resources of the region and benefit from its control. That is why there is a theory that economically developed and rich regions, which simply do not want to share money with others, most often than others seeking for separation [Gehring and Schneider: 2020].

This approach can be found in a number of well-known works on separatism. Nevertheless, looking at a map of the largest separatist movements not only in Europe but around the world, we see a clear analogy between the region's economic prosperity and its desire to separate from less economically developed territories and communities. Thus, representatives of «rich» regions may also have in their rhetoric calls for secession, and if such calls also underline the historical trauma

then at the end we will get some kind of «cocktail» of irresistible separatism, which can often transform into a bloody struggle for their right to self-determination.

Seth D. Kaplan, a foreign policy analyst and author of «Correcting Fragile States», has some advice for countries struggling with separatist movements on their territory.

«Countries that promote sufficient social cohesion and a common cultural identity, while minimizing any social inequalities in society, often remain intact and do not experience shocks. However, those countries that do not do so and have obvious gaps in their understanding of identity are more likely to ignite a separatist movement on their territory over time» [*Ghani and Lockhart: 2008*].

Historically, separatism has reached its greatest culmination during the reign of dictatorial regimes that, through a policy of monoculturalism in their country, but subject their representatives to all kinds of oppression, torture or forced deportation. During the dictatorship of Francisco Franco in Spain (1939-1975) that representatives of one of the most famous separatist movements in Europe – the Basque Country and Catalonia – waged the largest and bloodiest wars for their identity and unwillingness to unite with other ethnic groups. However, it should be noted that the problem of separatism was relevant not only in the totalitarian dictatorial regimes of the last century, but it is still one of the most important challenges in many democracies in the modern world. For example, the same aspiration of Catalonia for secession did not end with the fall of the dictatorial regime of Franco in 1975, but were relevant for a long time after it and reached its peak in 2017 with a referendum on secession from the Kingdom of Spain [*Vasco Cotovio and Clarke Dewan: 2017*].

Separatism does not just appear in people's minds, but the main thing is that it almost never disappears from there, but can simply sometimes be forgotten or flare up again with a bright «flame» of thirst for justice. Some analysts argue that certain separatist movements have no legal right to secede, as «interested» people have already exercised their right to self-determination when voting for their country's independence and emphasize another very important, but often forgotten point: how economically and politically viable are those states which was formed as a result of secession. Economic viability is usually ignored in separatist rhetoric because another argument usually prevails – «we are special» [*Beary: 2008*].

Quite the opposite conclusion about the prospects of separatism is expressed by Jesse Z. Mueller, professor of history at the Catholic University of Washington (USA), arguing that increasing urbanization, education and political mobilization; different levels of fertility and economic indicators in different ethnic groups, as well as immigration will continue to challenge modern states and their borders. Whether ethnonationalism is politically expedient or not, it will continue to shape relations between countries in the 21st century. Globalization will lead to an even greater division between rich and poor, forming completely opposite social classes. Wealthier regions that can faster achieve economic development will try even harder to separate themselves from the poorer or those who are less successful [*Muller: 2008*].

In this context, we offer another proper interpretation of the concept of «separatism» and the theory of its existence, which logically follows from our study. Separatism is a set of moral values or worldviews of a certain ethnic group, formed as a result of historical trauma inflicted on his ancestors in the past. Our theory is a result of the analysis of the problem of the moral and psychological aspect of the ideology of separatism. The ideas of separatism are embedded in the historical memory of the oppressed ethnic group and subconsciously affect its political life. For example, at some stage of ethnogenesis there may be no reason to spread separatist ideas, especially in a modern democratic society, but the tragic memory of ancestors who were oppressed by their language and culture forces their descendants to «painfully» react to any injustice. As a result, each individual in this group feels personal resentment about the tragic fate of their ancestors and seek for compensation.

Conclusions. Every ethnic group, like every person, is unique. We can express our concern about the spread of separatist ideas and slogans in the modern world, but we certainly have no right to stay away from this problem. Separatism remains the most acute and urgent problem of today.

The comprehensive studying of every aspect of this issue remains our main goal in resolving and preventing it.

The moral and psychological aspect of separatism is an important part of understanding this social phenomenon on general. The formation of a person in the society with a difficult historical destiny, of course, leaves a certain memory imprint on him and associations in the formation of his political views.

We do not claim that a separatist is one hundred percent born, but that upbringing in a socio-cultural environment, where separatist ideas prevail, plays an important role for this individual. Frequent misunderstandings of their own demands and excessive emotionality push separatists to reckless actions and, as a result, the high price for idealistic aspirations is not commensurate with the real losses from such a struggle.

Nevertheless, separatist movements around the world are confidently raising their heads and once again seeking for separation within the modern world. Every multicultural state needs to treat all ethnic groups that living in its territory with great responsibility and equality. Losing that balance can cost a lot. A well-thought-out and clear ethno-political policy is one of the foundations of any modern democratic state, its political and economic stability.

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СУЧАСНА СИСТЕМА МІЖНАРОДНОГО ПРАВА

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LEGAL BASIS OF GENOCIDAL PRACTICE IN TRADITIONAL RWANDA (15th - 20th centuries)

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Abstract. *Some people wonder why Rwanda experienced an atrocious genocide in 1994. The main reason is that Rwanda is traditionally a destructive, destructive and violent society prone to the tradition of exterminator. It constitutes a society dominated by physical, psychological and structural violence. The specter of conflicting relationships runs through Rwandan culture and anyone who does not understand its nuances commits errors in value judgments believing that they are operating according to Western logic. The culmination of this violence is the practice of extermination (gutsembatsemba). The latter is tightly tied around a politico-legal architecture carefully designed by the ruling class. Thus the esoteric code, traditional criminal law, traditional military law, war poetry, dynastic poetry and the panegyric system are the basis of the genocidal tradition in pre-colonial Rwanda. This study therefore constitutes an analysis of the legal basis of the practice of genocide in pre-colonial and modern Rwanda.*

Keywords: *genocidal practice, exterminating, esoteric code, war of domination, code of political institutions, structural violence, emasculating, traditional penal law; traditional military law, war poetry, dynastic poetry, trophies, armed incursion, official expedition.*

Аннотация. *Некоторые люди задаются вопросом, почему Руанда пережила ужасный геноцид в 1994 году. Основная причина заключается в том, что Руанда традиционно является деструктивным, деструктивным и жестоким обществом, склонным к традициям истребителей. Это общество, в котором преобладает физическое, психологическое и структурное насилие. Призрак конфликтных отношений пронизывает руандийскую культуру, и любой, кто не понимает ее нюансов, совершает ошибки в оценочных суждениях, полагая, что они действуют в соответствии с западной логикой. Кульминацией этого насилия является практика истребления (гуцембацемба). Последнее тесно связано с политико-правовой архитектурой, тщательно разработанной правящим классом. Таким образом, эзотерический кодекс, традиционное уголовное право, традиционное военное право, военная поэзия, династическая поэзия и система панегириков являются основой традиции геноцида в доколониальной Руанде. Данное исследование представляет собой анализ правовой основы практики геноцида в доколониальной и современной Руанде.*

Ключевые слова: *практика геноцида, истребление, эзотерический кодекс, война за господство, кодекс политических институтов, структурное насилие, выхолащивание, традиционный уголовный закон; традиционное военное право, военная поэзия, династическая поэзия, трофеи, вооруженное вторжение, официальная экспедиция.*

Introduction: Since the end of the 20th century, Rwanda has hit the international legal and political headlines. Not everyone speaks, rightly or wrongly, of the “Rwandan genocide” or the “Tutsi genocide”. Yet no one has yet succeeded in finding the socio-legal basis. Invocations of colonial policy are wrongly argued to justify the dismal events endured by the Rwandan populations. The International Criminal Tribunal for Rwanda - ICTR - ended its work without trial

before realizing that it was necessary to look for the undeniable roots in the history of the Rwandan people and not elsewhere. His efforts were crowned with dismal failure, for the simple reason that he failed to understand that the roots of these pearly genocides lay only in the political and legal history of Rwanda. It is with this in mind that this research was initiated.

The fundamental objective of this study is to research the socio-legal foundations of the practice of genocide in Rwandan society from the 15th century until today.

About recent documentation: it must be recognized that this theme has never been addressed by legal scientists, neither in political science nor even in sociological research. Without claiming to be the pioneers, we must emphasize that the data on this genocidal fact could only be collected in historical texts, transmitted orally from generation to generation by the holders of the Esoteric Code, and transcribed by the first intellectual holder of this Code, Mgr Alexis KAGAME (*Kagame: 1943; Kagame: 1952*). Later, some expatriates followed suit, translating these texts into French *M. d'Hertefelt and A. Coupez: 1964; J. Vansina: 1962, J.J. Maquet: 1954; M. d'Hertefelt, A.A Trouwborst, and Scherer: 1965*). It is in these historical documents that we will find the answers to the above questions that we will discuss. The additional information had to be sought in numerous historical, poetic, literary documents and in surveys carried out among elderly people still alive.

Main research results: Towards the end of the 20th century, we all witnessed a monstrous event that swallowed up thousands of human life. We have all called it "*genocide*". Rwandans traditionally call it since the 15th century "*ITSEMBATSEMBA*" which translates in English by the word "extermination". Why was it so easy to find a name for these acts of extermination? The answer is clear. Because Rwanda is a politically organized society experienced in the practice of extermination. These practices are not founded in a vacuum. Formal texts that were transmitted from generation to generation the institutions cleverly designed in the UBWIRU (Esoteric Code) form a legal architecture that governed all forms of violence, including the negation of the lives of thousands of Rwandans by the policy of extermination. Briefly, *what about this inclination to the practice of extermination? In other words, why is Rwandan society inclined to this practice of extermination, "Itsembatsemba"? What are the legal instruments on which this hideous genocidal practice was based?*

1. Rwanda: a society inclined to the exterminating

The exterminating practices that have always taken place in the world have always been committed against a background of permanent violence that reigned in societies. Germany, for example, was traditionally aggressive and still involved in expansionist wars; he was a militarist and was a product of Nazism (*Angrand Beatrice: 2006; J. Snyder: 1984; Dale C. Copeland: 2000; Jack Levy, Joseph Gochal: 2001-2002*) The Amerindians were decimated by the Spanish, English and French peoples who were always busy waging wars of domination over other peoples (*Maria Yellow Horse Brave Heart et Lemyra M. DeBruyn, «The American Indian Holocaust: Healing Historical Unresolved Grief» [archive], sur le site de l'université du Colorado, p.60-82; Bachman, R., 1992*). The Chinese were exterminated by Mongols considered to be violent, savages, invaders, conquerors (*J.L Margolin: 2007; J.P. Roux: 2002; D. Farale: 2003*). It is therefore not surprising that Rwanda has championed the genocides in Africa of the Great Lakes, if we know that traditionally, pre-colonial Rwanda pursued an expansionist and hegemonic policy in the African Great Lakes region. Article 121 of the Code of Political Institutions of pre-colonial Rwanda, litera (a), clearly states by stipulating that "the essential principle of Rwandan society being to unify all countries under the King of the Banyiginya, could never have the final peace with neighboring countries" (*A.Kagame: 1952*). During the colonial period and under the governance of the Hutu, from 1959 to 1990, no genocidal act had been committed in Rwanda. The latter resumed with its pre-colonial practice since 1990 by implementing and remaining faithful to its exterminating, expansionist and hegemonic policy in the Great Lakes region.

Traditional Rwandan society has inherited violence in all its forms in contemporary Rwanda. There is violence, because men are influenced in such a way that their current somatic and spiritual development is less than their potential development. To use Johan Galtung's words,

"therefore anything violent which enlarges the distance between the potential and the actual or makes it difficult to shorten that distance (*Galtung: 1995*)." This violence is physical and psychological depending on whether the individual or a group of individuals were made to suffer physically to the point of killing them or exterminating an entire group of people (family, clan, etc.) as an extreme form of this violence. The violence in this Rwanda is psychic, because it is directed against the psyche. To this type of violence belong lies, brainwashing, and various forms of indoctrination, manipulation, and threats etc ... which aim to diminish spiritual capacities. Kagame A., describing his ethnic brothers, points out that Rwandans have "a lying language, that lies and cunning are the virtues of the monarch and therefore of his subjects (*A.Kagame: 1949; A. Kagame: 1951*). Father Pagès noted that the Tutsi are inclined to lack frankness (*P. Pagès: 1927*). H. Meyer, when he was known as one of the best friends of the Tutsi, writes in this regard: "Laziness and cowardice are their two unpleasant traits, in addition to their tendency to lie (*H. Meyer: 1984*) ". And to continue that "the mututsi never says what he thinks, or very rarely. You have to guess. It goes further: lying is not just a habit in the face of strangers, it is a deeply ingrained bad habit that is practiced against everyone (*H. Meyer: 1984*). «And this is manifested today in all the information riddled with subjectivism and lies that is served to us.

It is therefore clear that contemporary Rwanda continues to perpetuate lies, brainwashing, various forms of indoctrination, threats, manipulation ... initiated, practiced and professed by the political leaders of former Rwanda.

We have to recognize one thing: "knowing how to disguise the truth, to give the change without arousing the slightest suspicion, is a science which the European lacks and which the Mututsi is proud to possess; the genius of intrigue, the art of lying are in his eyes arts in which they pride themselves on being very skillful: it is characteristic of all Mututsi and by contagion of all Munyarwanda (*S. Bushayija: 1958*)", said a Tutsi priest in 1958.

The type of violence that has still predominated in Rwanda is structural violence. Indeed, there is structural violence, when violence is integrated into the system itself and is expressed in relations of inequalities in the sharing of power and hence in inequality of opportunity. The resources are then distributed unequally. Inequality in the distribution of income and in educational opportunities, illiteracy, the concentration of health services in some sectors to the detriment of others are examples. But it is above all the inequality in decision-making power over the distribution of resources that is the most serious. Social injustice is the very condition of structural violence (*Balibutsa Maniragaba: 2000*).

On the basis of what has just been mentioned, it must be recognized that Rwandan civilization is a civilization of violence. All you have to do is agree to look at the historical realities of Rwanda, and you will be convinced that violence runs through all of Rwandan culture. We discover with Michel Elias that their everyday language is the symbol of violence itself, notwithstanding their hypocrisy. Their proverbs reflect excessive violence and aggression. All this contributes to the commission of acts of genocide (*itsembatsemba*). Michel Alias clearly observes it in these terms:

*"Rwandan [and Burundian] societies are overcome by a leprosy which eats away at them and gradually dissolves them. One of the most basic needs of any human society is not assured: collective security. It is the war of all against all. The forces of order have become agents of disorder, justice has lost all independence and participates in the conflict, the law is that of the strongest ... The coexistence of citizens is no longer managed, it is the savior - can individual generalized, the appropriation of wealth by raptors. Hundreds of thousands of dead, tides of displaced people and refugees, legions of orphans are characteristic of them. The whole productive apparatus is blocked, the state non-existent, the government without power, the moral forces discredited. Rarely in the history of mankind has we seen comparable chaos wiping an entire society off the map (*M. Elias: 1994*)."*

In Rwandan literature, the foundations of genocidal politics can be found in three major poetic genres in Rwanda: the Pastoral, the Warrior and the Dynastic. The significance of the latter is that he devoted himself to exalting the King and the reigning house (*A. Kagame: 1951*). It

reproduced all the events and information of the royal court. He celebrated the exploits of the monarch. Hence, Dynastic Poetry is an irreproachable and inexhaustible source of knowledge on the legal and political life of the Kingdom. It was therefore of great interest for a better understanding of the genocidal fact in the African Great Lakes region.

The specter of conflicting relationships runs through Rwandan culture and anyone who does not understand its nuances is very likely to make errors in value judgments believing that they are operating according to Western logic. It is important to regret that this continues through lies, brainwashing, various forms of indoctrination, manipulation, threats ... initiated, practiced and professed by political leaders.

In addition, to these two types of violence was added the cruelest: extermination, in the Rwandan language *itsembatsemba*. The contemporary fashioned vocabulary invented by Lemkin is genocide (*R. Lemkin: 1944; R. Lemkin: 1947*). He invented it in 1945 when the Rwandans wield it very easily in their exterminating practices, in their poems, in their music and in their legislation. EXTERMINATION is the action he uses in all circumstances. It has been narrated with pride and fervor in a multitude of poems since the 16th century (*A. Kagame: 1949*).

In the poem "Nothing consoles so much as to engender", the Rwandan poets declaimed:
"O liberators, son of the Sovereign, descendant of Rumeza,
In those who shed their blood in his favor, the reign is perpetuated ..."
"... may those who shed blood always be my masters! (*A.Kagame:1951*)"

These lines are still significant in that they show the bloodthirsty character of the Nyiginya dynasty. If not, how can we rejoice that its leaders, its superiors are the people broken in shedding the blood of the innocent? Once again, this tradition is ingrained in the culture of the Rwandans, because that is how they have always ruled Rwanda.

In poem 138, "No one as much as the King can be the providence of the Land", the Ade asserts that the King "has exterminated the enemy in the Land (*A.Kagame:1952*) ". The traditional Rwandan military code did not prevent strengthening the practice of extermination (*gutsembatsemba*) and emasculation (*guca ibinyita*) (*A.Kagame:1951*). Articles 176 (*A.Kagame:1952*), 196 and 197a of the aforementioned Code explicitly refer to this. Thus, genocide, in a society dominated by violence like Rwanda, is authorized and publicly supported because it is instituted by the governing power.

2. The Legal Architecture of Violence in Hamite Rwanda.

The strong violence that so ruined Rwandan society was tightly tied around a politico-legal architecture carefully designed by its rulers. Thus the esoteric Code, traditional penal law, traditional military law, war poetry, dynastic poetry.

2.1. The Esoteric Code

A. Definition

Many authors and researchers on the history of Rwanda claim that the Esoteric Code - *Ubwiru* was actually the fundamental law whose origin is *Imana y'i Rwanda* - the God of Rwandans, that no one could disguise or contradict, change or modify without repressive action (*M. d'Hertefelt, A. Coupez: 1964*). Whatever the cost, such actions had to have harmful repercussions on the political, legal, social and economic life of the country. The Esoteric Code contained the various ways indicating how to manage the state in all situations.

The originality of the Rwandan royal rites is underlined in the Bibliographical Encyclopedia "Society, Culture and History of Rwanda", in a few words: "Rwanda is distinguished by the firmness of the traditions which relate to the royal rites. These were contained in a text, called "*Ubwiru*", both form and substance of which were to be transmitted from generation to generation by a body of specialists (*abiru*) (*M. d'Hertefelt, D. de Lame: 1987*). "

The meaning of the term *Ubwiru* is not obvious. According to A. Kagame, *Ubwiru* means "inviolable secret"; but it is an explanation of the secrecy of the royal rites and the texts which relate to them, rather than of a definition strictly speaking. The etymology of this term therefore remains uncertain (*A. Kagame: 1943*). We can suggest a relationship between *ubwiru* and *ubwire*, nightfall,

understood as a dark veil covering the earth. *Ubwiru* would then mean what is hidden, "the veiled things". In other words, this Code was not known to everyone.

It is in fact a set of ceremonial magic rituals from ancient Rwanda. The functions of high priest were fulfilled by the king, assisted by *Abiru priests* in their various categories, including three main ones, called *Abiru-Bami, Priest-Kings*.

The texts of the rituals were entrusted to certain families, who ensured their memorization and transmission from generation to generation. It should be noted that this transmission was not necessarily made from father to son, because it was necessary, not only to show the required aptitudes, not only to learn the "profession" of priest, but also to be able to memorize texts, some of which are very important long, without ever modifying or forgetting the smallest detail - on pain of death, we are told. In practice, we identified, within the extended family, people who were not necessarily called to exercise properly priestly functions, but rather to serve as living archives: they learned by heart the texts including their families had charge. Control sessions were regularly convened by the king, in order to ensure that all the texts were in good condition.

By the very nature of the Rwandan Ceremonial, the functions were distributed according to the traditional code. For each ceremony, the King and the Queen Mother - the two poles of the same royalty - were the main officiants, assisted by the *Abiru priests* whose rites provided for by the texts pertained. Although he had female *Abiru*, none appear to have held any important priestly office. The three high priests, called priest-kings, *abiru-bami*, seem to have always been occupied by men.

The texts of *Ubwiru* were dictated to Alexis Kagame in 1945. In 1964, they were edited, translated into French and published in bilingual version by M. d'Hertefeldt and A. Coupez (*M. d'Hertefeldt, A. Coupez: 1964*).

In his writing "*Menya inzira z'Ubwiru mu Bwami bw'u Rwanda*" (Take note of the provisions of the Esoteric Code of the Kingship of Rwanda, NIZEYIMANA Jean Pierre quotes us the 18 ceremonial ways of the Esoteric Code of Rwanda (*J.P Nizeyimana: 2014*). These rituals were divided into three categories: a) rituals relating to the economic management of the country; b) rituals relating to the security and defense of the Nation; and finally the rituals relating to the political governance of the state. Of all the 18 rituals, as part of our research, we will basically retain the seven below:

- 1- : Inzira y'Urugomo = *The Way of Riot or The way of competition*
- 2- Inzira y'Inkiiko yabyaye umugaru = *The Way of the Troubled Frontier*
- 3- Inzira y'Urwihisho = *The Way of Hideout – at the Death of the King Enemy*
- 4- Inzira yo Kwasiira = *The Way of Drum Repairing*
- 5- Inzira yo Kwambika Ingoma = *The Way of Dressing the Drums (Enemy's Trophies)*
- 6- Inzira y'Inteeko = *The Way of the Offensive War Council*
- 7- Inzira y'Ubwimika = *The Way of the Royal Enthronement*
- 8- Inzira y'Ikirogoto = *The Way of the Royal Funeral*

We have chosen them because they deal with the sovereignty of the State, national defense and security, the High Command of the Armies, the treatment of captives during the war, the fate of foreign sovereigns captured or killed on the battlefields, the emasculation procedure, the decoration of the royal drum with the trophies or virility organs of enemy people fallen on the war field, the decoration and the gratification of war heroes....

B. Brief content

This esoteric code was both a constitution in the modern sense of the term, and a set of rules governing occult, mythical and magical (*imitsindo*) practices; and the application of its provisions required numerous appropriate divinatory consultations. This Esoteric Code of the Banyiginya dynasty was composed of poems covering all areas of interest to the dynasty. Each poem was entrusted to a family and passed from father to son through generations. All the bearers of these poems made up the college of *abiru* who were special advisers to power under the authority of a dean or great enthroned *mwiru*, necessarily from the Abatsobe clan. Matri-dynastic families (Abega for example) were excluded from knowledge of the esoteric code. The access to the Esoteric Code of Queen Mother Nyiramavugo II Nyiramongi of the Abega clan was the distant cause of the tragic

events of Rucunshu. The Esoteric Code being the soul of the Banyiginya political system, the Rwandan conflict is its emanation. Indeed, this Code had placed power above everything, even life.

Under this Code, the exercise of power was the exclusive prerogative of King Munyiginya, a prerogative which was passed from father to son. King Munyiginya exercised an absolute right of life and death over his subjects; he therefore had to put to death anyone who could claim it without fulfilling the conditions of the Esoteric Code. It should be noted in passing that killing in order to maintain power was a sacred duty for the Munyiginya monarch. He was strictly forbidden to abdicate. If the case were to arise, he had to kill himself; and thus allow power to remain in its lineage (*Kwitangira ingoma*). This is why, when a Tutsi monarch killed a Hutu king who resisted him, he had to mutilate him and adorn the drum - emblem of the dynasty - with his genitals to signify that the Hutu kingdom in question was, mythically and definitively, off. The Hutu were, as we have seen, reduced to the condition of sub-man in the service of their lord. This is the meaning of the following verses, taken from an old dynastic poem:

*"Harabaye ntihakabe
Hapfuye imbwa n'imbeba
Hasigara inka n'ingoma";*

This verse simply means, "*that after a bitter struggle, the dogs and the rats finally gave way to the cow and the drum*". In other words, the Hutu kingdoms were, ultimately, definitely conquered by the Tutsi. As we can see, it was the esoteric code that radicalized this situation forever (*C. Nkurunziza: 2006*).

2.6.2. Traditional criminal law

In the agro-pastoral society where the rearing of large cattle predominated, everyone sought to acquire them, either honestly or in some other way, including by theft. The robber who caught the thief "*flagrante delicto*" was authorized to kill him. If it was a mututsi who had stolen a head of cattle, but caught with his hand in the bag, he was sentenced to ordinary sentences. If the perpetrator of the theft was a relative or friend of the Mwami, there were times when the theft went unpunished (*J. Vanhove: 1941*).

Murder cases were the exclusive competence of the Mwami. If the murderer and the victim belonged to the same social class, the King ordered the exercise of private vengeance which led to endless conflicts between families and clans. If the murderer was a muhutu and the victim a Mututsi, two deaths were required in the muhutu's family. On the other hand, if a mututsi of any importance killed a Muhutu, neither he nor his belongings were worried (*J. Vanhove: 1941*).

The right of pardon did not exist. The King, however, had the power to stop direct revenge and offer compensation to the family of the deceased, but only if the deceased was a muhutu, since the Batutsi only allowed reparation by blood. Faced with these flagrant injustices and these inequalities in law, in a society where violence was enthroned, how could we avoid the crystallization of other forms of violence resulting from multifaceted and centuries-old frustrations? He who sows violence reaps hatred and destruction.

The death penalty was not awarded only to the people we have just discussed. Thus, were also liable to the death penalty: insurgents, real or supposed, against the vested authority; criminals or their relatives as well as thieves; monster children, unmarried mothers, pregnant daughters and children conceived during a period of mourning; the incestuous; girls with undeveloped breasts (*impenebere*); some twins; those who performed an act of life, culture or sexual intercourse during a period of national mourning for the Mwami (*R. Bourgeois, 1958*).

In principle, corporal punishment was of a collective nature. Any member of the criminal's family, even the whole family, could pay with their head the death sentence imposed on the convict; the penalty therefore struck the guilty and the innocent indifferently (*R. Bourgeois, 1958*).

It is therefore clear that such a legal system could only result in the development of a visceral hatred between the protagonists, which was always to give rise to victims; the oppressed always remaining on the alert so as not to suffer worse than they endured; and the oppressors resorting to the vilest methods to keep the oppressed in the grip. Every slip on the part of one of the parties must cause a stir, such as the behavior of this person who suffers from battered woman

syndrome. We still know the behaviors and reactions of people with this syndrome. Where will we get a renowned psychiatrist to help us treat a whole people who are suffering from it? It seems to me that the doctor will only be found among these people, because only he knows himself and knows him.

2.6.3. The Traditional Military Code.

To be convinced that violence was instituted in Rwanda and that attempting to destroy the life of the human person meant nothing in this society, one need only read the Code of Political Institutions of pre-colonial Rwanda. Indeed, Articles 188b, 190 and 193a provided for gratuities and decorations for any person who had been able to kill the greatest number of men.

Article 188, litera b stated:

“Any warrior who has slaughtered a seventh enemy will receive the honor called umudende (necklace of the septain).

Indeed, this Umudende decoration was an iron necklace from which bells hung in an even number: 2, 4 or 6, at chest height (A. Kagame: 1952).

Article 190, litera a and b provided:

“The warrior having killed his fourteenth enemy under the rule conditions, will receive the distinction called Impotore (torsade). This consists of a bracelet formed of an iron rod and a brass rod rolled one on top of the other in a regular twist.

Finally article 193, litera a and litera b stated:

“The warrior having slaughtered his twenty-first enemy, under the same conditions, will be the object of the grandiose ceremonial known as the Cremation of the Javelin and will thus become a national hero. The cremation of the Javelin (Gucana uruti) is decreed by the King and its ceremonial takes place on the highest mountain in the region where the hero lives.

Psychologically speaking, decorating the killers could only create, nurture and strengthen in Rwandan citizens a spirit that predestined them to be bloodthirsty. Nowhere, but nowhere else, was there a ceremony where the person was rewarded for having killed a lot of people. Although the law provided that the seven killed had to be foreigners, that the killed had to breathe their last breath on the battlefield and not elsewhere as a result of the wounds, it happened that, during the expedition, the Army has experienced defeat. To hide the military failure and not to become the laughing stock of the royal court because of the lack of trophies, the warriors, on their return, killed a good number of peaceful peasants (usually Hutu) who had to provide their heads and genitals for the triumphal parade of troops to the capital. Based on these kinds of trophies, efforts were made in the fighting to kill the enemy and not to take prisoners. Isn't it barbarism to cut off a man's organs of virility after killing him?

This practice of emasculating men was confirmed by articles 176 and 197-198a of the Code of Political Institutions of pre-colonial Rwanda. Indeed, according to article 197-a:

“The trophies taken from the remains of foreign kings must adorn, as a souvenir of the victories won, the drums - emblems of the dynasty”.

Section 176 reproduces almost exactly this same provision. It should be noted that the drums - emblems of the dynasty referred to in these two articles were those which symbolized sovereignty, the supreme authority both in Rwanda and among the surrounding peoples of Great Lakes Africa. Is there more violence than this?

Article 69a institutionalized torture as a criminal sanction.

Finally, it was the rule in Rwanda that "whoever refuses to obey in principle an authority, even inferior, is liable to the death penalty", according to the axiom: *"ingoma nto yica nk'inini"* in other words "a drum (symbol of supreme authority "however small it may be, condemns just like an immense drum (P.C Mupendana: 2021)". To suffer the death penalty because one has lacked a little respect for a superior deserves it Sometimes, it even happened that one instigated a disrespectful act with the sole aim of innocently destroying the person. What could be done with this unlimited violence? It was not limited to the Military Code, because all the Law Rwanda's customary criminal law also enshrined it.

Traditional Rwandan military law has also not hindered the strengthening of the practice of extermination. Article 196 of the Code of Political Institutions of pre-colonial Rwanda is quite explicit on this subject. The said Code goes further, because it institutes another form of atrocity known as "trophies" (*ibinyita*, in Kinyarwanda); which means nothing but "emasculatation". Articles 176 and 197 deal with this in a precise and concise manner.

Article 196e states:

The annexation of a foreign country is carried out legally by the capture of its dynastic drum or in the long run by the radical extinction of its line, because the complete extermination of all the direct descendants of the last reigning puts the country in the 'impossibility of legally resuscitating his dynasty.

Article 176 in turn states:

If the expedition cost the life of a foreign king or an independent wren, his trophy will precede the armies, carried in a basket, following the ceremonial prescribed by the esoteric code of the dynasty (way of the trophies).

Finally, section 197a determines that:

"The trophies taken from the remains of foreign kings must adorn, as a souvenir of the victories won, the drums emblems of the dynasty".

There is no need to dwell on the practice of extermination, as it has been sufficiently illustrated in the previous paragraph. On the other hand, it is appropriate and very important to draw our attention in a separate paragraph to the practice of emasculatation.

Finally, we will not forget the institution of *Umucengeri* and *Umutabazi*, which had to be resorted to whenever a war expedition was to be launched against a foreign state. When it was to be an armed raid incursion, it did not require recourse to the liberator. The armed incursion was either decided by the king in private, or by a marches commander to achieve a limit objective and that for a period not exceeding the duration of two days (A. Kagame: 1952). The official expeditions engaged the honor of the whole State while the armed incursion engaged the responsibility of whoever decided it (*L. de Lacger: 1939*).

The official expedition required the spillage of blood. When it was directed against a foreign state with the aim of annexing it, it was absolutely necessary that it be preceded by an offensive liberator (*umucengeri*) (*L. de Lacger: 1939*).

Umucengeri was a hero appointed by divine consultation to replace the king and go voluntarily to shed his blood on the battlefield in order to give Rwanda the right to annex a territory bought at the price of royal blood (*P.C Mupendana: 2009*). Sending an offensive liberator was seen as a form of declaration of war.

Apart from the offensive liberator, in practice in Rwanda there was a defensive liberator - *umutabazi*-. *Umutabazi* was a hero designated in the same way to shed his blood in the place of the king in order to save the independence of the Country threatened by a foreign state (*P.C Mupendana: 2009*). "The custom linked to the designation of liberators was very developed among the peoples of the Great Lakes (*A. Kagame: 1972; A. Kagame: 1975; A. Coupez, Kamanzi Th: 1962*).

In conclusion, Rwandan military law held that life was of no value unless it was put at the full disposal of the Mwami. He alone could decide the life of each of his subjects.

2.6.4. War poetry

It is a literary genre very popular with Rwandans. Each male Rwandan, in the days of the monarchy, had his self-eulogy poem held as his real name, which was recited during popular or family demonstrations. The self-eulogy recounts the author's alleged war facts, of whether they are true or false. The important thing is the poetic character of the work, its length, and the way in which it is declaimed. According to A.COUPÉZ and Th. KAMANZI (*A. Coupez, Kamanzi Th: 1962*):

Icyiivugo, derived from + *vúg*- "to speak" including the reflective classifier and literally meaning piece where one speaks about oneself, *autopanegyric*. They are quoted by brandishing their spears, screaming at the top of their lungs, as if to impress the enemy. (...)

The author unreservedly boasts of real or imaginary exploits, of which the genre convention admits the exaggeration. (...)

The properly poetic part of the text is followed by another, called *ibigwi* (whose singular *ikigwi* means place where one has killed), which consists of a dry and precise enumeration of victories (*E. Shimamungu: 2007*).

War poetry bears the name *-ivugo* / δ , which derives from the verb *-vúg*, to speak, accompanied by the reflective infix. It properly designates a piece where one speaks about oneself; depending on the context, we translate it as self-panegyric or deeds. Every Rwanda has its panegyric self, which is as personal to it as its name and can possibly replace it. He declaims it in the vigils of arms which precede or follow the combat, and in combat when he kills an enemy. Cadets in training use them to encourage each other in their war dances. It is also included in the recreational evening's program. The narrator stands, arms raised, brandishing his weapon if the circumstances are right.

Rushing the flow at a furious pace, he tries to utter as many words as possible in a single breath, without even respecting the normal delimitation of the sentences. The descending intonation of the Rwandan language forces him to start from a very high register to reach with the limit of his breath that of tonal lowering (*A. Coupez, Kamanzi Th: 1962*).

This kind of poetry is learned from childhood, and in the course of a family celebration, one may be surprised that a 12-year-old child, also authorized to declaim his deeds, recites the *icyivugo* he has learned for example at school (without even reporting it, because piracy is also allowed in this kind of creation) like this:

*Inshyikanya-ku-mubili
Ya rugema ahica
Icumu lyera ikigembe
Naliteye Umuhima kuli Gakirage;
Akirangamiye ubwiza
Ndalimugabiza liramugasha
Nk'ubukombe bw'intare
Mbonye ko limubaga ndamushinyagulira
Nti: "Aho si wowe wenyine,
N'uw'i Bunyabungo
Ni uko namugize (A. Kagame : 1972)*

This can be translate as the following:

*The Body-Striker
(race) of the Sight-at-the-deadly-places
Javeline with a white blade
I threw it against a Muhima, in Gakirage
While he admired its perfect beauty
I delivered him to her mercy and she devoured him
Like a male lion in full force
Seeing that she was butchering him, I laughed at him
By saying, "Well! You're not the only one!
That of Bunyabungo
I treated him the same.*

This artistic verbal violence does not go beyond the stage of declamation. The facts don't have to be real, and the composition can be owned by someone else as well. In the days of the monarchy, the *ibyvugo* recounted the facts that had really happened and for which honorary distinctions were given: the one who had killed 7 people received from the King the *umudende* "necklace of the septaine", the one who had killed some. 14 received the *Impotóre* "the torsade"

(bracelet of value), the one who had killed 21, received the supreme distinction *gucaana uruti* "burn the javelin" or cremation of the javelin", a ceremony, during which the hero burned the wood of his spear.

Today, this poetic genre, included in war poetry by A. Coupez, still exists, but does not have the primeur which was granted to it at the time of the monarchy. No Rwandan can tell you that he has a personal panegyric self. The panegyrics composed today have been emptied of their substance, in particular by the declamation of fictitious acts of war, or of which the contents are not strictly speaking "warriors". Indeed, the act of killing today constitutes a crime which is punishable by law and one cannot boast of having killed someone in public, especially when it is true. The genre has been led astray from its primary objective of telling the feats of arms. However, it has not lost its poetic character nor its content of speaking about itself. The eulogy today is no more than a "warrior ode". Among the self-eulogies, the warlike ode is no more than a fiction. The genre has profoundly changed, it has been transformed, while retaining the essential functions of speaking about oneself and the poetic character of the text.

This poetry was not only an artistic literary work, but also a source of information on the great decisions which were taken by the King. With this poetry, one could know in a chronological way the succession of great events, of the great legislative reforms in matters of the conduct of war operations...

2.6.5. Dynastic poetry

Some will ask why we preferred to consult Rwandan dynastic poetry to show the exterminating character in Rwandan culture. This question will have its good *raison d'être*. Indeed, almost everywhere in the world, it is the poets who have always been the first educators of peoples, their philosophers and often also their first legislators and their historians. The *Iliad*, the *Works and Days* of Hesiod, or even the philosophical theorems of Parmenides or the primitive portions of the Koran, written by the companion of the Prophet on the shoulder blades of sheep... were written in verse. Furthermore, where all popular tradition was oral, versification was an excellent mnemonic device, even regardless of the artistic merit of the poetry (*P. Charles: 1951*). Thus, dynastic and esoteric poetry constituted the sources of traditional law in Rwanda and throughout the Great Lakes Region.

In Rwandan literature, three major poetic genres were distinguished: the Pastoral, the Warrior and the Dynastic. The significance of the latter is that he devoted himself to exalting the King and the reigning house (*A. Kagame: 1951*). It reproduced all the events and information of the royal court. He celebrated the exploits of the monarch. Hence, Dynastic Poetry is an irreproachable and inexhaustible source of knowledge on the legal and political life of the Kingdom. It therefore represented a great interest for a better understanding of the genocidal fact in Africa of the Great Lakes.

Analysis of the vast majority of dynastic poems shows that Rwandan society has been, since the 15th century, in essence, a society dominated by violence; a violence that goes as far as exterminating families, clans, different people, those in power. It would therefore not be wrong to assert that it is this culture that continues to mourn Rwanda and the Great Lakes Region of Africa and to exterminate relentlessly and without mercy of populations, or entire ethnic groups.

Anyone who conducts research on Central Africa and ignores the ancient literary forms of the peoples of this region, will find it difficult to understand what is going on there. Thus in Rwanda, all the political philosophy (hegemonic, exterminating and expansionist) of the Tutsi is crystallized in dynastic poetry, pastoral poetry and war poetry. Recall that where the whole popular tradition was oral, versification was an excellent mnemonic process, even regardless of the artistic value of the poetry. Not surprisingly, even in societies endowed with writing, poetry in many cases traced the social fact. One need only read the poets of the Middle Ages in the West to be convinced of this.

The poem below, composed in the 16th century, describes the different methods of conquering power by the Tutsi. This poem, which has been told at the Royal Court for centuries, reads as follows:

*"The Country I inherited to create it,
To unify and DOMINATE it,
By dictating my law to his current masters,
And continue to enslave them by giving them COWS,
Since it is from the Lord that I hold this land
May he grant me a long reign
And a power that expands
By my continuous descent,
It's not just by guns
That we can assert ourselves:
Let us attract by the RUSE those to whom I will give cows,
This is the instruction:
COWS are the foundation of our power
Who receives only one becomes sewn to the donor
He behaves like a child!
Milk is milking it ties it up,
They drink and it's a bond of alliance
Cows increase the number of subjects
And you broaden your domain,
So you become victorious!
When you tease a native prince,
Let him come and accept the cow you donate,
He is the one who brings you his subjects
And you make alliances with them.
By granting the cows to the best of them,
You diminish the authority of the Prince
From then on jealousy comes to live in her
Because you are equal to his subjects.
If he intervenes to hold them back,
They flee to the donor of the cows;
If the weak have recourse to you,
You show him your strength by defending him
So you tempt those who feel weak
To protect and reassure them.
As for the Prince's government,
You make it tumble down,
In this way you take away his greatness,
And without choice confides in you.
The Prince once defeated
His family submits
You bring them in and make your exploits sing,
You encourage their neighbor to attack them in turn
And you bring these countries together
You distribute the cows there.
If there is still one that is stronger,
That you can start a fight against him,
Looking for his alliance
By giving him a WOMAN as a gift
And when you call on him,
He comes with his armies:
The more it gives you to extend your domain
The stronger you become than him.*

*If a disagreement arises between you,
You incite those whom he has conquered against him;
When he came to your aid
At the time of good understanding,
You take away his domain and his armies
You become like the midday sun,
Like a blazing fire from which we flee
You become the owner of his home.
Please maintain the instructions:
The cow is not pushed aside,
It attracts men.
The palaces of foreign kings
Are not entitled to our sun,
As soon as it shines, they slip away,
Become like ashes while
That we are sparkling.
The emblem drum bequeathed to us by the Basindi
Stand firm and ground his hopes,
We dedicated the day and the night
For him we have crushed the native princes (A. Kagame: 1949).*

This poem contains very important key words or principles which guide until today the political philosophy and the foreign policy of the Tutsi wherever they are. These principle words are:

- 1- The COW symbolizes recourse to corruption.
- 2- RUSE is a way of obsessing others for the simple purpose of manipulating them and using them for their cause.
- 3- The WOMAN must intervene for several reasons: clouding, espionage, revenge and murder.
- 4- ZIZANIA (INTRIGUES) is their most important weapon, especially when they are about to attack or subjugate one of the allied powers. While they are tearing each other apart, the Tutsi intervene in favor of one of them and gradually annihilate them one after the other to end up dominating them all.
- 5- VENGEANCE is specific to the Tutsi. If you have faced a Tutsi and you have gained the upper hand loyally over him, be sure, sooner or later he will have to take revenge or use all his means to liquidate you.
- 6- EXTERMINATION is the action he uses in all circumstances. Although in this poem this characteristic is lyrically expressed, in other poems it is narrated with pride and fervor.

The poem "*Since God gives us an occasion for rejoicing*", composed in 1875 to celebrate the victory of the King against Kabego, the Kinglet of Ijwi Island, shows us how the concepts of "*exterminate*" and "*avenge*" are regularly on the books lips of the Aedes of the Royal Court. Now, we know that "*umwera uturutse ibukuru, bucyu wakwiliye hose*", that is, the behavior of superiors, without delay is adopted by all.

The following verses reveal once again the exterminating practice of Tutsi power:

*"You uprooted the murderers of your Family:
You destroyed the descendants of Nsibura, [...],
Your javelin is wreaking dreadful carnage among the islanders!
They were exterminated in bewilderment,
Claiming to be victims of the attack of a King descending from the heavens..."*
(A.Kagame: 1951)

It is clear that the Aède officially declares that the King and his Army uprooted and annihilated the descendants of Kinglet of Ijwi, avenged the King's parents and goes so far as to confirm that after an unnamed carnage, the King has exterminated all his opponents. It is therefore

not surprising that the whole nation, especially those in power, took as a fighting ideology the "extermination" of any social group considered enemy of the royal court. The poem 71 "*O lightning front!*" tells us in a parabolic way about the exterminating practice of the Rwandan kings:

*["...] Of this formidable Karinga, he told us,
The future heir cares only for me!
I see he's already shattered peoples' lives,
While his beard only dawns,
This conqueror of multitudes,
Hero who disconcerts the "Oxen",
Those they threaten only wake up to moan!
The people whom he defeats no longer satisfies his wisdom, [...],
The one he has not yet killed has become miserable! [...](A.Kagame: 1951)"*
*"O front that sows mortality!
Heroes whose javelins are still in their youth! (A.Kagame: 1951)*

In the poem 90 "To reproduce in his children" we see this exterminating practice in the declamation of the deeds attributed to each monarch as they succeeded one another. Thus Kigeli I Mukobanya is considered "the armed javelin fighter"(A.Kagame: 1951), while Mibambwe I Sekarongoro I Mutabazi I is "the hero with the bloody complexion (A.Kagame: 1951); the Front-watered-in-blood ". Ruganzu II Ndoli is "the avenger" who "killed his enemies to extermination" (A.Kagame: 1951). As for Mutara I Nsoro II Semugeshi, he is "the exterminating shield of rebels" and the one who "adorned the Karinga seven times with trophies (A.Kagame: 1951)". Kimenyi II Nyamuheshera is described as "the hero whose shield satisfies the Nyamiringa; whose javelin exterminates the Bahunde(A.Kagame: 1951)... ". Cyilima II Rujugira, "The Annexor of Foreign Countries... killed Mutaga and extinguished anyone who could avenge him (A.Kagame: 1951)." Mibambwe III Mutabazi II Sentabyo "is the Triumphant Front of Foreign Countries (A.Kagame: 1951)" while his successor Yuhi IV Gahindiro "sowed untimely death among the wrens and none of them left an offspring" because they were "uprooted by fire".

The present poem which narrates the deeds of the Rwandan kings of the precolonial period is rich in exterminating ideology. This poem which aims at the perpetuation of culture and the perpetuation of exterminating acts in Rwandan society deserves special attention.

The table below shows how the Nyiginya dynasty has always promoted a bloodthirsty, exterminating, not to say genocidal, vengeful and domineering policy. We can see this in the names of war that have been attributed to the various Rwandan monarchs since the 15th century:

Name of the King	Date of enthronement ¹	Qualification given to him ²
Kigeli I Mukobanya	1500	The Avenger
Mibambwe I Sekarongoro I Mutabazi I	1526	The battler armed with the javelin; the killer of the Bugoyi wren.
Yuhi II Gihana II	1543	-
Ndahiro II Cyamatara	1580	-
Ruganzu II Ndoli	1590	The avenger; the exterminator
Mutara I Nsoro II Semugeshi	1617	The exterminator, the trophy grabber
Kigeli II Nyamuheshera	1644	The Exterminator
Mibambwe II Sekarongoro II Gisanura	1671	The killer of the wrens, The cutter of the organs of virility
Yuhi III Mazimpaka	1698	-

Cyilima II Rujugira	1725	The Annexer of Foreign Countries; the entire line extinguisher
Kigeli III Ndabarasa	1753	The raid specialist
Mibambwe III Mutabazi II Sentabyo	1780	The Triumphant of Foreign Countries
Yuhi IV Gahindiro	1785	The pest of foreign countries; the royal lineage extinguisher
Matara II Rwogera	1835	The exterminator of foreigners

Poem 123 "Royalty is the privilege of one lineage" declares the Tutsi race as a race of God called to dominate other races. In addition, he does not hide the determination of the Tutsi to continue their policy of exterminator. He does not forget to stress that any defeated Hutu king must be emasculated and his virile organs must adorn the Royal Kalinga Drum. The author of this poem puts it in rather pathetic terms:

*"Kingship is the privilege of a single line,
Race of God!
The illusioned, deprived of this royal prerogative from birth,
This wealthy chosen one exterminated them,
And with their remains the Kalinga is adorned. (Sindayigaya: 1945) " [...]
Nowhere do I hear about kinglets:
This plague of enemies has exterminated them
And the drums are decorated with their trophies. When he thinks of independent princes,
He cannot rest or be sleepy;
He can't go a single day without taking it;
And without turning it into a massacre of extermination.
When there is an offspring of them,
He does not let him grow up a! the risk of getting up again:17!
He inquires about his hiding place and goes there to uproot him (Sindayigaya: 1945).
[... "]*

One might think that this hideous exterminating practice was solely a matter of politics, yet it is surprising to find it enshrined in the Code of Political Institutions of pre-colonial Rwanda and the Esoteric Code. The extermination in question is still carried out through the emasculation which we will discuss in another article.

CONCLUSIONS

The exterminating practices which have always taken place in the world have always been committed against a background of permanent violence which reigned in different societies. Rwanda, on the other hand, had a well-developed genocidal ideology. He inherited violence in several forms: physical violence, psychological violence. This violence is physical depending on whether the individual or a group of individuals is being made to suffer physically. It reaches its peak when it seeks to proceed with the extermination of an entire group of people (family, clan, ethnic group, etc.) as an extreme form of this violence. It is also psychic, because it is directed against the psyche. To this type of violence belong lies, brainwashing, and various forms of indoctrination, manipulation, and threats etc ... which aim to diminish spiritual capacities. Here, we resort more to the language, because the Tutsi especially in the Rwandan society understood that "the lance of language defeats the spears of a troop of shock", that is to say the language kills more people than the war.

The other type of violence that has still predominated in Rwanda is structural violence that takes place when violence is embedded in the system itself and is expressed in unequal power-sharing relationships and hence, in the inequality of opportunity, unequal distribution of income,

educational opportunities, illiteracy, the concentration of health services in certain sectors to the detriment of others, social injustice.

In addition, to these three types of violence was added the cruelest: extermination, in the Rwandan language *itsembatsemba* and in the contemporary vocabulary of genocide. The latter was invented by Raphaël Lemkin in 1945 when Rwandans, since the 16th century, use it very easily in their daily practices. The genocide was narrated with pride and fervor in a multitude of poems. Hence the conclusion that genocide, in a society won by violence like Rwanda, is authorized and publicly supported because it is instituted by the governing power.

In Rwandan literature, we find the foundations of the genocidal policy in three major poetic genres in Rwanda: the Pastoral, the Warrior and the Dynastic. The specter of conflicting relationships runs through Rwandan culture and anyone who does not understand its nuances is very likely to make errors in value judgments believing that they operate better according to Western logic.

The strong violence that so ruined Rwandan society was well tied up around a politico-legal architecture carefully designed by its rulers. Thus traditional penal law, traditional military law, war poetry, dynastic poetry and finally the esoteric code. Anyone wishing to settle any dispute, or prosecute an individual for a crime committed in Rwanda, is advised to know these African specificities. Oddly enough, the judges, investigators, the prosecutor and his agents knew nothing about these realities. Which was one of the roots of the failure of the ICTR.

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EU REGULATION OF CARTEL AGREEMENTS: RECENT DEVELOPMENTS AND THEIR IMPLICATIONS

РЕГУЛЮВАННЯ КАРТЕЛЬНОЇ УГОДИ В ЄС: ОСТАННІ ЗМІНИ ТА ЇХ НАСЛІДКИ

РЕГУЛИРОВАНИЕ КАРТЕЛЬНЫХ СОГЛАШЕНИЙ В ЕС: ПОСЛЕДНИЕ ИЗМЕНЕНИЯ И ИХ ПОСЛЕДСТВИЯ

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Abstract. *Competition is a one of the most important and fundamental mechanisms of the economy, which is considered to be an essential factor for economic growth and prosperity. This article reviews the importance of competition law, which is one of the most crucial and essential part of law that has to be implemented properly to support and ensure smooth functioning of the economy in the state. This article points out the most important and significant steps taken by the European Commission towards the fight against cartel agreements in the past few years, for example, when the European Commission introduced and made recent developments by implementing specific laws, rules and programs during the last few years, which could be used as a tool to fight against cartel agreements, foster economy and support free and undistorted competition on the market. At the same time, this article discusses and clearly highlights that collaboration between the relevant bodies, as well as between the international organizations increases efficiency of competition level and fosters economic growth. The European Union has updated the relevant guidelines, and fruitful cooperation between the relevant Member States certainly facilitates the process of identifying anti-competition agreements in the marketplace. The article reviews implementation of effective Directives, legal acts or guidelines, such as Directive ECN+ empowering competition authorities to counter any anti-competitive practices, introduction of state aid modernization effective package that plays a crucial role in empowering the EU*

Member States to execute strategies for better economy, as well as other international developments against cartels to show that these developments are aimed at governing and protecting free and undistorted market competition. These instruments are very efficient and significant for competition and its further development.

Key words: *Competition Law, Cartel Agreements, European Commission, Recent Developments, Directives and Guidelines, State Aid Modernization package, Economic Growth.*

Анотація. Конкуренція - один з найважливіших і фундаментальних механізмів економіки, який вважається важливим чинником економічного зростання та процвітання. У цій статті висвітлюється важливість прийняття закону про конкуренцію, що є однією з найважливіших та суттєвих частин права, яку необхідно належним чином впроваджувати для підтримки та забезпечення безперервного функціонування економіки держави. У цій статті вказується на найважливіші та істотні кроки, які Європейська Комісія зробила у напрямку боротьби із картельними угодами протягом останніх декількох років, зокрема, коли Європейська Комісія запровадила останні зміни шляхом імплементації спеціального законодавства, правил та програм, які можуть бути використані як інструмент для боротьби з картельними угодами, сприяння розвитку економіки та підтримки вільної та неспотвореної конкуренції на ринку. Також у цій статті розглядаються питання та робиться чіткий наголос на тому, що співпраця між відповідними органами, а також між міжнародними організаціями підвищує ефективність рівня конкуренції та сприяє економічному зростанню. Європейський Союз оновив відповідні настанови, а плідна співпраця між відповідними державами-членами, безумовно, полегшує процес виявлення антиконкурентних угод на ринку. Розглянуто впровадження ефективних директив, нормативних актів або вказівок, таких як Директива ECN+, що надає повноваження органам з питань конкуренції протидіяти будь-якій антиконкурентній практиці, впровадження пакету модернізації державної допомоги, що відіграє важливу роль, надаючи державам-членам повноваження розробляти стратегії для покращення економічної ситуації, та інші міжнародні заходи проти картельних угод, щоб показати, що ці події мають на меті врегулювати та захистити вільну та невикривлену конкуренцію на ринку. Ці інструменти дуже корисні та важливі для конкуренції та її подальшого розвитку.

Ключові слова: *закон про конкуренцію, картельні угоди, Європейська Комісія, останні події, директиви та настанови, модернізація державної допомоги, економічне зростання.*

Аннотация. Конкуренция - один из важнейших и фундаментальных механизмов экономики, который считается важнейшим фактором экономического роста и процветания. В этой статье раскрывается важность принятия закона о конкуренции, который является одним из важнейших и существенных частей права, которую необходимо должным образом внедрять для поддержки и обеспечения бесперебойного функционирования экономики государства. В этой статье указывается на важные и существенные шаги, которые Европейская Комиссия сделала в направлении борьбы с картельными соглашениями в течение последних нескольких лет, в частности, когда Европейская Комиссия ввела последние изменения путем имплементации специального законодательства, правил и программ, которые могут быть использованы в качестве инструмента для борьбы с картельными соглашениями, содействия развитию экономики и поддержки свободной и неискаженной конкуренции на рынке. Также в этой статье рассматриваются вопросы и делается четкий акцент на том, что сотрудничество между соответствующими органами, а также между международными организациями повышает эффективность уровня конкуренции и способствует экономическому росту. Европейский Союз обновил соответствующие постановления, а плодотворное сотрудничество между соответствующими государствами-членами, безусловно, облегчает процесс выявления антиконкурентных соглашений на рынке. Рассмотрено внедрение эффективных директив, нормативных актов или постановлений, таких как Директива ECN +, предоставляющая

полномочия органам по вопросам конкуренции противодействовать любой антиконкурентной практике, внедрение пакета модернизации государственной помощи, играющей важную роль, поскольку она предоставляет государствам-членам полномочия разрабатывать стратегии для улучшения экономической ситуации, и другие международные меры против картельных соглашений, чтобы показать, что эти события имеют целью урегулировать и защитить свободную и неискаженную конкуренцию на рынке. Эти инструменты очень полезны и важны для конкуренции и ее дальнейшего развития.

Ключевые слова: закон о конкуренции, картельные соглашения, Европейская комиссия, последние события, директивы и указания, модернизация государственной помощи, экономический рост.

Introduction. The competition law plays an enormous role in the development of economy and upkeeping the undistorted competition on the market. It is important to always strive to find the ways to restrict anticompetitive practices and introduce relevant measures from legal and practical perspective. The European Union and relevant legal bodies have been working on the specific laws, regulations, and programs recently to develop the ways for fighting against anticompetitive agreements.

General statement of problem. It is important to underline that developments in any area of law is necessary in order to ensure more freedom and competitiveness in the State. It is necessary to show the developments and ways introduced in the European Union, which can be studied and reviewed by other States to ensure free competition in their respective territories. The developments during last few years are quite significant and important for fighting against cartel agreements.

In past recent years, particularly in 2018, the EC took significant steps and approaches towards the fight against cartels. Some of the most important recent improvements that commission has implemented in the enforcement of the competition law and the fight against cartels are described below:

Fostering a competitive internal market in 2018, which was the EU's 60th anniversary after the formation of the European Economic Community, definitely played a crucial role in fighting against cartel agreements to foster competitive internal markets [*European Commission*, 2018: 2]. At this time, the EU had more than 24.5 million SMEs and large corporations, and which served more than 500 million consumers, with most of these successes being attributed to diverse roles played by the EU in creating a competitive business environment.

Recent research and publications. The issues raised in this article were highlighted, in particular, by Ms. Beatrice Roxburgh in her book "*Competition Law*" published last year, where she points out that cartel agreements are generally considered as one of the most anti-competitive form of behavior and commission has been increasingly zealous to uncover such arrangements [*Roxburgh B*, 2020: Chapter 5.2.1]. It is also important to note that in October 2020 during UN review conference on Competition and Consumer Protection – Cross Border Cartels have been also addressed. It is interesting to also read the Cartel Enforcement Global Review Journal of September 2020 by DLA PIPER which discusses the cartel issue by each EU country, including penalty trends, ECN+ Directive, investigations, leniency programs and international cooperation.

The purpose of this article is to explore the legal issues related to cartel agreements and to show that fighting against cartel agreements remains one of the main tasks for the European Union.

Main research results. From the inception of the EEC, the European Union has always maintained stringent rules, which have enabled the EU Commission to create an undistorted and fair internal market. The competition law provides a series of frameworks that are well-defined and also are to be followed by all legal entities operating within the Community. These strategies and regulations have made it possible for all businesses, irrespective of their size, to compete fairly on the market. In the past 60 years, the legal framework on competition and control of cartels has evolved significantly, with most of the changes primarily aimed at ensuring that emerging challenges are dealt with adequately. In recent years, the EU Commission has been able to implement the principles of predictability, transparency, procedural fairness, and non-

discrimination, which have been crucial pillars in strengthening the fight for fair and undistorted competition.

Another important milestone that the EU Commission has achieved in recent years includes the increased collaboration with other bodies, which have the same objectives, such as the International Competition Network, the OECD, and the United Nations Conference on Trade and Development (UNCTAD). The EU Commission also coordinates with national authorities on competition of the Member States, the national legislative and court system, in ensuring that a fair environment for the competition is created. As A. Goldthau and N. Sitter indicate, the national, regional, and international collaboration between the EU and other authorities has played a crucial role in the fight against anti-competitive behaviors [Goldthau, Sitter, 2015: 1-10]. International cooperation between the competition bodies for investigating cartel agreements has been significantly progressed upon executing different types of bilateral or multilateral agreements [OECD, 2019: 7].

On 7 June 2018, the EU accepted the Recommendation for a Single Market Program, which was a part of the Multiannual Financial Framework, and which was to be implemented until 2027 [European Commission, 2018: 1]. What is important about the proposed program is that it provided valuable guidelines concerning competition, with the required funding mechanism needed for the implementation of the program. Some of the benefits of the competition program include the fact that it provides newer and more effective policies and strategies that can help in fighting anticompetitive behaviors that are ever-changing. Examples of modern challenges that the commission faces are associated with modern technology, which include fast-moving developments, algorithms, and big data [Bloom, 2006: 70]. Moreover, the competition program has been espoused as being able to strengthen the levels of cooperation and coordination between the EU Member States to work together in the creation of a competitive environment.

Furthermore, in 2018 the competition policy was strengthened even further. Specifically, the policy was improved to target important markets for EU companies and consumers. Some of these markets which the competition policy has been improved to focus on include transport, manufacturing, agriculture and food, energy and environment, financial services, as well as telecommunication and digital sectors [DLA Piper, 2020: 2].

Apart from just enacting stringent laws, the EU has in recent years improved the mechanisms of implementing the competition laws. The EU Commission has shown significant efforts that have been aimed at streamlining and improving the efficiency of different procedures, including the calculation of the economic effects of cartels and other processes in competition cases. All these measures have been aimed at enhancing effectiveness, efficiency, and ensuring the competitiveness on the market.

Some of the specific milestones that the EU has taken to improve effectiveness in competition enforcement are described below.

The EU Commission provided an updated guideline in December 2018 on various aspects concerning competition, including confidentiality rings, confidential information, and secret information for companies. Also, the amendment provided significant guidelines on how companies and other key stakeholders could access valuable information from the commission files, especially during antitrust cases. The two changes reveal the important milestones that the EU Commission has taken towards increasing effectiveness, efficiency, and timeliness [Maudos, Vives, 2019: 1-20]. However, it is important to note that while the EU Commission has been undertaking the changes, it has remained vigilant in safeguarding the rights of all the interested parties. The new guidelines were important complements to the existing guidelines about the best practices in competition. Moreover, the EU Commission provided important guidelines about the adoption of electronic document submission, which is one of the strategies that the Commission has applied in ensuring effectiveness, efficiency, and timeliness.

In 2018 the EU commission completed investigation of a series of antitrust cases, which was particularly successful due to the cooperation between different EU Member States. The increased cooperation between the different authorities raises the impact and relevance of the decisions by

enhancing the speed at which the investigations are conducted. Also, these improvements imply that companies are willing to cooperate so that they can benefit from the reductions of fines [Marco Colino, 2019: 147], which can be realized in several ways, including the leniency or settlement notices. For instance, the EU Commission provided guidelines in 2018 about the mechanism that companies can adopt to avoid higher fines in antitrust investigations. In 2019 we see the adoption of e-leniency tool, which enables companies to submit documents via online through a very secured and safe system [Aliende Rodriguez, 2021: 51].

On 11 December 2018 the EC and the European Parliament started the implementation of the ECN+ Directive, which is another important recent measure that has been taken in the fight against cartels. The role of the ECN+ is to empower the competition authorities in each of the members, so that they can easily counter any anti-competitive practices in the respective countries [Official Journal of the European Union, 2018: 1]. The ECN+ has been highly instrumental in empowering the EU member states to enhance cooperation between NCAs [Montaldo, Costamagna, Miglio, 2021: 248]. The ECN+ was based on the proposal that had been raised by the EU Commission in 2017, and which was an outcome of a series of consultations that had occurred in previous years. Other functional role of the ECN+ includes that it helps in creating uniformity and fairness during the enforcement of the EU antitrust laws. The Directive has provided adequate resources and frameworks that enable the national authorities in detecting firms that fail to act in compliance with the EU competition rules [Gomulka, 2018: 1]. ECN+ has also empowered the national authorities, so that they can act independently in deciding based on the presented facts [Wills, 2017: 14]. Moreover, the new rules under the ECN+ Directive have enhanced the credibility of the decisions that the EU Commission take, since it promotes jobs and growth, the overall goal of competitive markets, as well as the realization of genuine single market goals. It is expected that the ECN+ will be reordered by the end of 2021, and this is aimed at implementing the Directive into national laws, since, as of now, only few Member States have implemented the above-mentioned Directive.

The anonymous whistleblower tool and settlement procedures are also recent key measures that the EC has taken in the fight against the hardcore cartels [Jones, Sufrin, Dunne, 2019: 651]. These measures augment the leniency program, which has proved to be a highly effective tool in the fight against cartels and anti-competitive behaviors. The anonymous whistleblower tool improves cartels detection rate, since individuals can easily provide insider information, which can lead to further investigations. The whistleblowers can provide valuable information to anonymously come forward besides the existing leniency application [OECD Report, 2019: 25].

The settlement procedure, which was created in 2008 successfully settled around 6 cartel cases in the first 5 years [Laina, Laurinen, 2013: 1], although in dealing with hardcore cartels effectiveness was especially witnessed in 2018, as evidenced by the record number of decisions reached. It is also important to note that more than half of the hardcore cartels in 2017 were resolved using above mentioned settlement procedure. Adoption of this system helps the EC in easily detecting the members of a cartel, which is helpful for cost-saving. Under the settlement procedures, members of a cartel willingly agree for having participated in anti-competitive behaviors and express their readiness to settle the liabilities associated with their behaviors.

The implementation of State Aid Modernization is another recent measure that the EU has taken to deal with cartels. The State Aid Modernization is an effective package that plays a crucial role in empowering the EU Member States to execute strategies to enhance the economy, including swift creation of jobs, economic growth, as well as improving development. The General Block Exemption Regulation (GBER) is also a part of the State Aid Modernization that helps in lowering the burden of administrative costs. The GBER was introduced in 2014. Also, the new rules help in intensifying the fight against cartels through enhanced scrutiny. The implementation of the Multinational Financial Framework (2021-2027) is another strategy that is underway, and which is aimed at strengthening the fight against anti-competitive behaviors even further. The EU Commission has also launched a diverse range of frameworks, which are designed to evaluate the performance actions implemented to combat anti-competitive behaviors. The Better Regulation Guidelines is an excellent example of the frameworks used in performance appraisal.

Hardcore cartels have significant negative impacts on different stakeholders. Cartels are primarily formed between companies operating within the same sector with the primary aim of manipulating prices, production, and supply. In addition to raising prices, cartels lower supply and reduce competition.

Overall, it can be indicated that the EU has put in place stringent measures, including the antitrust and competition laws, which are aimed at creating a competitive environment for business and attempt to resurrect barriers to trade [Barnard, 2016: 9]. Specifically, Article 101 of TFEU plays a central role in the fight against anti-competitive behaviors. Recent measures, such as the implementation of leniency programs, settlement notices and cooperation have proved to be highly effective in the fight against cartels and other anti-competitive practices within the EU and almost everywhere in the world, designed to detect price cartels much more effectively [Drexel, Kerber, Podszun, 2011: 323]. The Leniency program provides total or partial reduction for all undertakings applying for the same and accordingly they are getting reduction from the Commission [Tomljenovic V., Bodiroga., N, Malnar V., Kunda I., 2017: 119]. FOTREX and Maritime car carrier cases typify the increased success rate of the settlement process. Recent specific measures that the EU has implemented to fight against cartel are anonymous whistleblower tool, State Aid Modernization, General Block Exception Regulation, ECN+ Directive, and Multinational Financial Framework. Increased financial cooperation with the OECD, UNCTAD, and national authorities has improved the detection and settlement of cartel cases significantly.

Conclusion and prospects for further research. The EU Commission strengthens the competition policy and the legal framework in order to fight against anti-competitive practices and detect the cartel agreements, which needs to be followed by the countries willing to harmonize their legislation with the EU standards. It can be pointed out that Georgia and Ukraine willing to join EU or harmonize their respective legislation are required to introduce State Aid Modernization programs, relevant Directives that would enable competent authorities to cooperate efficiently. It is also necessary to actively concentrate on new measures, regulations that would empower states to execute strategies to detect the cartel agreements and anti-competitive practices and at the same time to enhance the economy.

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ОСОБЛИВОСТІ РОЗВИТКУ
СВІТОВОГО ГОСПОДАРСТВА ТА МЕН

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US - CHINA TRADE WAR: IMPACT ON GLOBAL ECONOMY AND IMPLICATION FOR UKRAINE

ТОРГОВЕЛЬНА ВІЙНА МІЖ США І КНР: ВПЛИВ НА СВІТОВУ ЕКОНОМІКУ ТА НАСЛІДКИ ДЛЯ УКРАЇНИ

ТОРГОВАЯ ВОЙНА МЕЖДУ США И КНР: ВЛИЯНИЕ НА МИРОВУЮ ЭКОНОМИКУ И ПОСЛЕДСТВИЯ ДЛЯ УКРАИНЫ

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Abstract. *The article analyzes the economic causes and consequences of the trade and economic war between the USA and PRC. The chronology of the introduction of mutual trade barriers by these countries and a temporary compromise in the form of the first round of the Trade Agreement are considered. Based on the systematisation of estimates of the effects of additional trade tariffs, a contradictory (albeit asymmetric) effect on economic growth, investment and employment in these countries is shown, as well as a predicted increase in the overall negative effect for a significant number of countries in the medium term. The main scenarios of the possible development of trade and economic relations between the United States and China are considered.*

The authors note that the trade war provoked the effects of trade reorientation and the emergence of beneficiaries among third countries, but, due to the transfer mechanism of global

value chains, the losses to the world economy can largely overlap the overall short-term gain from such trade substitution. It has been shown that any trade relocation takes time and has additional costs. Alternative suppliers may not have the same transactional supply efficiency.

Particular attention is paid to the impact of the trade and economic war between the USA and PRC on the Ukrainian economy. It is substantiated that Ukraine has also acquired certain export opportunities due to a decrease in the American share in the Chinese market. So, the extremely dynamic growth of Ukrainian exports to China, which has been observed in recent years, testifies to the above effect of reorientation and replacement of trade flows. But, at the same time, the deterioration of world economic dynamics as a result of the trade and economic war increases the overall risks for the Ukrainian economy, especially in the medium term. In the context of the current economic policy of Ukraine, the issue of maximizing the utilization of industrial export opportunities to China and expanding the export of goods with higher added value remains important.

Key words: trade war, reshoring, trade reorientation, global value chains, foreign economic policy.

Анотація. Стаття присвячена аналізу економічних причин та наслідків торгово-економічної війни між США та Китаєм. Розглянута хронологія впровадження взаємних торгових бар'єрів цими країнами та тимчасовий компроміс у вигляді першого раунду торговельної угоди. На основі систематизації оцінок ефектів додаткових торговельних тарифів показаний суперечливий (хоча і асиметричний) ефект на зростання економіки, інвестиції та зайнятості у зазначених країнах, а також прогнозоване збільшення загального негативного ефекту для значної кількості країн у середньостроковій перспективі. Розглянуті основні сценарії можливого розвитку торгово-економічних відносин США та Китаю.

Авторами наголошується, що торговельна війна спровокувала ефекти переорієнтації торгівлі і появу бенефіціарів серед третіх країн, але, в силу трансфертного механізму глобальних ланцюгів створення вартості, втрати для світової економіки можуть значною мірою перекрити загальний короткостроковий вигаиш від такого заміщення торгівлі. Показано, що будь-яка передислокація торгівлі вимагає часу і має додаткові витрати. Альтернативні постачальники можуть не мати аналогічної транзакційної ефективності поставок.

Особлива увага в статті приділена впливу торгово-економічної війни між США та Китаєм на економіку України. Обґрунтовується, що Україна також набула певні експортні можливості в силу зменшення американської частки на китайському ринку. Отже, надзвичайно динамічне зростання українського експорту в Китай, яке спостерігається в останні роки, засвідчує зазначений вище ефект переорієнтації та заміщення торгових потоків. Але, разом з тим, погіршення світової економічної динаміки внаслідок торгово-економічної війни збільшує загальні ризики для української економіки, особливо в середньостроковій перспективі. В контексті поточної економічної політики України, важливим залишається питання максимальної утилізації можливостей промислового експорту у Китай і розширення експорту товарів з більш високою доданою вартістю.

Ключові слова: торговельна війна, рещоринг, переорієнтація торгівлі, глобальні ланцюжки створення вартості, зовнішньоекономічна політика.

Аннотация. Статья посвящена анализу экономических причин и последствий торгово-экономической войны между США и Китаем. Рассмотрена хронология внедрения взаимных торговых барьеров этими странами и временный компромисс в виде первого раунда торговой сделки. На основе систематизации оценок эффектов дополнительных торговых тарифов показан противоречивый (хотя и асимметричный) эффект на рост экономики, инвестиции и занятости в указанных странах, а также прогнозируемое увеличение общего негативного эффекта для значительного количества стран в среднесрочной перспективе.

Рассмотрены основные сценарии возможного развития торгово-экономических отношений США и Китая.

Авторами отмечается, что торговая война спровоцировала эффекты переориентации торговли и появления бенефициаров среди третьих стран, но, в силу трансфертного механизма глобальных цепей создания стоимости, потери для мировой экономики могут в значительной мере перекрыть общий краткосрочный выигрыш от такого замещения торговли. Показано, что любая передислокация торговли требует времени и имеет дополнительные расходы. Альтернативные поставщики могут не иметь аналогичной транзакционной эффективности поставок.

Особое внимание в статье уделено влиянию торгово-экономической войны между США и Китаем на экономику Украины. Обосновывается, что Украина также приобрела определенные экспортные возможности в силу уменьшения американской доли на китайском рынке. Итак, чрезвычайно динамичный рост украинского экспорта в Китай, который наблюдается в последние годы, свидетельствует об указанном выше эффекте переориентации и замещения торговых потоков. Но, вместе с тем, ухудшение мировой экономической динамики в результате торгово-экономической войны увеличивает общие риски для украинской экономики, особенно в среднесрочной перспективе. В контексте текущей экономической политики Украины, важным остается вопрос максимальной утилизации возможностей промышленного экспорта в Китай и расширения экспорта товаров с более высокой добавленной стоимостью.

Ключевые слова: *торговая война, рещоринг, переориентация торговли, глобальные цепочки создания стоимости, внешнеэкономическая политика.*

Formulation of the problem. Trade wars are not a new phenomenon in human history. Most often, trade war is generally understood to mean the seizure of foreign markets or the prevention of seizures using instruments such as tariffs, quotas or sanctions. Thus, any country can use a trade war as a foreign policy action aimed at maintaining its economic position or to increase it through a strict trade policy to other countries.

The trade conflict between the United States and China, its tools and implications for these economies and other countries in general is of particular interest.

The United States sees danger in China's potential absolute dominance in the world economy, given factors such as growing imbalances in their bilateral trade, growing Chinese high-tech companies' competitiveness, and increasing foreign direct exports from China. According to US officials, China conducts an unfair trade policy by taking advantage of trade liberalization and WTO membership. At the same time the PRC keeps its home commerce safe from foreign competition by providing subsidies and promoting exports through currency devaluation. Technology theft and reverse engineering, mishandling of intellectual property rights, environmental concerns and even human rights are among the accusations that the United States brings to China.

Analysis of recent research and publications. This topic is in the centre of attention of both foreign and domestic economists and think tanks. Modern economic theory and practice need to research and assess the losses from the trade war. For example, C. Vlados (2020) concludes that the trade war is another proof of gradual restructuring of the global balance. He believes that the long-term consequences of the trade conflict between the USA and the PRC will lead to formation of a new global economic system structure. This new structure will essentially bring a new global balance regime, which he calls the 'new globalization'. Chad P. Bown (2019, 2020) explored the impact of introduction of reciprocal tariffs on the parties to the conflict and the rest of the world and the consequences of the first phase of the Trade Agreement between the United States and China. The author believes that the treaty has no chances to succeed, because the fundamental differences between these countries have not been resolved. According to K. Itakura (2020), the trade war between the USA and PRC has a significant negative effect on the world economy as it leads to a reduction in global value chains. As a result, the ongoing trade conflict between these countries will

reduce world GDP by \$450 billion. M. Li, E. J. Balistreri, and W. Zhang (2020) have showed the redistributive effects of increasing import duties. They have concluded that trade flows between the United States and China will be refocused on their major trading partners, which would increase prosperity in those countries, including many Asian countries.

The McKinsey Global Institute (2019) Report uses China-World Exposure Index to reflect the extent and implications of China's growing involvement in the global economy. The researchers have shown the development of China's domestic consumer market, and China's place and role in global value chains.

G. H. Hanson (2020) argues that the new increased tariffs are unlikely to have a significant impact on US employment. Increased US tariffs do not cover all US imports, but only focus on China. Therefore, they will impact employment growth to some extent.

M. Amiti, S. H. Kong, and D. Weinstein (2020) have conducted an econometric analysis of the impact of the trade war on the American companies' investment. According to their calculations, the tariffs had a negative impact on the stock performance of the largest US companies in 2018-2019. Additional duties will reduce the growth rate of investment by US companies by 1.9% by the end of 2020. V. Archana (2020), based on a partial equilibrium model approach, using disaggregated data, also concluded that US losses would far outweigh the negative effects on China's economy. X. Tu, Y. Du, Y. Lu, and C. Lou (2020) on the basis of econometric modelling predict that import duties introduced in 2018 are going to lead to a decrease in US imports from China and Chinese imports from the US in the medium term by about 91,46 and 36.71 billion dollars, respectively. D. Steinbock (2019) regards the trade war in the context of global technological rivalry. He considers that in the future, intense technological competition between the USA and PRC will deepen and intensify, which could lead to negative consequences for the development of the world economy.

The analysis of the consequences of the trade conflict for the economy of Ukraine is an important aspect of the research. Z. Hong (2019) outlines the latest general changes in the international environment and intra-Ukrainian factors in the context of relations between Ukraine and PRC, recognizing that other post-Soviet countries have been better able to reap the benefits of cooperation with China. Z. Fenghe (2020) gives a quantitative and qualitative assessment of the foreign trade relations between Ukraine and China, explaining the reasons for the existing imbalances, and offers additional vectors for the development of cooperation, focusing on agricultural products. Ukrainian experts emphasize that the potential benefits of involvement in Chinese projects are significant, outlining possible scenarios for such interaction. The Razumkov Centre's study (2019) provides a comprehensive assessment of the impact of the trade war on Eastern Europe and Ukraine (for comparable economies). Experts of the Centre see both challenges (given the slowdown in global economic growth) and opportunities (given the natural resource and human potential of Ukraine) in the current situation.

The purpose of the study is to further study the causes and current consequences of the trade war between the USA and the PRC for each party, analysis of possible scenarios, and assessment of the effects and impact of this trade conflict on Ukraine's foreign trade.

The important research results. The tense state of economic relations between the USA and the PRC has its own background and has been repeatedly discussed.

In March 2016 the Entity List was presented, according to which American companies were prohibited from doing business with the companies listed (Burns et al., 2019).

In January 2020, the parties managed to sign the first phase of the Trade Agreement. The first phase of the Trade Agreement between the USA and the PRC entered into force on February 14, 2020. Under it, average US tariffs on imports from China remain more than six times higher than before the trade war in 2018; average Chinese tariffs fell only slightly. At the same time, the United States imposed new steel and aluminium tariffs of nearly \$450 million to support industries affected by previous tariffs, harming mainly imports from Taiwan, Japan and the EU, and to a lesser extent China; on the other hand.

The main condition of the long-awaited Trade Agreement was China's commitment to import American goods and services worth at least \$200 billion more than in 2017 over the next two years.

A year after signing of the first phase of the Agreement, China was still significantly "failing" its commitment to purchase more American goods. In the first 11 months of 2020, China's purchases of products included in the Agreement reached only 56-58% of the level specified in the Agreement of the first phase (Zhou, 2021).

Following the signing of the Agreement, the Customs Tariff Commission of the State Council of China announced a new list of goods from the United States that may be excluded from the relevant tariffs for a period of one year. From September 2020, China will phase out import duties on US goods (almost 700 US goods, including key agricultural and energy products) were exempted from penalties in February, as a step towards implementation of the Sino-US Agreement signed in January.

Shortly afterwards, the US Trade Representative's Office (USTR) announced 37 lists of exemptions that excluded specific Chinese imports from US additional tariffs. In August 2020, the US Customs and Border Protection (CBP) issued a notice requiring Hong Kong-made goods exported to the United States to be labelled "Made in China." This would mean that exports from Hong Kong to the United States could be covered by additional tariffs that the United States imposed on Chinese goods during the trade war.

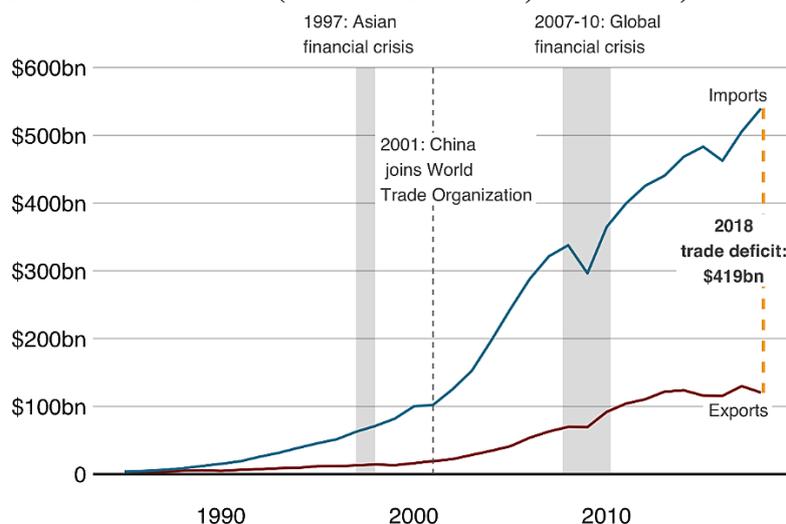
The United States imposed restrictions on Chinese export in order to get some benefits for national economy, as the following:

1. Reduction of bilateral trade deficit and reshoring to the US

One of the motives for such US policy was the desire to increase jobs by repatriating American capital and reindustrialising the potential of the energy shale revolution, digital breakthrough, and technological advances in the third and fourth industrial revolutions (Pidchosa & Buz, 2020).

It should be emphasized that mutual trade with China is a significant factor influencing the growth of the US current account deficit (see Fig. 1). In 2019, the US trade deficit with China amounted to 320.8 billion US dollars. 19% of China's total exports goes to the United States. But only 8.3% of US exports go to China.

Figure 1. US trade with China (billion US dollars, 1985-2018)



Source: United States Census Bureau (2020).

2. Reduction of the federal budget deficit The United States will need additional revenue sources, such as tariffs, to balance its budget, and tariffs on Chinese goods are seen as the main source of such revenue. The US federal budget deficit grew to more than \$3.1 trillion as of January

1, 2021. If in 2018 it was equal to 3.8% of GDP, then in 2020 it soared to an unprecedented (in non-military time) level of 14.9% (Congressional Budget Office, 2020b).

3. *Reduction of China's high-tech capabilities* The USA is dissatisfied with China's demands to set up joint ventures and buy companies in developed countries (in the US in particular) to transfer technology. The US is also concerned with China's success in implementing a strategic plan to modernize production based on achievements of Industry 4.0 (5G networks, artificial intelligence, quantum computing, thermonuclear syntheses, robotics, additive technologies, bio- and space technologies, robotics, etc.).

IMPLICATIONS FOR CHINA

To understand and assess further developments, we will consider the consequences of the trade war for both sides.

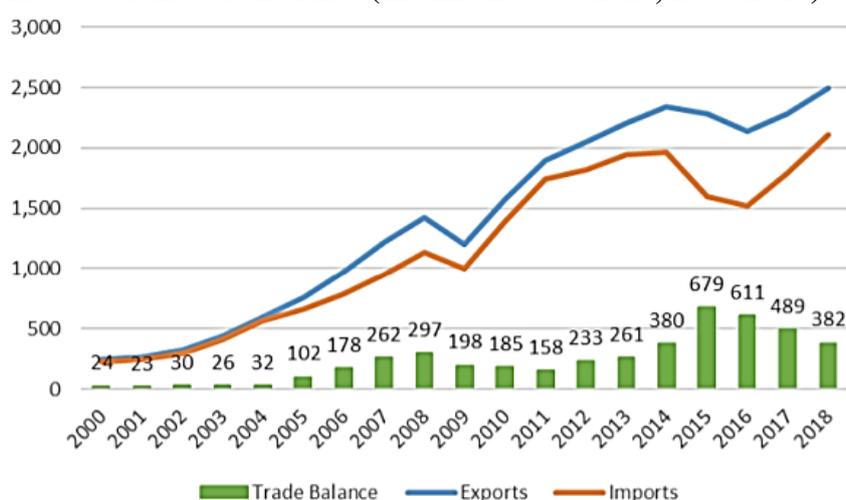
K. Itakura used the general equilibrium model of global trade to show the impact of the trade war on investment and economic productivity. According to his estimates, the scenario of further escalation of the trade conflict will result in a decrease in gross domestic product in China by 1.41% and the United States by 1.35% (Itakura, 2020).

M. Lee, E. J. Balistreri and W. Zhang (2020) found that even after the first phase of a Trade Agreement, the decline in welfare in China is estimated at 1.7% and in the United States – at 0.2%. They believe that China's exports to the United States may decrease by 52.3%, and imports from this country will decrease by 49.3%.

Studies show the negative effects of the trade war on China's economy. Although China showed the highest (compared to other countries) growth rate in 2020, it is clear that it should have been greater in the absence of the negative effects of the trade war. In 2020, China's GDP increased by 2.3%. The macroeconomic dynamics of the country were affected not only by the trade conflict with the United States, but to an even greater extent, by the global lockdown due to COVID-19. Nevertheless, Chinese economists expect China's GDP to grow by 8.2% in 2021, continuing to outpace all other industrialized countries (Bermingham & Wang, 2021).

According to X. Wang, Z. Zhong, and J. Yao (2020), the country's private firms which were involved in significant export-import activities were particularly affected by the trade conflict. The stock performance of these firms, as well as investment opportunities declined too. The negative effect for state-owned companies was much weaker.

Figure 2 Trade balance of the PRC (in billion US dollars, 2000-2018)



Source: World Trade Atlas and China Customs Administration

In general, China's exports increased by 3.6% compared to the previous year, while imports decreased by 1.1% in 2020. China's trade surplus last year was \$535.03 billion, the highest since 2015. In 2020, imports from the United States increased by 9.8% to 134.9 billion US dollars, while

exports increased by 7.9% – to 451.8 billion US dollars, resulting in a trade balance of 316.9 billion US dollars (Mullen & Wang, 2021).

China's trade surplus with the United States rose to \$316.91 billion in 2020 from \$295.77 billion in 2019, despite China's commitment to acquire under the first phase of the Trade Agreement and high tariffs (Zhou, 2021).

Some analysts predict that a recent \$1.9 trillion stimulus package by US President Joe Biden could have global implications for trade growth. If it is successful in stimulating American growth, it may eventually increase the already strong US demand for Chinese products (Wang & Lee, 2021).

The effect of the trade war on China's economy was also weakened by a record inflow of foreign direct investment to China. Contrary to previous expectations that the redeployment of US and European MNCs to other countries with cheap labour and a favourable customs regime for exports to the US would lead to a reduction in new FDI to China, 2020 figures showed the opposite. According to UNCTAD, China was the largest recipient of foreign direct investment inflows in 2020 of 163 billion US dollars. It is well ahead of the United States, which was a major importer of FDI in recent decades. In 2020, the inflow of new MNCs investment in the USA was 134 billion dollars. (China Daily, January 25, 2021).

CONSEQUENCES FOR THE USA

The United States also felt the contradictory effects of the trade war.

Despite US tariffs, in 2020, China's annual trade surplus with the United States amounted to \$323.32 billion, a record high. According to a study by the US National Retail Federation, a 25% tariff on Chinese furniture will cost American consumers an additional \$4.6 billion annually (NRF, 2018).

An analysis conducted by the Peterson Institute for International Economics showed that China introduced uniform tariffs averaging 8% for all its importers in January 2018, before the start of the trade war. By June 2019, tariffs on US imports had increased to 20.7%, and tariffs for other countries had fallen to 6.7%. The analysis also showed that average US tariffs on Chinese goods increased from 3.1% in 2017 to 24.3% by August 2019 (Bown, 2019).

According to Moody's Analytics, by August 2019, 300,000 US jobs had either been lost or not created due to the trade war, particularly affecting the manufacturing, warehousing, distribution, and retail sectors (Newman, 2019). Until September 2019, American manufacturers reduced their capital investment and postponed employment due to uncertainty caused by the trade war.

The Congressional Budget Office has announced its estimates of the impact of tariffs on the US economy. By 2020, tariffs had reduced US real GDP by about 0.3%, reduced real consumption by 0.3%, reduced real private investment by 1.3% and reduced real household income by \$580. USA (~1%). Real US exports were 1.7% lower and real imports were 2.6% lower. The Budget Office expects that the negative effects will persist, but will be less in the future as companies reorient their value chains to countries that are not subject to tariffs (Congressional Budget Office, 2020a).

A number of studies have identified sectoral effects of the rising import duties on the US economy. In particular, this applies to the negative impact of the trade war on exports of American agricultural products. Such losses are estimated at \$13.5-18.7 billion annually (Grant et al., 2021). According to the U.S. Farmers' Bureau, agricultural exports from the United States to China fell from \$24 billion in 2014 to \$9.1 billion in 2018, including declining sales of pork, soybeans and wheat (Schoen & Breuninger, 2019).

Immediately after the inauguration of newly elected US President Joe Biden, a group of major US companies operating in China warned in a statement, citing Oxford Economics, that further escalation of tension and the split of the two economies could cut US GDP by 1.6 trillion US dollars over the next five years. This could lead to the loss of 732,000 jobs in the United States in 2022 and 320,000 jobs in 2025 (Wong, 2021).

A study commissioned by the US-China Business Council found that a trade dispute resulted in the loss of 245,000 US jobs. A gradual reduction in tariffs to about 12% from the current 19 percent will lead to additional \$160 billion in GDP and 145,000 new jobs by 2025, the report says (Wong, 2021).

There are different views on possible ways of the future development offered by experts in the trade war between the USA and PRC (e.g. Kapustina et al, 2020). We consider the following 3 scenarios for the further course of events to resolve the conflict as the most probable:

Scenario 1. Consensus searching for preventing further tensions.

The trade war will end in a compromise if the countries take a more flexible negotiating position. China has already declared its readiness to introduce the following steps: open its car market; liberalize the banking sector; strengthen the protection of intellectual property rights; increase imports of goods and services from the United States; reduce government subsidies to its business; make the transfer of American technology more transparent. *Scenario 2. Freezing the trade conflict.*

It is worth noting that the newly elected US President Joe Biden suggested the possibility of revising the first phase of the Trade Agreement (Bloomberg, 2021). But as the United States continues to view China as a strategic competitor, there is a high probability that the trade conflict will not be completely resolved. It may freeze this trade conflict for the next years as minimum in mid-term perspective. In such scenario the United States will lower trade deficit with China but overall trade deficit may be even higher. The goods of Chinese origin will be supplied to the US market from other countries, such as neighbouring Asia-Pacific region (APR) countries.

Scenario 3. Escalation of the trade conflict.

Although this scenario seems unlikely, it cannot be completely ruled out. The trade war in this case can be complemented by restrictions on technology, investment and finance. As a result, China will have to cut export-oriented production and it will seek to oust the United States from the APR. At the same time, China will pursue a policy of 'substituting' the US market, actively increasing trade and investment ties with Europe, Japan and neighbouring Asian countries.

By promoting reshoring policies and economic incentives, the United States will encourage American global firms to return to the United States (Pidchosa & Namonyuk, 2018). To date, according to a survey conducted by the American Chamber of Commerce in Shanghai, 78.6% of companies surveyed said they would not transfer their investment from China (China Daily, January 22, 2021). But the situation may change in the future. As a result, the role of the United States in global value chains and international trade will decline (Rogach, 2020a). According to D. Steinbock (2019), the global trade and technology conflict between the United States and China may escalate into a 'separation' of the two economies and lead to a prolonged global recession and a new geopolitical confrontation.

THIRD COUNTRIES

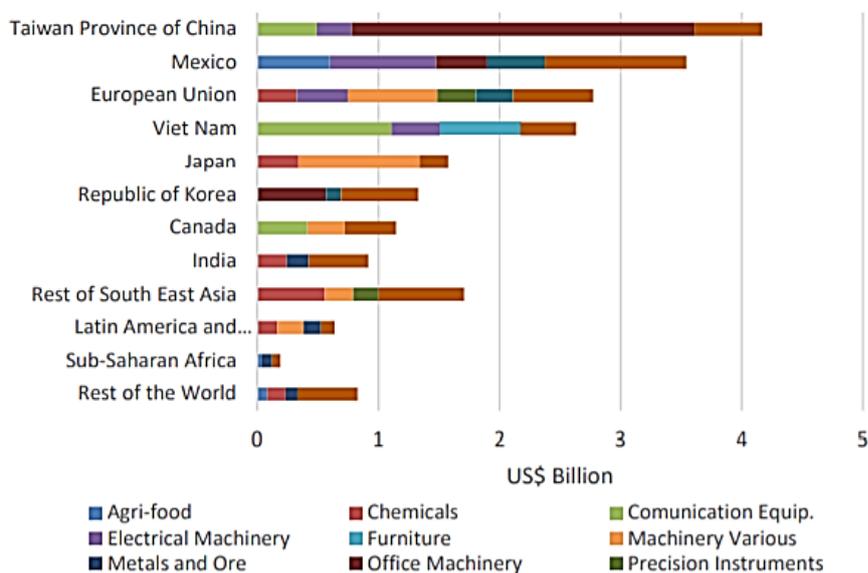
Third countries may substitute part of bilateral US-China trade. As a result of such trade diversion or substitution effects, China has been able to maintain almost 75% of its trade in targeted products. Figure 3 presents the effects of trade reorientation for individual countries.

The shift of emphasis in the field of China's foreign economic relations to countries and regions such as the EU, ASEAN, Japan and Russia can imply the reorientation of trade of the PRC (Lau, 2019). In addition, the Asian market is becoming more important for European business than the US market. Consumer spending has quadrupled in China than in the United States over the past decade. The trade war would result in losses for both parties to the conflict, but it could bring short-term benefits to other countries. As noted above, one of the consequences of the introduction of US and Chinese tariffs was an increase in US imports from other countries. In this context, the key question is which country has taken China's share of the United States market, i.e. which countries have benefited from the trade war and to what extent (Nicita, 2019).

Since the start of the trade war, along with restricting US imports from China, six Southeast Asian countries and Taiwan have organized supplies of nearly 1,600 new categories of goods they

have never sold to the United States before (Vilmi et al., 2019). In this scenario, the United States will achieve its goal of reducing the trade deficit in bilateral trade with China, but the trade deficit with other countries may increase significantly.

Figure 3. Effects of trade reorientation by countries and regional groups (first half of 2019)



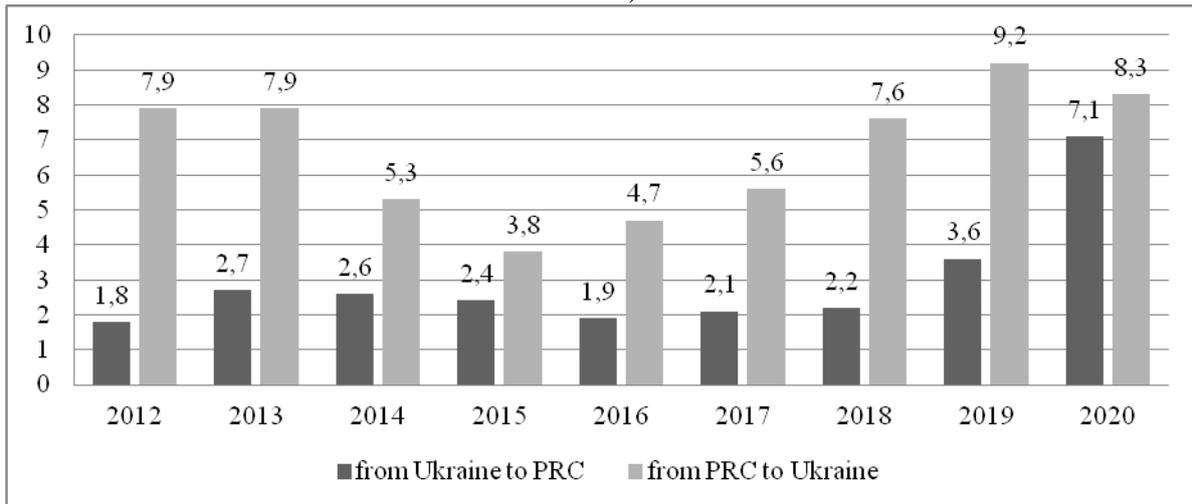
Source: (Nicita, 2019).

But any relocation of trade takes time and incurs additional costs. Alternative suppliers will not have similar transactional supply efficiency (Rogach, 2020b). That is why the trade war may have a final negative effect (even with trade substitution) for the welfare of both countries. This is especially true for key industries – engineering, electrical engineering, and telecommunications. Reformatting global value chains in these industries is a lengthy and costly process.

It should be noted that some studies show a very complex multiplier effect of the introduction of higher tariffs on third countries. This is due to the so-called ‘transfer’ mechanism of global value chains. In this case, aggregate tariffs of third countries increase and, thus, there will be a negative effect even for countries that are partners of the United States or China in global value chains. Such negative effect represents the rise of cost for the third countries export (minimum 500 million US dollar). Chinese tariffs on US imports have a smaller diffusion effect, but it will also be felt through transfers in global value chains (Mao & Görg, 2020).

UKRAINE

Let us consider the impact of the US-China trade war on Ukraine's foreign trade. Ukraine's economy is a small open economy whose growth depends on the conditions of foreign trade. The trade war between the United States and China, as well as the corresponding countermeasures of third countries, are already having a contradictory effect on Ukraine and its industrial growth (Razumkov Centre, 2019). In other words, the trade war creates both risks and unprecedented opportunities to increase Ukrainian exports to China, given the declining US share of the Chinese market. China is undoubtedly one of the priorities of Ukrainian policy, as evidenced by Ukraine's participation in the Belt and Road Initiative and the increasing volume of mutual trade, which has been growing rapidly since 2015 (Figure 4).

Figure 4. **Bilateral trade in goods between Ukraine and China for 2012-2020** (billion USD)

Source: (State Statistics Service of Ukraine, 2021).

According to 2020, exports from Ukraine to China increased by 49.4% year on year (in 2019 – 63.3%), and imports from China decreased by 10.7% year on year (with an increase by 20.9% in 2019). Over the past two years, exports to China have almost doubled each year (from \$2.2 billion to \$7.1 billion). Thus, China is consolidating its position as the first separate export destination for Ukraine and one of the main single export markets of Ukraine with a share of 14.4% of total exports (2019 – 7.2%), compared to 6.7% and 5.5% shares in Poland and Russia, respectively.

In general, the largest items of Ukrainian exports in 2020 were goods of the agro-industrial complex. In particular, during the year Ukraine sold crop products for 11.9 billion dollars – 24.1% of total exports. Grain exports amounted to 9.6 billion dollars or 19.5% of total exports. The second item of Ukrainian exports was metallurgical products. Ukrainian companies sold non-precious metals and articles for \$9.04 billion (18.3% of total exports). The third commodity item includes fats and oils, which Ukraine sold for \$5.77 billion (11.7% of total exports showing an increase of 22.8%).

As for exports to China, the largest export item in 2020 was mineral products – \$2.5 billion. Crop products went next – \$1.89 billion. (of which corn sold for 1.38 billion dollars, barley for 470 million dollars); fats and oils – \$1.11 billion; base metals \$625 million; finished food products \$505 million; other goods \$229 million; wood 126 million US dollars (State Customs Service of Ukraine, 2020).

For example, for Ukraine, the effect of trade reorientation as a result of the trade war was that it assumed the share of the United States in corn imports to China. Ukrainian corn sales to China rose from \$26 million in 2013 to \$896 million in 2019 and \$1.38 billion in 2020, along with declining corn sales in the United States from \$847 million to \$75 million over the same period.

At the same time, it should be noted that Ukraine supplies China with low-grade raw materials and other products that are easy to replace from other sources, and China exports industrial equipment and consumer goods.

Over the last decade, Ukraine has taken a niche that will be very difficult to break out of. Three types of goods account for 70-80% of the country's exports to China. The production of these goods not only creates few jobs, but also does not create significant value. These products are also vulnerable to fluctuations in world prices, competition from other producers and protectionist policies, with Ukrainian exports accounting for about a third of the country's GDP, so trends in the global agricultural sector are particularly important for its macroeconomic stability and international trade.

At the same time, it should be noted that the Chinese market is quite closed for many Ukrainian export items. Import duty rates can reach levels that make it impossible to export. China

is gradually reducing tariff protection for consumer goods. At the same time, it applies high non-tariff barriers to international trade. Due to the complex process of market opening, access to it remains limited for Ukrainian agricultural producers.

Thus, Ukraine has a window of opportunity to increase export supplies in the short term (given the potential for settling disputes between the United States and China, as well as the fierce struggle for access to the Chinese market by other countries). The effectiveness of its use depends on the speed of reaction of producers to new opportunities and government support for the promotion of Ukrainian exports to the Chinese market.

Conclusions. The study has found that the use of regulatory mechanisms in the trade war between the USA and PRC causes economic damage to both sides. Such conflicts have no winners in the long run, but in some cases some countries may temporarily benefit from bilateral trade disputes because the flow of goods may be redirected through and/or to them.

The rapid growth of Ukrainian exports to China, especially in the agricultural sector, is also due to the effects of the trade war between the United States and China. This situation has forced China to look for alternatives to American agricultural products in other markets. Ukraine can also benefit from involvement in infrastructure projects such as the Belt and Road Initiative and inclusion in the global value chains for certain segments of intermediate products. But the overall negative effect of the trade war on the world economy can significantly offset these benefits and pose additional trade and investment risks to the Ukrainian economy.

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