TARAS SHEVCHENKO NATIONAL UNIVERSITY OF KYIV
EDUCATIONAL AND SCIENTIFIC INSTITUTE OF INTERNATIONAL RELATIONS

АКТУАЛЬНІ ПРОБЛЕМИ МІЖНАРОДНИХ ВІДНОСИН

ISSUE 155

ACTUAL PROBLEMS OF INTERNATIONAL RELATIONS

ISSN 2308-6912

KYIV – 2023

Актуальні проблеми міжнародних відносин : Збірник наукових праць.
Випуск 155
К. : Київський національний університет імені Тараса Шевченка.
Навчально-науковий інститут міжнародних відносин, 2023. – 67 с.

Actual Problems of Internatonal Relations. Issue 155, #2 (2023), 67 p. Published by Institute of International Relations of Taras Shevchenko National Univeristy of Kyiv.
Specifics about Editorial Team and Policy in English can be found at **http://apir.iir.edu.ua/index.php/apmv**
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Збірник наукових праць «Актуальні проблеми міжнародних відносин» заснований у 1996 році. Засновник: Інститут міжнародних відносин Київського національного університету імені Тараса Шевченка.

Збірник наукових праць включено до переліку наукових фахових видань України (категорія Б) у галузі політичних, юридичних і економічних наук (спеціальності – 051, 052, 072, 073, 081, 291, 292, 293).

Рішення Атестаційної колегії Міністерства освіти і науки від 06.03.2020 р.

Електронну версію видання розміщено на сайті «Актуальні проблеми міжнародних відносин» за адресою **http://apir.iir.edu.ua/index.php/apmv** і передано до Національної бібліотеки України імені В. І. Вернадського на депозитарне зберігання та представлення на порталі наукової періодики: **http://www.nbuv.gov.ua.**

ПОЛІТИЧНІ ПРОБЛЕМИ МІЖНАРОДНИХ ВІДНОСИН

УДК: 341.1

CAN RUSSIA'S UN VETO BE REMOVED?

ЧИ МОЖНА ПОЗБАВИТИ РОСІЮ ПРАВА ВЕТО В ООН?

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Abstract. *This article examines the real status of the veto power in the UN Security Council in the light of its use by Russia and also offers ways to resolve the stalemate that has risen due to it. After the collapse of the USSR, its place as a permanent member of the UN Security Council was taken by Russia, without going through the procedure of admission to the Organization. Such a political decision led to Russia receiving the veto power in the UN Security Council and its abuse of this power. Russian military aggression against Ukraine raised the issue of veto reform before the UN. It is necessary to recall the essence of the veto power and develop legal instruments that would help to overcome the current situation and allow the UN, especially the Security Council, to act and achieve its tasks. The purpose of the article is to answer the question of whether it is possible to remove the veto power from the Russian Federation in the UN Security Council. Based on the rules of international law the article presents various ways of solving this issue with reasons of their feasibility and the possibility of their application. The author presents and analyzes the following options: 1) recognition of the veto power as illegal, 2) restriction of the use of the veto power, and 3) making appropriate changes to the UN Charter. Also, the obligation of the Russian Federation as a member of the UN Security Council to abstain from voting on issues connected with its aggression against Ukraine is considered, in particular, Russia's presidency in the UN Security Council in April 2023, the voting procedure and abstention from voting by members of the UN Security Council and the presiding country. The author of the article also addresses the issue of Russia's exclusion from the UN or suspension of its membership based on Article 5 of the UN Charter. In this context it is considered the possibility of China's veto on voting about exclusion of Russia from the UN and the possibility of reaching a compromise in this regard. Along with that, as an option for solving the problem of Russia's veto power in the UN Security Council, the author refers to the document of the General Assembly "Permanent mandate to conduct debates of the General Assembly when the veto is imposed in the Security Council" and the procedure indicated in it to overcome the imposed veto. In the article, the author raises the issue of the possibility of creating a new organization, as it was in 1945 with the creation of the United Nations and the termination of the League of Nations. In the conclusion, the author states that currently there is no consensus on the issue of reforming the veto power without amending the UN Charter, creating a new global organization instead of the UN, or excluding Russia from the UN.*

Key words: *veto power, organization, the United Nations, Ukraine, Russia, aggression, General Assembly, Security Council, CIS (Commonwealth of Independent States)*

Анотація. *Дана стаття розглядає питання реального статусу права вето в Раді Безпеки ООН у світлі його використання Росією, а також пропонує шляхи вирішення патової ситуації, яка через це склалася. Після розпаду СРСР місце Союзу як постійного члена Ради Безпеки ООН зайняла Росія, не пройшовши процедуру прийняття до Організації. Таке політичне рішення призвело до отримання Росією права вето під час голосування у РБ ООН і зловживання нею цим правом. Російська військова агресія проти України поставила перед ООН питання реформування права вето. Виникла потреба нагадати про істинну суть права вето, а також розробити правові інструменти, які допомогли б подолати ситуацію, що склалася і дозволили б ООН, особливо Раді Безпеки, діяти і виконувати відповідні завдання. Метою статті є надання відповіді на питання, чи можна зняти право вето з Російської Федерації у Раді Безпеки ООН. У статті наводяться різні шляхи вирішення цього питання з обґрунтуванням доцільності та можливості їх застосування на основі норм міжнародного права. Автор наводить і аналізує наступні варіанти: 1) визнання права вето незаконним, 2) обмеження використання права вето, 3) внесення відповідних змін до Статуту ООН. Також, розглядається питання обов'язку Російської Федерації як члена Ради Безпеки ООН утриматися від голосування щодо своєї агресії проти України, зокрема, порушуючи питання головування Росії у РБ ООН у квітні 2023 року та аналізуючи процедуру голосування та утримання від голосування членів РБ ООН та головуючої країни. Автор статті звертається і до питання виключення Росії з ООН або ж призупинення її членства на основі статті 5 Статуту ООН. У світлі цього питання розглядається можливість накладення Китаєм вето у разі голосування за виключення Росії з ООН та можливості досягнення компромісу щодо цього. Разом з тим, як варіант вирішення проблеми володіння Росією правом вето в РБ ООН автор звертається до документа Генеральної асамблеї «Постійний мандат на проведення дебатів Генеральної асамблеї, коли в Раді Безпеки накладено вето» та запропонованої ним процедури подолання накладеного вето. У статті автор порушує питання можливості створення нової організації, як це було у 1945 році зі створенням ООН та припиненням функціонування Ліги Націй. У висновку автор зазначає, що наразі немає консенсусу у питанні реформування права вето без внесення змін до Статуту ООН, створення нової глобальної організації замість ООН або виключення Росії зі складу ООН.*

Ключові слова: *право вето, організація, Організація Об'єднаних Націй, Україна, Росія, агресія, Генеральна асамблея, Рада Безпеки, СНД (Союз Незалежних Держав).*

1. How can Russia be a member of the United Nations after the former USSR dissolved in December 1991

In the statement of the MFA of Ukraine on the illegitimacy of the Russian Federation's presence in the UN Security Council and in the United Nations as a whole, 26 December 2022, 15:10, it was stated among others that: "Therefore, the Russian Federation has never gone through the legal procedure to be admitted to membership and therefore illegally occupies the seat of the USSR in the UN Security Council. From a legal and political point of view, there can be only one conclusion: Russia is an usurper of the Soviet Union's seat in the UN Security Council. In no way could the agreement of the group of countries of the former USSR in Almaty in December 1991, which was not ratified by the Parliament of Ukraine, substitute the UN Charter. This however allegedly became the basis for Boris Yeltsin, then President of the RSFSR, to address the UN Secretary General regarding "continuity" of membership of the USSR [Kuleba, 2022]. At that time, the RSFSR was not a member of the Organization either".

During the eleventh Emergency Special Session of the General Assembly of the United Nations GA opened on 28 February 2022 at the UN headquarters in NY, addressing the Russian invasion of Ukraine, Ukraine's Ambassador, Sergiy Kyslytsya, pointed out that while "the Russian Federation has done everything possible to legitimize its presence at the United Nations, its

membership is not legitimate, as the General Assembly never voted on its admission to the Organization following the fall of the Soviet Union in December 1991"(GA/12404).

Belarus, Russia and Ukraine signed the Belovezh Accords on 8 December 1991, declaring that the Union had effectively ceased to exist and proclaimed the Commonwealth of Independent States (CIS) in its place. On 21 December 1991, Armenia, Azerbaijan, Belarus , Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan agreed to the Alma-Ata Protocols, joining the CIS. On 22 January 1993, the Charter (Statutes) of the CIS were signed, setting up the different institutions of the CIS, their functions, the rules and statutes of the CIS. The Charter also defined that all countries have ratified the Agreement on the Establishment of the CIS and its relevant (Alma-Ata) Protocol would be considered to be founding states of the CIS, as well as those only countries ratifying the Charter would be considered to be member states of the CIS (art. 7). Other states can participate as associate members or observers if accepted as such by a decision of the Council of Heads of State to the CIS (art. 8). Two states, Ukraine and Turkmenistan, have ratified the CIS Creation Agreement, making them "founding states of the CIS", but did not ratify the subsequent Charter of the CIS, that would make them members of the CIS. Nevertheless, Ukraine and Turkmenistan kept participating in the CIS, without being member states of it. Additionally, Ukraine became an associate member state of the CIS Economic Union in 1994 and Turkmenistan an associate member state of the CIS in 2005. However, the Verkhovna Rada did not ratify the agreement on associate membership in accordance with the CIS Charter. As a result, De jure Ukraine only had the status of a "founding state", without even being an associate member [Andriyeva].

There are no resolutions of the UN admitting Russia to the United Nations membership, but also there are no resolutions or decisions admitting the newly independent Ukraine in 1991 when "Ukraine" continued the membership of the former "Ukrainian Soviet Socialist Republic," a founding member of the Organization in 1945. And at that time, Ukraine supported the Russian's holding the UN Security Council seat.

It is worthy to quote here the opinion presented by Larry Johnson, who served in the United Nations Office of Legal Affairs during various periods between 1971 and 2008, including as Assistant-Secretary-General for Legal Affairs, and is currently a Professorial Lecturer at the Vienna Diplomatic Academy [Johnson, 2022]. He said that : "In 1991, it was the Russia of Boris Yeltsin not Vladmir Putin The main factor that influenced how the issue was handled in the UN was the basic policy decision of the other P4 (China, France, the United Kingdom and the United States), including first and foremost the US government, which was that **it was in everyone's interest that the USSR be dissolved peacefully and orderly, which could be accomplished if the other republics agreed among themselves on various matters including the former USSR seat and the veto**".

And it happened that the republics of the former USSR, including Ukraine, agreed to Russia maintaining the seat of the USSR including in the Security Council and the Member States were notified that Russia declared it was not a "successor State" but a "continuing State". There was no opposition to this statement at that time.. Later on, it is worthy to quote again Larry Johnson, who was the witness of that time and a Principal Legal Officer in the Office of the Legal Counsel that:

" On Christmas Eve 1991 the Soviet Permanent Representative Yuli Vorontsov came to the UN Secretariat with a box in his hand with a new flag of something called the "Russian Federation" and a letter to the Secretary-General signed by Boris Yeltsin, "President Russian Soviet Federative Socialist Republic" (RSFSR). It said " the membership of the Union of Soviet Socialist Republics in the United Nations, including the Security Council and all other organs and organizations of the United Nations system, is being continued by the Russian Federation (RSFSR), with the support of the countries of the Commonwealth of Independent States, by the Russian Federation." Note it says "continued" not succession. In the law of succession, he was claiming that parts of the territory of his country had separated, leaving behind the rump which continued the international legal personality of the former larger State, whose name happened to change as well. Same country, just smaller, different borders and a new name and flag. The Russian Federation was the "continuing

State" whereas all the bits that spun off were "successor States"—except for, ironically, Ukraine and Belarus which had been deemed as founding members of the Organization in 1945 for reasons not dealt with here. The letter also asked the Secretariat to change the name of the country from "the Union of Soviet Socialist Republics" to "Russian Federation" wherever it appeared. For our purposes, the key phrase is "with the support" of the Commonwealth of Independent States". Who were they? Eleven former ex-Soviet Republics, excluding the Baltics but including Ukraine, signed various agreements at Alma Ata on Dec. 21 1991, including one which specified: **"The States of the Commonwealth support Russia's continuance of the membership of the Union of Soviet Socialist Republics in the United Nations, including permanent membership of the Security Council, and other international organizations."** They also expressed satisfaction that Belarus and Ukraine would continue to participate in the UN as sovereign independent States. So the UN in fact had 3 continuing members: Belarus, Russia and Ukraine. It is not for any Secretary-General to decide what is a State and what isn't, what continues a State and what does not. That is for the members of the club itself – UN Member States. Secretary-General Pérez de Cuéllar, who was ending his term in a few days, sent a note verbale to all Members and other UN organizations circulating the Yeltsin letter [Yeltsin, 1991]. And he waited for any formal reaction. There was none. Without any objections, questions, requests that anything be done such as convening a body or inscribing an item on an agenda, or the like, the Secretary-General would follow the request and change the nameplate from USSR to Russian Federation, change the alphabetical listing of members and replace the old flag with the new, including in any bodies that the USSR had been a member of such as the Security Council. Any member can change its name and flag anytime it wants" [Johnson, 2022].

2. Three Options for the Veto Power After the War in Ukraine

In the article written for the EJIL on April 11, 2022, André Nollkaemper presented three options for reforming the veto of the P5 at the SC [Nollkaemper, 2022].

a/ First option: Declaring the veto illegal

b/ Second option: Restraining the use of the veto

c/ Third option: Amending the UN Charter

ad.a. This option is based on the fact, that there are legal limits to the use of a veto by a permanent member and that a veto in relation to acts that violate norms of *jus cogens* is illegal.We agree with the statement of Prof. Jennifer Trahan, that "the UNSC is bound by international law and, in particular, peremptory norms of general international law"; that "it is problematic for the veto to be used in a manner that prevents action to address atrocities"; that "the UNSC is bound to respect *jus cogens*"; and that the "use of the veto to block legitimate action in the face of atrocities and other violations of peremptory norms of international law . . . is reprehensible" [Trahan, 2020]. The question is what is the legal consequence of such illegality? It is not the veto itself that would contravene *ius cogens,* but the veto would block a response to acts in violation of *ius cogens.* The veto than to some extent can be compared to rules of immunity in their relationship to *ius cogens* and an illegal veto would still be a veto.

Ad.b. This option has two variants. First is a stricter application of art.27(3) of the UN Charter, which requires that permanent members of the Security Council when they are party to a dispute, should abstain from casting a veto in relation to decisions under Chapter VI of the Charter. Second is related to the political Declaration on suspension of veto powers in cases of mass atrocities. In August 2015, France, with the support of Mexico, launched the 'Political Declaration on Suspension of Veto Powers in Cases of Mass Atrocity,' aimed at securing voluntary restraint on the use of the veto by the Permanent Members of the UN Security Council when faced with mass atrocities. As of July 2022, 104 member states and 2 UN observers have signed the declaration [Global Centre for the responsibility to protect, 2015]. Here is the text: 70th General Assembly of the United Nations Political statement on the suspension of the veto in case of mass atrocities Presented by France and Mexico Open to signature to the members of the United Nations We, the undersigned, Member States of the United Nations, reaffirm that the United Nations were created to save succeeding generations from the scourge of war and to protect the dignity and worth of the

human person as well as the fundamental human rights. We further reaffirm that the Security Council was given the primary responsibility to maintain international peace and security by the United Nations Charter. We consider that situations of mass atrocities, when crimes of genocide, crimes against humanity and war crimes on a large scale are committed, may constitute a threat to international peace and security and require action by the international community. In that regard, we recall that the Heads of state and government of the United Nations expressed their readiness to "take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter" when national authorities fail to protect their populations from genocide, crimes against humanity or war crimes (World Summit Outcome Document of 2005). We therefore consider that the Security Council should not be prevented by the use of veto from taking action with the aim of preventing or bringing an end to situations involving the commission of mass atrocities. We underscore that the veto is not a privilege, but an international responsibility. In that respect, we welcome and support the initiative by France, jointly presented with Mexico, to propose a collective and voluntary agreement among the permanent members of the Security Council to the effect that the permanent members would refrain from using the veto in case of mass atrocities. We express our strong resolve to continue our efforts to prevent and end the commission of mass atrocities.

Although the General Assembly resolutions have no binding force, it should be noted that they reflect the political will of the states that sign them. In the case of this initiative, only France, the author of the resolution, signed it, while the other four permanent members of the Security Council, i.e. Russia, China, the United Kingdom and the United States, did not.

Ad.c. According to Article 108 of the Charter, amendments must be adopted by two thirds of the members of the General Assembly and ratified by two thirds of the members of the United Nations, including all the permanent members of the Security Council. The Charter has been amended five times. In any event, Russia and probably China would oppose. But the key in this process would be the General Assembly ability to act and take some tasks of the Security Council. It already happened after the Russian veto of 26 February 2022, when over 140 states condemned the Russian aggression against Ukraine. But it happened over 60 years after the Uniting for Peace resolution of the General Assembly from 1950.

When we compare how the right of veto was used by the big five in the past until now, we see that the veto was used depending on what political interests of the great powers needed to be protected [Florence, 2018].

Charter amendments would not change the different strategic interests of states, but it is worth trying, because it cannot be worse than now.

3. Must Russia Abstain on Security Council Votes Regarding the war in Ukraine.

The question arises about the Security Council Presidency, which is held by each of the members in turn for one month, following the English alphabetical order of the Member States names. In April 2023 Russian Federation will held the Presidency.

Article 27(3) of the UN Charter establishes the only limitation to a Council member participating in a vote in the Security Council: "in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting." Although this limitation applies in equal measure to all Council members, it is interesting that the very article that enshrines the veto also institutes the only restriction to its use.

Abstentions under Article 27(3) are mandatory only if all of the following conditions apply: the decision falls under Chapter VI or Article 52(3) of Chapter VIII; the issue is considered a dispute; a Council member is considered a party to the dispute; and the decision is not procedural in nature. To date, implicitly or explicitly, there have been 12 cases of Article 27(3) abstentions (see cases 1-12 below), as well as at least 14 other relevant instances (see cases 1-14 to the right) in which the question of abstentions was either raised or considered without success.

The practice of the Security Council, and its members, has been inconsistent since 1946, and basically inexistent since 2000 (S/PV.4128), as the question whether a Council member was/is a party to a dispute has not been publicly raised since then. The apparent desuetude of Article 27(3) abstentions is surprising considering that the Security Council can decide, with at least nine affirmative votes, to consider a dispute even though one or more Council members, who are also parties to the dispute, are opposed to consideration by the Council [Security Council Report].

Article 27(3) in the UN Charter states: "Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting"

It means that the permanent member of the UN Security Council which is a party to a dispute shall abstain from voting on resolutions dealing with this dispute. And it means that Russia should abstain from voting for or against resolutions regarding the war in Ukraine. But it can happen for the the permanent member states of the UN Security Council only voluntarily and Russia will never give up its veto power voluntarily. But I agree with Ariel Cohen and Vladislav Inozemtsev that, "this can allow the Security Council to send the issue to the General Assembly without Russia simply vetoing the move" [Cohen, 2022].

What the Security Council procedure says that it could prevent Russia from presiding in the Security Council or to prevent it from voting in the Council?

Rule 20

Whenever the President of the Security Council deems that for the proper fulfillment of the responsibilities of the presidency he should not preside over the Council during the consideration of a particular question with which the member he represents is directly connected, he shall indicate his decision to the Council. The presidential chair shall then devolve, for the purpose of the consideration of that question, on the representative of the member next in English alphabetical order, it being understood that the provisions of this rule shall apply to the representatives on the Security Council called upon successively to preside. This rule shall not affect the representative capacity of the President as stated in rule 19, or his duties under rule 7 [Provisional Rules of Procedure].

So if a P5 does not agree or voluntarily abstain, is it possible for the Council to decide that a P5 could not vote? What kind of issue it is, a procedural or substantive, subject to a veto itself? In the affirmative, it is difficult to imagine that one permenent SC member (P5) would enforce such an issue against another P5, because of political correctness.

4. Is it possible to expel or suspend Russia from the United Nations?

Russia could have its rights and privileges of membership suspended (**Article 5 of the UN Charter)** which says: "A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council" [Sałkiewicz-Munnerlyn, 2022].

or it could be expelled from the Organization entirely (**Article 6**), which says: "A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council".

But both decision of the General Assembly require a recommendation to that effect from the Security Council which would be subject to the veto. So of course Russia would veto.

There is a precedent for expulsion from the United Nations when in 1971, The Republic of China (Taiwan), a UN founding nation and Security Council permanent member was expelled. This cuntry occupied the seat from 1945 until Oct. 25, 1971, when its place was taken by the PRC. The General Assembly even lifted the supermajority requirement when adopting resolution 2758 by 76 votes to 35, with 17 abstentions.

The Russian Federation can be expelled from the UN through the General Assembly, which can be done under art.18. 2 "Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1 (c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.Obviously, if a country loses its status as a UN member, it also loses its seat on the Security Council".

To do so, a resolution proposing Russia's expulsion/suspension needs to go to the General Assembly from the Security Council, based on article 12.1 of the UN Charter, which says: "While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests". After that, it must be a vote by the General Assembly by a two-thirds +1 supermajority in favor of expulsion.

According to Ariel Cohen and Vladislav Inozemtsev: "China is the only country in the Security Council that might veto sending a vote on expelling Russia to the General Assembly. If we want Russia to be appropriately punished, **China must be offered a deal**: Make Beijing's abstention in the Security Council the first test of President Xi's proposal for a US-China condominium in managing world affairs. China must accept shared responsibility for facilitating international peace. To refuse would be to embrace Russian aggression and present China tying itself to an unstable and declining actor on the world stage" [Cohen, 2022].

5. "Standing mandate for a General Assembly debate when a veto is cast in the Security Council", document A/77/L.52, GA/12417, 26 April 2022 [Security Council, 2022].

The text (document A/77/L.52) was tabled by Lichtenstein, and co-sponsored by 83 Member States, including three permanent Security Council members — France, United Kingdom and the United States. Two other permanent Council members China and the Russian Federation abstained. It was adopted without a vote. The General Assembly decided that its President shall convene a formal meeting of the 193-member organ within 10 working days of the casting of a veto by one or more permanent members of the Council and hold a debate on the situation as to which the veto was cast, provided that the Assembly does not meet in an emergency special session on the same situation.

The General Assembly invited the Secrity Council, in accordance with Article 24 (3) of the Charter of the United Nations, to submit a special report on the use of the veto in question, to the Assembly at least 72 hours before the relevant discussion is to take place.

The permanent representative of Poland to the UN in NY, amb. Krzysztof Szczerski said: "that the resolution is a response to the excessive use of the veto, which has been negatively perceived in international public opinion. The members of the Security Council were entrusted by the United Nations Member States with the power of veto to be guardians of the Charter. The veto must be regarded as a responsibility, not a privilege, by all permanent members of the Security Council. A situation when one of the Security Council permanent members, which is responsible for violating international peace, uses the veto to evade responsibility for its wrongdoings and to continue to enjoy impunity, is simply unacceptable by today's societies. The resolution's adoption is a significant step towards greater democratization of the Organization, and towards strengthening of multilateralism and contributing to the international peace and stability".

The debate was a follow up of the United Nations General Assembly Resolution ES 11/1, adopted on 2 March 2022, during the eleventh emergency special session of the United Nations General Assembly. It deplored Russia's invasion of Ukraine and demanded a full withdrawal of Russian forces and a reversal of its decision to recognise the self-declared People's Republics of Donetsk and Luhansk. The tenth paragraph of the United Nations General Assembly Resolution of

2 March 2022 confirmed the involvement of Belarus in unlawful use of force against Ukraine. The resolution was sponsored by 96 countries, and passed with 141 voting in favour, 5 against, and 35 abstentions.

The mechanism was introduced in 1950 with the Uniting for Peace resolution, which declared that:

... if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security. If not in session at the time, the General Assembly may meet in emergency special session within twenty-four hours of the request therefore [Plunck, 2013]. ...

In 1962, an advisory opinion of the International Court of Justice stated that, while "enforcement action" is the exclusive domain of the Security Council, the General Assembly has the authority to take a wide range of decisions, including establishing a peacekeeping force [Advisory opinion, 1962].

6. Create a new/successor organization with a new Charter, similar to 1945 when the UN was created, and the League of Nations was dissolved.

Last but not least, there is another possibility, presented by Prof. Vesselin Popovski [Stimpson Center, 2020].

“Let’s imagine four possible scenarios as to what may happen with the UN Charter in the future:

1. Live with the current Charter and make the best within it, including by building upon initiatives like those of the ACT Group, Liechtenstein, and others.

2. Reinterpret texts of the current Charter. Are there legal arguments to be made for GA Resolutions to be considered legally binding? Can a P-5 member participate but not vote when it is part of the conflict under discussion? (e.g., extending Art. 27).

3. Introduce Charter amendments under Art. 108 or convene an Art. 109 review. The Charter amendments cannot come into effect without the ratification by all P-5. Are there legal or practical ways around such potential blockage to the will of most states? Can a Protocol be added to the UN Charter to limit the veto?

4. Create a new/successor organization with a new Charter, similar to 1945 when the UN was created, and the League of Nations was dissolved. The new organization can inherit everything that works in the current UN system, and re-constitute not only the Security Council, but implement other important proposals from the OCA Report, draft reasonable, periodic Charter review mechanisms, ensure a genuine international rule of law, etc.

If we put these scenarios into desirability-feasibility assessment, **we may find that some of the P-5 might never ever accept any change of the UN Charter that limits the right of veto**. Hardly anything will change, and we may be in Year 2050 and still continue to see acts of aggression, war crimes and genocides happening and being sheltered by the veto of one or more of the P-5. The question therefore arises whether **the fourth** scenario might indeed prove to be both the most desirable and the most feasible.

If 140 Member States gather and create a new organization without the right to veto of any member, there is nothing that Russia and China can do against that. They can decide to join, or decide to stay out, but in both situations their veto will no longer be applicable. What is crystal clear is that international peace and security is too important to be left entirely to the Security Council”.

7. Conclusions

This is not the time or place to judge why some countries with large economic potential pay less than others with the same potential, but the disparity in annual fees to the UN by the richest countries, especially the permanent members of the UN Security Council with veto power, is astounding to say the least.

The discussion on reforming the composition of the UN Security Council and the rules for the use of vetoes by permanent members of the Security Council actually began when the UN was founded, i.e. in 1945, and continues to this day. The problem is that the states that have the right of veto do not want to give it up or transfer this right to other states. Even if this were to happen, under what rules, to whom, why, how much, etc.? This is, as it were, an attempt to find an impossible compromise in the current UN and world geopolitical situation. Of course, as shown above, various theorists of international law make various proposals, which possibly will contribute little besides self-promotion.

The truth is that there is no golden mean or possibility in the current situation without amendments to the UN Charter or the establishment of a new global organization in place of the UN, based on other, democratic principles using the right of veto, if it is maintained. Or throwing Russia out of the UN framework. But there remains the question of contributions and maintenance of the organization itself, which, like any other, is growing to unimaginable proportions, but unable to prevent wars and victims of wars, punishing the aggressor.

Unfortunately, if we compare who and when used the right of veto in the SC from 1945 to today, it turns out that states act according to their interests, and not to the interests of the international community. However, if we talk about the current situation of war caused by Russia's aggression against Ukraine, it should be emphasized that Russia has taken as hostages the other permanent members of the SC except China.

This situation will not change until Ukraine militarily defeats Russia and either a new organization is created in place of the UN , or the veto of the permanent members of the SC is abolished, limited or extended. For this to happen, the majority of states, members of the UN or any other global organization created in its place, should express their will in the direction of such a change. It cannot be that states possessing a nuclear arsenal will blackmail those that do not. But we also know that in international law, one of the elements of creating this law is the will of the states. And it's not 100%, but the majority, and the belief that this practice constitutes law, that is custom.

Maintaining the current situation does not serve anyone, neither the UN nor the international community, except perhaps the aggressor. But even in this situation, an immediate solution must be found, because mechanisms must be created when the aggressor, violating all the rules of international order, continues to go unpunished, because the right of veto cannot be taken away.... It seems that the current war has changed the attitude of some countries towards Russia, but still not enough for them to put the interests of the international community or Ukraine above their national interests.

There is for example the Convention on the Prevention of the Crime of Genocide, which constitutes ius cogens, it means a peremptory norm. It is a fundamental principle of international law that is accepted by the international community of states as a norm from which no derogation is permitted.

Bibliography:

1. Dmytro Kuleba, Facebook post, December 26, 2022, 13:49. E-resource: https://mfa.gov.ua/en/news/zayava-mzs-ukrayini-shchodo-nelegitimnosti-perebuvannya-rosijskoyi-federaciyi-v-radi-bezpeki-oon-ta-organizaciyi-obyednanih-nacij-u-cilomu
2. Andriyeva Tamara, History of Ukraine's membership in the Commonwealth of Independent States, E-resource: https://minjust.gov.ua/m/str_55

3. Larry D. Johnson, United Nations Response Options to Russia's Aggression: Opportunities and Rabbit Holes, March 1, 2022. E-resource: Justsecurity.org
4. Boris Yeltsin, Attachment 2, the letter. E-resource :
https://web.archive.org/web/20031123143520, *INFCIRC/397*

5. André Nollkaemper, Three Options for the Veto Power After the War in Ukraine, April 11, 2022. E-resource:
https://www.ejiltalk.org/three-options-for-the-veto-power-after-the-war-in-ukraine/
6. Political Declaration on Suspension of Veto Powers in Cases of Mass Atrocities, Official document, Global Centre for the responcsibility to protect, August 1, 2015. E-resource:
https://www.globalr2p.org/resources/political-declaration-on-suspension-of-veto-powers-in-cases-of-mass-atrocities
7. Ariel Cohen and Vladislav Inozemtsev, How to expel Russia from the UN, March 11, 2022. E-resource:
https://thehill.com/opinion/international/3717566-how-to-expel-russia-from-the-un/
8. Sałkiewicz-Munnerlyn, B. Żyłka, "The credentials process of the General Assembly to effectively suspend a state from the UN", УДК 341.01, Український часопис міжнародного права №1/2022, p.28, E-resource: https://doi.org/10.36952/uail.2022.1.24-29
9. "Standing mandate for a General Assembly debate when a veto is cast in the Security Council", document A/77/L.52, GA/12417, 26 April 2022, A/RES/76/262.
10. Max Planck, Encyclopedia of Public International Law, 2013. E-resource: https://opil.ouplaw.com/display/10.1093/law:epil/
11. Advisory Opinion of 20 July 1962 : I.C. J. Reports 1962, "Certain expenses of the United Nations" (Article 17, paragraph 2, of the Charter), p. 151.
12. Stimson Center, UN75 Global Governance Innovation Perspectives, "Towards Multiple Security Councils", p.10, June, 2020, Accessed December 15, 2022. E-resource: https://www.stimson.org/2020/js2020-towards-multiple-security-councils/
13. Christina Binder, Uniting for Peace Resolution, 1950.
14. Max Planck, Encyclopedia of Public International Law [MPEPIL], E-resource: https://opil.ouplaw.com/display/10.1093/law:epil/
15. Florence Emmanuela (Emmy) Dallas, The Security Council's sine qua non: The Veto Power, Occasional Paper 8, Rutgers Global Policy Roundtable, 2018, pp. 9-10. E-resource: https://research.un.org/en/docs/sc/quick
16. Veto list, UN Security Council Meetings & Outcomes Tables, Dag Hammarskjöld Library. E-resource: https://research.un.org/en/docs/sc/quick
17. Security Council Report. E-resource: https://www.securitycouncilreport.org/
18. Provisional Rules of Procedure, Chapter IV: Prrecidency, United Nations Security Council. E-resource :
https://www.un.org/securitycouncil/content/rop/chapter-4
19. Jennifer Trahan, UNSC Veto Power Symposium: Reply to Professors Jalloh and Tladi, December 4, 2020. E-resource:
https://opiniojuris.org/2020/12/04/unsc-veto-power-symposium-reply-to-professors-jalloh-and-tladi/
20. Vesselin Popovski, "Towards Multiple Security Councils." UN75 Global Governance Innovation Perspectives. Stimson Center, p. 10. June, 2020. Accessed December 15, 2022. E-resource:
https://www.stimson.org/2020/js2020-towards-multiple-security-councils/

УДК: 327(477:5)

POLICY OF NEW HORIZONS OF UKRAINE IN THE ASIAN DIRECTION

ПОЛІТИКА НОВИХ ГОРИЗОНТІВ УКРАЇНИ НА АЗІЙСЬКОМУ НАПРЯМІ

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«Gutta cavat lapidem»
The saying of the Roman poet Ovid (43-18 BC) in «Letters from Pontus»

Abstract. *The article examines the new horizons policy in relation to the Asian continent, which was announced by the President of Ukraine at the annual Conference of Ambassadors of Ukraine at the end of December 2022. It is stated that the policy of Asian countries regarding Putin's war against Ukraine is the policy of a «toothless tiger». It is assumed that due to the war and collective Western sanctions against countries that bought Russian weapons, Russia lost its position as the number one arms seller to Southeast Asia, Central Asia, and India.*

It was recommended to the specialists of the Ministry of Foreign Affairs of Ukraine to strengthen the coordination of efforts between the member states of ASEAN, Central Asia, India, and China, to expand the International Contact Group for ensuring the defense of Ukraine (the Ramstein coalition) at the expense of these countries in order to defeat the russian occupier. It is emphasized that the russian-Ukrainian war has a fundamental impact on the world system of international relations in the security, economic, and trade components and destroys the European security system.

Key words: *ASEAN, Global South, diplomacy, peace, neutrality, the new horizons policy, Southeast Asia (SEA), the United Nations (UN), Ukraine, position, russian-Ukrainian war, «toothless tiger» policy, war.*

Анотація. *У статті досліджено політику нових горизонтів щодо азійського континенту, яка була озвучена Президентом України на щорічні Конференція послів України в кінці грудня 2022 року. Констатовано, що політика азійських країн щодо Путінської війни проти України є політикою «беззубого тигра». Припущено, що через війну та санкції колективного Заходу проти країн, які купували раніше російську зброю, росія втратила позицію номер один як продавця зброї до Південно-Східної Азії, Центральної Азії та Індії.*

Рекомендовано фахівцям Міністерства закордонних справ України посилити координацію зусиль між державами-членами АСЕАН, ЦА, Індією, Китаєм, щоб розширити за рахунок цих країн Міжнародну контактну групу із забезпечення оборони України (коаліція «Рамштайн») задля перемоги над російським окупантом. Акцентовано, що російсько-українська війна має фундаментальний вплив на світову систему міжнародних відносин в безпековому, економічному, торговельному складниках та руйнує європейську систему безпеки.

Ключові слова: *АСЕАН, війна, Глобальний Південь, дипломатія, мир, нейтралітет, Організація Об'єднаних Націй (ООН), Південно-Східна Азія (ПСА), позиція, політика нових горизонтів, політика «беззубого тигра», російсько-українська війна, Україна.*

Introduction. The study begins with the well-known phraseology of the Roman poet Ovid «A drop sharpens a stone not by force, but by frequent falling». This expression best explains the state, problems and prospects of Ukraine's cooperation with the leading countries of Asia. Ukraine is trying, as «a drop sharpens a stone», with frequent reminders of the crimes of the Putin regime, to change the neutral status of most Asian countries regarding Putin's war against Ukraine and destroy the stereotype that the russian federation, as the successor of the USSR, is supposedly a fighter against world imperialism, a stronghold of national- liberation struggle of the peoples of Asia and Africa for their state independence. Other myths that need debunking are the invincibility of the second army in the world; an irreplaceable supplier of weapons and cheap energy resources; a «great power» with a permanent mandate and support for the interests of Asian countries in the UN Security Council, etc.

Russia's armed invasion into Ukraine on February 24, 2022 caused fair and unanimous international condemnation of all civilized democratic states and led to the gradual introduction of a number of sectoral economic and personal sanctions against the aggressor country and a number of its high-ranking officials by the United States, Canada, Great Britain, the European Union, Australia, Japan and a number of other, mostly Western countries. The reaction was clear and unambiguous: russia grossly violated international law, undermines European and global security and stability.

However, the reaction of most Asian countries to the war unleashed by the russian political leadership in Europe was much more restrained than in the West and reminds the policy of «toothless tiger». In the conditions of overcoming the existential threat from the official Kremlin and for the sake of operational victory over the occupier, Ukraine is forced to look for support and allies not only in the West, but also in the East. On December 22-26, 2022, at the annual Conference of Ambassadors of Ukraine, which was held under the slogan: «War and new horizons in the world», the President of Ukraine V. Zelenskyi emphasized that Ukrainian diplomacy should pay special attention to the countries of the Global South. At the same time, the Minister of Foreign Affairs, Dmytro Kuleba, emphasized the key priorities of the ambassadors' work in 2023: strengthening international support for Ukraine in resisting russian aggression; strengthening of stability and defense capability of Ukraine; restoration of the damaged energy infrastructure, as well as provision of effective security mechanisms for Ukraine. Thus, to «sharpen the stone» and change the position in the international arena with the frequency of the «diplomatic word» and the policy of new horizons in the Asian direction [*Міністерство*: 2022].

The purpose of research is to investigate the policy of new horizons of Ukraine for 2023 and to analyze the transformation of the policy of Asian countries towards Ukraine in the context of a full-scale invasion of the russian federation.

Recent literature review. The article is based on a number of scientific works of foreign and domestic authors. The analysis of foreign and Ukrainian publications on this subject demonstrates that Ukrainian and foreign researchers from Western countries highlighted Putin's war against Ukraine more often and thoroughly comparatively with Asian researchers. This is largely explained by the fact that most Asian countries have taken a publicly neutral position in relation to the russian-Ukrainian war.

Among domestic researchers Yevhenii Prypik first began to highlight this problem and the position of ASEAN member states regarding Russian aggression in Ukraine in his scientific work [*Prypik, Ye. The position of ASEAN member states regarding Russian aggression in Ukraine and its economic consequences for the countries of the region*, 2022]. In the context of the policy of the ASEAN countries toward Ukraine following russia's full-scale invasion was briefly described by Iryna Krupenya [*Krupenya, I.,* 2022]. India's position regarding the russian-Ukrainian war was covered by an expert of the State Institution «Institute of World History of the National Academy of Sciences of Ukraine» Lukash O. [*Lukash, O.,* 2022], an expert from the same Institute Oliinyk O. described China's position on Russian military aggression against Ukraine [*Oliinyk, O.*, 2022]. Lossovskyi I. First-Class Minister Extraordinary and Plenipotentiary of Ukraine highlighted

strategy and prospects of Ukraine's relations with the countries of the East Asian region'[*Lossovskyi, I.*, 2019].

The extreme urgency of this problem attracted the attention of Western scientists, in particular Professor Ann Marie Murphy who is director of the Centre for Foreign Policy Studies, her research interests include international relations in Asia, political development in Southeast Asia etc. [*Murphy, A.*, 2022]; Dr Frederick Kliem who is a Research Fellow and lecturer at the S. Rajaratnam School of International Studies, Nanyang Technological University in Singapore in his research highlighted issue if ASEAN should take a stronger position on the Ukraine war and if it a sign of weakness, or a smart diplomatic move [*Kliem, F.*, 2022]; David Hutt, German journalist in his article rose the rhetoric question what's behind SE Asia's muted Ukraine response [*Hutt, D.*, 2022] etc.

Among Asian researchers should be named Premesha Saha, who described ASEAN's Non-Linear Approach to the Russia-Ukraine War [*Premesha, S.*, 2022]; Shoji Tomotaka who wrote about the reactions among 11 countries of Southeast Asia, including East Timor, which were mixed and try to explain these differing [*Shoji, T.*, 2022]; Shankari Sundararaman in his research paid the attention at how certain regional mechanisms led by ASEAN, have responded to the crisis. Among the several ASEAN mechanisms such as the ARF, ADMM Plus and the EAS, the latter comes critically into focus [*Sundararaman, S.*, 2022]; Ian Storey and William Choong they predicted in their research that the global crisis triggered by the russia-Ukraine war will likely cause serious economic problems for Southeast Asia: the rising price of energy, food and commodities, worsening supply chain disruptions and stock market volatility could threaten the region's economic recovery from the COVID-19 pandemic. [*Storey, I., Choong, W.*, 2022]; Lukas Singarimbun indicated in his article that the widely varying responses to the ongoing invasion of Ukraine among ASEAN countries highlights their varying relationships with – and dependence on – Russia [*Singarimbun, L.*, 2022] etc.

Putin's war against Ukraine is under constant monitoring by foreign television and radio corporation BBC, CNN, Al Jazeera, Deutsche Welle; domestic daily all-Ukrainian newspaper «Day», the English-language newspaper «The Ukrainian Weekly»; Asian newspaper «Bangkok Post», «The Star», «The Straits Times», «The Life News», «The Manila Times», «Media Indonesia», «Saigon Times» etc; Ukrainian news agency «RBC Ukraine», Television news service «TCN», an online publication «Radio Svoboda», databases of Human Rights Watch etc.

The entire array of messages about Ukraine in mass media of the «ASEAN» since February 24, 2022 should be summarized as follows: the destruction of Ukrainian cities, civilian casualties as a result of shelling by the Russian army; daily addresses of President V. Zelenskyi to the leaders of various countries and international organizations about the issue and provision of weapons for self-defence; migration of Ukrainian refugees to Europe; expulsion of Russian diplomats from the countries of the world; statements of world leaders in support of Ukraine; sanctions pressure on the Russian Federation; the food crisis and concerns about rising food and fuel prices.

Main research results. The Strategy of Ukraine's Foreign Policy Activities developed by the Ministry of Foreign Affairs of Ukraine and approved by the Decree of the President of Ukraine № 448/2021 of August 26, 2021, in which regional cooperation with the countries of the Indo-Pacific region is one of the directions of Ukraine's foreign policy activities, is part of the course on opening of new horizons for Ukraine [*Стратегія*: 2021]. According to the head of the Ministry of Foreign Affairs, this strategy is already bringing concrete results and increasing international support for Ukraine against the background of russian aggression. As part of the course to open new horizons, Ukrainian diplomats try to be as «a drop sharpens a stone», and they are present wherever there is Ukrainian interest, constantly talking about russia's crimes both for the military and political leadership of Asian countries and for society through the mass media. Separately, Dmytro Kuleba emphasized that the Asian strategy envisages work not only with the ASEAN subregion, but also with the countries of Central Asia, India, and China, taking into account the publicly neutral position of these countries [*Азійська*: 2022].

The invitation of the head of the Ministry of Foreign Affairs of Ukraine for the first time in the history of independent state formation to the ASEAN summit in November 2022 demonstrates not only a political signal of support, changes in the previous policy and old stereotypes about Ukraine, but also the opening of new horizons in trade and business, which will help Ukrainian business even under the conditions of war, enter new markets in the PSA, earn money and return it to the economy of Ukraine. Moreover, while in Cambodia, without leaving the capital Phnom Penh, the minister made an «Asian tour», as he met with colleagues from the PSA countries, who admire the successes of the Armed Forces of Ukraine on the battlefield and successful counter-offensive operations. Separately, it should be noted that during the ASEAN summit, a document entitled «Instrument on Accession to the Treaty of Friendship and Cooperation in Southeast Asia» was signed on behalf of Ukraine. According to the minister, this document will help Ukraine acquire the status of an ASEAN partner, and thus open a number of new opportunities for Ukrainian business, in particular in the areas of digital transformation, pharmaceuticals, agriculture, engineering [*Дмитро*: 2022].

According to the subjective opinion of the researcher Dmytro Kuleba, as the Minister of Foreign Affairs of Ukraine made the «Asian Tour» in November 2022 to implement the policy of new horizons of Ukraine in the Asian direction, because it was necessary to dispel russian myths and lies and try to change the perception in relation to of Ukraine. An analysis of the positions of the ASEAN countries regarding the condemnation of the brutal war showed the following data. Asian researchers grouped the reactions of ASEAN countries into three and compared most of states reaction with a toothless tiger. Singapore, Indonesia, and Brunei condemned russia's move immediately after it commenced the invasion, albeit using varying language. Singapore said it «strongly condemns any unprovoked invasion of a sovereign country under any pretext». In early March, it announced economic sanctions against russia, banning exports of military-related goods and banking transactions. Indonesia was less direct and condemned «any action that constitutes a violation of the territory and sovereignty of a country»; and Brunei used a formulation similar to Indonesia's.

The second group consist of Vietnam, Malaysia, and the Philippines which evidenced less tough reactions. Vietnam referred to the United Nations Charter, emphasised the need for «self-restraint» and «dialogue», but stopped short of condemning russia's actions. Malaysia said it hoped for «the best possible peaceful settlement» to the conflict. The Philippines said it was not for Manila to «meddle» in the events in Ukraine. In the last group, Myanmar's State Administration Council stood alone in supporting russia's actions [*Premesha and Lin*: 2022].

ASEAN as institution which joined ten countries of Southeast Asia issued within two months after the beginning of opened russian aggression three joint foreign ministerial statements on the situation in Ukraine. The first statement came on February 26, 2022, two days after the invasion. It was only two paragraphs long, expressing concern about the deteriorating situation in Ukraine and calling on all parties concerned to exercise maximum restraint and resolve the conflict peacefully. The statement also called on all parties to uphold the principles of sovereignty, territorial integrity, and equal state-to-state relations. The second statement came on March 3, 2022, after the fighting escalated. The statement expressing only concern about the growing humanitarian crisis and a willingness to mediate among the concerned parties. The third statement was issued on April 8, 2022, which only focused on the humanitarian crisis, expressing strong concern about the killing of civilians, including the massacre at Bucha, and stating support for the UN Secretary-General's call for the creation of an independent commission of inquiry on civilian casualties. An analysis of ASEAN's statements confirms that none of statements directly condemned russia as am aggressor and violator of international law [*Shoji*: 2022].

The situation in Ukraine and the aggression of the russian federation potentially increases the tension in South Asia. India takes a cautious and wait-and-see position in the context of the war in Ukraine and is in no hurry to join the US efforts aimed at actively countering not only the russian federation, but also China. Such a position introduces difficulties in relations with Western countries. India's position regarding the war in Ukraine is based on its traditional principles of

neutrality. India's neutrality consists in maintaining a strategic balance, balanced relations between major powers, which contributes to its stable development. This is the «strategic autonomy» that underpins Indian foreign policy. The country cannot allow the US or China to monopolize the global influence. Supporting one of the parties would mean undermining the balance of power. Although India has become noticeably closer to the USA in the last decade, it is not ready to give up close relations with the russian federation. At the same time, it will not openly support russia, but it also does not join Western sanctions, as it does not want to destroy «strategic autonomy». Also, Indian Prime Minister Modi quite frankly expressed his position to Putin regarding the war in Ukraine during a bilateral meeting on the sidelines of the Shanghai Cooperation Organisation summit in Samarkand in September 2022: «... today' era is not an era of wars, and I have said more than once with you about it on the phone».

India has a negative attitude towards Putin's policy of nuclear blackmail, as it adheres to a completely different nuclear doctrine, which is based on the principle of no first use of nuclear weapons and excludes the use of such weapons against a non-nuclear state. On December 9, 2022, N. Modi cancelled the traditional face-to-face meeting in December with the President of the russian federation, after the latter threatened to use nuclear weapons in the war in Ukraine. India also maintains a cautious approach to referenda in international affairs and avoids supporting processes that lead to the redrawing of the political map. This is related to the Kashmir issue [*Lukash*: 2022].

China's position regarding russian military aggression against Ukraine is almost no different from the position of previous Asian countries. The country's political leadership took a position of neutrality. They call the war a «crisis», which consists of «regional security tensions in Europe that have been accumulating for years» [*Oliinyk*: 2022]. It is very difficult for China to take sides as both countries are «strategic partners» under the Belt and Road initiative. China's neutrality towards Ukraine is not purely commercial, but due to a combination of humanism, pragmatism, and political realism. During a teleconference as part of the EU-China summit on April 1, 2022, between President Xi Jinping and EU leaders Charles Michel and Ursula von der Leyen, the Chinese leader called on all parties to work on a political settlement of the military conflict in Ukraine, avoiding escalation and a larger-scale humanitarian disaster [*Yui*: 2022]. At the same time, Beijing abstained three times during the voting of two resolutions of the UN General Assembly, which condemn the russian invasion of Ukraine (March 2022), and the third (October 12, 2022), which condemns the holding of illegal «referendums» in the occupied territories and voted against the exclusion of the russian federation from the UN Human Rights Council. Such actions of China directly demonstrate not only its «neutral position» towards the war in Ukraine, but also a position that is very far from outright condemnation of the aggressor [*Huetong*: 2022].

The neutrality of the countries of Central Asia is explained by the deeply historical traditional, political, economic, and military dependence of the countries of the region on the russian federation. The vote on the Resolution of the UN General Assembly condemning russia, «Aggression against Ukraine» on March 2, 2022 (141 countries – for, 5 – against, 35 – abstained) was indicative. The countries of the region were afraid to openly oppose russia, although each of them does not hide their fears that after Ukraine, russian aggression may reach them as well. Kazakhstan, Kyrgyzstan, and Tajikistan abstained during the vote, and Turkmenistan and Uzbekistan did not take part in it. When voting on March 24, 2022, for the Resolution of the UN General Assembly «Humanitarian Consequences of Aggression against Ukraine», 140 countries supported it, 5 opposed it, while 4 Central Asian countries abstained, and Turkmenistan did not vote. On the question of suspending russia's membership in the UN Human Rights Committee, 4 CA countries voted against, and Turkmenistan did not vote [*Yarmolenko*: 2022]. The video of the St. Petersburg Economic Forum on 17 June 2022, which «circulated» around the world, is illustrative, where the Kazakh leader, in the presence of the russian dictator, declared that his country would not recognize the quasi-state entities «DPR» and «LPR» in the east of Ukraine [*Portnikov*: 2022]. The resolution of the war in Ukraine undermined the confidence of the leadership of Kazakhstan in the russian federation as a guarantor of security in accordance with the

Budapest Memorandum of 1994. In Kazakhstan, the growing criticism among representatives of political circles and the russian mass media regarding the «persecution» of the russian language in the Republic of Kazakhstan, the rights to «historical territories» is a cause for concern in the north of the country. Putin's narrative about «historical justice», which became one of the «justifications» for the war against Ukraine, can also be used against Kazakhstan [*Alimava*: 2022].

It appears the logical question why most Asian countries took the neutral position toward Putin's war against Ukraine? Research of this issue show us that russia was important partner as militarily as economically for Asian countries. It is the largest supplier of defense equipment to Southeast Asia, especially Vietnam, Malaysia and Indonesia, which have procured large amounts of equipment from russia over the past two decades, including Sukhoi fighter jets. The Philippines, at the initiative of former President Rodrigo Duterte, is developing its military cooperation with russia and is currently in the process of procuring russia-made transport helicopters.

Thailand is also pursuing cooperation with russia, and the two countries have discussed cooperation between their defense industries, including the procurement of helicopters and tanks, the joint development of equipment, and the construction of maintenance facilities. For Thailand, where the military has held real political power since a 2014 coup, cooperation with russia is not merely military in nature. Strengthening relations with russia and China brings some political support to Thailand's own authoritarian regime.

Myanmar, Laos and Vietnam place particular importance on their military and political relations with russia. Political support from russia is critical for Myanmar's military junta, which has faced international criticism since replacing a civilian government in a February 2021 coup. Moreover, russia continues to supply the weapons the regime uses to suppress citizen protestors and to fight armed ethnic minorities. Since the Lao People's Revolutionary Party took power in 1975, Laos has maintained friendly relations with the Soviet Union, and then russia after the Cold War. Vietnam is a «repeat customer» for the russian arms industry, ranking fifth globally and first in Southeast Asia as a destination for russian arms exports [*Shoji*: 2022].

The table below shows Russia's top five arms buyers, 2015-2019 (US $) to explain the position of India and China [*Storey*: 2021].

Table 1.

Ranking	Country	Value of Arms Exports
1	India	$7.53 billion
2	China	$4.76 billion
3	Algeria	$4.13 billion
4	Egypt	$2.87 billion
5	Vietnam	$2.39 billion

Source: Data compiled from the Stockholm International Peace Research Institute [24]

Next table shows major defence exporters to Southeast Asia, 2000-2019 (US $).

Table 2.

Ranking	Country	Value of Arms Exports
1	Russia	$10.70 billion
2	United States	$7.86 billion
3	France	$3.57 billion
4	Germany	$2.82 billion
5	China	$2.60 billion
6	South Korea	$2.15 billion
7	United Kingdom	$1.28 billion

Source: Data compiled from the Stockholm International Peace Research Institute [24]

The table below shows russia's defence exports to Southeast Asia countries, 2000-2019 (US $ million).

Table 3.

	2000-04	**2005-09**	**2010-14**	**2015-19**	**Total**	**As a % of total arms imports**
Vietnam	446	404	3,278	2,387	6,515	84%
Malaysia	63	1,221	14	156	1,454	31%
Myanmar	341	443	651	-	1,435	39%
Indonesia	267	206	675	-	1,148	16%
Laos	8	4	14	76	102	44%
Thailand	-	3	20	27	73	2%
Total	1,125	2,281	4,652	2,646	10,704	-

Source: Data compiled from the Stockholm International Peace Research Institute [24]

At the same time russia has been an ASEAN Dialogue Partner since 1996. It participates in all the ASEAN–led forums, including the ASEAN Regional Forum (ARF), the ASEAN Defence Ministers' Meeting Plus (ADMM–Plus), and the East Asia Summit (EAS). In 2018, ASEAN–russia relations were elevated to a Strategic Partnership. Russia's current efforts at expanding its influence in Southeast Asia include adopting a five-year roadmap with the 10 ASEAN members focused on trade and investment cooperation, the digital economy, and sustainable development. This framework is referred to as the Comprehensive Plan of Action (CPA) to Implement the Association of Southeast Asian Nations and the russian federation Strategic Partnership (2021–2025). Meanwhile, at the Sixth Eastern Economic Forum held in October 2022 in Vladivostok, Vietnam expressed willingness to bridge ASEAN and russia, and the Eurasian Economic Union. Overall, russia's foreign direct investment flows into ASEAN were pegged at US$45 million in 2019, making Russia the 9th largest investor in ASEAN.

Trade cooperation between ASEAN and russia which grew by 34 percent in 2021 and reached US$20 billion also explained the neutral position toward Putin's war against Ukraine. Moreover, in June 2022, Indonesia's trade minister followed President Joko Widodo's instructions to boost trade with the country's non-traditional partners and visited Russia for bilateral talks as well as a meeting with the Eurasian Economic Union. While Moscow is far from being among Jakarta's largest trading partners, bilateral trade has grown significantly in recent years [*Premesha*: 2022].

Conclusions. The obvious fact is that Ukraine is a victim, and in the eyes of a non-engaged observer, the policy of Asian countries should not be the policy of a «toothless tiger», but pro-Ukrainian both de jure and de facto. The previous predominant «pro-russianness» of the countries of this region can also be explained by some objective reasons, first of all, historical reasons and obsessive stereotypes. It should be noted here that Asian countries have traditionally had close long-term ties with the USSR, which is considered the political «predecessor» of today's russia, and the latter, respectively, a follower and heir of the former. The absence of Ukrainian statehood for several centuries and its subordination to russia created perceptions and stereotypes of secondary status, inferiority and lesser importance of Ukraine as a partner country. In the conditions of russia's unprovoked and unjust war with Ukraine, the latter's support from Asian countries is very cautious and moderate. A large number of Asian countries continue to traditionally focus on russia, although they refrain from supporting its aggressive actions in Ukraine, primarily for fear of falling under secondary sanctions imposed on the aggressor by the countries of the collective West. In such conditions, the need for a policy of new horizons of Ukraine in the Asian direction, which should be aimed at achieving the following goals in 2023, becomes obvious:

1. Take measures to prevent the spread of russian propaganda and the involvement of humanitarian aid for the needs of Ukraine.
2. Support Volodymyr Zelenskyi's 10-point Peace formula, which was first voiced at the G20 summit, held in Indonesia in November 2022 to restore of territorial integrity of Ukraine.

3. Increase the number of Asian countries in the International Contact Group for the Defense of Ukraine («Ramstein» coalition) for the joint victory of the aggressor.
4. Concluding documents on strengthening food security in the world.
5. Recruit demining specialists, including from Cambodia, Vietnam, etc.
6. To create a Ukrainian working group on issues of cooperation with ASEAN, which should include representatives of the military and political leadership of Ukraine, heads of diplomatic missions of Ukraine in ASEAN countries, scientists and entrepreneurs who are interested in the ASEAN market.
7. Identify specific areas of interest for cooperation, as well as analyse the necessary resources and time for project implementation.
8. Encourage academic exchanges, introduce research programs of the ASEAN subregion in Ukrainian institutions of higher education and vice versa in higher education institutions of ASEAN countries; strengthen scientific cooperation in order to inform the scientific circles of ASEAN about the situation in Ukraine and about the consequences of Putin's war.
9. To the heads of foreign diplomatic institutions of Ukraine in ASEAN countries and the Representative of Ukraine to ASEAN to carry out a set of measures of a political and informational nature to systematically acquaint the top military-political leadership with the situation on the battlefield and the quality of russian weapons, as well as to identify as soon as possible specific areas of cooperation between ASEAN and Ukraine.
10. To establish the ASEAN Committee in Ukraine.
11. Hold consultations of political, business, and scientific circles directly between ASEAN and Ukraine; to create an international Ukraine–ASEAN Working Group on coordination and control of cooperation; to give new impetus to the active work of bilateral trade commissions between Ukraine and ASEAN members; to initiate the negotiation process regarding the conclusion of FTA agreements.
12. Promote the mutual provision of trade privileges and liberalization of the movement of specialists (workers).

References

1. *Міністерство закордонних справ України* (2022) 'Конференція послів України 2022: Війна і нові горизонти у світі' [Conference of ambassadors of Ukraine 2022: War and new horizons in the world], <https://mfa.gov.ua/news/konferenciya-posliv-ukrayini-2022-vijna-i-novi-gorizonti-u-sviti>
2. *Prypik Ye.* (2022) 'Позиція держав-членів АСЕАН щодо російської агресії в Україні та її економічні наслідки для країн регіону' [The position of ASEAN member states regarding Russian aggression in Ukraine and its economic consequences for the countries of the region] *ДУ «Інститут всесвітньої історії НАН України»*, <https://ivinas.gov.ua/viina-rf-proty-ukrainy/pozytsiia-derzhavchleniv-asean-shchodo-rosiiskoi-ahresii-v-ukraini-ta-ii-ekonomichni-naslidky-dlia-krain-rehionu.html >
3. *Krupenya I.* (2022) 'Політика країн АСЕАН щодо України в контексті повномасштабного вторгнення рф' [The policy of the ASEAN countries toward Ukraine following russia's full-scale invasion] *Вісник Національного технічного університету України «Київський політехнічний інститут». Політологія. Соціологія. Право. Випуск 4(56),* <http://visnyk-psp.kpi.ua/article/view/269606>
4. *Lukash O.* (2022) 'Про позицію Індії щодо російсько-української війни' [About India's position regarding the Russian-Ukrainian war] *ДУ «Інститут всесвітньої історії НАН України»*, <https://ivinas.gov.ua/viina-rf-proty-ukrainy/pro-pozytsiiu-indii-shchodo-rosiiskoukrainskoi-viiny.html>
5. *Oliinyk O.* (2022) 'Позиція Китаю щодо російської воєнної агресії проти України' [China's position on Russian military aggression against Ukraine] *ДУ «Інститут всесвітньої історії НАН України»*, <https://ivinas.gov.ua/viina-rf-proty-ukrainy/pozytsiia-kytaiu-shchodo-rosiiskoi-voiennoi-ahresii-proty-ukrainy.html>

6. *Lossovskyi I.* (2019) 'Some elements of strategy and prospects of Ukraine`s relations with the countries of the East Asian region' *Ukraine Analytica*, <https://ukraine-analytica.org/some-elements-of-strategy-and-prospects-of-ukraines-relations-with-the-countries-of-the-east-asian-region/>
7. *Murphy A.* (2022) 'The 2022 U.S. – ASEAN Summit. A New Era in Relations?' *The National Bureau of Asian Research*, <https://www.nbr.org/publication/the-2022-u-s-asean-summit-a-new-era-in-relations/>
8. *Kliem F., Ian Seow Cheng Wei* (2022) 'Should ASEAN Take a Stronger Position on the Ukraine War?' *The Diplomat*, < https://thediplomat.com/2022/08/should-asean-take-a-stronger-position-on-the-ukraine-war/ >
9. *Hutt D.* (2022) 'What's behind SE Asia's muted Ukraine response?' *Duetsche Welle*, <https://www.dw.com/en/ukraine-conflict-whats-behind-southeast-asias-muted-response/a-61039013>
10. *Premesha S.* (2022) 'Understanding ASEAN's Non-Linear Approach to the Russia-Ukraine War' *ORF Issue Brief No. 596*, < https://www.orfonline.org/research/aseans-non-linear-approach-to-the-russia-ukraine-war/>
11. *Joanne Lin* (2022) 'Is ASEAN a toothless tiger in the face of Ukraine crisis?' *Asialin*, <https://asialink.unimelb.edu.au/insights/is-asean-a-toothless-tiger-in-the-face-of-ukraine-crisis>
12. *Shoji Tomotaka* (2022) 'Southeast Asia and the Russian Invasion of Ukraine – Diverse Relations, Mixed Reactions' *International Information Network Analysis*, <https://www.spf.org/iina/en/articles/shoji_13.html>
13. *Shankari Sundararaman* (2022) 'ASEAN and the Ukraine Crisis: Why Centrality and Startegic Silence are not Compatible' *Kalinga International Foundation*, <https://kalingainternational.com/Shankari-Sundararaman17.html >
14. *Ian Storey, William Choong* (2022) 'Russia's Invasion of Ukraine: Southeast Asian Responses and Why the Conflict Matters to the Region' *ISEAS Commentary*, <https://www.iseas.edu.sg/articles-commentaries/iseas-perspective/2022-24-russias-invasion-of-ukraine-southeast-asian-responses-and-why-the-conflict-matters-to-the-region-by-ian-storey-and-william-choong/ >
15. *Singarimbun L.* (2022) 'ASEAN members' responses to the invasion of Ukraine: An overly cautious approach' *Asia and the pacific policy society*, < https://www.policyforum.net/asean-members-responses-to-the-invasion-of-ukraine/ >
16. *Стратегія зовнішньополітичної діяльності України* (2021) [The Strategy of Ukraine's Foreign Policy Activities] *Офіційне інтернет-представництво Президента України*, <https://www.president.gov.ua/documents/4482021-40017>
17. *Азійська стратегія вже дає конкретні результати та відкриває нові горизонти для України – Кулеба* (2022) [The Asian strategy is already giving concrete results and opening new horizons for Ukraine – Kuleba] *Укрінформ*, <https://www.ukrinform.ua/rubric-polytics/3612261-azijska-strategia-vze-dae-konkretni-rezultati-ta-vidkrivae-novi-gorizonti-dla-ukraini-kuleba.html>
18. *Дмитро Кулеба розповів про нові можливості для українського бізнесу після набуття Україною статусу партнера АСЕАН* (2022) [Dmytro Kuleba talked about new opportunities for Ukrainian business after Ukraine acquired the status of an ASEAN partner] *Міністерство закордонних справ України*, <https://mfa.gov.ua/news/dmitro-kuleba-rozpoviv-pro-novi-mozhlivosti-dlya-ukrayinskogo-biznesu-pislya-nabuttya-ukrayinoyu-statusu-partnera-asean>
19. *Yui B.* (2022) 'Нейтралитет Китая в новом мрачном мире' [China's Neutrality in a Dark New World] *Россия в глобальной политике*. Т. 20. No. 3., <https://globalaffairs.ru/articles/nejtralitet-kitaya/ >
20. *Huetong Y.* (2022) 'Why the War Necessitates a Balancing Act' *Foreign Affairs*, <https://www.foreignaffairs.com/articles/china/2022-05-02/chinas-ukraine-conundrum?check_logged_in=1&utm_medium=promo_email&utm_source=lo_flows&utm_campaign=registered_user_welcome&utm_term=email_1&utm_content=2022102 >

21. *Yarmolenko V.V.* (2022) ‘Позиція Казахстану щодо повномасштабної воєнної агресії Росії проти України’ [Kazakhstan’s position regarding russia’s full-scale military aggression against Ukraine] *Національний інститут стратегічних досліджень*, <https://niss.gov.ua/sites/default/files/2022-04/kazakhstan_150422.pdf >
22. *Portnikov V.* (2022) ‘Ляпас для Путіна: президент Казахстану не хоче визнавати «ЛДНР»’ [A slap in the face for Putin: the president of Kazakhstan does not want to recognize the «LDNR»] *Радіо Свобода*, < https://www.radiosvoboda.org/a/kazakhstan-viyna-putin/31903879.html>
23. *Alimava Ye.* (2022) ‘Токаев между молотом и наковальней. Война России в Украине как испытание для Казахстана’ [Tokaev between the hammer and the anvil. Russia’s war in Ukraine as a test for Kazakhstan] *Радио Азаттык*, <https://rus.azattyq.org/a/press-review-ukraine-kazakhstans-relationship-with-russia/31749419.html >
24. *Ian Storey* (2021) ‘Russia’s Defence Diplomacy in Southeast Asia: A Tenuous Lead in Arms Sales but Lagging in Other Areas’ *ISEAS*, <https://www.iseas.edu.sg/articles-commentaries/iseas-perspective/2021-33-russias-defence-diplomacy-in-southeast-asia-a-tenuous-lead-in-arms-sales-but-lagging-in-other-areas-by-ian-storey/ >

УДК 316.774

UKRAINE IN INTERNATIONAL INDEXES OF INFORMATION SOCIETY DEVELOPMENT

МІСЦЕ УКРАЇНИ У МІЖНАРОДНИХ РЕЙТИНГАХ РОЗВИТКУ ІНФОРМАЦІЙНОГО СУСПІЛЬСТВА

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Abstract. *The article studies the main ranks and indexes of information society development in Ukraine. Program documents, adopted during The World Summit on the Information Society (WSIS), became the basis for determining key components of information society: Information and communication infrastructure, capacity building, access to public domain information, security in the use of ICT, ICT applications, independence and plurality of media, research and innovations. For each component, several international indices were selected and Ukraine's position in these rankings was analyzed. Normalized indicators of ranking values of Ukraine were presented in the diagram, where Ukraine has the best position in the EU Open Data Maturity Report (ODM), and the worst result - Press Freedom Index (PFI). However, the overall score of more than 0.5 indicates a significant success of Ukraine on the way to information society.*

Key words: *global development, information society, global indices, Ukraine, ICT infrastructure, open data, information literacy, e-government, cyber security.*

Анотація. *Стаття присвячена аналізу основних показників впровадження інформаційного суспільства в Україні. Основою для визначення складових інформаційного суспільства стали програмні документи розвитку глобального інформаційного суспільства, зокрема документи, ухвалені під час Всесвітнього саміту з питань інформаційного*

суспільства (WSIS): інформаційна та комунікаційна інфраструктура, інформаційна грамотність, вільний доступ до інформації та знань, безпека використання ІКТ, електронні послуги, незалежність і плюралізм ЗМІ, дослідження та інновації. За кожним складовим було визначено ряд міжнародних рейтингів і проаналізовано місце України в ньому. Нормовані показники рейтингових значень України було представлено на діаграмі, де найкращі позиції Україна має в рейтингу EU Open Data Maturity Report (ODM), а найгірший результат - Press Freedom Index (PFI).Проте, загальний показник в понад 0,5 свідчить про значний успіх України на шляху до інформаційного суспільства.

Ключові слова: *глобальний розвиток, інформаційне суспільство, глобальні індекси, Україна, ІКТ інфраструктура, відкриті дані, інформаційна грамотність, електронне урядування, кібербезпека.*

Problem Statement. The key trend in the development of the modern world is the increasing role of information and the use of information and communication technologies (ICT) in all spheres of life. The effective use of information resources and ICT determines the pace of political and socio-economical development of the country, as well as its competitiveness in the international arena, and its position in the hierarchy of international actors.

Ukraine is a full member of the global community and actively participates in all global trends. The foreign policy priorities of Ukraine are European and Euro-Atlantic integration. The development of information society in the country is now a determinant for successful achievement of national interests and goals, as well as shaping favourable reputation of the country on the world stage.

In these conditions, it is important to study the level of information society development in Ukraine in recent years. Ukraine's position among other countries in the world in terms of information society development indicators can be traced through the analysis of relevant global indices.

Analysis of the latest publications. The attention to the measurement of various socio-political processes within political science has always been insufficient due to their stochastic nature. Mainly, we rely on data from international organizations and research institutions that have conducted comprehensive global or regional studies on the measurement of the level of information society development. At the national level, economists-internationalists such as N. Reznikova, O. Ivashchenko, N. Kurballa *[Reznikova et al., 2020]*, A. Yerina *[Yerina, 2016]*, L. Fedulova *[Fedulova, 2009]*, O. Korepanov *[Korepanov, 2018]* pay attention to the indicators of information society development. N. Hornostai and O. Mykhalchenkova *[Hornostai, Mykhalchenkova, 2021]* examine the issues of developing the methodology of index analysis itself in their research, without focusing on the level of implementation of information society in Ukraine.

The purpose of the article is to analyze Ukraine’s ranking in global indices of information society development.

Presentation of the main research results. International relations, as a scientific field, often faces challenges in measuring and standartisation processes that are inherently difficult to quantify, especially when it comes to comparing countries in areas such as democracy, freedom of speech, digital literacy, or the level of population inclusion in socio-political decision-making processes. In this regard, indices become the main mechanism for assessing these processes, developed by both international institutions, government agencies and civil society organizations.

The indices allow to compare countries using specific indicators and determine their level of development in various domains. They also serve as a convenient tool for measuring the progress and/or evaluating the effectiveness of measures taken by countries in specific areas of development. Furthermore, a country's rankings in global indices influence its international reputation and determine its position in the hierarchy of international actors.

The development of indices is typically based on a wide range of data from various sources, primarily official statistics from governments and international organizations, as well as empirical methods (such as normalization, ranking, expert analysis, statistical and sociological methods, etc.).

With the transition to the information society, or so called "knowledge society," the importance of indices has rapidly increased. The World Summit on the Information Society (WSIS) held in 2003 and 2005 defined that countries should move towards building an inclusive information society by ensuring universal access to information, knowledge and services based on ICT for all members of society.

As a result of WSIS, the Digital Opportunity Index was created to monitor the progress of countries in implementing information and communication technologies (ICTs) and the dynamics of information society development at the global and regional levels *[WSIS, 2003-2005]*.

Currently, numerous indices have been developed by international and academic organizations to measure the level of information society development in different countries and regions. They help evaluate the accessibility of information technologies, the number of Internet users, the development of e-government services, ICT literacy levels and more. Information society indices are essential tools for understanding the dynamics of countries' development in the field of ICT and determining priority directions for social development to bridge the "digital divide" both among countries and within nations.

The use of many basic indicators in modeling the assessment of information society development makes it possible to evaluate the impact of each factor, identify weaknesses and pay more attention to the issues that hinder country's development.

However, information society indices do not consider cultural and ethical norms that influence how people use technologies and how they perceive them in society. Additionally, they do not consider social factors such as national health, social equality and justice, and other qualitative aspects that cannot be quantified. Overall, the limitations of most indices lie in the simplified reflection of complex process of information society development, subjective determination of indicators, their weighting, and calculation methods, as well as the outdated or irregular data collection practices.

Considering these drawbacks, it is reasonable to rely on a range of indices containing up-to-date data on the key aspects of the "knowledge society" to analyze the level of information society development in a particular country.

The basis for defining the components of information society can be found in program documents for the development of global information society, in particular those adopted during the World Summit on the Information Society *[WSIS, 2003-2005]*.

These documents provide the opportunity to identify the fundamental components or aspects of information society, including:

- Information and communication infrastructure,
- Capacity building (education, ICT literacy, etc.)
- Access to public domain information,
- Security in the use of ICT (cybersecurity),
- ICT applications (e-government, e-business, e-learning, etc.),
- Independence and plurality of media,
- Research and innovations.

Based on the components of information society mentioned above, the level of information society development in Ukraine was analyzed using a range of international indices for the years 2020-2022.

The selected indices for each aspect of information society are reflected in the Table 1.

Table 1.

International Indices to assess country's information society development

Key aspects of information society	**Indices**
Information and communication infrastructure	Digital Readiness Index (DRI), Digital Quality of Life Index (DQL)
Capacity building	Global Knowledge Index (GKI), Digital Parity Scorecard (DPS)
Access to public domain information	EU Open Data Maturity Report (ODM)
Security in the use of ICT	Global Cybersecurity Index (GCI), National Cyber Security Index (NCSI)
ICT applications	E-government development index (EGDI)
Independence and plurality of media	Press Freedom Index (PFI)
Research and innovations	Global Innovation Index (GII)

The DRI measures the ability of 146 countries to use information technologies to achieve economic, social and political advantages. This index uses seven indicators, including technology infrastructure and technology adoption, ease of doing business, human capital development, business and government investment, basic human needs, and the start-up environment. The scores range from -1.89 to 2.37.

Ukraine ranks 79th overall. However, the country score differs by indicators. Ukraine has good performance in human capital and ranks 44th. The country's performance is not bad in technology infrastructure (62nd rank) and technology adoption (67th rank). At the same time Ukraine has very low score in business and government investment (124th rank) *[Digital Readiness Index, 2022]*.

Another index that allows to evaluate the accessibility and quality of ICT is Digital Quality of Life Index (DQL). This index is based on five pillars: internet affordability, internet quality, e-infrastructure, e-security, e-government. These indicators give insights into what factors impact a country's digital wellbeing and which areas should be improved.

In 2021 Ukraine ranked 47th with overall score 0,56 out of 110 countries and in 2022 the country ranking dropped down to 50th with the score 0.49 out of 117 countries.

According to the index data, Ukraine shows some improvement in internet affordability (22nd rank in 2022 versus 28th in 2021) and in electronic infrastructure (37th in 2022 versus 42nd rank in 2021). At the same time there is a decrease in internet quality (from 68th rank in 2021 to 94th rank in 2022) and electronic security (from 25th rank in 2021 to 41st rank in 2022) *[Digital Quality of Life Index, 2022]*.

Besides information and communication infrastructure, the education and information literacy, in particular skills to use ICTs, are key factors for building inclusive information society.

The Global Knowledge Index (GKI) measures human capital in different countries using seven sub-indices: pre-university education, technical and vocational education, higher education, research and development, information and communications technology, enabling environment, economic openness and competitiveness.

According to GKI data, Ukraine is a moderate performer in terms of its knowledge infrastructure. It ranks 63^{d} out of 132 countries in the GKI 2022 and 8th out of the 28 countries with high human development. Ukraine's score is equal to the world average value 46.5.

The country performs the highest score in pre-university education (79.8 points, 18th rank) and the lowest value in research and development (23.9 points, 63^{d} rank). Ukraine is behind world average score (52.9) in economic openness and competitiveness with 44.8 points and ranks 97th *[Global Knowledge Index, 2022]*.

The research team of the Fletcher School's Institute for Business in the Global Context developed Digital Parity Scorecard (DPS) to track the progress of 90 countries towards inclusive information society. The scoreboard includes country ranking in the number of Internet users as

well as in three inclusion dimensions: gender digital parity, socioeconomic digital parity and rural digital parity.

Ukraine has good progress in gender digital parity (93,25%) and lower progress in socioeconomic (57,93%) and rural (67,03%) digital parity.

In Ukraine, the number of Internet users in 2021 was 69.21% of the total population *[Global Digital Inclusion, 2021]*.

At the start of 2022 Ukraine's internet penetration rate stood at 71.8 percent of the total population. The analysis by non-governmental organization Kepios indicates that internet users in Ukraine increased by 526 thousand (+1.7%) between 2021 and 2022 *[Kemp, 2022]*.

The number of social networks users is also important to consider as it shows the use of digital tools for information exchange, communication and cooperation. This indicator also reveals a certain level of digital literacy in a country.

At the beginning of 2022 the number of users of social networks in Ukraine was 64.6 % of the total population (28 million inhabitants) *[Kemp, 2022]*.

One of the core features of information society is free access to information and knowledge. In this context the access to public domain information plays very important role in information society as a key factor in ensuring openness and transparency of public authorities.

In 2015 EU launched data.europa.eu as a main point of access to public sector information published across Europe. Data.europa.eu's objective is to improve access to open data, foster high-quality open data publication at national, regional, and local level, and increase its impact.

With this portal EU launched Open data maturity measurement (ODM) that covers the policy developments at country level as well as the level of sophistication of the national open data portals.

Open (government) data is defined as the information collected, produced or paid for by the public bodies and made freely available for reuse for any purpose *[Open Data in Europe, 2022]*.

The ODM assessment includes a set of indicators grouped in four clusters: open data policy, open data impact, open data portal and open data quality.

In 2022 Ukraine ranks 2nd out of 35 European countries. Ukraine entered the list of leading countries (trend-setters) along with France, Poland, Ireland, Cyprus, Estonia, Spain and Italy.

According to all indicators, Ukraine showed higher results than the overall average in Europe (79%). The country has the highest scores for open data policy and impact (100%). The areas of potential growth are open data portal (95%) and open data quality (93%). The key weaknesses are data provision (83%) and deployment quality (83%) *[Open data maturity, 2022]*.

The access to open data laid foundation for online interaction between government and citizens. The e-government is a significant indicator of the progress in information society development.

The UN Global e-government development index tracks the progress of 193 countries in providing e-government services. It consists of three independent component indices: Online Services Index (OSI), Telecommunication Infrastructure Index (TII) and Human Capital Index (HCI). Each component includes subindices.

In 2022 Ukraine ranks 46th with overall score 0,8029. The country moved from the high to very high EGDI value.

In terms of OSI (0,8148) Ukraine has the highest score for institutional framework (national government portals) and content provision (availability of data in several languages).

The Telecommunication Infrastructure Index of Ukraine is also high (0,727). The country shows good performance in mobile cellular telephone and active mobile broadband subscriptions per 100 inhabitants.

In terms of the Human Capital Index of Ukraine has very high level of adult literacy (99, 97%) and percentage of students enrolled at the primary, secondary, and tertiary level (93,95%) *[UN E-Government Survey, 2022]*.

Independent mass media are essential for information society as they provide the public with varied sources of information.

Press Freedom Index, published annually by international non-governmental organization Reporters without Borders, tracks the level of press freedom in 180 countries. Every country is evaluated using five contextual indicators: political context (the degree of support and respect for media autonomy by public authorities), legal framework, economic context (economic constraints for journalists), sociocultural context (social and cultural constraints, imposed on journalists) and journalists' safety.

In 2022 Ukraine ranks 106th and falls into the group of countries with problematic situation. Ukraine has good score for legislation (79,45 points, 36th rank) and very low score for journalists' safety (18,84 points, 165th rank) *[Press Freedom Index, 2022]*.

The development of information society is impossible without research and innovations. The innovation capabilities of countries are presented in Global Innovation Index (GII). This index consists of 80 indicators, grouped into innovation inputs (institutions, human capital and research, market and business sophistication) and outputs (knowledge and technology outputs, creative outputs) *[Global Innovation Index, 2022]*.

In 2022 Ukraine ranks 57th out of 131 countries. Ukraine performs better in innovation outputs (48th rank) than innovation inputs (75th rank). Ukraine performs best in Knowledge and technology outputs (36th rank) and its weakest performance is in Market sophistication (102nd rank).

Among the 36 lower middle-income group economies Ukraine ranks 4th. Ukraine performs above the lower-middle-income group average in six pillars: Institutions; Human capital and research; Infrastructure; Business sophistication; Knowledge and technology outputs; Creative outputs. In general, as a country of lower middle-income group Ukraine performs above expectation on innovation relative to its level of economic development *[Global Innovation Index: Ukraine, 2022]*.

The widespread use of ICT created new challenges and threats for countries, such as unauthorized access to computers, malicious software, phishing scams, wireless network attacks, DoS attacks, etc. Therefore, the cybersecurity became indespensible component of information society.

The Global Cybersecurity Index (GCI), published by ITU, assesses the level of cybersecurity in 182 countries. The evaluation is based on five pillars: legal measures (laws and regulations on cybercrime and cybersecurity); technical measures (implementation of technical capabilities through national and sector-specific agencies); organizational measures (national strategies and organizations implementing cybersecurity); capacity development measures (awareness campaigns, training, education, etc.); cooperation measures (partnerships between agencies, firms, and countries).

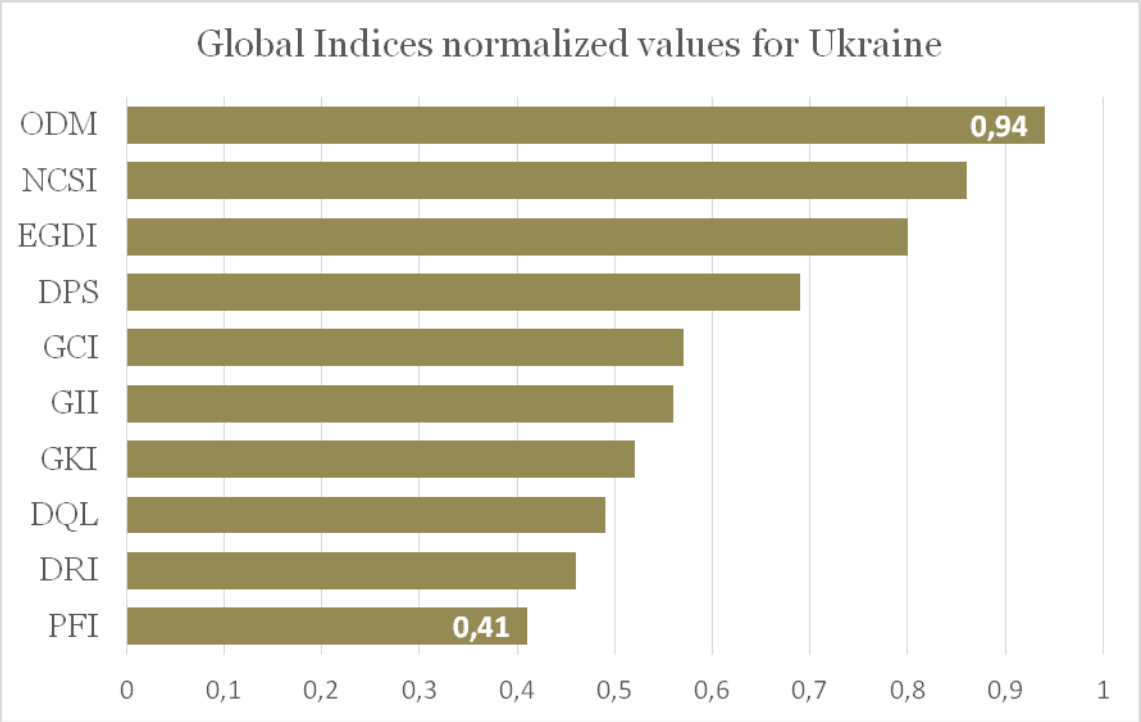
According to Global Cybersecurity Index, in 2020 Ukraine ranked 78th with overall score 65,93. Among european countries Ukraine ranked 39th. The GCI shows that Ukraine has rather strong position in legal measures (17.46 points out of 20) and weak position in capacity development (10.94 out of 20) and technical measures (11.60 out of 20) *[Global Cybersecurity Index, 2020]*.

Another index of cyber security, National Cybersecurity Index (NCSI), developed by e-Governance Academy Foundation (Estonia), measures the readiness of 175 countries to address cyberthreats and to manage cyber incidents. This index helps countries to identify risks and weaknesses in the cyber security system, and to take effective measures to protect themselves from cyber threats.

The NCSI focuses on measurable aspects of cyber security implemented by the central government: cyber security capacities, policies, legislation, established units, coopeartion formats, etc.

According to NCSI, in 2021 Ukraine ranked 24th with the score 75,32 out of 100. Ukraine has the highest scores in cyber seciruty policy development, protection of essential services, e-identification, protection of personal data and fight against cybecrime. The areas of relative weakness are cyber incident response, crisis management and protection of digital services *[National Cybersecurity Index, 2022]*.

Ukraine's ranks in all above-mentioned international indices are presented in the form of a diagram, ranging from the maximum score to the minimum.



Conclusions. If we were to download the information society to Ukraine, as we download a file to a computer, we could see a phrase like "more than 50% of the information society has been downloaded" and this is a very encouraging indicator. The study of Ukraine's position in the international rankings of information society development shows that Ukraine is actively developing toward information society. The country has rather strong positions in the access to open data, cyber security and e-government. The number of Internet users and the number of connected households is constantly increasing. Ukraine pays considerable attention to the education, including digital literacy and trainings on the use of ICT.

Although Russia's full-scale war against Ukraine has a serious impact on the development of information society in Ukraine, its consequences are not catastrophic for our country, but it rather becomes a challenge to intensify efforts for the development of information society. In such difficult situation the ICTs are very helpful for ukrainian government as they allow to provide citizens with reliable information, to counter russian propaganda and disinformation as well as to track and promptly respond to emergencies.

References

1. Reznikova N. V., Ivashchenko O. A., Kurbala N. V. (2020) Retrospektyvnyi analiz alternatyvnykh pidkhodiv do vyokremlennia rozvynenykh krain: finansovyi, industrialnyi, tsyfrovyi ta innovatsiinyi vymiry rozvytku. Efektyvna ekonomika. № 9, available at: http://www.economy.nayka.com.ua/?op=1&z=8172 (accessed: 09.06.2023). DOI: 10.32702/2307-2105-2020.9.1
2. Yerina A. M. (2016) Mizhnarodni reitynhy: statystychni aspekty obchyslennia ta zastosuvannia. Chastyna II. Indeksy innovatsiinoho ta liudskoho rozvytku. Statystyka Ukrainy. № 4, available at: http://194.44.12.92:8080/jspui/bitstream/123456789/2256/1/12.pdf (accessed: 09.06.2023).
3. Fedulova L. I. (2009) Ukraina v mizhnarodnykh reitynhovykh otsinkakh: chynnyk innovatsiino-tekhnolohichnoho rozvytku. Aktualni problemy ekonomiky. № 5. P. 39-53.
4. Korepanov O. S. (2018) Metodolohiia indeksnoho analizu rivnia rozvytku informatsiinoho suspilstva. Statystyka Ukrainy. № 1. P. 6–15.

5. Hornostai N. I., Mykhalchenkova O. Ye. (2021) Stan haluzi IKT v Ukraini ta sviti. Informatsiini tekhnolohii. №4. P. 71-77.
6. World Summit on the Information Society. Outcome Documents. Geneva 2003 - Tunis 2005, available at: https://www.itu.int/net/wsis/outcome/booklet.pdf (accessed: 13.06.2023).
7. Digital Readiness Index 2022. available at: https://www.cisco.com/c/m/en_us/about/corporate-social-responsibility/research-resources/digital-readiness-index.html#/country/UKR (accessed: 13.06.2023).
8. Digital Quality of Life Index 2022, available at: https://surfshark.com/dql2022 (accessed: 13.06.2023).
9. Global Knowledge Index 2022, available at: https://www.knowledge4all.com/ranking (accessed: 13.06.2023).
10. Global Digital Inclusion: Progress to Parity Scorecard, available at: https://sites.tufts.edu/digitalplanet/global-digital-inclusion-progress-to-parity-scorecard/ (accessed: 13.06.2023).
11. Kemp S. Digital 2022: Ukraine, available at: https://datareportal.com/reports/digital-2022-ukraine (accessed: 13.06.2023).
12. Open Data in Europe 2022, available at: https://data.europa.eu/en/publications/open-data-maturity/2022 (accessed: 13.06.2023).
13. Open data maturity 2022. Ukraine, available at: https://data.europa.eu/sites/default/files/country-factsheet_ukraine_2022.pdf (accessed: 13.06.2023).
14. UN E-Government Survey 2022, available at: https://publicadministration.un.org/egovkb/en-us/Reports/UN-E-Government-Survey-2022 (accessed: 13.06.2023).
15. Press Freedom Index 2022, available at: https://rsf.org/en/index?year=2022 (accessed: 13.06.2023).
16. Global Innovation Index 2022, available at: https://www.wipo.int/global_innovation_index/en/2022/ (accessed: 13.06.2023).
17. Global Innovation Index 2022. Ukraine, available at: https://www.wipo.int/edocs/pubdocs/en/wipo_pub_2000_2022/ua.pdf (accessed: 13.06.2023).
18. Global Cybersecurity Index 2020, available at: https://www.itu.int/epublications/publication/D-STR-GCI.01-2021-HTM-E (accessed: 13.06.2023).
19. National Cybersecurity Index 2022, available at: https://ncsi.ega.ee/country/ua/ (accessed: 13.06.2023).

SOME HISTORICAL AND POLITICAL ASPECTS OF INTERNATIONAL PROTECTION OF REFUGEES AND IDPS

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Abstract. The article analyzes the historical and political aspects of international protection of refugees and internally displaced persons, the history of international protection of refugees and internally displaced persons, the political roots of the issue of refugees and internally displaced persons, the ancient, medieval and modern stages of the problem. In the article, the author emphasizes that the refugee phenomenon has political roots, and even emphasizes the importance of the role of historical and political elements among the causes of this problem. Therefore, the history of international protection of refugees and internally displaced persons gives grounds to say that this problem is primarily a product of the system of interstate political and military relations, international political cataclysms and transnational conflict situations. The article emphasizes that the international protection of refugees and internally displaced persons in scientific sources on international relations stems from the practice of the first interstate, inter-tribal agreement. The article deals with the legal status of refugees and internally displaced persons, their return to their home countries, and even the punishment of refugees, etc. The regulation of such issues has been investigated. The article also addresses issues such as institutional measures taken in the early twentieth century for the international protection of refugees, the establishment of international organizations specializing in this field, the creation of a legal framework to ensure the international protection of refugees. At the same time, the article analyzes the formation of an improved legal framework for the adoption of the 1951 Convention Relating to the Status of Refugees and its Additional Protocol.

Key words: refugees and IDPs, history of international protection of refugees and IDPs, political refugees and IDPs, international protection of refugees and IDPs.

It is necessary to pay attention for some historical nuances for to analyze the political aspects of international protection of refugees and Internally Displaced Persons (IDPs). The researcher of the history of international protection of refugees and IDPs, U.F. Morgun notes that the issue of refugees and IDPs has ancient political roots [Morgun, 2000]. The author emphasizes that the refugee phenomenon has political roots. He even connects the causes of this problem with the role of historical and political elements. Therefore, the history of international protection of refugees and internally displaced persons fully proves that this problem is primarily a product of the system of interstate political and military relations, international political cataclysms and transnational conflict situations.

According to scientific sources, the international protection of refugees and IDPs comes from the ancientinter-tribal, interstate agreement practice. When analyzing the system of international relations of ancient times, it becomes clear that the mainstay and normative basis of this system were international agreements.

For ancient civilizations, the human factor, especially the issue of international protection of refugees and internally displaced persons, had a radically different meaning than in modern times. In the practice of interstate relations of that period, a person belonging to any state, country or city-state was treated differently for leaving the place of residence for any reason, and these persons became the object of public criticism. They were even inadequate to be accused of treason against their country. Therefore, for a long time it was impossible to talk about the fact that this problem, which is in the internal jurisdiction of each country, suddenly became the subject of the system of international relations. The transnational nature of the protection of refugees and internally displaced persons has gradually taken place, and the entry of refugees and internally displaced

persons into the arena of international political relations has taken place as a result of historical development and global evolution.

The first historical document on the international protection and status of refugees was signed in 1278 between the Egyptian pharaoh Ramses II and the Hittite king Hattushli III. This international legal document covers the issues of asylum, the return of refugees, territorial and border disputes, alliances and peace. Regarding the political nature of the agreement, prof. I.I. Lukashuk noted that the agreement reflected the issues of reciprocal transfer of political refugees [Lukashuk, p.44]

The system of international relations have been established perfect normsand principles on the international protection of refugees and internally displaced persons in the practice of international treaties of the Ancient East, especially the ancient Turkic city-states and tribal unites of the Mesopotamia (Sumer, Akkadian, etc.), Egypt, China, India and other countries.

Professor of University of Toronto, Michael R. Marrus by analyzing of these problems, notes that historically the refugee regime itself has been based almost entirely on laissez-faire treatment. Officials treated everyone equally, regardless of whether they were immigrants or refugees, and imposed a number of restrictions on entry. Later, governments sought to encourage the admission of newcomers, realizing that the availability and wealth of those who could travel would strengthen society. At first, refugees seldom caused tensions in international relations and were not a matter of concern to the government [Marrus, p.9]. Of course, this was due to the fact that a citizen or a permanent resident of the country was considered an exclusively subordinate person of the state, and therefore the phenomenon of refugees or IDPs was considered less relevant to the system of international relations.

In this regard, prof. L.V. Pavlova writes that the events in the international arena have had a decisive impact on the formation of the mechanism of international protection of refugee rights, as well as its subsequent evolution [Pavlova, p.7] We can clearly see the evidence of this idea by looking at the subsequent historical periods in the system of international relations for the protection of refugees and internally displaced persons. Thus, from the analysis of the ostracism system that existed in Athens in the 5th century BC, we are witnessing a development trend in accordance with the new trend of the system of international relations on the international protection of refugees and the root causes of refugee problems in general. According to this rule, if a citizen was considered useless to society for his political and other views, he was expelled from the country on a temporary or permanent basis by a general vote in the people's assembly. We also see from the Greek-Athenian model of the history of international refugee protection that, in fact, the historical roots of the refugee problem have been rich in its political elements.

In fact, at the root of the refugee problem in the system of international relations are political elements, wars between states, acts of military aggression and other acts of territorial integrity, illegal migration, as well as religious and economic factors.

One of the important issues in the system of international relations related to the protection of refugees was the use of this vulnerable population by states to increase their levels of economic development. Britain, which developed the international protection of refugees by these methods, used this system for the economic interests of its country. Thus, in the VI-VII centuries, after the night of Bartholomew, a mass influx of Huguenots to England began. At that time, because most of them had different professions and arts, Britain gave almost all refugee Huguenots the right to asylum. Thus, this state weakened its rivals in the system of international relations of that time and became one of the main spokesmen.

While one of the main reasons for the emergence of the refugee problem in the system of international relations in the Middle Ages was considered to be religious factors, already from the XVII-XVIII centuries political factors began to become one of the main reasons for the emergence of refugees, especially in Europe. According to this process, as a result of the development of the Enlightenment ideology at that time and the great bourgeois revolution in France in 1789, there were refugees and internally displaced persons fighting against the current regime. Analyzing this period of the system of international relations, it is possible to conclude that the progress of political

rights and freedoms in human society has led to the emergence of political refugees for political reasons and thus the problems of their international protection.

Morgun considers that the world community has faced the gravity of the refugee problem since the First World War and the model of international protection of refugees and humanitarian aid was established by the League of Nations. At the same time, international organizations regulating this area have been established and a number of international agreements have been adopted.According to these documents, each category of refugees was determined taking into account the countries (nationalities) or territories to which they left, as well as the lack of diplomatic protection provided by their countries. In the 1930s, the Intergovernmental Committee for Refugees was established under the leadership of the Nansen International Office and the High Commissioner for Refugees, and in 1947 the International Refugee Organization was established.

As can be seen, this period in the history of international relations has played an exceptionally important role in the formation of the institution of international protection of refugees.

It was only in the early 20th century that states were able to take a globally coordinated approach to the refugee problem [UNHCR, 2002]. That is, looking at the history of international relations up to this time, it is absurd to talk about a mature system of normative legal protection of refugees and internally displaced persons within the framework of international organizations and international conventions on refugees and internally displaced persons. This period is remembered in the history of international relations by two important factors through the prism of international protection of refugees. First, in the early twentieth century, international organizations were formed to ensure the international protection of the rights of refugees. Second, the international status of refugees and internally displaced persons has been strengthened by convention.

An important stage in the development of legislation regulating the status of refugees began in 1914-1938. The first step in this direction was taken by the League of Nations, and in August 1921 the first international conference on refugees was held. The conference decided to establish the post of High Commissioner for Refugees. The responsibilities of the High Commissioner included: determining the legal status of refugees, arranging repatriation or resettlement of refugees in host countries, and providing assistance to refugees [Ivanova, 2009]. In general, it should be noted that the formation and development of the institution of protection of the rights of refugees and internally displaced persons in the system of international relations is directly related to the trends formed within the League of Nations. The first step in this direction was the holding of the first international conference on refugees in August 1921 under the auspices of the League of Nations. As a result of this conference, the establishment of the position of the High Commissioner for Refugees, an international body specializing in the protection of refugees, and the establishment of this organization should be considered one of the important innovations in the institutional development of international refugee protection.

Conferences on various issues related to the status of refugees in the history of international relations (conferences held in 1924, 1926, 1928 and 1933) can be considered a step forward in the development of refugee rights. Thus, as a result of the 1924 Conference, in order to provide adequate documents for the "Nansen passports" and to issue these documents, a special opinion was required along with the state's permission for the return of the refugee to the issuing country. Under the 1926 agreement, the Nansen Passport, now considered a refugee's identity card, was considered valid for return to the issuing country, and recommended that states make special donations to cover the large number of refugees arriving or leaving the country [Pavlova, p.106, 2006]. As a result of the 1928 conference, for the first time he considered that the refugee's citizenship and non-protection by the state to which he belongs were the main criteria for recognizing the refugee's identity. The next step in the system of international relations in the field of refugee protection was taken by the 1933 Convention on the International Legal Status of Refugees. Thus, for the first time in the history of international relations, this document reflects the principles of non-extradition and deportation of refugees to other states or countries of origin.

The problem of millions of refugees also led to World War II. During this period in the history of international relations, the refugee problem has become so acute that, through the United Nations, it has once again become a global issue. At that time, the establishment of a fascist dictatorship, the new ruler of the system of international relations, led to a new wave of refugees around the world. Among them were political refugees, persecuted Jews, and other victims of Nazism. The High Commissioner for Refugees from Germany has been appointed to assist these categories of people. In 1938, the Intergovernmental Committee for Refugees was established, the main purpose of which was to facilitate forced emigration from Germany, including Austria. The Committee's scope of activity included those who still had to emigrate because of their political beliefs, religion, or race, as well as those who had already left Germany for those reasons and had not settled in other countries. In 1943, the mandate of the Intergovernmental Committee was expanded. On the eve of World War II, the functions and powers of the post of High Commissioner were severely limited, and in 1946 it ceased to exist. In the same year, the Intergovernmental Committee was established. Initially, the organization dealt with the forced emigration of refugees from Germany and Austria, and then began to help all refugee groups in Europe on the eve of World War II. In 1947, the Intergovernmental Committee was replaced by the International Organization for Refugees [UNHCR, 2002]. It should be noted that at that time the Organization accepted the international protection of refugees and internally displaced persons as its main mission and acted as the first universal organization to comprehensively address the problems of millions of refugees and internally displaced persons resulting from World War II.

In the years after the Second World War, the dominant position in the system of international relations belonged to the UN. For this reason, this body has taken on the main mission in the field of international protection of refugees and internally displaced persons. Commenting on this period of international relations, scholars believe that the UN played a decisive role in the formation of a modern international system for the protection of refugees, due to two factors: 1) The objective factor - the UN in the person of the international community the need for the assistance of the international community in resolving the issue of repatriation of refugees and displaced persons who were forced to leave their homeland or forcibly expelled from their territories by the Nazis; 2) Subjective factor - entrusting the UN with the function of implementing international cooperation in the field of "promotion and development of respect for human rights and fundamental freedoms for all, regardless of race, gender, language or religion" [Mammadov, p.25, 2016].

The most important institutional mechanism in the system of international relations in the field of international protection of refugees and internally displaced persons was the establishment in 1949 of the Office of the United Nations High Commissioner for Refugees. According to Article 1 of the Charter of this body, the main function of the High Commissioner is to provide international protection in cooperation with interested states, complete settlement of the refugee problem through voluntary repatriation and assimilation with other states.

The main turning point in the system of international relations on the status of refugees and international protection was the adoption of the 1951 Convention Relating to the Status of Refugees (entered into force on April 22, 1954). This document has played two important roles in the legal status of refugees and internally displaced persons in the modern system of international relations. First, the Convention sets out a concrete mechanism for addressing and protecting the refugee problems of the twentieth and twenty-first centuries. Second, for the first time in human history, the Convention established universal, impartial norms that made the legal status of refugees, their rights and freedoms, even superior to national law. It is no coincidence that when this important document was discussed by the UN General Assembly on July 28, 1951, it was adopted under the name of the Grand Charter of International Law on Refugees. Therefore, when scholars of international relations and international law talk about the importance of this document, they consider it the cornerstone of the modern refugee regime [Noll, p. 278, 2003]. At the same time, the 1967 Additional Protocol to the Convention brought a number of important practical innovations to the history of the international protection of refugees and internally displaced persons and made normative contributions to the protection of the rights and freedoms of refugees. With the adoption of this

protocol, the refugee protection system became more universal, and refugee status began to apply to everyone. Thus, if the 1951 Convention first contained provisions based on geographical principles and were of a temporary nature, they were abolished with the adoption of the 1967 Protocol [Protocol on refugees, 1967], which applies to all persons who meet the refugee criteria. began to be applied. Writing about the importance of the 1967 Protocol on the international protection of refugees, Prof. D.M. Ivanov notes that all the signatories to this document have undertaken to ensure the international protection of refugees [Ivanov, p. 21, 2010]. Therefore, the role and importance of this document in the system of international protection of refugees and internally displaced persons, especially in the recognition of these rights by states and their recognition as an international obligation, is undeniable.

Thus, the analysis of early interstate treaties and other important documents on the international protection of refugees in the history of ancient and medieval international relations shows that the priority issues at that time, especially the return of refugees, their punishment, as well as their asylum, religious, political, economic, demographic, etc. The initial embryos of the issues were regulated on the basis of contractual and religious norms. In the early twentieth century, institutional measures were taken for the international protection of refugees, specialized international bodies were established, and the legal framework for international protection of refugees was established. The issues that have been resolved during this period. At the same time, the adoption of the 1951 Convention Relating to the Status of Refugees and the Additional Protocol to it, and the formation of an improved legal framework, have given impetus to a more effective solution to this problem on a global scale.

References

1. Introduction to International Refugee Protection. Protecting persons of concern to UNHCR. A guide for self-study. www.unhcr.ru
2. Ivanov D.M. Forced and labor migration of the population in international and national law. - M: BI, 2010. - S. 20–21.
3. Ivanova N. Yu. On the issue of refugee status in international law, https://www.gramota.net/articles/issn_1997-292X_2009_3_17.pdf
4. Gregor Noll, Securitizing sovereignty? States, refugees, and the regionalization of international law. Refugees and forced displacement: international security, human vulnerability, and the state / Edward Newman and Joanne van Selm, editors. The United Nations University Press, New York, 2003, p. 278. 391 pp.
5. Lukashuk I.I. International law. General part: textbook. for law students fak. and universities / I.I. Lukashuk; Ros. acad. Sciences, Institute of State and Law, Akadem. legal un't. - Ed. 3'e, revised. and additional - M. : Wolters Kluver, 2005. C.44.- 432 p.
6. Mammadov R.F. Süleymanlı S.A. Abbasov. X.R. The problems of Azerbaijani refugees and IDPs are at the level of international organizations. Baku, Sada Publishing House, 2016, P.25, 232 pages.
7. Michael R. Marrus, The Unwanted: European Refugees in the Twentieth Century (Oxford: Oxford University Press, 1985), p.9.Pp. xii, 414.
8. Morgun U.F. UNHCR: International Refugee Protection. http://evolutio.info/ru/journal-menu/2000-2/2000-2-morgun
9. Pavlova L.V., Selivanov A.V. International legal status of a refugee. Handbook for university students. Minsk: Theseus. 2006, p. 106-110.
10. Protocol relating to the Status of Refugees, 31 January 1967 http://www.un.org/ru/documents/decl_conv/conventions/refugees_prot.shtml

УДК 339.543.012.42:338.43 (477)

ENERGY POLICY IN THE MIDDLE EAST REGION

ЕНЕРГЕТИЧНА ПОЛІТИКА БЛИЗЬКОСХІДНОГО РЕГІОНУ

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Abstract. The article discusses the latest trends in the development of the Middle East energy market, the impact of international events on it. The necessity of a thorough study of the problems of ensuring energy security is substantiated. It analyzes the positions of the world's leading players on the world stage on energy supply issues, as well as economic changes associated with the emergence of the latest technologies for the extraction of raw materials, the growth in energy consumption and the subsequent formation of a new energy landscape in the Middle East. Energy diplomacy as an instrument of foreign policy is considered at the global and regional levels, taking into account the changes in the energy policy of the leading oil-producing countries of the Middle East. The author comes to the conclusion that in order to build a secure energy landscape in the Middle East region, it is necessary to adhere to the main principles - diversification of supplies and intra-regional constructive dialogue.

Key words: energy policy, shale revolution, Middle East, energy resources, national interests, USA, Saudi Arabia, oil prices, energy security.

Анотація. У статті розглядаються останні тенденції розвитку близькосхідного енергетичного ринку, вплив міжнародних подій на нього. Обґрунтовується необхідність ретельного вивчення проблем забезпечення енергетичної безпеки. Аналізуються позиції провідних світових гравців на світовій арені з проблем енергозабезпечення, а також економічні зміни, пов'язані з появою останніх технологій видобутку сировини, зростання споживання енергоресурсів і освітою нового енергетичного ландшафту на Близькому Сході. Енергетична дипломатія як інструмент зовнішньої політики розглянута на глобальному та регіональному рівнях з урахуванням зміни енергетичної політики провідних нафтовидобувних країн Близького Сходу. Автор доходить висновку про те, що для побудови безпечного енергетичного ландшафту в Близько-східному регіоні необхідно дотримуватись головних принципів — диверсифікації постачання та внутрішньорегіонального конструктивного діалогу.

Ключові слова: енергетична політика, сланцева революція, Близький Схід, енергоресурси, національні інтереси, США, Саудівська Аравія, ціни на нафту, енергетична безпека.

Introduction. The relevance of this work is related to the role of energy resources in international relations, which is the agenda for the entire world community. In the context of globalization, the energy security of countries becomes the most important task in the global political process.

The problem of energy security of the countries of the Middle East region is of particular relevance, which leads to the need to use various levers to establish control over the global energy market.

The purpose of the research is to ensure the energy security of the Middle East region - suppliers, consumers and transit countries of energy resources, taking into account the interests of all stakeholders and features of their foreign policy.

The latest literature review. Despite a significant number of publications on the issues of ensuring energy security of foreign authors [Yergin, 1979] and [Mallaby, 2004], today, in the context of globalization and the aggravation of the international situation as a whole, ensuring energy security becomes the most important task for the actors of international relations.

Research results. The Middle East, in particular the Persian Gulf sub-region, has the largest amount of all proven oil and gas reserves in the world.

The region is one of the leading areas of the world in many features. The region covers 5494.293 with 13 countries in (Fig. 1) [EES EAEC, 2021].

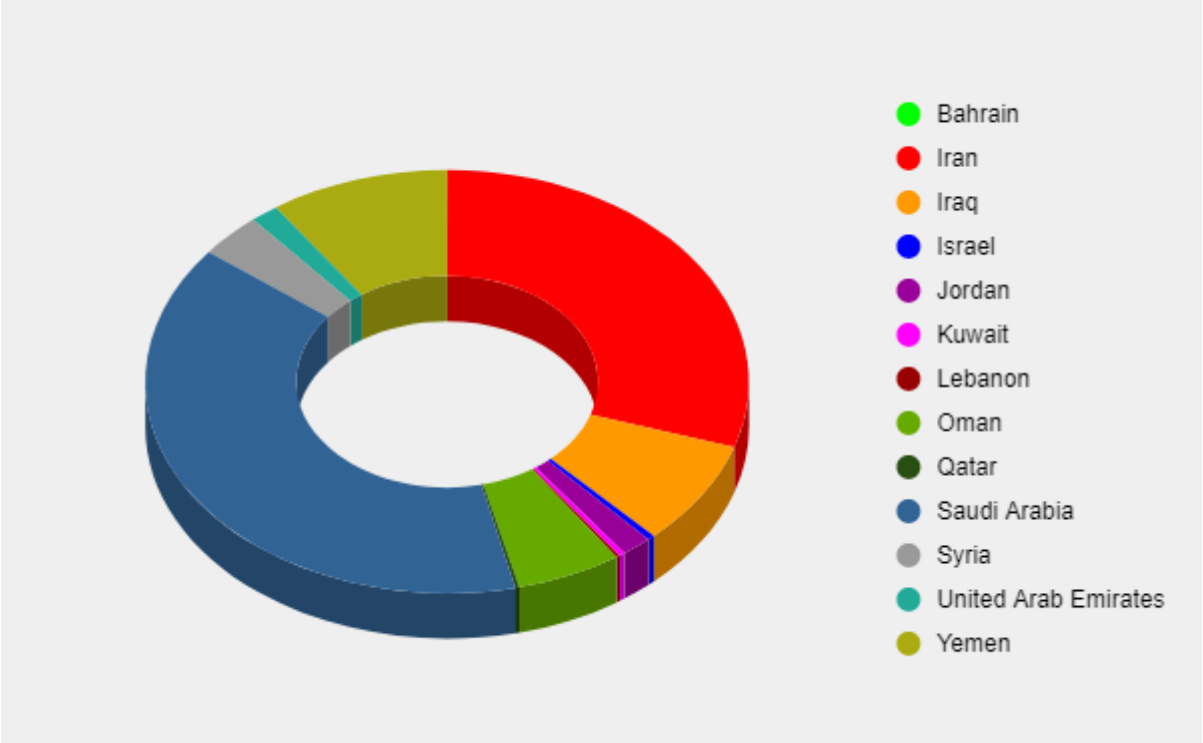

Fig. 1. The territory of the region and list of countries of the region
(Source: EES EAEC, 2021)

The whole amount of population is 239.452 million of the people. The population dynamics is on fig. 2.

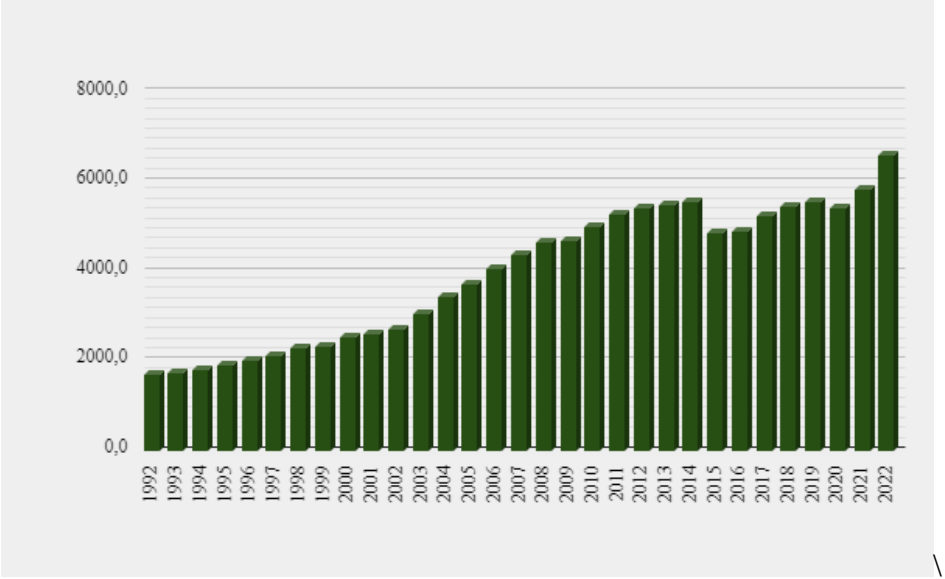

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Fig. 2. The population amount
(Source EES EAEC)

Economic data are follows:
Gross domestic product (PPP), billion dollars - 6623.811 (fig. 3)
Proven recoverable natural energy reserves
(according to EIA as of December 2022)
Crude oil as of January 1, 2020 - 169.771 billion toe
Natural gas as of January 1, 2020 - 107.819 billion toe
Coal as of December 31, 2020 - 1.208 billion toe
Total reserves - 278.798 billion toe
Share in world reserves - 19.515%

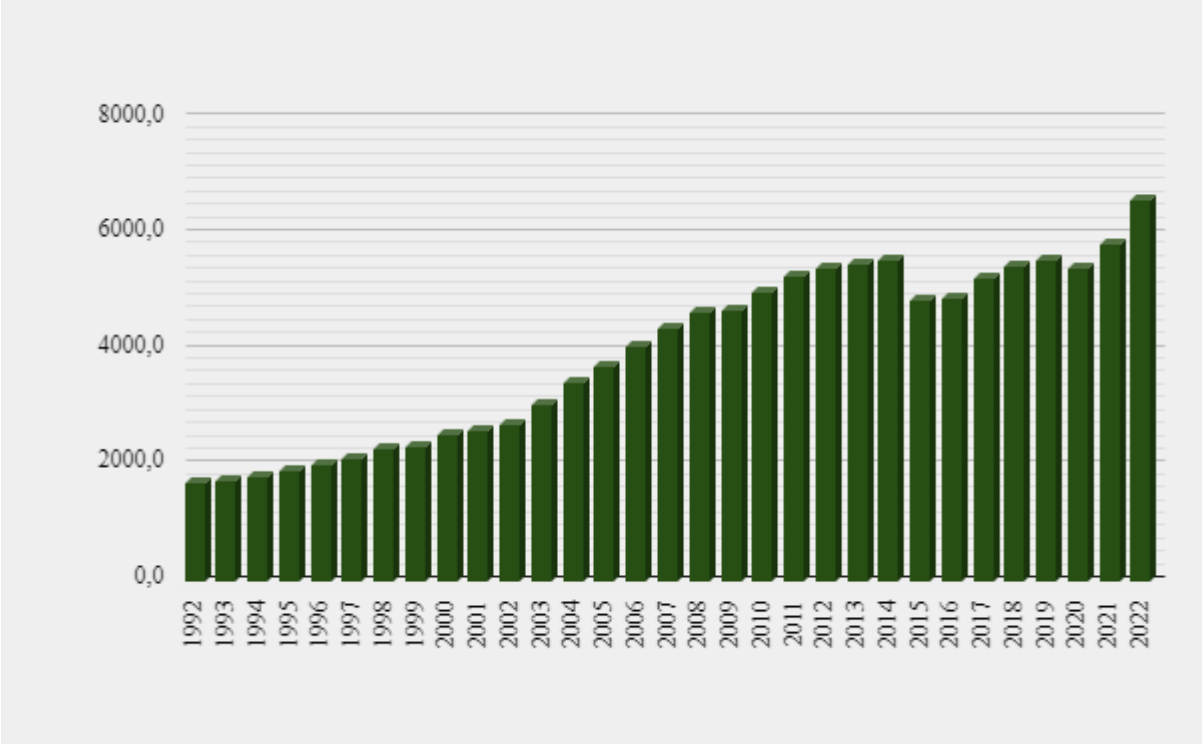

Fig. 3. GDP dynamics (source EES EAEC)

Accordingly, the region is highly vulnerable to fluctuations in oil prices. Saudi Arabia dominates the oil market and plays a decisive role in setting the price of this energy resource. This alignment affects the dynamics of the situation in the social, political and economic spheres in the countries of the Middle East, relations within the region and beyond [Mallaby, 2006].

The future of world demand and supply of energy resources is inextricably linked with the energy policy of the Middle East countries. The energy giants of the Persian Gulf form the economically most dynamically developing subsystem of the Middle East and North Africa region. The debate about the international significance of the Persian Gulf sub-region is ongoing and tends to focus on its tangible assets. Such debates focus on questions of a strategic nature. The geopolitics of imbalances in the Persian Gulf, the export of Islamic radicalism, the export of instability are destroying the regional and world order. [Monaghan, 2006]

For many decades, energy development in the Middle East has been closely linked to oil production. However, future growth rates may be under threat in the near term due to declining oil revenues and significant population growth.

The extraction of energy resources in the region affects the most influential actors not only in the Middle East, but also non-regional players and periodically threatens the energy security of the whole world. The most acute moment was associated with the crisis of 1970, when OPEC limited world oil supplies, as a result of which prices for "black gold" soared and the world faced an acute shortage of gas.

The instability of the Middle East region, as well as old and new challenges to the energy security system, cause risks for the world export of raw materials from the region, which ultimately can undermine the position of the countries of the Middle East in the energy market. Access to the region's oil is critical for Western countries as a key to their prosperity. Nevertheless, due to the expected untapped energy resources, local players and key external forces understand that if political conflicts can be resolved, then the economic “bonanza” can transform the Middle East region.

The energy factor, in particular the oil factor, began to have a significant impact on political and economic relations between states in the second half of the 20th century. The Suez Crisis, attempts to impose an oil embargo on Western countries during the 1967 Arab-Israeli war, and the eventual full-scale implementation of the oil embargo in 1973 during the Yom Kippur War were a clear demonstration of the impact energy resources can have on relationships between states.

Throughout the 1990s. the oil factor was losing its position in the list of key strategic issues. Supply was plentiful and prices were low. The attention of the world community was directed to the “East Asian economic miracle”, the strengthening of China's position in the world economy. However, optimism disappeared, the Asian factor in the late 1990s, fueled by foreign exchange flows, led to the "overheating" of the world economic system.

The decline in GDP reduced the demand for energy resources, while the supply increased sharply. Following the example of the 1986 oil crisis, the prices for "black gold" dropped to the level of $10 per barrel [Peel, Hoyos 2006]. The largest exporting countries experienced the severe consequences of the crisis. With the development of globalization in the XXI century. the dominant position of the role of energy resources in the system of international relations returned again, and ensuring the security of energy flows became a paramount task for both exporters and importers. The surge in demand for oil has taken the global energy industry by surprise. The previous years of slow growth in demand led to low levels of investment in the oil industry, which seriously upset the balance of supply and demand.

The rise in energy prices at the beginning of the XXI century. raised concerns about the depletion of oil reserves. Such fears even got their name — “the problem of the “peak production”” [The IAE, 2022]. At the same time, the emergence of new deposits, shale production, new technologies cause an excess of supply. Under these conditions, it becomes difficult for the Middle East energy exporting countries to maintain their leading positions in the world market. The oil-producing countries of the region, having become subjects of the international political system thanks to the energy sector, came to the need to create a favorable international image for the

successful operation of the oil and gas sector. This is a priority task for them in ensuring energy security.

Energy diplomacy is in search of a sales market and possible investors. However, economic globalization narrows the room for maneuver in this area. The price policy in the energy market turns out to be at the center of rivalry, which has a strong impact on the global economic system [BP, 2022].

Transformation of the energy security system in the 21st century. The old guard of oil and gas developers may give way to new potential developers who use the latest technological advances to develop those fields where it was not possible to extract energy resources before. These possible changes could have serious implications for the entire Middle East, which could affect the energy security environment.

More recently, the United States, the dominant power in the Middle East region, faced a difficult energy problem: oil and gas prices were high, and energy imports from the Middle East were complex and problematic. Oil fields in the Middle East were developed by the West at the beginning of the 20th century. Five of the seven Western oil companies here were American: Exxon, Standard Oil of California, Gulf Oil, Texaco, Mobile Oil [Eaton 2016]. These companies controlled all oil flows from the region. This American hegemony in the region ended in 1960, and this was due to the formation of the Organization of Petroleum Exporting Countries - OPEC.

Despite this, the desire of the countries of the region to get away from US hegemony, as well as the conflict potential of the Middle East, prompted Washington to look for alternative sources of energy raw materials. At the end of the first decade of the XXI century. The United States gained access to new-technological energy production. The formerly used hydraulic fracturing, the process of extracting natural gas from small pockets of shale rock using horizontal drilling techniques, is a thing of the past. The abundance of natural gas scattered throughout North America, which had previously been unprofitable and difficult to extract, has led to an increase in exploration and production throughout the continent.

According to some experts, the annual production of shale resources in the United States will reach 300 million tons by 2030 [Al-Jazeera, 2016]. In this case, the US will not only meet the needs of the domestic market, but will also be able to become the largest exporter of shale.

In addition to increasing natural gas exports, the United States, according to some forecasts, may join the world's leading oil producers. At the same time, as many experts note, the Americans can bypass Russia in oil production.

The country's oil independence can affect not only the world economy, but also politics. Along with energy independence, Washington will be less interested in the Middle East region. The tight oil revolution led to the fact that the volume of energy production in the United States reached a twenty-year high in 2013 and continues to increase, casting doubt on the idea that the country's oil reserves will be depleted in the near future [Lipton, 2016].

The sudden emergence of the United States as an energy superpower has fundamentally affected the international energy market and, as a result, has given rise to many concomitant threats to energy security. For the Middle East, an important aspect of the ongoing energy revolution is the export of unconventional drilling technologies to potential new energy developers.

Despite the optimistic mood of the American side, the production of oil in the United States is still highly dependent on many factors. The difference between projects carried out in the North Sea and American shale projects is that in offshore production, a large amount of investment must be made at the initial stage, i.e. huge expenses are required. Shale oil production involves significant operating costs. This is a fundamental difference between shale projects, as they are very price sensitive. If the price falls, then shale projects are closed. Therefore, the main problem here for the US is the pricing of the oil industry.

In 2020, IEA analysts said that the lack of investment is a big problem for the oil industry. Their report said that production problems could lead to an economic downturn and slow the transition to renewable energy sources. However, a few months later, the position of the organization changed.

In 2021, the IEA called for an end to all investment in oil and gas to achieve zero CO2 emissions by 2050. The US and other Western countries are creating comfortable investment conditions for the development of solar and wind power plants and are setting the stage for the fossil energy industry [McDonald, 2016]. That is why it is so important for the United States to maintain its influence in the region, despite the fact that the country decided to reduce the share of energy imports from the Persian Gulf countries.

Thus, the future of global demand and supply of energy resources is inextricably linked with the energy policy of the Middle Eastern countries. In a broader sense, the development and production of alternative types of energy resources in the West and in other regions of the world will require a deep understanding of what is happening in the Middle East, as well as taking into account the energy policies of producing countries.

Realizing that one cannot expect that alternative energy sources will significantly replace traditional ones in the foreseeable future, the leading circles of a number of countries and commercial structures have intensified diplomatic efforts aimed at providing access to pipelines and energy distribution systems.

The key is not the demand for energy resources, but control over the international raw materials industry. If in the past, organizations such as OPEC could finely manage the supply of energy resources to maximize profits and influence in the global energy market, now the old oligarchic system is rapidly turning into a multipolar one [The IEA, 2016].

The events in North Africa and the Middle East, the tightening of sanctions against Iran, which will inevitably lead to a reduction in oil and gas supplies to the world market, provoked an increase in oil prices and the need to increase its production for export by other suppliers, including Saudi Arabia and others. OPEC members [The IEA, 2016].

Saudi Arabia in the energy market. The policy of the largest oil-producing country in the region, Saudi Arabia, is aimed at not increasing energy production without taking into account external factors that may push it. Market conditions determine the volume of production in Saudi Arabia. As a result of certain negative factors, Saudi Arabia is trying to level the difference between supply and demand that is unfavorable for itself. As a result of the 2008 crisis, the state intensified the export of energy resources in order to keep its budget. Thanks to this energy policy, the European oil market has acquired the status quo after a temporary disruption in exports from Libya in 2011. In the current situation Saudi Arabia announced its intention to compensate for the shortage of supplies of raw materials to the world market, formed as a result of Western sanctions against Iran. However, in the spring of 2014, the government of the kingdom reported that there was insufficient capacity to make up for energy losses [Sheppard, Hume, 2016]. High oil prices are a chance for the Saudi budget to go into surplus instead of the deficit that has lasted for the past six years.

Saudi Arabia is moving away from the US, because the center of oil consumption is shifting from America to India and China. The United States, after the "shale revolution" in the 2010s, increased production by 140% and turned from a major partner into a major competitor.

The energy policy of the Middle Eastern states includes both tasks and ways of cooperation with states outside the region. Nevertheless, the monarchies are forced to rely in their ambitions on the approaches of Saudi Arabia, which is able to independently influence the situation on the world energy market. Having significant export positions, the kingdom has moved away from the “pendulum” tactics in pricing policy, realizing the need to maintain a balance in the global economy between demand and supply for energy resources.

Since energy security is the main problem for the countries of the region today, Saudi Arabia, as the dominant energy country in the Persian Gulf, has a serious impact on it. The country's role is enhanced by its ability to maintain supercapacity, which can act as an energy cushion when needed. Saudi Arabia could afford to expand production in a relatively short time frame. For this reason, Riyadh is critical to maintaining stability in the region's energy market. This pivotal role was highlighted in the previous decade as demand grew and supplies were cut.

For now, the kingdom appears to be intent on maintaining production volumes and tolerating a drop in prices. In essence, this is a far-sighted move by Riyadh to discount its own contract sales prices to its Asian clients such as China, Japan and South Korea. The economic rationale for such a move is that such tactics could drive Saudi Arabia out of competitors in the international energy market, such as US oil shale companies.

In 2014, the OPEC countries managed to provide the international energy market with raw materials, mainly from the reserves of Saudi Arabia, in order to prevent excessive volatility in the global economy. If Saudi Arabia loses its free capacity, the country will begin to lose strategic importance for the US and other major world oil importers, which could hit the energy security of the countries of the Middle East hard. Changing strategic models in the energy market will help strengthen the ties between the Middle East and Asia. The region is expected to maintain its preeminence by diversifying exploration activities and increasing production capacity. Asia will become the leading consumer of Middle East oil. This shift could have political implications for the West. However, it takes time to change the global energy market, and perhaps such an important player in this area as the United States will prefer not to export energy resources in large volumes, but to cover its domestic demand with the help of imports from Washington's energy partners.

The forecasts of the International Energy Agency (IEA) are such that China will soon overtake the United States in oil consumption [Raval, 2016].

Despite the fact that at present there is a rather large demand for energy resources, the emergence of new suppliers can have serious consequences for the countries producing energy resources in the Middle East, accustomed to a monopoly in the energy market and to manipulating the supply of raw materials. The rapid growth of oil production in the world, and in particular in the United States in 2013–2014, as well as the potential for energy production in new regions, including Southeast Asia, will open new oil suppliers to the world market.

In MENA countries, GDP growth is projected to slow to 3.1 percent in 2023 and then accelerate to 3.4 percent in 2024, reflecting tight policies to restore the macroeconomic stability, the agreed reduction in oil production by OPEC+ countries and the consequences of the recent worsening financial conditions. Headline inflation in MENA is expected to remain flat for level of 14.8 percent and then decline to around 11 percent in 2024.

• GDP growth in the CCA region is also projected to slow to 4.2 percent in 2023 as impact of initial spillovers from the war in Ukraine, and then accelerate slightly in 2024.

Inflation is projected to ease, reflecting the lagged impact of monetary tightening policy and declining global commodity prices, but remain at double-digit levels (11.8 percent) this year and then slow to 8.5 percent in 2024.

The risks to the outlook are significant and skewed to the downside.

Financial sector instability in advanced economies could increase, leading to chain reaction and less favorable credit conditions, will dampen global growth and exacerbate financial market volatility and debt sustainability concerns for many emerging economies market and middle-income countries. Tighter global financial conditions, persisting for a longer period of time will also push investors to reprice countries' debt sustainability and bring the most vulnerable countries to the brink of debt distress. It may spur flight to safe assets and capital outflows, which will increase downward pressure on currencies and cause financial stress. The escalation of the war in Ukraine could lead to high volatility in commodities markets, shortages of goods and a resurgence in energy, food and fertilizer prices, which will create additional inflationary pressure in the MECA countries and increase the risks of social unrest.

Trade-offs between policy objectives remain challenging and it will be critical to ensure right balance in politics. In the face of ongoing uncertainty, policy makers must stay on track to ensure macroeconomic stability through tight monetary and fiscal policies, while keeping in mind the risks to financial stability. At the same time, they must accelerate structural reforms to support potential growth, raise sustainability and inclusiveness and strengthen social protection systems.

Monetary policy: focus on restoring price stability. Estimated inflation passed its peak in 2022 but remains elevated in many countries. As the impact gets tough monetary policy continues

to manifest itself with some delay, additional increases policy interest rates in advanced economies could put downward pressure on exchange rate. Under these conditions, monetary policy should be based on the following principles:

• In countries where inflationary pressures persist in an environment of loose monetary policy, consideration should be given to tightening the policy.

• Where inflation has peaked and policies are tight or neutral, central banks should continue to rely on incoming data and refrain from premature policy easing (until there are clear signs that core inflation is on the decline) trajectory).

Financial stability: be aware of the risks. As global financial stress intensifies policymakers should keep a close eye on possible financial system vulnerabilities as a result of continued tightening of monetary policy. Banking Supervisors ensure that the corporate governance and risk management of banks are in line with their risk structure, including capital adequacy assessment and liquidity stress testing.

Fiscal policy: maintaining debt sustainability, building buffers and providing support for tightening monetary policy. In the near future, subject to the availability of the budget space, countries should prioritize the provision of targeted and temporary support for protection of the most vulnerable segments of the population through cash transfers from still high prices for food and energy resources.

• Oil exporting countries should manage their oil revenues wisely, avoid increase current spending, increase budget transparency and strengthen medium-term fiscal basics.

• In emerging market economies, fiscal consolidation should continue to reducing debt, supported by revenue mobilization and cost containment while strengthening social protection protection.

• In low-income countries and fragile and conflict-affected states, insufficient budgetary capacity to protect vulnerable populations requires support from international community and global cooperation.

The Fund's commitment to supporting the region remains unwavering. Since 2020, the IMF has supported MECA countries (Middle East and Central Asia) with US$29.7 billion in new financial commitments, including recent arrangements for the Fund's arrangements for Armenia, Egypt, Mauritania and Morocco, and distributed special US$49.3 billion in drawing rights to increase the region's reserve assets. The Fund also increases its presence in the field by expanding the network of permanent missions, opening or reopening its Regional Technical Assistance Centers and establishing a new regional office in Riyadh, which will strengthen our partnership with the region. Coming in autumn 2023 the annual meetings of the World Bank and the IMF in Marrakesh will provide a platform for discussion of a wide range of range of economic policy issues related to the problems facing the region and the whole world.

Conclusions. Based on statistical data (primarily the IEA and BP), the article identified the most important changes that characterize the beginning of a new stage in building the energy landscape in the Middle East. Thus, it should be noted that with the beginning of the XXI century. there has been a gradual strengthening of the US role in the energy policy of the Middle East. At the same time, the oil-producing countries of the Middle East are faced with an increase in the conflict potential of the region and threats to energy security. The role of OPEC and the GCC (Gulf Cooperation Council) in ensuring energy stability has decreased, while intra-regional disputes and uncoordinated actions of the countries of the Middle East have made the energy security system vulnerable. Despite this, the oil-producing countries of the Middle East today are the locomotive of the international market for raw materials. To further strengthen their positions on the world stage, the countries of the region need to develop and implement an external energy policy based on the principle of consistency, which will ensure coordination of actions in the regional context, in relations with international organizations. It is extremely important to coordinate the activities of states and energy companies, and the smooth operation of monitoring and control mechanisms. This is possible in conditions of dialogue, a balance of interests and a common desire to preserve and increase the positive that has been achieved by our civilization. In a rather tense international

situation, when geo-economic factors increasingly determine the alignment of political forces in the international arena, the geo-economic aspect of the foreign policy of any country becomes a priority.

The countries of the region have begun to think more and more about the diversification of the energy base of the region and the effective management of domestic consumption. Due to the global nature of this situation and the ever-increasing interdependence between producing countries, transit countries and consumer states, it is necessary to develop partnerships between all stakeholders in order to strengthen global energy security. The best way to achieve the intended goals in this area is formation of transparent, efficient and competitive global energy markets.

The oil industry is highly competitive, and investment projects will be implemented only in those countries where, in addition to the resource, there is an opportunity for their efficient extraction. That is why the countries of the Middle East must adapt to these realities and modernize their energy policies. Only under these conditions they will be able not only not to lose consumers of raw materials, but also to strengthen their positions in the international arena.

The development of the energy sector of the economy is a long process that is replete with mistakes, technological and financial obstacles. Expensive energy, the issue of tax preferences and export duties are the main enemies of the development of hard-to-recover reserves, however, the international community must anticipate the main problems now and take the necessary measures to ensure that the new energy landscape in the Middle East was constructive, not destructive.

References

1. Daniel Howard Yergin. Energy Future: The Report of the Energy Project at the Harvard Business School. New York: Random House, 1979.
2. Sebastian Mallaby. The World's Banker: A Story of Failed States, Financial Crises, and the Wealth and Poverty of Nations, New York: Penguin Press, 2004.
3. Energy in the Middle East [Electronic resource] / (Web page). – Access mode: https://www.eeseaec.org/energetika-regionov-mira/energetika-bliznego-vostoka
4. Mallaby S. What ‘Energy Security’ Really Means // The Washington Post. 2006.
5. Monaghan A. An emerging energy security dilemma // Pro et Contra. 2006. № 2—3.
6. Peel Q., Hoyos C. Eyeing energy supplies from opposite ends of a // The Financial Times. — 2006.
7. The International Energy Agency World Outlook 2022. [Electronic resource] / (Web page). – Access mode: http://www.iea.org/Textbase/ npsum/MTrenew2022sum.pdf
8. BP’s Annual report 2022 [Electronic resource] / (Web page). – Access mode: http://www.bp.com/en/global/corporate/about-bp/energy- economics/statistical-review-of-world-energy.html
9. Eaton, C., ‘Saudi energy minister says oil glut has vanished’, Houston Chronicle, 22 June 2016. [Electronic resource] / (Web page). – Access mode: http://www. houstonchronicle.com/business/article/Saudi-energy-minister-says-oil-glut-has-vanished-8317909.php
10. Dawn of a new era as Iran sanctions lifted’, Al-Jazeera, 17 January 2016. [Electronic resource] / (Web page). – Access mode: http://www.aljazeera.com/news/africa/2016/01/iaea-iran-complied-nuclear-deal-160116205507774.html
11. Lipton, D., ‘Iran—Achieving its Potential in the Global Economy’, Speech by David Lipton First Deputy Managing Director, IMF Central Bank of Iran, May 17, 2016. [Electronic resource] / (Web page). – Access mode: https://www.imf.org/external/np/speeches/2016/051716.htm
12. McDonald, M., ‘Iran’s Oil Production is Slowing Fast’, OilPrice, 27 June 2016. [Electronic resource] / (Web page). – Access mode: http://oilprice.com/Energy/Energy- General/Irans-Oil-Production-Is-Slowing-Fast.html
13. International Energy Agency, ‘Oil Market Report’, 12 May 2016. [Electronic resource] / (Web page). – Access mode: https://www.iea.org/media/omrreports/fullissues/2016-05-12.pdf

14. International Energy Agency, 'Oil Market Report', 12 May 2016. [Electronic resource] / (Web page). – Access mode: https://www.iea.org/media/omrreports/fullissues/2016-05-12.pdf
15. Sheppard, D. and Hume. N., 'New Saudi oil minister signals end to glut', Financial Times, 22 June 2016. [Electronic resource] / (Web page). – Access mode: http://www.ft.com/cms/s/0/29d0cef2-389c-11e6-a780-b48ed7b6126f.html#axzz4CvA1a0l2
16. Raval, A., 'Iran fulfils pledge to raise oil production', Financial Times, 24 May 2016. [Electronic resource] / (Web page). – Access mode: https://next.ft.com/content/64ec9f9a-218e-11e6-9d4d-c11776a5124d

СУЧАСНА СИСТЕМА МІЖНАРОДНОГО ПРАВА

УДК 341.22:349.6

ARMED CONFLICT, ECOCIDE AND CLIMATE CHANGE AT A CROSSROAD: SOME LEGAL PERSPECTIVES

ЗБРОЙНИЙ КОНФЛІКТ, ЕКОЦИД І ЗМІНА КЛІМАТУ НА ПЕРЕХРЕСТІ ДОРІГ: ДЕЯКІ ПРАВОВІ АСПЕКТИ

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Abstract. *In this article, the rules of Law of State Responsibility, International Environmental, Humanitarian and Criminal Law as well as the law of the European Union and Ukraine concerning the responsibility and liability for widespread, long-lasting and severe damage to the environment are analyzed. The authors consider the perspectives of the criminalization of ecocide in international law and the relevance of global efforts to combat climate change to the armed conflict in Ukraine. The overall purpose of the paper is to link the international community's actions towards the addition of ecocide as the 'Fifth Crime' to the Rome Statute of the International Criminal Court, global efforts in relation to climate change mitigation and accountability, on the one side, and the implementation of the responsibility of the Russian Federation for its aggressive war against Ukrainian sovereignty, territorial integrity, human lives and the natural environment, on the other. The article analyses the concept of state responsibility, individual criminal responsibility and strict liability with regard to environmental damage and crimes with a special emphasis on wartime environmental harm. The authors consider climate change as a crime of ecocide from the perspectives of state, corporate and individual responsibility and study the relevance of these issues to the armed conflict in Ukraine. The article pays a special attention to the idea of drafting the special Convention on the Prevention and Punishment of the Crime of Ecocide.*

Key words: *ecocide, armed conflict, climate change, international law, responsibility, liability, European Union, Ukraine, environmental damage, environmental crimes*.

Анотація. *У цій статті аналізуються норми права міжнародної відповідальності, міжнародного екологічного, гуманітарного та кримінального права, а також права Європейського Союзу та України щодо відповідальності за широкомасштабну, тривалу та серйозну шкоду навколишньому середовищу. Автори розглядають перспективи криміналізації екоциду в міжнародному праві та зв'язок глобальних зусиль у боротьбі зі зміною клімату зі збройним конфліктом в Україні. Загальна мета статті полягає в тому, щоб пов'язати намагання міжнародної спільноти щодо додавання екоциду як «п'ятого злочину» до Римського статуту Міжнародного кримінального суду, глобальні зусилля щодо пом'якшення*

наслідків зміни клімату та відповідальності за них, з одного боку, та реалізацію відповідальності Російської Федерації за її агресивну війну проти українського суверенітету, територіальної цілісності, людських життів і навколишнього природного середовища, з іншого. У статті аналізується поняття відповідальності держави, індивідуальної кримінальної відповідальності та суворої відповідальності за екологічну шкоду та екологічні злочини з особливим акцентом на екологічну шкоду, завдану під час війни. Автори розглядають зміну клімату як злочин екоциду з точки зору державної, корпоративної та індивідуальної відповідальності, а також досліджують актуальність цих питань для збройного конфлікту в Україні. Окрему увагу в статті приділено ідеї розробки спеціальної Конвенції про запобігання злочину екоциду та покарання за нього.

Ключові слова: *екоцид, збройний конфлікт, зміна клімату, міжнародне право, відповідальність, відповідальність, Європейський Союз, Україна, екологічна шкода, екологічні злочини*.

Introduction. Widespread, long-lasting and severe damage to the human environment may be the consequence of armed conflicts, peaceful anthropogenic activities or natural disasters. In the first two instances, global, regional and national legal instruments must provide the possibility to bring public and private actors having caused such a damage to responsibility or liability. In this article, we'll consider the rules of Law of State Responsibility, International Environmental, Humanitarian and Criminal Law as well as the law of the European Union and Ukraine concerning the responsibility and liability for environmental harm, perspectives of the criminalization of ecocide in international law and the relevance of global efforts to combat climate change to the armed conflict in Ukraine.

The purpose of the paper is to link the international community's actions towards the addition of ecocide as the 'Fifth Crime' to the Rome Statute of the International Criminal Court (hereinafter – ICC), climate change mitigation and accountability, on the one side, and responsibility of the Russian Federation for its aggressive war against Ukrainian sovereignty, territorial integrity, human lives and the natural environment, on the other.

Recent literature review. The issue of the criminalization of ecocide in international law has been duly elaborated in academic literature. It was highlighted in the works of prominent foreign authors, such as J. Hemptinne, M. Gray, A. Greene, K. Mackintosh, L. Oldring, S. Mehta, P. Merz, G. Okwezuzu, D. Palarczyk, as well as in the works of the 'Stop Ecocide International' team. Some of the scholars paid a special attention to climate change in relation to environmental damage and deliberated on the possibility to recognize 'climate crimes' (A. Branch, L. Minkova, P. Canning, H. Wilt). J. Wyatt analyzed the main conceptual issues of damage to the environment in relation to international armed conflict, meanwhile Th. Hansen and M. Milanovic considered the problem of the destruction of the Nova Kakhovka dam from international law perspective. Ukrainian authors didn't pay enough attention to the relationships between state responsibility, individual criminal responsibility, strict liability in relation to environmental crimes and damage, on the one hand, and climate change, on the other. Besides, the relevance of these issues to the armed conflict in Ukraine is insufficiently considered in modern scientific literature.

Main research results. In Public International Law, there are some types of accountability concerning environmental damage. First, responsibility of states comes for the violation of the international legal obligation of a state on the protection of the environment in peacetime or during an armed conflict under the treaty or customary rules of international law. The violation may consist in illegal intentional act or inaction (omission) of a state. For example, intentional environmental harm was caused during the Iraq invasion into Kuwait or the USA war in Vietnam. Inaction of a state means the breach of its 'due diligence' obligations, like in the case of the negligence of the USSR in case of Chernobyl disaster or some states – emitters of greenhouse gases (hereinafter – GHGs) to stop global warming. Second, responsibility of individuals (individual criminal responsibility under International Law) comes for crimes against the environment, whether they act as state representatives or in an individual capacity. For example, General Alfred Jodl was found guilty by the

Nuremberg Military Tribunal for implementing the 'scorched earth' tactics. Third, civil (strict) liability of states and individuals comes for environmental damage inflicted in the course of ordinary but dangerous industrial activities which are not prohibited by International Law. For example, such type of liability may be the result of the accidents during the transportation of harmful substances like oil or wastes as well as accidents at nuclear powerplants. Thus, the term 'responsibility' refers to the breach of obligation to prevent environmental harm or refrain from illegal activity by states as well as commitment of an environmental crime by private entities, while the term 'liability' refers to the obligation to compensate environmental harm irrespective of the fault of a state or an individual [Medvedieva, 2021].

State responsibility. Under current International Law, widespread, long-term and severe damage to the environment caused during peacetime or wartime is the basis for a state responsibility. According to customary rules of International Law, '[e]very internationally wrongful act of a State entails the international responsibility of that State' [Draft Articles … 2001]. If those acts, e.g., wanton destruction of the protected areas or massive pollution of watercourses, are attributable to the state under International Law and constitute a breach of its international obligation, that state will be held responsible. There are also some specific treaties dealing with responsibility of states for environmental harm caused during armed conflicts or peacetime. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, 1977 (hereinafter – Protocol I) lays the ground for responsibility of states as well as individuals for environmental harm caused during armed conflicts. Article 35(3) stipulates that it is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment [Protocol Additional … 1977]. Article 55 adds that care shall be taken in warfare to protect the natural environment against such damage and that attacks against the natural environment by way of reprisals must be prohibited [Protocol Additional … 1977]. Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, 1977 (hereinafter – the ENMOD Convention) envisages in Article I that each State Party undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party [Convention … 1977]. Article II further defines environmental modification technique as any technique for changing – through the deliberate manipulation of natural processes – the dynamics, composition or structure of the Earth, including its biota, lithosphere, hydrosphere and atmosphere, or of outer space [Convention … 1977]. In the Understandings to the Convention there are some examples of such techniques, among them changes in climate patterns are listed. Thus, only deliberate manipulation with global climate may constitute an internationally wrongful act of a state, while everyday human activities contributing to global warming seem to be out of reach of the Law of State Responsibility.

When it comes to a state responsibility for climate change, we should understand that it will rise in case of non-fulfilment by a state of its obligations under the United Framework Convention on Climate Change (hereinafter – the UNFCCC), 1992, the Kyoto Protocol, 1997 or the Paris Agreement, 2015. Thus, when a state causes widespread, long-term and (or) severe damage to the climate system intentionally or with the high degree of knowledge about the consequences, mainly as the means of destruction or injury to another state, it will be held responsible under the customary rules of the Law of State Responsibility, ENMOD Convention and Protocol I. When a state causes some damage to the climate system which is not widespread, long-term and (or) severe, mainly as a result of non-fulfilment of its obligations under the UNFCCC and Paris Agreement (e.g., it does not report to the secretariat all the necessary information or does not adhere to the timeframes for the submission of the GHGs reduction commitments), it will be held responsible under the customary rules of the Law of State Responsibility and the above-mentioned agreements on climate change.

Individual criminal responsibility. Today only the Rome Statute of the ICC refers to individual criminal responsibility for environmental crimes within the context of war crimes. According to Article 8(2)(b)(iv) of the treaty, an armed forces' commander or an ordinary soldier of a belligerent state may be held responsible for the crime [Wyatt, 2010] – '[i]ntentionally launching an

attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated' [Rome Statute … 1998]. Meanwhile, no individual has ever been charged with for war crimes of damaging the natural environment since the Rome Statute was enacted [Greene, 2019]. Several environmental agreements encourage states to criminalize some offences in their national legislation (*Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989 and* Convention on the International Trade in Endangered Species of Wild Fauna and Flora, 1973), but such environmental crimes can be prosecuted in national criminal courts, not in international tribunals like the ICC. At the European Union level there is the Directive 2008/99/EC on the protection of the environment through criminal law that obliges state members to ensure that certain conduct constitutes a criminal offence, when unlawful and committed intentionally or with at least serious negligence [Directive 2008/99/EC].

Some experts propose to expand the *ratione materiae* jurisdiction of the ICC by adding ecocide as a fifth crime, along with the crimes of genocide, war crimes, crimes against humanity and aggression. In this case causing a widespread, long-term and severe damage to the natural environment will be prosecuted if committed not only during an armed conflict but also in peacetime. There is no definition of the term 'ecocide' in international treaty law, meanwhile, there are a plenty of definitions of the new crime in the doctrine. The one thing which unites them is the association with widespread, long-term and severe damage to the environment.

After the Second Indochina war (Vietnam War, 1955-1975) international community applied the term 'ecocide' for the first time [Medvedieva, 2021]. The scientist A. Galston, who discovered the chemical Agent Orange used by the US troops in Vietnam, proposed a new international agreement to ban ecocide as a crime against humanity [Okwezuzu, 2015]. After this, a lot of initiatives to criminalize ecocide in international law were triggered in different forms: preparation of draft conventions by individual scholars; speeches of prominent politicians and experts at the international conferences in support of the idea; proposed amendments to the draft conventions dedicated to other crimes (e.g., genocide). The work of the UN International Law Commission during the drafting of the Code of Crimes against the Peace and Security of Mankind is the most cited example. Unfortunately, the draft Article 26 which provided that 'An individual who wilfully causes or orders the causing of widespread, long-term and severe damage to the natural environment shall, on conviction thereof, be sentenced' [Okwezuzu, 2015] disappeared from the final version of the document and was replaced by another provision referring only to wartime environmental damage within the context of war crimes.

Some countries included the crime of ecocide into their criminal codes: Vietnam, Ukraine, Moldova, Georgia, Armenia, Kazahkstan, Kyrgyztsan, Tajikistan, Belarus, Russia. For example, in the Section dedicated to criminal offences against peace, safety of the humankind and international legal order, the Ukrainian Criminal Code provides such a definition: 'mass destruction of flora and fauna, poisoning of air or water resources, and also any other actions that may cause an environmental disaster' [Criminal Code … 2001]. The definitions envisaged in the codes of former Soviet states rely on the concrete damage to the natural environment and are linked to environmental disaster or catastrophe. Vietnamese code clearly defines ecocide as a crime against humanity [Ecocide law]. The criminal codes of Kazahkstan and Tajikistan call ecocide a crime against the peace and security of mankind [Ecocide law]. Some other states like France and Belgium declared the intention to recognize a crime of ecocide in their national law.

With the creation of foundation 'Stop Ecocide International' in 2017 by P. Higgins and J. Mehta, the movement to recognize ecocide as international crime has acquired more weighty sound. They proposed amendment to the Rome Statute and defined ecocide as follows: 'ecocide' means unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts [Independent Expert Panel, 2021]. Besides, the terms 'wanton', 'severe', 'widespread', 'long-term' and 'environment' were also defined. J. Hemptinne observes that the proposed definitions were

rooted into the Rome Statute because the drafters wanted to be 'realistic' in order to maximize the chances of building a consensus among state parties around the definition [Hemptinne, 2022]. To our mind, these definitions must be supplemented by the list of concrete acts which amount to ecocide. A lot of proposals have already been made by prominent experts, e.g., by Professor Falk in his International Convention on the Crime of Ecocide published in 1973. [Greene, 2019] or Promise Institute for Human Rights (UCLA) Group of Experts [Proposed Definition … 2021]. D. Palarczyk observes that such 'list' technique is more practical and desirable from the perspectives of certainty and predictability, and thus might be relatively easier to gain states' acceptance [Palarczyk, 2023].

Some recent initiatives to support the criminalization of ecocide include the following. UNEP noted the calls that have been made regarding the creation of an international crime of 'ecocide', specifically through amending the Rome Statue of the ICC and expressed its opinion that further investigation into the merits of this proposal would be warranted [UNEP]. Resolution of the Parliamentary Assembly of the Council of Europe 2477 (2023) 'Environmental impact of armed conflicts' highlights that currently ongoing revision of the Convention on the Protection of the Environment through Criminal Law offers the possibility of establishing a new criminal offence of 'ecocide' at Council of Europe level, that it is necessary to codify this notion in both national legislation and international law and that the Assembly supports efforts to amend the Rome Statute so as to add ecocide as a new crime [Resolution …]. The European Economic and Social Committee in its Opinion on the right to a healthy environment in the European Union, especially in the context of the war in Ukraine (2022) stressed that Russia's actions appear to amount to ecocide and called for 'ecocide' to be codified as a criminal offence under the European Union Law [European Economic and Social Committee, 2022]. The Committee observed that the recognition of the crime of ecocide in the revised EU Environmental Crime Directive will lead to developments in legislation beyond the EU, in particular in the ICC, which may aid in bringing a degree of accountability for Russia, reflecting the environmental harm caused [European Economic and Social Committee, 2022]. In 2023, the EU Parliament decided to amend this Directive and proposed to insert the following provision on ecocide: 'Member States shall introduce in their national law a crime of ecocide, which shall be considered a serious criminal offence … and shall be defined as unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and widespread or long-term damage to the environment being caused' [Report …].

Strict liability. Some authors are of opinion that ecocide should be a crime of strict liability [Gray, 1996]. For example, S. Mehta and P. Merz consider that liability arises even if environmental damage was not intended but is rather the side effect of industrial activity [Mehta et al., 2015]. G. Okwezuzu stipulates that the criminal codes of the above-mentioned states lack 'a test of intent' making ecocide a strict liability offence [Okwezuzu, 2015]. On the other hand, A. Greene analyzes this option stressing that '[e]cocide as a crime of strict liability … considers the *effect* of the relevant act, not the *intent*' and further refutes that possibility because '[s]trict liability … is rare and disfavored in criminal law' [Greene, 2019]. We think that the crime of ecocide must be constructed upon the principles of the Law of State Responsibility and International Criminal Law: it embraces illegal act or omission (failure to act) of a person and is always based upon fault. The act or omission in ecocide can be willful, reckless or negligent [Gray, 1996] but it is always linked to fault-based liability. Meanwhile, strict liability, or liability for acts not prohibited by international law, is always implemented without the need to prove the fault of an operator. If ecocide is added to the Rome Statute it must be in full compliance with the main principles of that document and will be defined in a way similar to other crimes, including the components of 'intention' and 'knowledge'. Article 30 'Mental element' of the Rome Statute clearly stipulates in paragraph 1 that a person shall be criminally responsible and liable for punishment for a crime only if the material elements are committed with intent and knowledge [Rome Statute … 1998]. Thus, ecocide has the potential to become a 'crime of intent' and to be placed among crimes against humanity or it may take a separate position as a 'fifth core crime'. The issue of intention and knowledge is at the centre of debates around criminalizing ecocide because individual criminal responsibility requires proof not only of a

criminal act having occurred but also of the culpability of the actor's mental predisposition [Branch et al, 2023]. In case of ecocide the perpetrator performs the illegal act with certain level of knowledge about the probability of catastrophic consequences and has to assess all available alternatives. But the question is what level of knowledge is needed to trigger responsibility for environmental crime. Some authors pay attention to the beginning of the cited paragraph 1 of the Article 30 of the Rome Statute: D. Palarczyk thinks that the component '[u]nless otherwise provided' allows departures from the general standard prescribing both knowledge and intent [Palarczyk, 2023].

In the European Union Law criminal responsibility for crimes against the environment and civil liability for the environmental damage are separated issues: the former is governed by the Directive 2008/99/EC on the protection of the environment through criminal law, while the latter is governed by the Directive 2004/35/CE on environmental liability with regard to the prevention and remedying of environmental damage.

Climate change as a crime of ecocide: state, corporate or individual responsibility? Many calls are heard to recognize climate change as an ecocide. With the increasing urgency of the global climate crisis, a growing number of different stakeholders believe [Mackintosh et al, 2022] that ecocide should also include climate-related damage. According to the UNEP and INTERPOL, environmental crimes became the fourth largest criminal sector in the world putting at risk the environment in general and the climate in particular [Report …]. The Promise Institute for Human Rights (UCLA) Group of Experts among the acts of ecocide listed '[s]ignificantly contributing to dangerous anthropogenic interference with the climate system, including through large scale emissions of greenhouse gases or destruction of sinks and reservoirs of greenhouse gases' [Proposed Definition … 2021]. There are several pending requests for advisory opinions submitted to international courts, namely, the International Court of Justice, International Tribunal for the Law of the Sea and Inter-American Court on Human Rights concerning obligations and responsibility of states in respect to climate change. Criminal codes of some countries describe a crime of ecocide in terms of ecological disaster or catastrophe. Climate change is certainly ecological disaster threatening the humanity. These initiatives show the awareness of states about climate change accountability and the growing interest of the world community in recognizing of damaging the global climate a criminal offense.

Meanwhile, some problems arise: it may be impossible to establish any casual relationships between the action (GHGs emissions) and the damage caused to the climate system, humanity in general, states and private entities. A. Branch and L. Minkova observe that 'it is the lack of a clear link between intention, action, and harmful outcome that tends to characterize peacetime environmental damage' [Branch et al, 2023] including damage to climate. Next, who will bear responsibility in that case: states – the biggest GHGs emitters, major corporations or individuals who consume the products and use the services which produce GHGs? It is very difficult to separate a perpetrator and a victim in case of climate change. H. Wilt stresses that the early proposition of Polly Higgins to focus on state officials and representatives of large corporations as the main or even sole culprits of the crime of ecocide has found wide acclaim, because, e.g., individual consumers should not incur criminal responsibility for global warning [Wilt, 2023]. At the same time, the scholar provides the example of the international crime of illicit traffic in narcotics and supports the view that both producer/seller and consumer are in principle partners in a harmful activity, including GHGs production, that deserves a criminal response [Wilt, 2023]. In view of the current knowledge of the detrimental effects of GHGs emissions for the climate, we cannot preclude the co-responsibility of consumers [Wilt, 2023]. Many harmful acts like the massive deforestation in the Amazon region or the dramatic rise of sea-level in the Pacific, 'involve concrete acts that are the outcome of deliberate corporate or governmental policy' [Wilt, 2023] and 'it would generally be relatively easy to identify the main culprits' [Wilt, 2023]. Consumers who certainly know the impacts of GHGs emissions on climate can also be held responsible. But the tricky question is how to evaluate the level of knowledge and the input of every person into global warming.

Another challenge P. Canning pays attention to is a fact, that climate change has been caused primarily by western nations [Canning, 2022] but due to temporal limits of the ICC jurisdiction some

unfairness may be created in relation to climate change and ecocide. Indeed, due to the principle of non-retroactivity a lot of perpetrators guilty of the climate disastrous impacts will escape responsibility. Developing countries having less capacities to combat climate change will take longer to bring emissions down as they need energy to develop that leaves them potentially more vulnerable to a new crime of ecocide at the ICC as it relates to climate change [Canning, 2022]. Since the top three historical emitters, who have contributed the most to global climate change (the USA, China, and Russia), are not signatories to the Rome Statute, and all three are permanent members of the UN Security Council, it would be impossible to trigger the ICC jurisdiction over their state officials or CEOs of major corporations in this regard.

In general, climate change as a crime of ecocide may lead to a state, corporate or individual responsibility only if it is clearly provided in a treaty. It is desirable that such a treaty contain the list of acts including widespread, long-term and severe damage to the climate through 'large scale emissions of greenhouse gases or destruction of sinks and reservoirs of greenhouse gases' [Proposed Definition … 2021].

Relevance of the discussed issues to the armed conflict in Ukraine. Recently, with the beginning of the Russian war against Ukraine, the move towards the criminalization of ecocide has gained a new momentum. The world has already witnessed fragrant disregard by the Russian Federation of international legal principles and rules. It will be responsible as a state for gross violations of International Humanitarian Law as well as International Environmental Law. The damage caused to the Ukrainian environment is enormous: massive contamination of the atmosphere, water recourses, destruction of the protected areas, loss of biodiversity, forest fires, land degradation, etc. The recent blowing up of the Kakhovka dam in June 2023 by the Russian military forces will obviously cause the widespread, long-term and severe damage to the environment having transboundary impact and amounts to ecocide under the Ukrainian law: the disappearance of the protected areas (such as the Chornomorskyi Biosphere Reserve, many Emerald Network and Ramsar sites), destruction of ecosystems, disappearance of wild flora and fauna, poisoning of water resources (e.g., the pollution of the Dnipro River and the Black Sea by toxic substances), land degradation, soil contamination, etc. Since such acts are prohibited by the ENMOD Convention, Protocol I and the UN Convention on the Law of the Non-navigational Uses of International Watercourses, 1997, Russia will be responsible for the breach of its obligations under these treaties as well as individuals who gave orders may be criminally responsible for these acts of ecocide. Individual responsibility may be realized in Ukrainian criminal courts and in the ICC.

The armed conflict in Ukraine as a result of the Russian Federation aggression undermines the efforts of the world community in the fight against climate change. The war has already resulted in the emissions of at least 33 million tons of carbon dioxide, including emissions from war hostilities, the use of diesel, gasoline and aviation fuel by military units, the production of ammunition, movements of the internally displaced persons and refugees, forest fires. The post-conflict infrastructure recovery will add other 50 million tonnes of GHGs. The world witnessed the acts of Russian nuclear terrorism which threatens the climate of the whole planet. About 2 million hectares of forests which must be protected as providers of natural carbon sinks, were exterminated during this war. Renewable energy projects in the southern part of Ukraine which would have effected the achievement of climate neutrality were destroyed. Russia's war against Ukraine has brought about an energy crisis that has forced many countries to turn back on coal-fired power generation. The problem is exacerbated due to the need to re-locate funds from GHG emissions reduction initiatives to strengthening defence capability of Ukraine and other countries in the face of new military threats. Although the war caused Ukraine's economy to decline resulting in some reduction in GHG emissions, however, most of the emissions simply moved outside Ukraine.

Blowing up of the Kakhovka dam by the Russian forces resulted in the draining of the reservoir that will also lead to the appearance of large sand areas, desertification of the southern region of Ukraine including the Crimea peninsula and in the nearest future – to climate change. Huge land areas were flooded, but later the water will go down, the fertile soil layer will be washed away, meanwhile the irrigation systems will be completely destroyed so that any agriculture activity and the

existence of biodiversity indispensable for climate change mitigation will be impossible. The UN Country Team in its analytical note on the event observes that 'the destruction of the dam, beyond these immediate humanitarian needs, will have a significant impact in the longer term on a much larger geographical area and population. It will have severe, long-term impacts on Ukraine's environment' [UNCT … 2023].

These consequences are not the result of everyday harmful activities of people who consume products and use services dangerous for climate without certain knowledge and, moreover, without the intent to cause climate disaster. These consequences are the result of internationally wrongful act of a state – the Russian Federation – which invaded the Ukrainian territory in 2022 and will bear international responsibility as an aggressor state and as an occupying power. The attribution of responsibility is clear: the dam was under the Russian control since the beginning of the war, it was immediately mined by the occupying power and it is technically impossible to blow up the structure from outside, e.g., with the help of Ukrainian missiles, – only from inside – with the help of Russians mines.

During the war, the Ukrainian Prosecutor General's Office opened about 16 criminal proceedings in accordance with article of the Criminal Code devoted to ecocide which relates to the Russian aggression. In June, 2023 the Prosecutor General's Office announced the opening of criminal proceedings under the Criminal Code Articles 441 'Ecocide' and 438 'Violation of the laws and customs of war' in relation to the blowing up of the Kakhovka dam by the Russian forces. Article 438 is designed in more general terms, neither refers to wartime environmental damage (unlike Article 8 of the Rome Statute devoted to war crimes), nor establishes any thresholds to trigger criminal responsibility for widespread, long-lasting and severe damage to the environment. Article 441, in contrast, provides a rather high threshold to trigger criminal responsibility referring to environmental disaster but doesn't give any definitions for the latter term. Furthermore, the term 'environmental disaster' is not defined in International Criminal Law. International Humanitarian Law is always used as *lex specialis* in relation to other branches of international law. This means that the better qualification for crimes against the environment caused during an armed conflict is provided by article on war crimes rather than article on ecocide. Nevertheless, we think that the most appropriate way is to use both articles in conjunction.

Environmental crimes have been ignored by international tribunals for a long time, there were no prosecutions for them so far, but Ukrainian courts may pave the way to the emerging state practice on individual accountability for ecocide. The destruction of the Kakhovka dam may become the first ICC case on environmental war crime. The ICC has different options to prosecute the perpetrators under more general Rome Statute's provisions regarding war crimes (attacks on civilian objects) or crimes against humanity (inhumane acts intentionally causing great suffering). But to our opinion, Article 8(2)(b)(iv) of the Rome Statute may be activated and create a long-awaited precedent. This catastrophe made by the Russian Federation meets the cumulative requirement of the provision: the damage is obviously widespread, and severe, and will be long-term that is supported by many environmental experts. Though some authors claim that 'it is … not entirely clear whether there has been such an attack, defined by Art. 49(1) of Additional Protocl I to the Geneva Conventions' [Milanovic, 2023], the internationally wrongful acts (aggression against Ukraine, occupation of the part of its territory, mining and putting at risk of the dam which is indispensable for the survival of civilian population) are attributable to the Russian Federation and must trigger its responsibility. The dam was not a military objective and was under the total (effective or overall) control of the occupying power, furthermore, Article 56 of the Protocol I explicitly forbids any attacks on installations containing dangerous forces such as dams even if they are military objectives, that's why Russian soldiers violated the customary principles of distinction and proportionality and must incur criminal responsibility too. M. Milanovic points out that if the dam was destroyed by Russian forces deliberately and that they did so without pursuing any definite military advantage and did so knowing of the harm to the civilian population, the dam's destruction could amount to a war crime or even a crime against humanity [Milanovic, 2023]. Some experts highlight that the Kakhovka dam destruction

will provide the ICC with the incentive to start investigation in order to counter the criticism on its behalf that the Court have been ignoring environmental crimes for so long [Hansen, 2023].

Conclusions. To make ecocide a crime against international law is possible because there is strong public movement, international organizations support, a real and current case-study (many instances of widespread, long-term and severe damage to the environment caused by Russia during its aggressive war against Ukraine) and some legislative state practice which is the evidence of *opinion juris* towards the criminalization of ecocide which has the potential to boost law-making at the international level. The Rome Statute's preamble refers to 'grave crimes' which threaten 'the peace, security and well-being of the world' [Rome Statute … 1998] and the crime of ecocide, including climate change, matches this definition. Until the indictment in Al-Mahdi case at the ICC, it was considered unrealistic to establish individual responsibility for crimes against culture. Thus, crimes against the environment have a potential to find their own path to the Court.

Meanwhile, if the process comes to a dead end, there are still some alternatives. Since all other 'core crimes' had been strongly elaborated in treaties and judicial practice of international courts and tribunals before the Rome Statute which incorporated them was adopted, an effective way for the crime of ecocide to fall under the ICC jurisdiction may be the same: first, to adopt a convention on ecocide and second, to amend the Rome Statute.

If ecocide becomes the fifth crime under the Rome Statute, only individuals will bear criminal responsibility for its commission. This will prevent similar crimes in the future but it will have little significance for the destroyed environment. That's why a special Convention on the Prevention and Punishment of the Crime of Ecocide may be elaborated. Should it be adopted, the international community will get a legal ground to file a case before the International Court of Justice against a state for breaching its 'due diligence' obligations under the Convention or intentional acts leading to severe, widespread and long-term environmental damage. Convention may also envisage the obligation of state parties to establish the responsibility of individuals as well as organizations (corporations) for committing the crime. Another option open for the drafters of the Convention is to establish a special international environmental court dealing with individual and corporate criminal responsibility and civil liability.

Anyway, that instrument will oblige the subjects of responsibility (state, organization and individual) to provide sufficient and effective reparation for the ecocide-related damage in order to restore the destroyed environment. The Convention could avoid the problematic components of 'intention' and 'knowledge' and make the crime of ecocide a 'crime of strict liability', thus, preventing large corporations and states to escape responsibility (liability) because of the lack of intent to cause widespread, severe and long-lasting environmental damage. Such acts which lead to powerplant explosions, oil spills or climate change will find their way to criminal responsibility (liability) at the international level. The Convention will oblige state parties to set up effective national legal mechanism on ecocide and in this way a new customary rule of international law may appear. To adopt the Convention may become the first step – to create a firm universal legal basis for a new crime which later can enter the Rome Statute as a second step in global efforts to combat environmental offences, prevent environmental damage and restore the destroyed environment.

References

1. Hemptinne, J. (2022). Ecocide: An Ambiguous Crime? *EJIL: Talk!* <https://www.ejiltalk.org/ecocide-an-ambiguous-crime/>.
2. Branch, A. and Minkova, L. (2023). Ecocide, the Anthropocene, and the International Criminal Court. *Ethics and International Affairs*, 37(1), p. 51-79.
3. Canning, P. (2022). Climate Crime at the ICC – Environmental Justice through the Looking Glass. *Lewis and Clark Law School*. <https://law.lclark.edu/live/blogs/177-climate-crime-at-the-icc-environmental-justice>.

4. Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (1977). <https://ihl-databases.icrc.org/assets/treaties/460-IHL-70-EN.pdf>.
5. Criminal Code of Ukraine (2001). <https://zakon.rada.gov.ua/laws/show/2341-14?lang=en#Text>.
6. Directive 2008/99/EC on the Protection of the Environment through Criminal Law. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32008L0099>.
7. Draft Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries (2001). <https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pd.
8. Ecocide law in national jurisdictions. <https://ecocidelaw.com/existing-ecocide-laws/>.
9. European Economic and Social Committee (2022). Opinion on the right to a healthy environment in the European Union, especially in the context of the war in Ukraine. <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/right-healthy-environment-european-union-especially-context-war-ukraine>.
10. Gray, M. (1996). The International Crime of Ecocide. *California Western International Law Journal*, 26(2), p. 215-271.
11. Greene, A. (2019). The Campaign to Make Ecocide an International Crime: Quixotic Quest or Moral Imperative? *Fordham Environmental law Review*, 30(3), p. 1-48.
12. Hansen, Th. (2023). Could the Nova Kakhovka Dam Destruction Become the ICC's First Environmental Crimes Case? *EJIL: Talk!* <https://www.justsecurity.org/86862/could-the-nova-kakhovka-dam-destruction-become-the-iccs-first-environmental-crimes-case/>.
13. Independent Expert Panel for the Legal Definition of Ecocide. (2021). Commentary and Core Text. <https://static1.squarespace.com/static/5ca2608ab914493c64ef1f6d/t/60d7479cf8e7e5461534dd07/1624721314430/SE+Foundation+Commentary+and+core+text+revised+%281%29.pdf>.
14. Mackintosh, K. and Oldring, L. (2022). Watch This Space: Momentum Toward an International Crime of Ecocide. *Just Security*. <https://www.justsecurity.org/84367/watch-this-space-momentum-toward-an-international-crime-of-ecocide/>.
15. Medvedieva, M. (2021). *International Environmental Law: Textbook*. Kyiv, Publishing and Polygraphic Centre 'Kyiv University', p. 58.
16. Mehta, S. and Merz, P. (2015). Ecocide – a new crime against peace? *Environmental Law Review*, 17(1), p. 3-7.
17. Milanovic, M. (2023). The Destruction of the Nova Kakhovka Dam and International Humanitarian Law: Some Preliminary Thoughts. *EJIL: Talk!* <https://www.ejiltalk.org/the-destruction-of-the-nova-kakhovka-dam-and-international-humanitarian-law-some-preliminary-thoughts/>.
18. Okwezuzu, G. (2015). Revivification of Efforts to Criminalize Ecocide in International Law: Emerging Trend. *National Law School Journal*, 13(1), p. 52-76.
19. Palarczyk, D. (2023). Ecocide Before the International Criminal Court: Simplicity is Better Than an Elaborate Embellishment. *Criminal Law Forum*. <https://link.springer.com/article/10.1007/s10609-023-09453-z>.
20. Proposed Definition of Ecocide (2021). Promise Institute for Human Rights (UCLA) Group of Experts. <https://promiseinstitute.law.ucla.edu/wp-content/uploads/2022/08/Proposed-Definition-of-Ecocide-Promise-Group-April-9-2021-final.pdf>.
21. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (1977). URL: <https://www.icrc.org/en/doc/assets/files/other/icrc_002_0321.pdf>.
22. Report on the proposal for a directive of the European Parliament and of the Council on the protection of the environment through criminal law and replacing Directive 2008/99/EC. <https://www.europarl.europa.eu/doceo/document/A-9-2023-0087_EN.html#_section1>.

23. Resolution of the Parliamentary Assembly of the Council of Europe 2477 (2023) 'Environmental impact of armed conflicts'. <https://pace.coe.int/en/files/31600/html>.
24. Rome Statute of the International Criminal Court (1998). <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>.
25. UNCT Joint Analytical Note 'Potential Long-Term Impact of the Destruction of the Kakhovka Dam' (2023). <https://reliefweb.int/report/ukraine/potential-long-term-impact-destruction-kakhovka-dam-unct-joint-analytical-note-9-june-2023>.
26. UNEP. Observations on the Scope and Application of Universal Jurisdiction to Environmental Protection. <https://www.un.org/en/ga/sixth/75/universal_jurisdiction/unep_e.pdf>.
27. Wilt, H. (2023). Climate Change as the Ultimate Form of Ecocide: Are Producers and Consumers 'Partners in Crime'? *Amsterdam Law School Research Paper* No. 2023-05. <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4343903>.
28. Wyatt, J. (2010). Law-Making at the Intersection of International Environmental, Humanitarian and Criminal Law: The Issue of Damage to the Environment in International Armed Conflict, *International Review of the Red Cross*, 92 (879), p. 593-646.

ОСОБЛИВОСТІ РОЗВИТКУ СВІТОВОГО ГОСПОДАРСТВА ТА МЕВ

УДК 331.339.9
JEL Codes: F52, H41, H53, I18

THE CONCEPT OF CIRCULAR ECONOMY IN ENSURING FOOD SECURITY (REGIONAL ASPECT)

КОНЦЕПЦІЯ ЦИРКУЛЯРНОЇ ЕКОНОМІКИ В ЗАБЕЗПЕЧЕННІ ПРОДОВОЛЬЧОЇ БЕЗПЕКИ (РЕГІОНАЛЬНИЙ АСПЕКТ)

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Abstract*. The modern architecture of the world economic system with its inherent threats and challenges requires the search for alternative models for ensuring sustainable development. The practical implementation of certain postulates of the circular economy concept creates additional mechanisms for ensuring food security. The food redistribution mechanism, which is widely used by the countries of the Scandinavian region, is a proven tool that implements the main principles of the circular economy - recovery and rational consumption. The effectiveness of such state policy instruments as state intervention, regulation of the labor market, coordination of environmental protection activities, active state policy in the field of health care, ecological production and responsible consumption allows to obtain a complex socio-ecological-economic effect. This is a unique regional concept of the circular economy model, which has proven its effectiveness in practice.*

Key words*: circular economy, food security, sustainable development, food redistribution, responsible consumption.*

Анотація. *Сучасна архітектура світогосподарської системи з властивими їй загрозами та викликами вимагає пошуку альтернативних моделей забезпечення сталого розвитку. Практична реалізація окремих постулатів концепції циркулярної економіки створює додаткові механізми забезпечення продовольчої безпеки. Механізм перерозподілу продуктів харчування, який широко використовується країнами Скандинавського регіону, є випробуваним інструментом, що реалізує основні принципи циркулярної економіки – відновлення та раціональне споживання. Ефективність таких інструментів державної політики, як державне втручання, регулювання ринку праці, координація природоохоронної діяльності, активна державна політика в сфері охорони здоров'я, екологічного виробництва та відповідального споживання дозволяє отримати комплексний соціально-екологічно-*

економічний ефект. Це є своєрідною регіональною концепцією моделі циркулярної економіки, яка на практиці довела свою ефективність.

Ключові слова: *циркулярна економіка, продовольча безпека, сталий розвиток, перерозподіл продуктів харчування, відповідальне споживання.*

Introduction.

Social risks, environmental problems, climate change, income imbalance, food insecurity, uneven economic development of individual countries and regions in the general world economic system - this is far from a complete list of challenges that must be considered in the process of building an economic model and state socio-economic policy. The circular economy is an alternative to the traditional classical economic model, which involves restoration, responsible consumption, saving resources, and ecologically responsible production. Most of the mechanisms and tools for implementing the circular economy concept have long been implemented in the model of general welfare and sustainable development, which are implemented within the framework of complex strategies of socio-economic development of the leading highly developed countries of the world. The first place in the development of the toolkit of such models is occupied by the countries of the Scandinavian region, which managed to obtain simultaneously both ecological and social effects against the background of economic development. One of the key mechanisms of the practical implementation of the circular economy model by the countries of this region is the redistribution of food products.

The purpose of the article is to analyze the legislative framework and the main mechanisms for the implementation of individual tools of the circular economy model; to determine the characteristic features of the model of sustainable development, which are obtained because of the practical implementation of these concepts, in particular aspects of food security, within the framework of the regional aspect.

Literature review.

Current issues of combining and implementing the concepts of sustainable development and circular economy are discussed in the works of M. Geissdoerfer (2017), M. Hoffman (2022), M. Lewandowki (2016), J. Korhonen (2018), J. Kirchherr (2018), J. Scott (2015), P. Planing (2015), S. Paulyuk (2018), J. Elkington (2018), and others. Gephart J. et al (2016), Porkka M. et al. (2013), Kummu M. (2020) paid attention to the issue of food security and methods of ensuring it. Social aspects of such mechanisms of influence as redistribution of food products and responsible consumption are considered in the works of F. von Hayek (1944), M. Friedman (1970), E. Roth (2023), J. Tirole (2018), A. Filipenko (2017). Models of general welfare with their specific features of practical implementation are actively researched by leading organizations of regional development and are the focus of specialized commissions and committees of the EU, which conduct global research to find alternative ways of development.

Main results of the research.

The redistribution of food products is one of the components of an active socio-economic state policy of provision, a guarantee of the implementation of the main principles of the preventive model of general well-being. Its most effective mechanism, widespread in all European countries, is the functioning of food banks, whose activities are coordinated by the Federation of European Food Banks. Of the countries of the Scandinavian region, only Denmark and Norway are members of the Federation.

However, all countries in the region have developed national strategies to reduce food waste, some of which are aimed at overcoming differences in the functioning of food supply chains. This is a characteristic feature of the Scandinavian model of management of food redistribution processes, which is considered rather to ensure the efficient use of excess resources (the "society without waste" model (Depedri 2012)), than exclusively as the construction of a perfect system for providing the population with food products.

The redistribution of food stocks is perceived as a win-win scenario for the participants in the process, which ensures the simultaneous efficient use of surplus resources, processing of food

waste, establishment of food redistribution chains, support of socially vulnerable population groups, overcoming structural poverty, obtaining additional economic effects, etc.

Most measures implemented by the countries of the region in this area can be defined as food donation, which involves both sponsorship and redistribution of products that have lost their market value. Redistribution within consumption chains from the producer to the final consumer, in turn, can be carried out either through redistribution centers, such as food banks (usually applied at the general state level), or directly to consumers in the form of charitable organizations (local level of management).

It is fundamental for the Scandinavian region to implement this system of measures not exclusively in the sphere of social, but mainly social-ecological direction. The differences between these approaches are clearly illustrated by the system of food redistribution as a component of active social and economic state policy (Launay, 2007).

An important task of the Council of Ministers of the Scandinavian region is the development of systems for tracking and determining the amount of food products to improve the existing mechanisms for their redistribution and disposal of food waste. The urgent priority is to improve the existing means of coordination and regulation of activities and relationships between all participants in the food redistribution process: manufacturers, retail and wholesale trading partners, food banks and others.

Within the framework of the European Union, there is a single harmonized approach to the regulation of the food redistribution system. The harmonized EU law on food safety and standardization (No. 178/2002) was supplemented by additional rules on food hygiene (No. 852/2004 and 853/2004), control measures for their compliance (No. 882/2004), regulation of the activities of food manufacturers industry (No. 854/2004). In this context, the redistribution of food products is considered a distribution activity, and its regulation applies to all operators and counterparties of this process.

However, the peculiarities of the interpretation of these methods within the framework of the national legislation of the countries of the Scandinavian region have several differences. A characteristic feature is the stricter application of rules developed in the EU within the region in comparison with other EU countries.

According to regional legislation, all counterparties involved in the processes of food redistribution and provision of services in this field are considered food industry operators. In Norway, however, the regulatory procedure is somewhat simplified, as the national food bank and national charities providing social services in the field of food provision are additionally defined as end consumers.

A distinctive feature of the regional system of regulating the redistribution of food products among all its participants is the national regimes of phased control. In accordance with EU Regulation (No. 178/2002), the activities of all food industry operators as a priority within the preventive model of general welfare are subject to control at all stages of implementation. In Denmark, Finland and Sweden, all food banks and charities are subject to such control. In Denmark, the main means of control is excessive detailing of all information about manufacturers, product composition, directions of their redistribution, sources of financing, etc. In Finland, where the activities of food banks are not centralized, but locally, which contributes to the shortening of supply chains and more prompt satisfaction of urgent public needs, the main requirement is exclusively the registration of all donor operations in this area. Thus, the administrative burden is reduced, and the redistribution system is improved.

Control measures in the field of food redistribution are a key aspect of the functioning of the preventive model of general welfare. Distinctive for the countries of the Scandinavian region are the issues of financing the implementation of these mechanisms. Surely, control of food industry operators in Norway is completely free; in Denmark - initial control is free, while in-depth control is carried out at the expense of retail operators; in Finland, even charitable organizations and food

banks cover the cost of control measures, but such control is only possible if there are strong prerequisites for their application.

A separate aspect of the regulation of this area in EU countries is the exemption of food industry operators from paying value added tax, which is regulated by EU tax legislation. According to the regulations in force in individual countries, food products going for recycling are not subject to VAT, while food products that go as part of sponsorship and donor programs are taxed. This situation leads to the fact that it is more profitable for producers to dispose of the products instead of donating them and bringing them through food banks and other organizations to the end consumers.

The rather strict interpretation of this directive in Sweden and Denmark prevents the redistribution of food among all stakeholders, while the more flexible policy of Finland and Norway allows the successful implementation of the policy of avoiding food waste and satisfying public services through the redistribution of food as an element of an active socio-economic policy state.

In each country of the Scandinavian region, the coordination of this area is carried out under the auspices of specialized organizations. Thus, in Finland, the main institution is the Finnish Food Safety Authority, the main purpose of which is to reduce food waste and safely redistribute food. In Denmark (Danish Veterinary and Food Administration), an initiative is being implemented to limit food waste in the retail and hospitality sectors by transferring surplus products to food banks or charities. In Denmark, a unique online platform has been developed, which allows extremely quickly to display the surplus of products, which necessarily meet the norms of safety of consumption, and to redistribute it between interested donor organizations. Thus, proper control of food safety is satisfied, food waste is reduced, and targeted needs of society are met.

The Norwegian government places the main emphasis on the ecological component of the food redistribution system. Thus, the national industry is actively involved in the processes of environmental protection by strengthening the responsibility of producers, regarding the processing of packaging materials (glass, plastic, metal, paper, cardboard), the introduction of the use of renewable energy sources, etc.

Given these differences, full harmonization of the legal framework and the practice of using specific mechanisms within the region is currently impossible. The supremacy of the principle of reducing food waste through the redistribution of food products remains common, the social effect of which has a secondary, in this case, effect.

Although official statistics indicate the need to use food redistribution programs specifically within the framework of social security (even with a steady decrease, the share of the population in need of assistance and social protection is still quite large: Sweden - 3.9%, Finland - 6.7 %, Denmark – 3.6%, Norway – 3.6% of the population) (Jeffrey 2016).

In general, the countries of the region are moving in the direction of the transition to a circular economy model common to the entire EU (EU Circular Economy Package, 2015). To ensure sustainable development within the framework of the concept of a circular economy, a 50% reduction in food waste by 2030 is expected, as well as the implementation of the most successful practices of coordinating the redistribution of food products, proposed by a specialized working group of experts from most EU countries. Denmark and Norway are members of the working group, actively involved in these processes, representing the strategy of reforming this area within the framework of the region.

Currently, there is no unified regional strategy or even an approach to the functional definition of the main subjects of food redistribution. The low social efficiency compared to the ecological management system of food redistribution and food waste in the Nordic region compared to other EU countries is explained by the rather short history of existence (the first one was created and registered in Copenhagen in 2009) and functioning of national food banks and the perfect social security system of these countries, which does not require additional tools of influence.

The main sources of funding for food banks are: state funding of banks that provide social services to certain vulnerable segments of the population (however, such funding is often provided in the form of non-monetary assistance or has a one-time project nature, that is, it is low liquid and

unstable); redistribution of profits received from other spheres of activity, if the food bank carries out additional activities, in addition to the provision of social services; paid provision of additional logistics services to subjects of the food industry; volunteer and sponsorship deductions.

Social work is usually the prerogative of state funding and activities of charitable organizations. However, the redistribution of food products is currently not only of a social nature, but also a service provided to the subjects of the food industry and contributes to the reduction of their costs for food waste management. It is the reduction of costs for disposal, incineration or anaerobic digestion that is the reason for the free transfer of food products to end consumers through donor organizations and/or the financing of food banks and charitable donor organizations by paying for the logistics services provided by them for the redistribution of products, the cost of which is usually much lower than cost of waste management.

For effective social integration of food banks, it is necessary to coordinate the participation of system operators at the national, regional, and local levels. At the same time, the food banks themselves, such as, for example, foodbanks in Denmark, perform the function of a single platform based on which charities, organizations receiving aid, producers and end users of social services interact. The main directions of this cooperation and interaction are: exchange by experience; development of common guiding principles of activities of donor organizations; minimizing the costs of processes related to the redistribution of food products by improving communication networks in order to accelerate the exchange of information and to balance supply and demand as quickly as possible; optimization of the formation and use of the resource base through exchange and mutual substitution (for example, joint use of warehouses or vehicles); implementation of the principle of social partnership with the aim of comprehensive involvement of state authorities in these processes in general and the formation of a perfect legislative framework for the regulation of the redistribution process in particular.

Logistics is usually carried out using a variety of IT systems, which allows to increase the efficiency of redistribution (for example, Foodcloud in Ireland and krøssmad.dk in Denmark).

Recently, in the Scandinavian region, as well as in some other EU countries, the following system of tripartism has become widespread, in which the central food bank performs a monitoring function rather than redistributes. Thus, within the framework of the tripartite agreement between the food bank, donor organizations and food producers, cooperation is carried out through the main coordination center - the food bank, which acts as a guarantor of quality, while the final redistribution is carried out mainly by charitable organizations. In addition, the food bank provides administration, staffing (recruitment, training) and accelerates redistribution processes by coordinating applications and orders from counterparties. That is, in addition to performing exclusively logistical functions, food banks as the main subjects of the redistribution process act as system operators. A similar organizational structure is used by such banks as Maistobankas (Lithuania), Toidupank (Estonia) and others.

As an alternative way of development, such a system operator can be formed on the initiative and with the active participation of other agents of the food industry, in particular manufacturers and/or trade networks. Currently, the concept of extended producer responsibility is actively spreading in Norway, which provides for responsible waste management, the process of redistribution of food products is recognized as an effective mechanism for preventing its occurrence at the legislative level.

Inviolable conditions for effective redistribution should be the reliability of supply chains, quality guarantees and confidence in the intended purpose of such aid. The long-term implementation of these projects is ensured by the interest of all parties in the process, and especially business partners, in participating, and most importantly, to provide financing. Such interest is ensured by the presence of benefits and incentives that participants receive as a result. In particular, the donors of the food bank fødømeBanken, companies such as ARLA, Aarstiderne and Irma Online, form their own social profile (social sustainability, corporate social responsibility, social partnership), the economic effects of which fully compensate for the expenses incurred in the process of participating in the redistribution of food.

The concept of sustainability is key for most participants in the process, which embodies the social and environmental benefits of its implementation. However, it is extremely important to uphold the prerogative of the social aspect over the environmental aspect. In addition, the social orientation is primary, determining in the process of food redistribution, and the environmental effects and economic benefits that participants receive because of waste management as one of the main methods of redistribution are concomitant positive effects.

Many charitable organizations around the world are involved in the processes of food redistribution to provide additional social services free of charge, meet the needs of the most vulnerable population groups, and implement social integration of business processes. The most important aspect of their immediate activity is the search for sources of financing and their involvement on a long-term basis. Direct redistribution, perfect coordination, establishment of logistics networks, provided there is an adequate amount of financial and material resources, are the key to the successful functioning of the system in general and the maximization of the obtained social effects.

The issue of funding sources and methods remains controversial. The choice of a redistribution model and its active participants depends on several factors and is not unambiguous. Thus, the state authorities should be involved in this process in the process of fulfilling their direct functional duties of social security of the population. Business structures, in turn, are involved in this process because of tax preferences and subsidies, which stimulates the activity of their positions and participation. However, the participation of business, in particular food producers, although it will increase the volume of their participation in kind in the redistribution process itself, it will not provide the necessary funding to food banks, which need funds to support the logistics networks of redistribution (the movement of goods from the donor to the final consumer), but will also reduce the amount of deductions to the budget and extrabudgetary funds as a result of the reduction of the tax base or the provision of tax benefits and preferences to donors, which will negatively affect the implementation of other social protection programs designed as part of the socially oriented state economic policy.

Sustainable business models with sufficient funding can be achieved because of negotiations between donors and state authorities to find the optimal structure of redistribution of expenses and areas of participation in the process. It is expected that the donor companies will receive maximum benefits from this process (economic effects, social responsibility, environmental responsibility, reduction of disposal costs, subsidies, tax benefits, etc.). Moreover, under the condition of the functioning of an effective logistics system used by food banks in the process of redistribution, the volume of such effects will increase. That is why they are interested in increasing the amount of funding.

Under such conditions, even participation in the redistribution process itself will become an element of the competitive advantages of companies on the market, and participation in projects will be carried out on a competitive basis.

The implementation of such a policy will allow us to optimize the existing compensation models. Significant logistics expenses for the maintenance of additional warehouses, storage, disposal, etc. are redistributed from retail chains and production facilities to food banks or other entities that perform certain roles in the process of redistribution. Currently, this scenario of behavior is more acceptable for business, since, in addition to more economically efficient actions (in particular, the redistribution tool is less expensive than alternatives, for example, the production of biogas or animal feed), companies receive several of the above advantages, and society receives social services on free of charge and ecological effect.

Conclusion

The Scandinavian countries are a kind of bridgehead, a base for the development and implementation of the basic principles of the circular economy.

The existing dissonance of the practical implementation of certain provisions that exists within the region once again clearly demonstrates the need for national coloring of certain models of state

social and economic policy, sustainable development, food security, etc. Food redistribution along with long-term training, a flexible taxation system, reforming the classical health care system and implementing a comprehensive approach to social security and protection has become an effective mechanism for implementing this model in practice. A characteristic feature of the practice within the Scandinavian region is the combination of the social and ecological components of the food redistribution process, which ensures the sustainable development of the region.

References

1. Depedri, S., Tortia, E. C., Carpita, M., 2012, "Feeling satisfied by feeling motivated at work: Empirical evidence in the Italian social services sector".
2. Elkington, J., 2018, "25 Years Ago I Coined the Phrase "Triple Bottom Line." Here's Why It's Time to Rethink It". Harvard Busines Review. Retrieved from https://hbr.org/2018/06/25-years-ago-i-coined-the-phrase-triple-bottom-lineheres-why-im-giving-up-on-it
3. Filipenko, A., 2017, "A Social and Solidarity Economy: The Ukrainian choice". *Cambridge Scholars Publishing,* 1st edition, 230p.
4. Food Redistribution in the Nordic Region: Identification of the best practice models for enhanced food redistribution // The Nordic Region: leading in green growth, *TemaNord*, 2016, 111p.
5. Friedman, M., 1970, "The social responsibility of business is to increase its profits: essay", *The New York Times Magazine*. Retrieved from https://www.colorado.edu/studentgroups/libertarians/issues/friedman-soc-resp-business.html
6. Geissdoerfer, M., Savaget, P., Bocken, N. M. P., & Hultink, E. J., 2017, "The Circular Economy – A new sustainability paradigm?", *Journal of Cleaner Production*, 143, 757–768. doi:10.1016/j.jclepro.2016.12.048
7. Gephart, J. A., Rovenskaya, E., Dieckmann, U., Pace, M. L., & Brännström, Å., 2016, "Vulnerability to shocks in the global seafood trade network". *Environmental Research Letters*, 11(3), 035008.
8. Hayek, F.A., 1944, "The road to serfdom", *Routledge & University of Chicago Press*.
9. Hoffman, M., Schenck, C.J. & Herbst, F., 2022, "Exploring the Intersection Where Business Models, a Circular Economy, and Sustainability Meet in the Waste Economy: A Scoping Review". Sustainability 2022, 14, 3687. https://doi.org/10.3390/su14063687
10. Jeffrey, K., Wheatley, H., Abdallah, S., 2016, "The Happy Planet Index: 2016. A global index of sustainable well-being". London: *New Economics Foundation*.
11. Kirchherr, J., Piscicelli, L., Bour, R., Kostense-Smit, E., Muller, J., Huibrechtse-Truijens, A., & Hekkert, M., 2018, "Barriers to the Circular Economy: Evidence From the European Union (EU)", *Ecological Economics,* 150, 264–272. doi:10.1016/j.ecolecon.2018.04.028
12. Korhonen, J., Honkasalo, A., & Seppälä, J., 2018, "Circular Economy: The Concept and its Limitations", *Ecological Economics,* 143, 37–46. doi:10.1016/j.ecolecon.2017.06.041
13. Kummu, M., Kinnunen, P., Lehikoinen, E., Porkka, M., Queiroz, C., Röös, E., ... & Weil, C., 2020, "Interplay of trade and food system resilience: Gains on supply diversity over time at the cost of trade independency". Global Food Security, Volume 24, 2020, ISSN 2211-9124. https://doi.org/10.1016/j.gfs.2020.100360
14. Launay, F., 2007, "The Great Paris Exhibition Telescope of 1900", *Journal for the History of Astronomy*, №38, pp.459-475.
15. Lewandowski, M., 2016, "Designing the Business Models for Circular Economy-Towards the Conceptual Framework", *Sustainability*, 8(1), 43. doi:10.3390/su8010043
16. Nordic economic policy review 2018: Increasing income inequality in the Nordics // Nordic Council of Ministers. – *TemaNord*, 2018. Retrieved from http://norden.diva-portal.org/smash/get/diva2:1198429/FULLTEXT01.pdf
17. Pauliuk, S., 2018, "Critical appraisal of the circular economy standard BS 8001:2017 and a dashboard of quantitative system indicators for its implementation in organizations", *Resources, Conservation and Recycling*, 129, 81–92. doi:10.1016/j.

18. Planing, P., 2015, “Business Model Innovation in a Circular Economy Reasons for Non-Acceptance of Circular Business Models. Open J. Bus. Model Innov”.
19. Porkka, M., Kummu, M., Siebert, S. &Varis, O., 2013, “From Food Insufficiency towards Trade Dependency: A Historical Analysis of Global Food Availability”. PLOS ONE, 8(12): e82714. https://doi.org/10.1371/journal.pone.0082714
20. Roth, Sarah & Marsi, Katherine & Gronowski, Ben & Cohen-Cline, Hannah & Kenton, N., 2023, “Participant Perspectives on Community Health Workers' Critical Role in Their Experience of the Pathways Program to Address Complex Needs”, *The Journal of ambulatory care management*. 10.1097/JAC.0000000000000464.
21. Scott, J.T., 2015, “The Sustainable Business a Practitioner’s Guide to Achieving Long-Term Profitability and Competitiveness, 2nd ed.; *Greenleaf Publishing: Sheffield, UK*.
22. Tirole, J., 2018, “Economics for the Common Good”, *Princeton: Princeton University Press*. https://doi.org/10.1515/9781400889143

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АКТУАЛЬНІ ПРОБЛЕМИ МІЖНАРОДНИХ ВІДНОСИН

Збірник наукових праць

ВИПУСК 155

Заснований в 1996 році.
Established in 1996

Засновник : Інститут міжнародних відносин
Київського національного університету імені Тараса Шевченка.
Founder: Educational and Scientific Institute of International Relations, Taras Shevchenko National University of Kyiv

Свідоцтво про державну реєстрацію: К1 №292 від 05.11.1998 р.
Certificate of state registration as a scientific journal: К1 №292 від 05.11.1998 р.

Перереєстрація у 2020 році.
Засновник: Київський національний університет імені Тараса Шевченка.
Certificate for state registration prolonged in 2020.

Свідоцтво про державну реєстрацію: серія КВ №24308-14148ПР від 13.02.2020 р.

Науковий редактор: **Дорошко М. С.,** доктор історичних наук, професор.
Scientific editor: **Mykola S. Doroshko,** Dr. of Sc., professor

Рекомендовано до друку Вченою радою Навчально-наукового інституту міжнародних відносин Київського національного університету імені Тараса Шевченка.
Протокол № 14 від 28 червня 2023 року.
Approved for print by the Scientific Council of Educational and Scientific Institute of International Relations, Taras Shevchenko National University of Kyiv
Protocol № 14 (28 of June, 2023)

Підписано до друку 03.07.2023 року.
Наклад 100 примірників

Навчально-науковий інститут міжнародних відносин
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