
**КИЇВСЬКИЙ НАЦІОНАЛЬНИЙ УНІВЕРСИТЕТ
ІМЕНІ ТАРАСА ШЕВЧЕНКА
ІНСТИТУТ МІЖНАРОДНИХ ВІДНОСИН**

**АКТУАЛЬНІ ПРОБЛЕМИ
МІЖНАРОДНИХ ВІДНОСИН**

ВИПУСК 146

ACTUAL PROBLEMS OF INTERNATIONAL RELATIONS

ISSN 2308-6912



2 308691 200005 >

КИЇВ – 2021

Актуальні проблеми міжнародних відносин : Збірник наукових праць.
Випуск 146.
К. : Київський національний університет імені Тараса Шевченка.
Інститут міжнародних відносин, 2021. – 69 с.

У Збірнику розглянуто актуальні питання розвитку сучасних міжнародних відносин, міжнародного права та міжнародних економічних відносин.
Розраховано на викладачів, наукових співробітників, аспірантів та студентів.

**РЕДАКЦІЙНА КОЛЕГІЯ ЗБІРНИКА НАУКОВИХ ПРАЦЬ
«АКТУАЛЬНІ ПРОБЛЕМИ МІЖНАРОДНИХ ВІДНОСИН»**

Головний редактор: *Резнікова Н. В.*, доктор економічних наук, професор, Інститут міжнародних відносин Київського національного університету імені Тараса Шевченка.
Заступник головного редактора: *Дорошко М. С.*, доктор історичних наук, професор, Інститут міжнародних відносин Київського національного університету імені Тараса Шевченка.

Відповідальний редактор: *Нанавов А. С.*, кандидат економічних наук, доцент, Інститут міжнародних відносин Київського національного університету імені Тараса Шевченка
Заступники відповідального редактора: *Хлистул Г. Ю.*, кандидат політичних наук, Інститут міжнародних відносин Київського національного університету імені Тараса Шевченка, *Макеєнко Л. Ф.*, Інститут міжнародних відносин Київського національного університету імені Тараса Шевченка.

Склад редакційної колегії

Білоцький С. Д., доктор юридичних наук, професор, Інститут міжнародних відносин Київського національного університету імені Тараса Шевченка.
Затонацька Т. Г., доктор економічних наук, професор, Економічний факультет Київського національного університету імені Тараса Шевченка
Еспіноза Гастон., доктор історичних наук, професор, коледж Клермонт Мак-Кенна (м. Клермонт, США)
Картасова Єкатерина, доктор економічних наук, Мідлсекс університет (м. Лондон, Велика Британія)
Копійка В.В., доктор політичних наук, професор, Інститут міжнародних відносин Київського національного університету імені Тараса Шевченка.
Купалова Г. І., доктор економічних наук, професор, Економічний факультет Київського національного університету імені Тараса Шевченка
Кремона Марізі, доктор юридичних наук, професор, Європейський академічний інститут (м. Флоренція, Італійська Республіка).
Медведєва М.О., доктор юридичних наук, професор, Інститут міжнародних відносин Київського національного університету імені Тараса Шевченка.

Неліна Д.В., доктор політичних наук, доцент, Філософський факультет факультет Київського національного університету імені Тараса Шевченка.

Піпченко Н. О., доктор політичних наук, доцент, Інститут міжнародних відносин Київського національного університету імені Тараса Шевченка.

Резнікова Н. В., доктор економічних наук, професор, Інститут міжнародних відносин Київського національного університету імені Тараса Шевченка.

Сіскос Євангелос, доктор економічних наук, професор, Державний технологічний навчальний інститут, (м. Касторія, Грецька Республіка).

Смірнова К. В., доктор юридичних наук, професор, Інститут міжнародних відносин Київського національного університету імені Тараса Шевченка.

Хонг Ліу, доктор політичних наук, професор, Технологічний університет (м. Наньянг, Сінгапур).

Шаркі Нолан, доктор юридичних наук, Університет Західної Австралії (м. Перт, Австралія).

Адреса редакційної колегії:

04119, Київ, вул. Юрія Ілленка, 36/1, Інститут міжнародних відносин.
тел. 044 481-44-68.

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/index> і передано до Національної бібліотеки України імені В. І. Вернадського на депозитарне зберігання та представлення на порталі наукової періодики: <http://www.nbuv.gov.ua>.

Автори опублікованих матеріалів несуть повну відповідальність за підбір, точність наведених фактів, цитат, економіко-статистичних даних, імен власних, коректність перекладу на іноземну мову та інших відомостей.

Всі права застережені. All right reserved. При цитуванні обов'язкове посилання на Збірник наукових праць «Актуальні проблеми міжнародних відносин».

© Інститут міжнародних відносин. 2021.

ПОЛІТИЧНІ ПРОБЛЕМИ МІЖНАРОДНИХ ВІДНОСИН

УДК 394.912:(477+438)

UKRAINIAN-POLISH CENTURY-LONG CO-OPERATION: FROM THE 1920 WARSAW AGREEMENT TO STRATEGIC PARTNERSHIP OF THE TWO STATES

УКРАЇНСЬКО-ПОЛЬСЬКА СПІВПРАЦЯ ДОВЖИНОЮ В СТОЛІТТЯ: ВІД ВАРШАВСЬКОЇ УГОДИ 1920 РОКУ ДО СТРАТЕГІЧНОГО ПАРТНЕРСТВА ДВОХ ДЕРЖАВ

УКРАИНСКО-ПОЛЬСКОЕ СОТРУДНИЧЕСТВО ДЛИНОЙ В СТОЛЕТИЕ: ОТ ВАРШАВСКОГО СОГЛАШЕНИЯ 1920 ГОДА ДО СТРАТЕГИЧЕСКОГО ПАРТНЕРСТВА ДВУХ СТРАН

Matviyenko V.

Doctor of Historical Science, Professor, Head of Department of International Organizations and Diplomatic Service of the Institute of International Relations of Taras Shevchenko National University of Kyiv. Email: vikmaryuniv@ukr.net

Doroshko M.S.

Doctor of Historical Science, Professor, Head of Department of International Regions Studies of the Institute of International Relations of Taras Shevchenko National University of Kyiv. Email: doroshko7@ukr.net

Baliuk V.

Doctor Hab., Professor, Maria Curie-Skłodowska University, Lublin, Poland. E-mail: baluk@wp.pl

Матвієнко В.М.

Доктор історичних наук, професор, завідувач кафедри міжнародних організацій та дипломатичної служби Інституту міжнародних відносин Київського національного університету імені Тараса Шевченка. E-mail: vikmaryuniv@ukr.net

Дорошко М.С.

Доктор історичних наук, професор, завідувач кафедри міжнародного регіоназнавства Інституту міжнародних відносин Київського національного університету імені Тараса Шевченка. E-mail: doroshko7@ukr.net

Балюк В.

Доктор політичних наук, професор Університету Марії Кюрі-Скłodовської, Люблін, Республіка Польща. E-mail: baluk@wp.pl

Матвиенко В.М.

Доктор исторических наук, профессор, заведующий кафедрой международных организаций и дипломатической службы Института международных отношений Киевского национального университета имени Тараса Шевченко. E-mail: vikmaryuniv@ukr.net

Дорошко Н.С.

Доктор исторических наук, профессор, заведующий кафедрой международного регионоведения Института международных отношений Киевского национального университета имени Тараса Шевченко. E-mail: doroshko7@ukr.net

Балук В.

Доктор политических наук, профессор Университета Марии Кюри-Склодовской, Люблин, Республика Польша. E-mail: baluk@wp.pl

Abstract. *The article analyzes the main stages of forming partnership relations between Ukraine and Poland, clarifies historical and political prerequisites of the Ukrainian-Polish dialogue, the role of geopolitical factors in the formation of allied relations in 1919-20, the reasons of inability to implement the 1920 Treaty of Warsaw. It has been proved that the concept of Polish-Ukrainian national reconciliation of Jerzy Giedroyc and the understanding of the intellectual elite of the two peoples became a significant ideological basis for forming a strategic partnership between Ukraine and Poland. It is determined that historical issues are the main obstacle to deepening strategic partnership relations. A mechanism for resolving controversial issues of the Ukrainian-Polish conflict past based on intercultural dialogue, is proposed.*

Key words: *Ukrainian-Polish relations, Treaty of Warsaw, strategic partnership, historical issues, understanding.*

Анотація. *В статті проаналізовано основні етапи формування партнерських відносин України і Польщі, з'ясовано історико-політичні передумови українсько-польського діалогу, роль геополітичних чинників у формуванні союзницьких відносин у 1919-1920 роках, причини неможливості реалізації Варшавської угоди 1920 року. Доведено, що вагомим ідеологічним підґрунтям для формування стратегічного партнерства України і Польщі на сучасному етапі стали концепція польсько-українського національного примирення Єжи Гедройця і порозуміння інтелектуальної еліти двох народів. Визначено, що головною перешкодою на шляху поглиблення відносин стратегічного партнерства виступають історичні питання. Запропоновано механізм вирішення суперечливих питань українсько-польського конфліктного минулого на основі міжкультурного діалогу*

Ключові слова: *українсько-польські відносини, Варшавська угода, стратегічне партнерство, історичні питання, порозуміння.*

Аннотация. *В статье проанализированы основные этапы формирования партнерских отношений Украины и Польши, определены историко-политические предпосылки украинско-польского диалога, роль геополитических факторов в формировании союзнических отношений в 1919–1920 годах, причины невозможности реализации Варшавского соглашения 1920 года. Доказано, что важной идеологической основой для формирования стратегического партнерства Украины и Польши на современном этапе стали концепция польско-украинского национального примирения Ежи Гедройца и взаимопонимание интеллектуальной элиты двух народов. Определено, что главной сложностью в процессе углубления отношений стратегического партнерства являются исторические проблемы. Предложен механизм решения спорных вопросов украинско-польского конфликтного прошлого на основе межкультурного диалога.*

Ключевые слова: *украинско-польские отношения, Варшавское соглашение, стратегическое партнерство, исторические проблемы, понимание.*

Introduction

Ukrainian-Polish relations have a long history. Often, they were confrontational, rarely partnerships, but since the last quarter of the eighteenth century, the Ukrainian Hetmanate and Polish Rzeczpospolita lost, respectively, autonomy and independence, and the national elites of the

two peoples gradually embarked on a path of political understanding. Taking advantage of the situation of the First World War, Ukraine and Poland regained their independence, and thus received a unique opportunity to start allied relations as a safeguard on the way of revival imperial ambitions by Russia from the east and Germany from the west.

Both in Ukraine [1-10] and Poland [11-15] lots of research on Ukrainian-Polish relations over the past hundred years have been done. The authors of this article have taken it into account, and in an effort to restore in memory of the contemporaries the events that preceded the conclusion of the Treaty of Warsaw in 1920, and to analyze the main stages of Ukrainian-Polish relations over the past 100 years, decided to focus on the following issues: What were the international political and geostrategic circumstances of the Treaty of Warsaw signing on 21–24 April 1920? Why wasn't the Treaty implemented? What factors caused the resumption of Ukrainian-Polish dialogue during the communist collapse in the countries of Central and Eastern Europe? Is it possible to regard the current Ukraine-Poland interstate relations as a strategic partnership relationship? The answer to these questions became the subject of our paper.

The first attempt to establish Ukrainian-Polish partnership relations can be considered the 1920 Treaty of Warsaw, which was preceded by a war between the Polish state (revived on November 11, 1918) and West Ukrainian People's Republic (WUPR) proclaimed on November 13, 1918 on the ethnic Ukrainian lands of the former Austro-Hungarian Empire.

The outbreak of the Polish-Ukrainian war in Galicia caused great concern for the Western states. The war was not a part of their plans related to the needed consolidation of Poland and fight against Bolshevism in Russia. France considered it necessary to create a security system in Europe that would deter Germany. The important part in it was assigned to Poland as a reliable ally instead of lost Russia. The existence of such Poland provided for its strengthening at the expense of West Ukrainian lands. The United Kingdom traditionally sought to maintain a balance of powers in Europe and preferred not to allow strengthening of France and, accordingly, of Poland, and therefore considered options for the accession of Eastern Galicia to Ukraine as a part of federal Russia, or even to Czechoslovakia. The US position was controversial.

On June 25, 1919, the Council of Ministers of Foreign Affairs of Paris Peace Conference decided to allow Polish troops to temporarily occupy Eastern Galicia as far as the Zbruch River. On November 21, the major powers approved a compromise decision that granted Poland a 25-year mandate from the League of Nations, on which expiration Warsaw pledged to hold a plebiscite, and till that time Eastern Galicia was promised autonomy. However, this decision had never been implemented. Warsaw began to exert pressure on the governments of the great powers and on December 22, 1919, the Entente's decision was cancelled.

In the fall of 1919, the fighting in the East was halted. The Head of the Polish state, Józef Pilsudski, was waiting for the results of Bolsheviks' struggle against Denikin. He gave up launching a joint offensive with the 'white' army, which was insisted on by Western leaders, and reckoned on emaciation of both sides. The process of forming an effective military-political alliance (the Baltic-Black Sea Union) in early 1920s with participation of Estonia, Latvia, Lithuania, Finland, Poland and the Ukrainian People's Republic (UPR) slowed down significantly after the decision of the Supreme War Council of the Entente (January 16, 1920) to lift the economic blockade of Bolshevik Russia and the de facto refusal of the Entente to support the newly formed union, as well as the intensification of the Bolshevik bilateral diplomacy with the Baltic states. Pilsudski had the only possible ally at his disposal – the Directory of the Ukrainian People's Republic, whose army was defeated by the Bolsheviks. The Head of the UPR Directory, Simon Petliura, could only count on a Polish ally when he was in a desperate situation in Poland.

From a geopolitical and military-strategic point of view, the Ukrainian People's Republic was objectively interested in establishing allied relations with II Rzeczpospolita. The Entente victory made it impossible for Ukrainian statehood to gain diplomatic recognition in the nearest period by France, Great Britain, the USA and Italy as a result of Ukraine's signing the Brest Treaty and thus getting 'a stigma' of accomplice or even 'creation' of Central Powers. Left alone in the opposition to Bolshevik and 'white' Russia, Ukraine had little chance of survival. Poland could

have become not only a powerful ally in the fight against Russia's revival efforts, another key focus of the Baltic-Black Sea Alliance of Young Independent States, but would have also acted as a diplomatic 'window to Europe' for Ukraine.

The UPR Directory, which logically had a keen interest in allying with its western neighbor, lacked unity towards Polish policy issues. Of the five members of the Directory, only the Chief Ataman of the Republican Army S. Petliura was clearly aware of the need for rapprochement with Poland, even at the expense of the assignment of separate territories to it in the Kholmshchyna, Podlasie, Western Volyn and Eastern Galicia, which by the end of 1918 had already been occupied by Polish troops.

Through Warsaw's mediation, he hoped to reach an agreement with the Entente and thus to get out of international diplomatic isolation and to obtain effective military and political assistance against Bolshevik Russia in order to defend the state independence of the UPR. The Polish armed forces could also, under favorable circumstances, become a source of arms and equipment for the UPR Army, and in the event of an alliance agreement with Warsaw, S. Petliura hoped to use the human resources of Western Ukrainian lands to replenish his troops. It was S. Petliura who initiated the start of negotiations with Poland.

However, the hasty evacuation of the UPR Directory and Government on February 2, 1919, from Kiev to Vinnytsia prevented those intentions, and the declaration of the UPR and WUPR Universal (the Act Zluky) on January 22, 1919, in Kiev, made for a while impossible the possibility of understanding with Warsaw. The fronts in the north-east against Bolshevik Russia and in the south-east – against 'white' Russia were unexpectedly added by the Polish front between the Western Bug and the Pripjat.

At the end of May 1919, the UPR leaders were in a greater mood for understanding with J. Pilsudski, especially since almost all of Eastern Galicia had been already occupied by the Poles. In mid-June, a UPR military delegation signed a temporary truce agreement with the Poles. The established demarcation line, the so-called 'Delwig line', left almost all of Eastern Galicia within Poland. However, the WUPR (WR UPR) Dictator and at the same time the UPR Directory member Ye. Petrushevich did not agree to approve this agreement.

After changing the command, the WUPR (WR UPR)-formed Ukrainian Galician Army (UGA) passed to the offensive against the Poles. The fallacy of these actions is confirmed by the fact that, at the same time, the UPR Army assumed the offensive against the Bolsheviks, which at first was quite successful, but soon the dispersal of Ukrainian forces enabled the Bolsheviks to force the UPR Army to retreat. Meanwhile, the Poles defeated the UGA.

In his policy towards Poland, S. Petliura for a long time had to take into account the position of Ye. Petrushevich and the WR UPR government, since he was interested in helping by a well-organized UGA. The Directory including Ye. Petrushevich, was nominally the highest authority, but practically the WR UPR government had a more efficient army and a more effective administrative system, and therefore did not intend to fulfil decisions which it did not agree with.

Yet the threat of Russia's revival, which would not only put an end to Ukraine's statehood but also call into question Poland's independence, remained a basis for understanding. It was well realized by J. Pilsudski and S. Petliura, having exchanged a number of diplomatic missions.

On September 1, 1919, the Ukrainian military delegation finally signed a truce agreement with the Poles. Despite the fact that Warsaw did not go for the official diplomatic recognition of the UPR, the cessation of hostilities and the establishment of mutually beneficial commodity exchange made it possible to create conditions for full-scale governmental negotiations on the signing of a comprehensive interstate agreement.

At the most responsible, initial moment of Ukrainian-Polish talks, the tragedy with far-reaching consequences took place at the front. On November 5, 1919, the UGA command entered into a separate agreement with 'the whites', went over to their side and put themselves at A. Denikin's full command. Warsaw was well aware of the disastrous military and political situation of the UPR after the UGA's transition to the side of A. Denikin, so the Polish delegation urgently

sought much larger territorial concessions in Eastern Galicia. Yet, a number of Directory members have spoken in favor of signing the Ukrainian-Polish peace treaty.

The Declaration was signed on December 2, 1919. Upon learning of its contents, J. Pilsudski gave his consent to accept the remains of the UPR Army defeated by Denikin troops, the Ukrainian government agencies, and to create the basis for their reorganization on the territory controlled by the Polish troops. In addition, the UPR was enabled to transit goods through Poland.

But official Ukrainian-Polish negotiations due to the government crisis in Warsaw and opposition to Pilsudski's eastern policy in the Sejm, were interrupted until March 11, 1920. Ukrainian-Polish understanding at the diplomatic and top levels practically did not affect the attitude of the local Polish administration and troops to the population of the UPR and the soldiers of its army. However, given the intensification of Bolshevik diplomacy in Warsaw, Ukrainians had to make further concessions to the Polish side. Moreover, the Ukrainian delegation was forced to ask its partners not to engage with representatives of the puppet-like UkrSSR created by the Russian Bolsheviks, or, at least, to announce at probable negotiations with the Bolsheviks the need to enable the Ukrainian people to express their will concerning their future statehood and independence.

After that, the Agreement was signed on the night of April 22, 1920. According to it, Poland recognized the independence of the UPR and the Directory "with Chief Ataman S. Petliura at the head as the supreme authority of the UPR". The border between the UPR and Poland was established, as the Poles wanted, along the Zbruch and the Horyn. Eastern Galicia, much of Volyn, and a few counties ('povits') of Podillya were withdrawn to Poland. Both sides pledged not to conclude any international agreements that are against the interests of the UPR or Poland. The UPR maintained full sovereignty in its foreign policy at the regional and pan-European levels. The cultural and national rights of minorities were mutually ensured and a trade and economic agreement was envisaged [10, p. 263]

Article 3 of the Agreement stated that the Polish Government "recognizes as Ukraine's the territory to the east of the border referred to in Article 2 of this Agreement, to the 1772 borders of Poland, which Poland already possesses, or will acquire from Russia by armed or diplomatic means". That is, in the event of the defeat of the UPR by the Bolsheviks on the Left Bank and in the South or the impossibility of liberating these regions at the time, the delineated territories of the Right Bank would become the center of Ukrainian statehood. The Ukrainian-Polish Political Convention guaranteed, as a last resort, the preservation of the UPR allied with Rzeczpospolita on the Right Bank [10, p.262-263].

Signing of the Political Convention paved the way for the intensification of the Ukrainian-Polish dialogue in financial and economic sphere. On the instructions of S. Petliura, the Ukrainian Trade Mission to Rzeczpospolita Polska was established, headed by First Vice-Premier and Minister of National Economy Ivan Feshchenko-Chopivsky, who was to develop and conclude a bilateral trade and economic agreement. At negotiations held in Warsaw on May 8 – August 4, 1920, the Polish side was led by Vice-Minister of the Polish Government Henryk Strasburger.

The sides agreed that the UPR had to grant Warsaw concessions in the Kryvyi Rih iron ore basin with the permission to transport raw materials to the Black Sea ports under Polish protection, as well as the primacy in exploitation of Podolian phosphorites, followed by their transportation by the Polish. Postal and telegraph and rail conventions and agreements concerning the distribution of state property and debts of the former Russian Empire were envisaged [16, p.23].

To meet the needs of the Ukrainian Army, governmental and cooperative institutions in Polish goods, the 'Krajowa Spółka Handlowa' gave credit of 200 million Polish marks for the UPR [10, p.264].

Thus, the projected trade and economic agreement had a somewhat unequal character for the UPR, given the complete disruption of economic life in the latter. Similarly, the Polish side also gained significant advantages in the Military Convention signed on April 24, 1920, which was an integral part of the political agreement. In particular, combat operations on the Right Bank were supposed to take place "by mutual understanding of the Polish Armed Forces' initial command and the Ukrainian Armed Forces' main command" but "under the general command of the Polish

Armed Forces' command." Polish military control over the Ukrainian railways was envisaged during the military campaign, as well as the participation of Polish officers in the organization and formation of power structures, etc. The UPR government had to provide the Polish troops with food and cartage.

But, to tell the truth, it could not be otherwise. According to estimates of contemporary experts, in general, the army of the UPR, which successfully advanced on the right wing of the anti-Bolshevik front, numbered about 20 thousand soldiers, while the Polish one – 44 thousand infantrymen and over 6 thousand cavalry [5, p. 28].

For all that, as A. Nikovsky mentioned in his final report of March 11, 1921, due to the Treaty of Warsaw UPR received “moral assistance in the form of de jure recognition of state sovereignty and real support in political, military and financial fields. After long and persistent struggle against the enemies of Ukrainian statehood – the Bolsheviks and Denikin, Ukraine for the first time found an ally, whose troops, together with our reorganized and well-equipped army, were to clear the Ukrainian territory from hostile occupation and assist in establishment peace and public tranquility ... The Ukrainian People's Republic, up to recently closed by hostile neighboring states, with this Treaty broke the barrier which obstructed its way to Western Europe” [16, p.6].

When allied Ukrainian-Polish troops liberated Kyiv on May 7, 1920, the UPR Foreign Ministry informed in “Foreign Policy and the Ukrainian Issue Abroad” monthly review that “now the press of England and France is discussing a new political situation in Eastern Europe, as well as economic prospects that would open up in connection with the future liberation of the whole territory of Ukraine from the Bolsheviks ... English capitalists and industrialists express their desire to participate in the economic reconstruction of Ukraine” [17, p. 27].

In late March 1920, the Chairman of the Foreign Affairs Committee of the French National Assembly, Louis Barthou and MP Gailard, submitted an issue concerning the recognition of independence of the UPR, to the Parliament. It was to be considered on May 25, and, as the Ukrainian government was assured by Warsaw's political circles, “the matter would be certainly resolved positively” [17, p. 27 st.].

But from the beginning of formation and implementation of Ukrainian-Polish military-political union, its vulnerable domestic and international aspects were both subjective and objective ones. First, it actually remained the ‘personal union’ of the two Heads of state – S. Petliura and J. Pilsudski – and was based on their trusting personal relations and private arrangements. After all, the two leaders had a lot in common, first of all, regarding their socialist past and their rejection of an idea of the ‘Great Russia’ revival. S. Petliura and J. Pilsudski managed to reject the dramatic stratification of the complicated historical past of the two Slavic peoples and, despite national mentality and negative social stereotypes, found the courage and wisdom to embark on the path of strategic partnership.

But neither S. Petliura nor J. Pilsudski could convince their countrymen of the expediency of such a partnership, the Ukrainian-Polish military-political union did not become a consolidating factor in either the UPR or Poland. Moreover, both leaders faced strong opposition to their plans within their own countries; a century of disagreeable misunderstandings, intense confrontation and conflicts between the two nations came to the fore. Polish National Democrats and centrist parties, which had a majority in the Sejm, were concerned that the pro-Ukrainian policy of the ‘Head of the state’ was merely antagonizing Moscow. Besides, they did not trust the Dnieper Ukrainians, considering the latter as potential allies of Germany and competitors in the struggle for Eastern Galicia, and therefore strongly opposed the support of Ukrainian statehood in any form. Polish Socialists, though were keen on the UPR independence, did not, in principle, approve of the commencement of hostilities against Bolshevik Russia and insisted on peace talks [8, p. 190–196].

S. Petliura, in his turn, got under fire of shattering criticism by almost all figures of the Ukrainian movement well known from the pre-revolutionary times (V. Vinnichenko, M. Hrushevsky, M. Shapoval, etc.), who considered Warsaw Agreements to be a betrayal of the interests of Greater Ukraine (‘Soborna Ukraina’). Hostile or, at best, neutral attitude to the arrival of the Polish Army was also demonstrated by the majority of the Ukrainian Right Bank peasantry,

who strongly held in memory the recent times of Polish landowners' domination. The mass anti-Bolshevik uprising that S. Petliura and J. Pilsudski hoped for, had not taken place.

Last but not least, the lack of expected support from the Entente countries and the United States (except for the brief period of the greatest success of the Allied troops in May 1920) played a significant role in the defeat of the Ukrainian-Polish Union. Following the Entente's cessation of economic blockade of the RSFSR, the Supreme Council of the Paris Peace Conference on February 24, 1920 adopted a special resolution, supported by France and Britain, which did not advise the neighboring with Bolshevik Russia countries to proceed with the war, to say nothing of passing to the offensive. [8, p. 166].

At the same time, US Secretary of State Robert Lansing informed US Ambassador to Warsaw Hugh S. Gibson that in the event of war with Bolshevik Russia, Poland could not rely on military and economic assistance of the United States [11, p. 149]. In the midst of the Bolshevik counter-offensive on Warsaw on July 10, 1920, British Prime Minister David Lloyd George, on behalf of the Allies, promised Poland assistance only if it concludes a truce with the Kremlin.

Such an 'appeasing' position of the great powers in Eastern Europe can be explained by their outspoken skepticism in assessing the chances of asserting Ukrainian statehood, a wary attitude towards the personality of J. Pilsudsky (his participation at young age in the socialist movement and pro-German orientation during the World War) and considering interests of the 'ally' – 'white' Russia. On June 21, 1920, the Embassy of 'White Emigration' in Paris spread a memorandum stating that the creation of the Ukrainian state 'would be contrary to the natural state of affairs' and that "economic, historical, ethnic, political and cultural grounds deny such artificial formation" while Ukraine's union with Russia is 'necessary and inevitable.' [4, p. 267]

It was on the advice and pressure of the Entente on October 12, 1920, in Riga, between Poland, on the one hand, and Soviet Russia and Ukraine, on the other, a treaty of armistice and preliminary peace conditions was signed. It happened at a time when, after the 'miracle over the Vistula,' Bolshevik troops were constantly moving eastward from Warsaw and Lviv, and there were conditions to finally demoralize and completely break down those Red Army units still operating in Right-Bank Ukraine, and release the Left Bank.

S. Petliura then believed that "the joint advance of Polish and Ukrainian troops into the depths of Right-Bank Ukraine considering the state of the Russian-Communist hostile forces, after the capture of the Zbruch line, could have ended with the complete defeat of the enemy, and in connection with this, the prospects for restoring our statehood could be brighter and have signs of a real affair" [10, p. 391]. And J. Pilsudski later recollected: "The Bolshevik Army was so broken that I had no military obstacles to step where I wanted to go at the whole front. But at that time I was detained at the campaign because of the lack of moral power in the society." [5, p. 32].

In fact, in Poland, everybody was against the continuation of war against Bolshevik Russia – the government, the Sejm, political parties, media – with the exception of the 'Head of the state'. Warsaw politicians, as before, were interested not so much in the defeat of Russia as the retention of Western Ukrainian lands, about which there were no objections on the part of the Kremlin. After experiencing critical moments in the middle of August 1920, when the Red Army stood at the walls of Warsaw, the Poles did not want again to risk their independence gained through much suffering.

Therefore, in a favorable military situation, the Polish side in Art. 1 of the Truce Agreement actually recognized the UkrSSR, and in Art. 2 undertook to refrain from any interference into the internal affairs of the RSFSR and the UkrSSR, and also agreed to include in a future peace treaty the obligation not to create or support organizations aimed at overthrowing the state or social order of the other party, as well as organizations that assume role of the government of the other party.

It should be mentioned that the leading role in developing the behavior of the Polish delegation at Riga peace negotiations was no longer played by J. Pilsudski, but by his opponents – members of the Sejm delegation led by Stanislaw Grabski (National Democracy political camp). He recalled later that in Riga he had succeeded in "fully implementing the program developed by the National Committee back in Paris", that is, an incorporation concept that provided for the division of Ukrainian lands between Poland and Russia. And National Democratic leader R. Dmowski

assured that his party was fully responsible for the Treaty of Riga (Peace of Riga) of March 18, 1921, because it “dictated its preconditions” [11, p. 277].

Riga Peace Treaty of March 18, 1921, on which Ukrainian diplomacy had no influence at all, virtually cancelled the 1920 Treaty of Warsaw (Polish-Ukrainian Agreement), although Poland officially declared about it only in 1923. On July 20 of the same year, S. Petliura in his letter to M. Kumytsky also noted that “today there is no agreement. Our stay here (in Poland. – Authors) is a matter of technical fact, not principle and policy” [4, p.133]. In fact, on March 18, 1921, Poland recognized the UkrSSR, while the Soviet side renounced Eastern Galicia and most of Volyn. The Treaty of Riga also meant the failure of J. Pilsudski's federalist conception.

Thus, the Ukrainian-Polish military-political alliance appeared to be fragile and being under pressure of insurmountable foreign and domestic political factors during October 1920–1921 first formally, and then actually disintegrated. It appeared, at least a year too late, and could not alone resist the stronger Bolshevik Russia.

But at the same time, the Warsaw Treaty of 1920 was of great importance not only to the Ukrainian people, who, due to the help of Poland, continued the armed struggle for the independent UPR till the end of 1921. It can be certainly assumed that if it were not for common Ukrainian-Polish resistance in the summer of 1920, the planned by the Kremlin campaign under the slogan of ‘world revolution’ against Poland, Romania and Germany would have proved to be quite successful and would inevitably have turned into a tragedy for all these countries, and Europe as a whole.

Undoubtedly, independence of the Baltic states: Finland, Estonia, Latvia and Lithuania appeared to certain extent the result of tense struggle of the Ukrainian-Polish military-political alliance against the Bolshevik Russia. Precisely because Moscow was evidently weakened by the war with the UNR and peasant uprisings along the Dnieper, Poland then also gained an opportunity to strengthen its national statehood.

A new impetus in the establishment of Ukrainian-Polish partnership gained its shape after the Second World War. And decisive in this context was the activity of the Polish intellectual elite, who after the Second World War found themselves in exile and united around the “Culture” Polish emigration magazine (Paris). It was at this time when its founder Jerzy Giedroyc put forward the concept of national reconciliation for the peoples of Central and Eastern Europe and the hypothesis that there would be no free Poland without free Ukraine, Belarus and Lithuania [19]. This concept was given support among Ukrainian emigrants, in particular by Bohdan Osadchuk and in the “Suchasnist” magazine [20].

Later two key events – the resumption of the independent foreign policy of the Republic of Poland in late 1980s and the Act of Independence of Ukraine declared on August 24, 1991, provided a good basis for the development of Ukrainian-Polish strategic partnership in international relations at the present stage. After the breakup of the Warsaw Bloc and the USSR disintegration, the relations between Ukraine and Poland have generally developed progressively. The only exceptions may be considered 2001–02 and 2016–18 periods, when some decline in strategic partnership relations could be observed due to unresolved historical issues. First and foremost, there are negative stereotypes in the minds of both peoples that impede the establishment of partnerships at all levels. In this sense, activities aimed at better understanding and overcoming these stereotypes are of great importance. It is favoured by positive publications in mass media, editions about Ukraine and Poland and Ukrainian-Polish relations, including translations of fiction, concerts and exhibitions of Ukrainian artists in Poland and Polish ones in Ukraine, preservation of common cultural heritage. However, all this has not yet gained wide popularity among the Ukrainian and Polish population. The issue of the return of cultural and material values as well as the custody of national memory places remains a problem.

An important part of the policy of understanding and reconciliation between the two peoples should be the composing of joint Ukrainian-Polish history textbooks. For better understanding between Ukrainian and Polish peoples, a dialogue between those who influence the formation of public opinion in both societies should also be encouraged. The opportunities of Polish citizens of Ukrainian origin and Ukrainian citizens of Polish one, are also to be widely used. They should be

active promoters of the idea of closer cooperation between Ukraine and Poland. For their part, both states should take care and support the development of national minorities in every possible way. The protection of national minorities, as an integral part of the conflict-avoidance policy, is now a part of the set of conditions for joining the European Union. Taking care of formation of European peoples' common memory, the Ukrainian and Polish peoples should remember that hostilities, including wars in the historical memory, should retreat into the past, giving way to a dialogue of cultures and peoples.

Conclusions

In general, the need to deepen partnerships between sovereign Ukraine and Poland is explained today by pragmatic reasons as well. After all, even after structural changes in recent years, Poland has retained considerable interests in the East. To a large extent, they are concentrated in Ukraine, which, being now in a difficult situation of Russian hybrid aggression, needs the support of such a strong partner as Poland – a full member of the Euro-Atlantic community. That is why Ukrainian-Polish relations are to develop their strategic partnership.

References

1. Shelukhyn, S. (1926) *Varshavs'kyi dohovir mizh polyakamy y Petlyuroyu 21 kvitnya 1920 roku*. Praha: Nova Ukrayina, 40 s. [in Ukrainian]
2. Stakhiv, M. (1965) *Ukrayina v dobi Dyrektoriyi UNR*. (7). Skrenton: Ukr. nauk.-vydavn. b-ka, 432 s. [in Ukrainian]
3. Petlyura, S. (1956) *Statti, lysty, dokumenty: Vydano v 30 richnytsyu z dnya smerti*, (1). N'yu-York: UVAN. 480 s. [in Ukrainian]
4. Petlyura Symon (1979) *Statti, lysty, dokumenty*. (2). N'yu-York: UVAN. 627 s. [in Ukrainian]
5. Hud', B., Holubko, V. (1997) *Nelehka doroha do porozuminnya: do pytannya henezhy ukrayins'ko-pol's'koho spivrobitnytstva 1917-1921 rr*. L'viv: Ukr. tekhnolohiyi, 68 s. [in Ukrainian];
6. Lisevych, I. (1997) *Politychni aspekty ukrayins'ko-pol's'koho soyuzu 1920 r*. [Polska i Ukraina: Sojuz 1920 roku i jego nastepstwa]. Torun, 81-97. [in Ukrainian];
7. Tereshchenko, YU. (1999) *Varshavs'kyi dohovir 1920 roku i yoho otsinka ukrayins'koyu dyplomatiyeyu [Symon Petlyura u konteksti ukrayins'kykh natsional'no-vyzvol'nykh zmahan': Zb. nauk. pr.]*. Fastiv, 130-139. [in Ukrainian];
8. Krasivs'kyi, O. (1999) *ZUNR i Pol'shcha: politychne ta voyenne protyborstvo (lystopad 1918 - lypen' 1919 rr.)*. L'viv: NAN Ukrayiny. In-t ukrayinoznavstva, 42 s. [in Ukrainian];
9. Lytvyn, S. (2001) *Sud istoriyi: Symon Petlyura i petlyuriana*. Kyyiv: Vydavnytstvo imeni Oleny Telihiy, 640 s.
10. Matviyenko, V.M. (2002) *Ukrayins'ka dyplomatiya 1917-1921 rokiv: na terenakh postimpers'koyi Rosiyi*. Kyyiv: Vydavnycho-polihrafichnyy tsentr «Kyyivs'kyi universytet», 373 s. [in Ukrainian].
11. Wandycz Piotr S. (1969) *Soviet-Polish Relations, 1917-1921*. – Harvard University Press, Cambridge, 1969. – 403 p. [in English]
12. Deruga A. (1969) *Polityka wschodnia Polski wobec ziem Litwy, Bialorusi i Ukrainy (1918-1919)*. - Warszawa, 1969 [in Polish];
13. Nalench D., Nalench T. (1990). *Uzef Pilsudskyy – legendy i fakty*. Moskva: Politizdat, 400 s. [in Russian];
14. Karpus Z. (1999) *Wschodni sojusnicy polski w wojnie 1920 roku. Oddzialu wojskowe ukraińskie, rosyjskie, kozackie, białoruskie w Polsce w latach 1919-1920*. – Torun, 1999. - 230 s. [in Polish];
15. Koko E. (1996) *Sojusz Pilsudski-Petlura w polskie historiografii// Warszawskie zeszyty ukraińoznawcze*. - Warszawa, 1996. - №3. – S.305-314 [in Polish].
16. ЦДАВО України, ф.2486, оп.1, спр.1, арк.1-88. [Tsentral'nyy derzhavnyy arkhiv vyshchykh orhaniv vlady ta upravlinnya Ukrayiny (TSDAVO Ukrayiny)]

17. ЦДАВО України, ф.3696, оп.2, спр.278, арк.1-215. [Tsentral'nyy derzhavnyy arkhiv vyshchekh orhaniv vlady ta upravlinnya Ukrainy (TSDAVO Ukrainy)]
18. ЦДАВО України, ф.3696, оп.3, спр.26, арк.1-27. [Tsentral'nyy derzhavnyy arkhiv vyshchekh orhaniv vlady ta upravlinnya Ukrainy (TSDAVO Ukrainy)]
19. Ezy Gedroyz ta ukrajinska emigraciya. Lystyvannya 1950-1982 (upor. B. Berdychovska i O. Hnatiuk), Kyiv: Krytyka, 2008. 752 s. [in Ukrainian]
20. Bogdan Osadchuk (2001). Polsha, Ukraina, svit. Vybrani reportazi ta statti, Kyiv: Smoloskyr. 356 s. [in Ukrainian]

УДК 338.48 (510:497)

INTERNATIONAL TOURISM AS A NEOLIBERAL PRACTICE OF CHINESE INFLUENCE IN THE WESTERN BALKANS

МІЖНАРОДНИЙ ТУРИЗМ ЯК НЕОЛІБЕРАЛЬНА ПРАКТИКА КИТАЙСЬКОГО ВПЛИВУ НА ЗАХІДНИХ БАЛКАНАХ

МЕЖДУНАРОДНЫЙ ТУРИЗМ КАК НЕОЛИБЕРАЛЬНАЯ ПРАКТИКА КИТАЙСКОГО ВЛИЯНИЯ НА ЗАПАДНЫХ БАЛКАНАХ

Parfinenko A.

Ph.D (History), Assoc. Prof., Head of the Department of Travel Business and Regional Studies of the V. N. Karazin Kharkiv National University. E-mail: parfinenko@karazin.ua

Парфіненко А.

кандидат історичних наук, доцент, завідувач кафедри туристичного бізнесу та країнознавства Харківського національного університету імені В. Н. Каразіна. E-mail: parfinenko@karazin.ua

Парфиненко А.

кандидат исторических наук, доцент, заведующий кафедрой туристического бизнеса и страноведения Харьковского национального университета имени В. Н. Каразина. E-mail: parfinenko@karazin.ua

Abstract. *The article reveals China's geostrategic interests in the Western Balkans. The paper highlights the main directions of Beijing's political and economic cooperation with the countries of the region, the impact of these processes on the foreign policy orientations of the Balkan countries. The focus is on assessing the international political potential of Chinese outbound tourism as a tool for neoliberal influence on the host destinations of the Western Balkans.*

The work consists of three interrelated parts. The first part, within the neoliberal paradigm, reveals the understanding of tourism as a factor of international political interaction and the establishment of "complex interdependence". For China, which generates the largest outbound tourist flow, these human communications provide the possibility of indirect influence on host destinations through the created economic dependence and the approval of "official tourist destinations."

The second part of the study highlights the Chinese approach to the Western Balkans. It is motivated by the implementation of a large-scale project of the New Silk Road "Belt and Road Initiative", designed to create a cross-border transport and logistics network to accelerate the delivery of Chinese goods to European markets. In the context of this project, the countries of the Western Balkans have become a geographical "entry point" for both land and sea corridors of the new Silk Road, which connect the markets of Europe and Asia.

The third part of the publication shows that China's international political and investment activity in the Western Balkans is based on a network of transnational social ties created under the auspices of the state. An appropriate place among them is given to tourist flows from China, whose communication strategies influence emotional and commercial involvement, as well as a positive perception of China in the region. It has been concluded that the intensification of tourist contacts and the related liberalization of mobility regimes serve as an important factor in strengthening the complex asymmetric interdependence of the Balkans with China. In the long term, this will strengthen Beijing's position in Europe, especially in the context of global competition with the United States.

Key words: *Western Balkans. China. Foreign policy. Belt and Road Initiative. International tourism. Tourist flows.*

Анотація. *Стаття розкриває геостратегічні інтереси Китаю в регіоні Західних Балкан. Висвітлено основні напрямки політико-економічної взаємодії Пекіну з країнами регіону, вплив цих процесів на зовнішньополітичні орієнтири балканських країн. В центрі уваги – оцінка міжнародно-політичного потенціалу китайського виїзного туризму як інструменту неоліберального впливу на приймаючі дестинації Західних Балкан.*

Робота складається із трьох взаємопов'язаних частин. У першій частині у межах неоліберальної парадигми розкрито розуміння туризму як чинника міжнародно-політичної взаємодії та встановлення «комплексної взаємозалежності». Для Китаю, який генерує найбільший за обсягом виїзний туристичний потік, ці людські комунікації відкривають можливість опосередкованого впливу на приймаючі дестинації через створювану економічну залежність та затвердження «офіційних туристичних напрямків».

У другій частині дослідження висвітлено китайський підхід до Західних Балкан. Він зумовлений реалізацією масштабного проекту Нового шовкового шляху «Один пояс, один шлях», покликаного створити транскордонну транспортно-логістичну мережу для прискорення доставки китайських товарів на ринки Європи. В контексті даного проекту країни Західних Балкан перетворилися на географічну «точку» входу як для сухопутного, так і для морського коридорів нового Шовкового шляху, які сполучають ринки Європи та Азії.

У третій частині публікації показано, що міжнародно-політична та інвестиційна активність Китаю на Західних Балканах спирається на створювану під егідою держави мережу транснаціональних соціальних зв'язків. Належне місце серед них відводиться туристичним потокам з Китаю, комунікативні стратегії яких впливають на емоційну та комерційну залученість, а також позитивне сприйняття Китаю в регіоні. Робиться висновок, що інтенсифікація туристичних контактів та пов'язана із цим лібералізація режимів мобільності виступають важливим чинником посилення комплексної асиметричної взаємозалежності Балкан від Китаю. В довгостроковій перспективі це посилюватиме позиції Пекіну в Європі, особливо в контексті глобальної конкуренції зі США.

Key words: *Західні Балкани. Китай. Зовнішня політика. Один пояс, один шлях. Міжнародний туризм. Туристичні потоки.*

Аннотация. *Статья раскрывает геостратегические интересы Китая в регионе Западных Балкан. Освещены основные направления политико-экономического взаимодействия Пекина со странами региона, влияние этих процессов на внешнеполитические ориентиры балканских стран. В центре внимания – оценка международно-политического потенциала китайского выездного туризма как инструмента неоліберального влияния на принимающие дестинации Западных Балкан.*

Работа состоит из трех взаимосвязанных частей. В первой части в рамках неоліберальной парадигмы раскрыто понимание туризма как фактора международно-политического взаимодействия и установления «комплексной взаимозависимости». Для Китая, который генерирует наибольший по объему выездной туристический поток, эти человеческие коммуникации открывают возможность опосредованного влияния на принимающие дестинации через создаваемую экономическую зависимость и утверждение «официальных туристических направлений».

Во второй части исследования отражен китайский подход к Западным Балканам. Он обусловлен реализацией масштабного проекта Нового шелкового пути «Один пояс, один путь», призванного создать трансграничную транспортно-логистическую сеть для ускорения доставки китайских товаров на рынки Европы. В контексте данного проекта страны Западных Балкан превратились в географическую «точку» входа как для сухопутного, так и для морского коридоров нового Шелкового пути, которые соединяют рынки Европы и Азии.

В третьей части публикации показано, что международно-политическая и инвестиционная активность Китая на Западных Балканах опирается на создаваемую под

эгидой государства сеть транснациональных социальных связей. Существенная роль среди них отводится туристическим потокам из Китая, коммуникативные стратегии которых влияют на эмоциональную и коммерческую вовлеченность, а также позитивное восприятие Китая в регионе. Делается вывод, что интенсификация туристических контактов и связанная с этим либерализация режимов мобильности выступают важным фактором усиления комплексной асимметричной взаимозависимости Балкан от Китая. В долгосрочной перспективе это усилит позиции Пекина в Европе, особенно в контексте глобальной конкуренции со США.

Ключевые слова: *Западные Балканы. Китай. Внешняя политика. Один пояс, один путь. Международный туризм. Туристические потоки.*

Research problem setting. The formation of a multipolar model of the political organization of the world is accompanied by the redistribution of power in international relations, a change in the role of major countries in world politics and the emergence of new centers of power with growing economic influence and political subjectivity. China has become an important center of the new world order. As Beijing's economic potential strengthens, its status in resolving international issues is rising, and its geopolitical ambitions, projected in various regions of the world, are increasing. The Western Balkans (WB) became one of such regions. From China's point of view, the region is part of Central and Eastern Europe (CEE), whose importance for China's foreign economic policy has significantly grown in recent years due to the implementation of the global New Silk Road project, now known as the Belt and Road Initiative (BRI).

The leading direction of China's policy towards the CEE countries has been the «16+1» initiative, which has been known as «17+1» since Greece joined in 2019. This multilateral format of cooperation is an important tool for implementing the BRI strategy, which expands China's geopolitical influence in most of Europe's post-socialist countries. Considering the Balkan countries as a «gateway» to the EU market, Beijing is increasing its investments, lending to infrastructure projects, expanding trading activities, and so on.

Today, China's presence in the Balkans has not only foreign economic forms, but also entirely human dimensions. The matter is that followed by the business activity, countries of the Western Balkans began to be actively visited by tourists from China, which was even a reason for accusations of espionage [24]. As is well known, China retains the first place in the world in terms of both the volume of outbound tourist flow and the cost of tourist travel. These human communications primarily exert a powerful economic influence on the host destinations used by Beijing, including for indirect political influence. This has been demonstrated in the case of the United States, South Korea, Taiwan, the Philippines, and other countries with which China has formed a high level of bilateral relations and heavy traffic of spatial mobility. In view of this, the study of the political and economic aspects of the impact of Chinese tourism on the determination of the main directions of China's interaction with the countries of the Western Balkans deserves comprehensive attention.

The objective of the article is to clarify the international political potential of the impact of Chinese tourism on the Western Balkans as a neoliberal practice of establishing transnational cooperation and forming a «complex interdependence». The focus is on the analysis of international political processes that have led to the intensification of Chinese tourism in the region and the consequences of the impact of transnational tourist flows on economic, cultural and foreign policy processes in the host region.

Analysis of recent research and publications. Various aspects of China's influence on the CEE and WB countries have been reflected primarily in the works of scientists from these countries, in the analytical materials of research centers and foundations, as well as in the works of scientists from Ukraine and Russia. Among the numerous publications of recent years are the works of K. Entina, J. Garlick, M. Grabowski, V. Kiktenko, B. Kowalski, T. Matura, D. Pavličević, P. Tonchev, A. Vangeli and others. Despite the sufficiently full disclosure of the theme, tourist interaction remained almost out of the authors' attention. The positive exceptions are P. Tonchev's

publication [22], published by the German Friedrich Ebert Political Foundation, which reveals the role of China's soft power in Southern Europe, as well as the economic study of Montenegrin and Slovenian scholars «Chinese tourists in the Western Balkans: facts and forecast»[19]. Against this background, the political component of Chinese tourism in the Balkans remains virtually undisclosed.

Tourism as a factor of international political influence

The modern neoliberal tradition (R. Keohane, J. Nye) considers social institutions, socio-economic groups and processes, which include travel and tourism, as full participants in international relations, «sovereignty-free actors»(J. Rosenau). Accordingly, their political potential, ability to influence the dynamics of social relations through the established network of transnational ties and communities is recognized. One of the areas that well illustrates these processes is the field of international tourism.

In international relations, the theory of neoliberalism also provides for the recognition of the growing openness of borders, which arises from the increased mobility of ideas, capital, information, people, goods and services. National, cultural and social borders are becoming increasingly transparent. With the spread of information and communication technologies, communities, individuals and organizations from different countries are becoming increasingly delocalized and connected by cross-border communication networks.

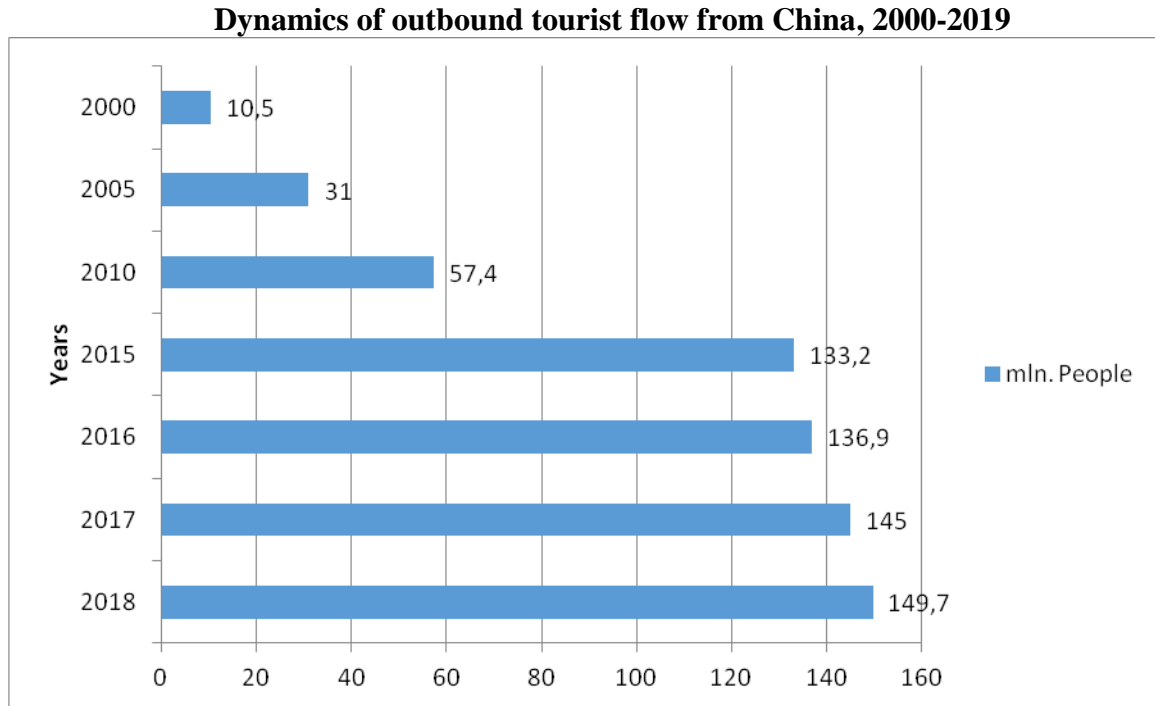
One of the first who drew attention to tourism as a full-fledged actor in world politics was the famous American researcher of world political processes J. Rosenau. As early as the 1960s, considering the radical changes in the system of international relations that took place under the pressure of globalization processes, he noted the expansion of the number of participants in international relations at the expense of non-governmental and private entities. Later in the article 'The Tourist and the Terrorist: Two Extremes on a Transnational Continuum', published in 1979, J. Rosenau noted in metaphorical form that the consequence of changes in the system of international relations is the formation of the so-called «Transnational Continuum», symbolic characters of which are a tourist and a terrorist [Rosenau, 1979: 220]. This statement has long been used as quotations and has not lost its relevance to the present time. And the global, ever-increasing volume of tourist flows provides even more grounds for the inclusion of tourism in the sphere of international political communication, its use for important economic and political transformations.

Modern international tourism is a complex transnational entity that is developing worldwide, it is deeply integrated into the global economic and trade relations that form the «Complex interdependence» (R. Keohane, J. Nye). Therefore, the structure of global tourist flows has not only its own economic logic, but also its own political tradition, political ties and deep-rooted political implications. Mass travel practices, which are actively expanding their network through the spread of modern means of communication, form a kind of transnational social space in which the tourist is always an actor, as he performs many social actions related to interaction with another environment.

Global tourist flows have become a planetary phenomenon that crosses the boundaries of a purely economic sphere. The spatial structure of world tourist flows today reflects the main vectors of international political interaction. The number of international tourist arrivals has been growing rapidly in the world since the second half of XX century. From 25 million international tourists in 1950 to almost 1.5 billion arrivals in 2019. Correspondingly cash inflows from tourism have increased, which today reach \$1.7 trillion or almost \$5 billion daily [International Tourism Highlights, 2019: 8]. The tourism industry currently accounts for 10.4% of world GDP and 10% of total employment (319 million jobs) [Travel & Tourism: Economic impact, 2019: 1].

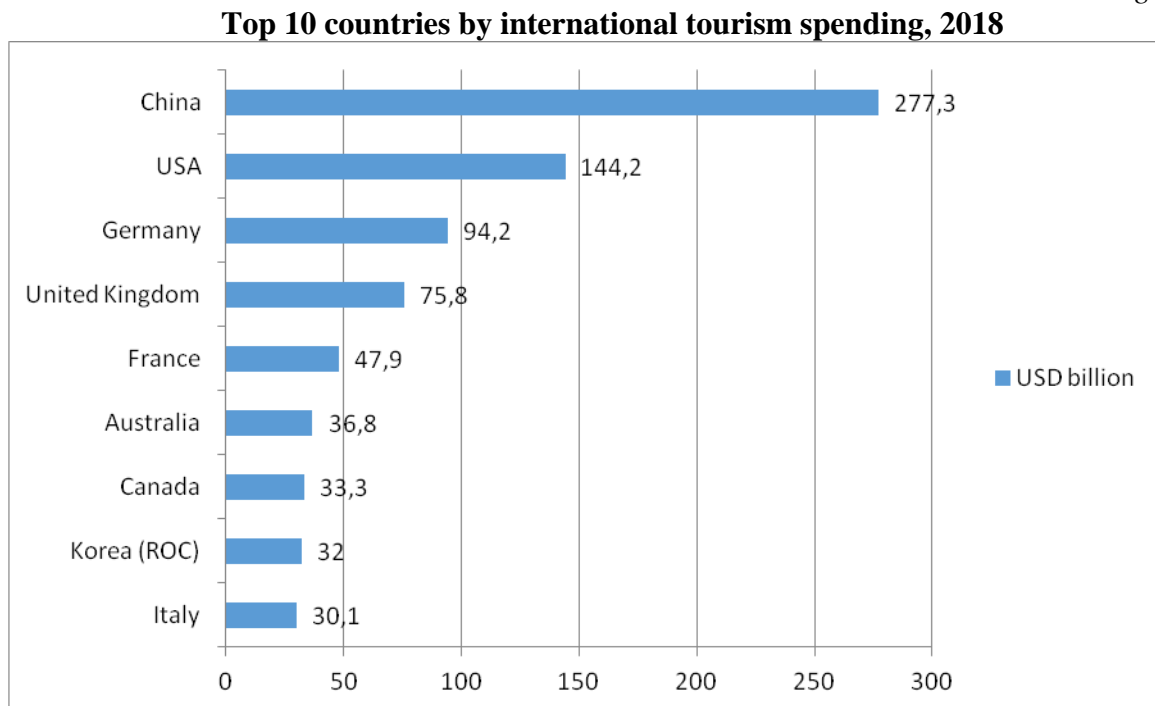
The rapid development of Chinese outbound tourism has transformed it into one of the drivers of the international tourism market and the world economy as a whole. About 12% of China's 1.4 billion population travel abroad. In 2018, this figure reached almost 150 million people, which is 10% of world tourism flow (Figure 1). In terms of travel expenses, China ranks first in the world. In 2018, Chinese tourists spent \$277.3 billion abroad, while the expenses of American foreign tourists amounted to \$144.2 billion. (Figure 2) [International Tourism Highlights, 2019: 15].

Figure 1



Source: [Smith, 2019]

Figure 2



Source: author's development based on materials [International Tourism Highlights, 2019:15]

Tourism is usually identified as an influencing factor of so-called «soft power», considered in the paradigm of «public diplomacy» due to its ability to establish dialogue at a low political level. But given that Chinese outbound tourism has been used repeatedly as a tool of coercion, it can be defined as soft power with tools of hard pressure. This is achieved by creating an economic

dependence of the host tourist destination on the foreign exchange earnings of Chinese tourists. For example, China's response to the deployment of the US missile defense system THAAD in South Korea in 2017 was a boycott of South Korean companies and restrictions on tourist contacts with Seoul. China launched an aggressive, unofficial campaign aimed at reducing Chinese travelers' group travel to the neighboring country. According to South Korea, as a result of the boycott, which lasted from January to September 2017, the tourist flow from China decreased by more than 4 million people and cost the country's tourism industry about \$6.7 billion [Lee Jeong-ho, 2018]. This has put enormous pressure on Seoul and demonstrated China's willingness to use tourist flows as a tool of foreign policy influence [Varaksina, 2018]. A similar situation occurred during the trade war between the United States and China, when Chinese tourist flow to the United States decreased, and The Foreign Policy, The Washington Post, The Diplomat, and other authoritative publications called Chinese tourists «Beijing's latest economic weapon» [Coca, 2018; Lynch, 2018; Panda, 2019].

It should be taken into consideration that Chinese tourists are willing to spend money in the host country, which has both direct and indirect economic impact. In addition to the cost of purchasing a tourist trip, the Chinese prefer package group tours, the service requires Chinese-speaking guides, guidebooks, special menus in restaurants, souvenirs, etc. Chinese travelers are actively engaged in shopping, which is also due to the peculiarities of Asian culture, which is characterized by a system of building relationships through gifts [Chzhan: 115-116]. Accordingly, the popularity of shopping malls abroad is often associated with the opportunity to shop for friends and family. In addition, tourists from China are actively interested in casinos, nature and cultural heritage, which makes them active consumers and welcome guests for many destinations around the world.

Chinese approach to the Western Balkans

From a historical point of view, the Western Balkans have always been at the epicenter of European policy and, unlike Russia or Turkey, have not been among China's geostrategic priorities. China's economic presence in the former Yugoslav republics began to grow rapidly in the early 2010s. As it has been indicated, this was connected with Beijing's implementation of the global BRI project, which involves the creation of a cross-border transport and logistics network aimed at accelerating the delivery of Chinese goods to Western Europe. In the context of this project, the CEE countries have become a geographical «entry point» for both the land and sea corridors of the new Silk Road, which link the markets of Europe and Asia.

The land route originates in Western China, passes through Russia or Central Asia, from where the cargo enters CEE and further into Western Europe. In this way, China gains a strategic advantage from diversifying part of its maritime supplies by reducing the use of the Straits of Malacca. The commercial benefit of the land route is to reduce the delivery time of goods by half compared to maritime transport [Miheev, Shvyidko, 2016: 38].

No less important is the maritime route, which provides for the delivery of goods from China to the Balkans. Previously, 80% of Chinese exports went to European markets through the Suez Canal and beyond, encircling the whole of Europe to the ports of the northwest coast (Antwerp, Hamburg, Rotterdam). With the BRI project, Chinese exports will now go directly through the Suez Canal to the Greek port of Piraeus, and then by rail through the Western Balkans to Hungary and Western Europe. In this way, the total time to cover the distance is reduced from 30 to 20 days [Entina, 2016: 58].

The «road map» of the BRI project envisages the development not only of transport and logistics, but also of political cooperation, which deepens the interdependence with the member states of the Chinese initiative, especially the CEE countries. It is based on five pillars: infrastructure development, policy coordination, trade facilitation, financial integration, and spatial mobility of people between China and the countries covered by the BRI [National Development and

Reform Commission of the People's Republic of China, 2015]. The same goals are pursued by the «17 + 1» platform through various initiatives and priority areas.

The «17 + 1» Beijing-initiated framework platform for multilateral cooperation (17 European countries on the one hand and Beijing on the other), has deepened economic ties between China and the region and given the Balkans a key role in the BRI project. The new format brings together quite different countries in many respects, which have a common socialist past and common European integration aspirations. In particular, the three Baltic states, the Visegrad Four countries, the WB countries and the former Yugoslavia, as well as Bulgaria, Romania and Greece. Among the priorities for the consolidation of this colorful region, China has proposed the idea of creating cross-border transport corridors and developing economic cooperation. In 2007-2017 alone, China's investment in the region reached \$12 billion. Moreover, a third of this amount was invested in Serbia, which has become a key partner of the Chinese in the WB [Gabrielyan, 2019].

The beginning of China's «expansion» in the region was the Greek port of Piraeus, which after investing more than 1 billion went into a long-term concession. The ports of Thessaloniki and the Montenegrin city of Bar will also be strongholds for China's entry into the region. With the financial support of Beijing, the construction has begun on a high-speed railway between Serbia and Hungary, the Bar-Bolyare highway (connecting Montenegro and Serbia); highways between Albania and Montenegro, highways in Albania, Bosnia and Herzegovina (BiH), and northern Macedonia. In 2016, «China Everbright» received a concession to Tirana International Airport [Mardell, 2020].

Energy projects have also become an important area of Beijing's investment policy in the region as well as investments in mining and heavy industry. Against this background, the Serbian metallurgical giant «Zelezara Smederevo» particularly stands out, which, on the verge of bankruptcy, was bought in 2014 by the Chinese group «Hebei Iron & Steel» for 46 million euros [Gabrielyan, 2019]. In order to support business projects in the Balkans, the State Bank of China «ExImBank» has established a special investment fund. Among the priority countries receiving financial support are future potential EU members: Montenegro, Serbia, Northern Macedonia [Garaeva, 2018], which may indicate a desire to use the acquired assets in the medium term for further trade expansion in the Union.

Against the background of investment and political activity of global players in the Balkans (EU, USA, Russia, Turkey), increasing China's presence in the region has become a new «hot» issue for politicians, experts and scholars. Of concern to all: what are Beijing's real intentions in a region that has traditionally been a field of the clash of interests between Russia and the West? It is known that global Chinese initiatives have repeatedly been described as a new form of «neocolonialism» [Blanchard, 2018], the «Great Game of China», that is building the way to a «new empire» [Clover, Hornby, 2015]. And the practice of lending without any political «conventions and commitments» has been criticized in the Western expert community as potentially «destroying the EU's reform-oriented approach» [Mardell, 2020]. D. Pavličević rightly focuses on that such «negative perceptions» of China's relations with CEE countries have been established as an influential evaluation paradigm [Pavličević, 2019: 252]. Indicative in this sense is the Munich Security Conference 2019, during which in one of the public reports, Chinese investment policy was described as «debt-trap diplomacy». It was alleged that Montenegro owed China the equivalent of 80% of its GDP. These data indicate that China accounts for 20% of Macedonia's external debt, for BiH this figure is 14%, and for Serbia – 12% [Gabrielyan, 2019].

The concern of the «collective» West with the presence of international actors and the aggravation of security issues in the post-Yugoslav space influenced the EU's decision to accelerate further integration with the region. Thus, in early 2018, the European Commission (EC) presented a new strategy for the Western Balkans, in which ensuring the accession of the region to the EU was called a «geostrategic investment» in a united Europe [European Commission, 2018].

A year later, in March 2019, the EC outlined the strategic prospects for cooperation with China [European Commission, 2019] in the context of its growing importance as a world power and pointed out the risks associated with China's participation in the Balkans. While acknowledging the

overall positive impact of China's business and investment activity on the region, the EC expressed concern about the non-transparent nature of the partnership with Beijing. These investments, the strategy noted, often «neglect socio-economic and financial sustainability and EU public procurement rules» and can lead to «high levels of debt and transfer of control over strategic assets and resources» [European Commission, 2019: 4]. The strategic priorities set by the EC for cooperation with China directly affect China's partnership practices with the CEE countries. Among them: «address the distortive effects» of foreign state ownership and public funding of projects, strengthening security in relation to digital infrastructure (5G), increased reviewing of investors in critical infrastructure [European Commission, 2019: 10-11].

Against the background of the obvious concerns of EU political circles about the spread of China's economic and geopolitical influence in the CEE countries, in particular in the Balkans, it is worth asking about the degree of China's influence in the region. It is clear that the politicization of China's presence in the Balkans has also reflected the general escalation of geopolitical rivalry between key actors in international relations. At the same time, the «17+1» initiative, as well as the BRI, is an integration project in the Eurasian political space that competes with the EU integration project, which seeks to protect business interests of large European companies. This is, in particular, directly indicated by the EC, which defines China as a «systemic rival» that «promotes alternative models of governance» [European Commission, 2019: 1].

However, China's desire to increase its influence in the Balkans should hardly be considered as an alternative to European integration. On the contrary, Beijing is interested in including the countries of the region in the EU, which will create additional opportunities for Chinese companies to enter EU markets. Another thing is that further deepening of cooperation between communist China and the countries of the region carries the danger of Beijing gaining leverage over the autocratic political regimes in the Balkans in order to gain power in the EU. In this sense, China's global expansion is perceived as an existential threat to the EU's liberal democratic values, and Chinese projects as a «conductor of China's political and regulatory influence» [Makocki, Nechev, 2017], which often leads to «erosion of regional order in the EU».

The Covid-19 pandemic has exacerbated global antagonism. Against this background, «mask diplomacy» has allowed China to increase its ideological influence in the WB and to some extent damaged the legitimacy of the global leadership of the EU and the United States. Thus, the press has already suggested that due to Beijing's successful «blitz» of humanitarian aid to countries struggling with outbreaks, China is taking on a role traditionally dominated by the West [Myers, Rubin, 2020]. A clear illustration of this thesis is the statement of the President of Serbia, Aleksandar Vucic, who during a television speech about the declaration of a state of emergency in the country stated that «European solidarity does not exist», that it was a «fairy tale on paper». «I believe,» the appeal said, «in my brother and friend Xi Jinping, and I believe in Chinese help» [Popović S., 2020].

Thus, the interaction between Beijing and the WB countries takes place not only in the economic sphere, but also actively uses diplomatic channels to achieve ideological influence. In this sense, the intensification of social contacts through the development of tourism practices of Chinese tourists in the Balkans has enabled to create an important communication network that simplifies the processes of joint production of symbolic images and meanings and improves China's perception in the region.

The Western Balkans – a «hot spot» for Chinese tourism

the Chinese tourist hot spot

As part of the BRI project, as well as the «17+1» cooperation initiative, China has significantly increased its presence in the WB region. This is also applied to the implementation of projects for the development of spatial mobility, which include: political interaction, business contacts, academic exchanges, tourist visits, etc.

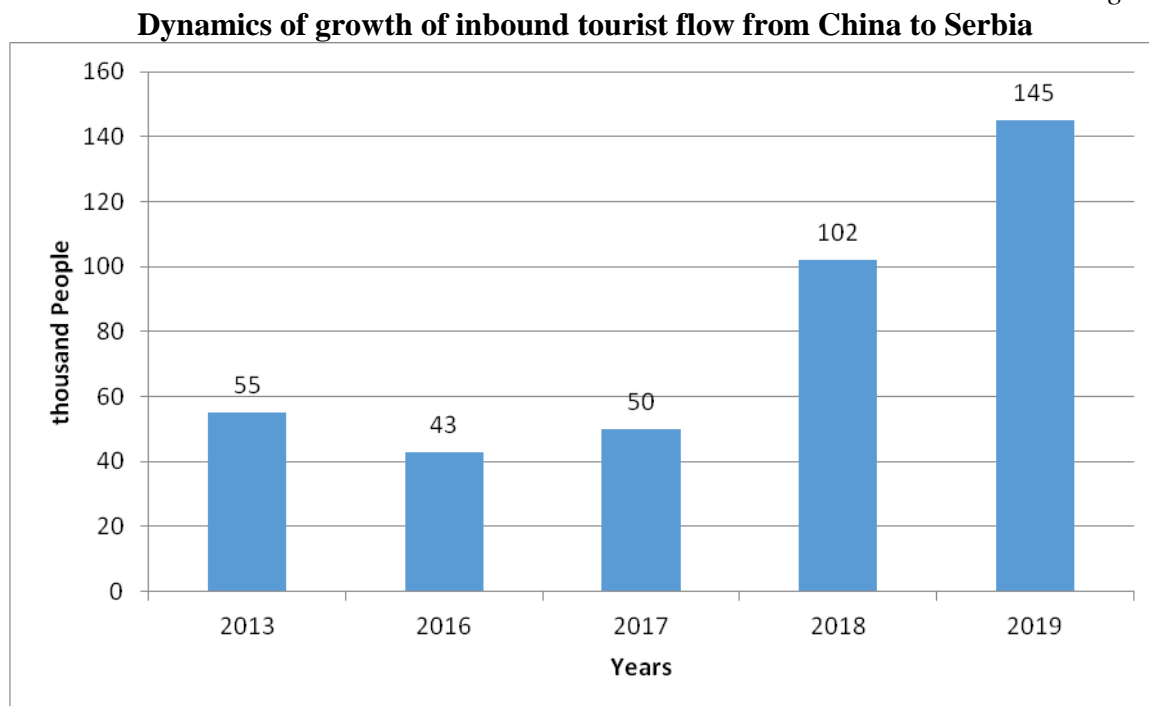
The growing flow of Chinese tourists is a clear example of the coherence of Beijing's foreign policy positions with the countries of the region. Thus, back in May 2014, within the framework of the «16+1» initiative, the Coordination Center of the China Tourism Association with the CEE countries was established in Budapest [Bofulin and Raspor et al., 2016], due to which direct flights from China to the region were launched, visa regime was liberalized, and the number of Chinese tourists has increased significantly. The considerable role of spatial mobility in Beijing's further penetration into Europe is evidenced by the annual High-Level Tourism Forum, which gathers Chinese and CEE tourism ministers and is one of the important events within the «17+1» initiative [Tourism ministers, 2019].

Serbia is a strategic partner and Beijing's «entry» tourist destination in the WB. This has been influenced by both the experience of bilateral co-operation during the socialist Yugoslavia and Belgrade's growing political influence in the region. The development of Sino-Serbian diplomatic relations is also based on the traditional political support of the national interests of the states in the international arena. Beijing has always supported Belgrade on the Kosovo issue, and Serbia has supported the «One-China policy». The symbol of Sino-Serbian friendship in Belgrade has become a bridge built under a concessional loan of 170 million euros provided by China, which has connected both banks of the Danube [Entina, 2016: 62]. Accordingly, the «air gate» for Chinese tourists and workers in the Western Balkans was Belgrade, with which a direct air connection was established. Since 2015, Serbia has become a «hot spot» for Chinese tourism.

It is obvious that one of the factors of Serbia's tourist attractiveness has not only been the tourist resources of the Western Balkans, but also Beijing's policy of «official tourist destinations» [Zaklyazminskaya, 2018], which provides visa preferences for group tourists and allows to control and direct flows in the desired direction. Chinese President Xi Jinping's state visit in 2016 did not only raise the state of Sino-Serbian relations to a «comprehensive strategic partnership» [Kitay and Serbia, 2016], but also launched a visa-free regime between Serbia and China in 2017. The liberalization of the mobility regime has affected the growth and, at the same time, the politicization of the tourist flow from China. In particular, especially critical assessments were made about the introduction of joint Serbian-Chinese police patrols in Belgrade, Novi Sad and other cities, officially designed to consider the safety issues of visitors from China. Against this background, the launch of the fifth generation (5G) mobile communication station by Serbia in 2019, provided by the Chinese company Huawei, which was criticized for espionage, became no less resonant. To maintain security in the Serbian capital, about 1,000 face recognition cameras were purchased, which are located throughout Belgrade as part of the Chinese project «Safe City» [Kumaŭskie i serbskie policejskie, 2019].

The introduction of visa-free travel with China has enabled Belgrade to significantly increase its tourist flow and monetary proceeds from tourism. If in 2016 Serbia was visited by 43 thousand Chinese tourists, in 2019 this figure reached 145 thousand people (Figure 3), not including businessmen and employees of Chinese companies. Monetary proceeds from tourism reached \$2.2 billion. On average, tourists spend 2,3 days in the country, which is a very positive result for the WB [Garaeva, 2018]. At the same time, such activity of Chinese tourists has become a reason for suspicion of gathering intelligence [Balkan Countries Spy Potential in Chinese Tourism, 2018].

Figure 3



The communicative component of Chinese tourism in the Balkans is aimed at ensuring mutual understanding and integration of social actors through the production of common cultural and symbolic meanings. In particular, the «common» is the pain of the losses suffered by Chinese society together with the Yugoslavs in May 1999 as a result of an American air bomb hitting the Chinese embassy in Belgrade. The terrible tragedy is still «alive» in the minds of the Chinese people, and the image of the United States as an aggressor is deliberately produced through the appropriate memory policy. It is symbolic in this sense that today one of the largest Chinese cultural centers in Europe is being built on the site of the former embassy. And for many Chinese tourists, a stop at the memorial at the site of the tragedy is an indispensable part of a visit to the Balkans. It is here that they learn that one of the consequences of the NATO military campaign in Yugoslavia, which was also opposed by China, was the attack on «a symbol of China's sovereignty in the heart of the Balkans» [Ponniah, Marinkovic, 2019] and the death of three Chinese journalists. In this case, the projection of twenty-year-old events on the current state of US-China relations is quite obvious, which involuntarily affects relations between the United States and Serbia, and the general discourse around this forms the idea of the United States as an aggressive state.

Undoubtedly, the Covid-19 epidemic made its adjustments to further tourism interaction in the WB, but Serbia did not abandon pre-planned measures to attract Chinese tourists. Thus, back in September 2019, the Tourist Organization of Serbia signed a contract with the Chinese company «Alibaba» to promote the Balkan state on all platforms of the company and within the social boundaries of «WeChat» and «Weibo». It is noteworthy that the direct participant in marketing events was the President of Serbia Alexander Vucic, whose photo was placed on posters inviting the Chinese to visit Serbia [Stojanovic, 2020].

Serbia's example of introducing a visa-free regime with China in 2018 was followed by BiH, and Albania, Croatia and Montenegro weakened conditions for entry, which enabled to make a comprehensive tourist offer. In this case, it is interesting to pay attention to its individual leitmotifs, which are aimed at creating a material and symbolic space within which an interpenetration of different cultures and the creation of a common experience take place. The «Ex-YuTour», a package tour for Chinese tourists [Ex-Yu-Tour, 2020], for which the Montenegrin company «FlyMontenegroTravel» received the Marco Polo Gold Award from the High-Level Tourism Forum, focuses on «Tito's Paths». Thus, the Josip Broz Tito Memorial Center in Belgrade is an

integral part of the visit. The so-called «Walter effect» is also widely known in the Balkans. For Chinese tourists, the film «Walter Defends Sarajevo» (1972) became a cult hit for several decades. It was one of the few foreign films in Maoist China that was allowed to be watched. For the WB, this film is an important metanarrative that tells an important story between China and the Balkans and shapes Sino-Balkan relations in the coming years. In 2019, a museum of the legendary film was opened in BiH, which presents wax figures of the characters. The film tells a story of the Yugoslav partisan Vladimir Perić, known by the pseudonym «Walter». The film was shown in more than 60 countries, and in China it was watched by more than 300 million people. The Chinese named their children and renamed the streets in honor of the main characters, as well as created a special brand of beer «Walter» with the image of the main actor Velimir Živojinović on the label [Hui, 2019].

In general, for Chinese travelers, the so-called «red tourism», dedicated to the objects of the communist past, is a significant market segment both in China and in the countries of the former socialist camp. Other popular Chinese tourist attractions on the «Ex-YuTour» include a concrete arch bridge over the Tara River in northern Montenegro. At the time of its completion in 1940, it was the largest concrete arch bridge in Europe, 172 m above sea level. But it is also interesting for the Chinese because it has become one of the central plots of the Yugoslav military drama «Bridge» (another name «In the Footsteps of the Tiger», 1969). The events of the film tell about the heroic actions of the Yugoslav sabotage group of Major «Tiger» (Velimir Živojinović), who was given the task to blow up the bridge and stop the Nazi offensive.

The rich communist past attracts the attention of many generations of Chinese tourists. P. Tonchev points out that similarly, a whole generation of Chinese grew up watching Albanian films until the late 1970s and is now a very likely segment of tourist flows to Albania [Tonchev, 2020]. An important platform for expanding China's cooperation with this country will be the investment project of the financial group «China Everbright», which acquired concession rights to Tirana International Airport in 2016.

Nevertheless, it's not just the rich communist legacy of the WB that is of Chinese tourist interest. Chinese tourists are actively interested in the rich historical and natural heritage, folk traditions, gastronomy and others. Croatia, which is the leading Chinese tourism destination in the region, is a vivid illustration. In 2018, Croatia attracted more than 234 thousand Chinese tourists with almost 345.3 overnight stays. These figures show a 46% increase over last year. And the growth forecast for 2019 was at the level of 25-30% [Parulis-Cook, 2020]. This destination has also become widely known among Chinese tourists thanks to the cinema. If for the elderly and middle-aged «hits» were the films of the Cultural Revolution in China, for young tourists such a «magnet» was the series «Game of Thrones», which was filmed on the coast from Dubrovnik to Split.

At the same time, Croatia's tourist popularity with Chinese tourists also has a political component, as flows follow the government's political activity, thus deepening the «comprehensive interdependence» with the little-known region. In particular, the press has already expressed the opinion that the destination belongs to the «official tourist destinations» [Parulis-Cook, 2020]. This is indirectly evidenced by summits. Thus, during the VIII summit in the format of «17+1», which first took place in 2019 in Zagreb, Chinese Premier Li Keqiang stated that both countries have entered a «diamond period of relations» [Croatia and China Entering Diamond Period", 2019]. China is working on major infrastructure projects in Croatia – the construction of the Pelesat Bridge, which is to connect the peninsula with the mainland of Croatia. It should be noted that this is the first project within the EU implemented by a Chinese company [Hirkić, 2020]. It has to be assumed that the expansion of the economic presence dictates to Beijing the need to interact with the general public. It is thought that it is in this context should be taken the announcement of 2019 as the Sino-Croatian Year of Culture and Tourism, which was launched for the first time among the CEE countries with Croatia. The high level of bilateral relations and tourist contacts is evidenced by the practice of joint police patrols in Croatian cities, which takes place together with Chinese police for the safety of Chinese tourists [Hirkić, 2020].

The formation of China's interdependence with the WB countries is influenced by other communication practices: business communication, labor migration, cultural and academic exchanges, and others. Thus, P. Tonchev draws attention to the fact that friendship associations in all CEE countries are a common form of bilateral contacts. Chinese language training centers based on the Confucius Institutes have become widespread. Moreover, in different WB countries, language programs are offered to both civil servants (Northern Macedonia) and introduced into the educational process of primary and secondary schools (Serbia), which indicates the long-term nature of Chinese investment. Young people from the Balkan countries receive academic scholarships to study in China. Among them, the largest number in 2017 were Serbian students (446) [Tonchev, 2020: 10-11].

A. Vangeli points out the political aspects of the scientific cooperation of the CEE Analytical Centers with the relevant institutions of China (in the Western Balkans, the largest such centers exist in Serbia and BiH). Frequent visits to CEE scholars have a tight agenda, including conferences, seminars, lectures, discussions and study tours. Thousands of political scientists, economists, and representatives of other sciences, who had the opportunity to visit the Celestial Empire, took part in these dialogical processes. These processes are «asymmetric» in nature. In the sense that «Chinese actors convene and manage interaction». These structures greatly influence the process of spreading powerful geoeconomic ideas about the economic greatness of China, which is depicted through trains and container vessels and mapping the routes of the New Silk Road [Vangeli, 2019].

Conclusions and prospects for further research. China's international political and investment activity in the WB is based on a state-sponsored network of transnational relations. A proper place among them is given to tourist flows from China, which are designed to act as a tool for the formation of a complex asymmetric interdependence of the Balkans with Beijing.

The analyzed practices of spatial mobility show that in the process of tourist consumption, which has a material and symbolic nature, new activity contexts, norms and expectations are formed, which affect the configuration of domestic and foreign policy of the Western Balkans. Take at least the dictated need to attract Chinese tourists to liberalize mobility regimes, the Serbian president's participation in the country's marketing campaign in China, involving Chinese police in joint patrols of Balkan cities to maintain the safety of Chinese tourists, intensifying the region's presence in Chinese virtual and communication networks. Together with the creation of a friendly infrastructure for Chinese tourists (cafes, restaurants, guides, guidebooks, attractions, etc.), all this creates an atmosphere of emotional and commercial involvement, which will affect further vectors of foreign economic policy in the region.

At the same time, the results of the study suggest that China is implementing the practice of cooperation not only with the political elites of the Balkan countries, but also interacts with the public. Unlike Russia, having no claims to the Euro-Atlantic orientation of the countries in the region, this creates a favorable political basis for further entry into EU markets as the Balkan countries integrate. In general, this strengthens China's position in Europe, especially in the context of global competition with the United States. Prospects for further research are to assess the impact of Covid-19 on the tourism sector of the WB, but also in the further disclosure of the mechanisms of international political action of tourism.

References

1. European Commission (2018) '*A credible enlargement perspective for and enhanced EU engagement with the Western Balkan*', 6 February, <https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans_en.pdf>.
2. European Commission (2019) '*Joint communication to the European parliament, the European council and the council: EU-China, a strategic outlook*', 12 March, <<https://ec.europa.eu/commission/sites/beta-political/files/communication-eu-china-a-strategic-outlook.pdf>>.

3. National Development and Reform Commission of the People's Republic of China (2015) 'Vision and Actions on Jointly Building Silk Road Economic Belt and 21st-Century Maritime Silk Road', <http://en.ndrc.gov.cn/newsrelease/201503/t20150330_669367.html>.
4. Blanchard, Jean-Marc F. (2018) 'Revisiting the Resurrected Debate About Chinese Neocolonialism', *The Diplomat*, 8 February, <<https://thediplomat.com/2018/02/revisiting-the-resurrected-debate-about-chinese-neocolonialism/>>.
5. Bofulin M., Raspor, A., Stranjančević A., Bulatović I., Lacmanović D. (2016) 'Small Destinations In Large Tourism Market: The analysis of Western Balkan countries and the Chinese outbound tourism', *International Scientific Journal* 8: 130-143.
6. Clover C., Hornby L. (2015) 'China's Great Game: Road to a new empire', *Financial Times*, 12 October, <<https://www.ft.com/content/6e098274-587a-11e5-a28b-50226830d644>>
7. Coca N. (2018) 'Chinese Tourists Are Beijing's Newest Economic Weapon', *Foreign Policy*, 26 September, <<https://foreignpolicy.com/2018/09/26/chinese-tourists-are-beijings-newest-economic-weapon/>>.
8. Hirkić M. (2020) *China in the Balkans – Part 2: Croatia*, Forum für Mittelost- und Südosteuropa, <<https://www.fomoso.org/en/mosopedia/background-knowledge/china-in-the-balkans-part-2-croatia/>>.
9. Hui M. (2019) 'China loves this obscure 1972 Yugoslavian movie – and Sarajevo is cashing in', *Quartz Media*, 13 April, <<https://qz.com/quartz/1589664/chinas-love-for-old-yugoslav-war-movie-fuels-balkan-tourism-boom/>>.
10. Lee Jeong-ho (2018) 'Seoul making Beijing a foreign policy priority by setting up bureau exclusively for China affairs', *South China Morning Post*, 22 December, <<https://www.scmp.com/news/china/diplomacy/article/2179195/seoul-making-beijing-foreign-policy-priority-setting-bureau>>.
11. Lynch D. J. (2018) 'China has a big weapon that it hasn't used in the trade war yet: tourists', *Washington Post*, 30 October, <https://www.washingtonpost.com/business/economy/china-has-a-big-weapon-that-it-hasnt-used-in-the-trade-war--yet-tourists/2018/10/29/a5645ae4-ccaf-11e8-a360-85875bac0b1f_story.html?noredirect=on>.
12. Makocki M., Nechev Z. (2017) 'Balkan Corruption: The China Connection', *Issue Alert 22*, The European Union Institute for Security Studies, <<https://www.iss.europa.eu/publications/detail/article/balkan-corruption-the-china-connection/>>.
13. Mardell J. (2020) *China's Economic Footprint in the Western Balkans*, Bertelsmann Stiftung, <<https://www.bertelsmannstiftung.de/fileadmin/files/BSt/Publikationen/GrauePublikationen/asia-policy-brief-chinas-economic-footprint-in-the-western-balkans-28c4d775834edcc469f4f737664f79f932d6f9a1.pdf>>.
14. Stojanovic M. (2020) 'Serbian President Fronts Campaign to Lure Chinese Tourists', *Balkan Insight*, 15 May, <https://balkaninsight.com/2020/05/15/serbian-president-fronts-campaign-to-lure-chinese-tourists/>.
15. Myers S. L., Rubin A. J. (2020) 'Its Coronavirus Cases Dwindling, China Turns Focus Outward', *The New York Times*, 18 March, <<https://www.nytimes.com/2020/03/18/world/asia/coronavirus-china-aid.html>>.
16. Panda A. (2019) 'China's US Travel Alert: Weaponizing Tourism Amid the Trade War?', *The Diplomat*, 05 June, <<https://thediplomat.com/2019/06/chinas-us-travel-alert-weaponizing-tourism-amid-the-trade-war/>>.
17. Parfinenko A. (2020) 'Balkanskiy vimir evropeyskoyi bezpeki v svitli geostrategiy klyuchovih mizhnarodnih gravtsiv Shodu ta Zahodu' [The Balkan Dimension of European Security in the Light of Geostrategies of the Key International Players of The East and The West], *Philosophy and Political Science in the Context of Modern Culture* 12(1): 222-232, <<https://doi.org/10.15421/352026>>.

18. *Parulis-Cook S.* (2020) The Southeastern Europe Chinese Tourism Boom, *Dragon Trail Interactive*, 8 January, <<https://dragontrail.com/resources/blog/chinese-tourism-southeastern-europe>>.
19. *Popović S.* (2020) “Steel friendship” between Serbia and China criticised by European commentators’, *European Western Balkans*, 30 March, <<https://europeanwesternbalkans.com/2020/03/30/steel-friendship-between-serbia-and-china-criticised-by-european-commentators/>>.
20. *Pavličević D.* (2019) A Power Shift Underway in Europe? China’s Relationship with Central and Eastern Europe Under the Belt and Road Initiative. In: Xing L. (ed.) *Mapping China’s ‘One Belt One Road’ Initiative*, International Political Economy Series, Palgrave Macmillan, Cham, <https://doi.org/10.1007/978-3-319-92201-0_10>.
21. *Ponniak K., Marinkovic L.* (2019) The night the US bombed a Chinese embassy, *BBC News*, 18 May, <<https://www.bbc.com/news/world-europe-48134881>>.
22. *Raspor A., Lacmanović D., Popović M.* (2018) *Chinese tourists in Western Balkan: facts and forecast: Scientific monographs*, <https://www.academia.edu/41672489/CHINESE_TOURISTS_IN_WESTERN_BALKAN_FACTS_AND_FORECAST>.
23. *Rosenau J.* (1979) ‘Le toureste et le terroriste ou les deux extremes du continuum international’, *Etudes Internationales* 10(2): 219-252, <<https://doi.org/10.7202/700940ar>>.
24. *Smith O.* (2019) ‘The unstoppable rise of the Chinese traveller – where are they going and what does it mean for overtourism?’, *The Telegraph*, 2 July, <<https://www.telegraph.co.uk/travel/comment/rise-of-the-chinese-tourist/>>.
25. *Tonchev. P.* (2020) *China’s Soft Power in Southeast Europe*, Friedrich-Ebert-Stiftung, <<https://www.fes-athens.org/publication/chinas-soft-power-in-southeast-europe/>>.
26. *Vangeli A.* (2019) ‘Diffusion of ideas in the era of the Belt and Road: Insights from China–CEE think tank cooperation’, *Asia-Europe Journal* 17: 421–436. <<https://doi.org/10.1007/s10308-019-00564-0>>.
27. *Balkan Countries Spy Potential in Chinese Tourism* (2018), *Balkan Insight*, 21 September, <<https://balkaninsight.com/2018/09/21/china-and-the-balkans-to-boost-cooperation-in-tourism-09-20-2018>>.
28. *Croatia and China Entering “Diamond Period” of Their Relations* (2019), *Total Croatia News* 10 April, <<https://www.total-croatia-news.com/politics/35219-croatia-and-china>>
29. *Ex-Yu-Tour.* About the tour (2020), <<https://www.flytravel.me/en/tours/ex-yu-tour>>.
30. *International Tourism Highlights*, 2019 Edition (2019), UNWTO, <<http://www.unwto.org>>.
31. *Tourism ministers and entrepreneurs from China and 17 Central and Eastern European countries agree to strengthen cooperation in the field of tourism* (2019), The Ministry of Economics Latvia, <<https://www.em.gov.lv/en/news/26972-tourism-ministers-and-entrepreneurs-from-china-and-17-central-and-eastern-european-countries-agree-to-strengthen-cooperation-in-the-field-of-tourism>>.
32. *Travel & Tourism: Economic impact* (2019), World Travel & Tourism Council, <<https://www.wttc.org/-/media/files/reports/economic-impact-research/regions-2019/world2019.pdf>>.
33. *Varaksina Y.* (2018) ‘Kitayskie turisty vernulis v Yuzhnuyu Koreyu’ [Chinese tourists return to South Korea], *Tourprom*, 18 May, <<https://www.tourprom.ru/news/39060/>>.
34. *Gabrielyan G.* (2019) ‘Kitayskiy poyas primeryayut na Balkanah’ [Chinese belt trying on in the Balkans], *Novaya gazeta*, 30 August, <<https://novayagazeta.ru/articles/2019/08/30/81776-kitayskiy-poyas-primeryayut-na-balkanah>>.
35. *Garaeva A.* (2018) ‘Ukreplenie pozitsiy Kitaya na investitsionnom rynke Zapadnykh Balkan’ [Strengthening China's Position in the Western Balkans Investment Market], *Tsentrisledovaniya stran Vostochnoy Evropy MGIMO*, <<https://sinatistis.wordpress.com/2018/02/09/strengthening-chinas-position-in-the-investment-market-of-the-western-balkans/>>.

36. *Zaklyazminskaya E. O.* (2018) 'Ekonomika turizma Kitayskoy Narodnoy Respubliki' [Tourism Economics of the People's Republic of China] (Candidate's thesis). Institut Dalnego Vostoka Rossiyskoy akademii nauk. Moskva, <<http://www.ifes-ras.ru/images/stories/phd/zak/dissertation.pdf>>.
37. *Miheev V., Shvyidko V.* (Eds). (2016) *Kitay i Vostochnaya Evropa: zvenya novogo Shelkovogo puti* [China and Eastern Europe: Links of the New Silk Road]. Moscow: IMEMO RAN, 120 p.
38. *Chzhan Bi Yuy* (2015) *Tendentsii razvitiya turistichekogo kompleksa Kitaya* [Development trends of the tourist complex in China] (Candidate's thesis). Moskovskiy gosudarstvenniy universitet im. M. V. Lomonosova. Moskva, <https://www.histant.ru/sites/default/files/inafran/Bi-Ui_disser.pdf>.
39. *Entina E. G.* (2016) *Mezhdunarodniy kontekst evrointegratsii Zapadnyih Balkan: monografiya* [The international context of European integration of the Western Balkans: a monograph]. Moscow: In-t Evropyi RAN, 130 p.
40. *Kitay i Serbiya* povyisili uroven otnosheniy do vseob'emlyuschego strategicheskogo partnerstva (2016) [China and Serbia upgraded their relationship to a comprehensive strategic partnership], *Informatsionnoe agentstvo «Sinhua»*, <http://russian.news.cn/2016-06/19/c_135447696.htm>.
41. *Kitajskie i serbskie policejskie* nachali pervoe sovmestnoe patrulirovanie (2019) [Chinese and Serbian police launched the first joint patrol], *Informatsionnoe agentstvo «Sinhua»*, <http://russian.news.cn/2019-09/19/c_138402555.htm>.

УДК 327.56

CONSEQUENCES OF BREXIT FOR THE PROSPECTS OF THE UK-EU RELATIONS

НАСЛІДКИ БРЕКЗІТУ ДЛЯ ПЕРСПЕКТИВ РОЗВИТКУ ВІДНОСИН ВЕЛИКОБРИТАНІЇ ТА ЄС

ПОСЛЕДСТВИЯ БРЕКСИТА ДЛЯ ПЕРСПЕКТИВ РАЗВИТИЯ ОТНОШЕНИЙ ВЕЛИКОБРИТАНИИ И ЕС

Fesenko M. V.

Doctor of Political Sciences, Senior Research Fellow, Leading Research Fellow of the Institute of World History of the National Academy of Sciences of Ukraine, email: fesenko.mykola@ukr.net

Mukha V. V.

PhD Student of the National Academy for Public Administration under the President of Ukraine, email: victoria.mukha@gmail.com

Фесенко М. В.

Доктор політичних наук, старший науковий співробітник, провідний науковий співробітник ДУ «Інститут всесвітньої історії НАН України», email: fesenko.mykola@ukr.net

Муха В. В.

Аспірантка Національної академії державного управління при Президентіві України, email: victoria.mukha@gmail.com

Фесенко М.В.

Доктор политических наук, старший научный сотрудник, ведущий научный сотрудник ГУ «Институт всемирной истории НАН Украины», email: fesenko.mykola@ukr.net

Муха В. В.

Аспірантка Національної академії державного управління при Президенті України, email: victoria.mukha@gmail.com

***Abstract.** The article analyzes the main consequences of Brexit for socio-economic and political development of the UK and the EU. The issues of British identity, security, migration crisis, as well as the financial and economic crisis have turned to be the key factors that have, in some ways, led to the Brexit referendum and its results. Brexit means a crisis of a single European identity, European integrity and unity. The United Kingdom joined the EEC and then the EU on special terms, which it consistently defended in the future, staying away from most of integration processes. Brexit has political and socio-economic consequences for the development of both the UK and the EU. A drop in GDP and in the pound sterling rate, rising unemployment, the outflow of migrants, real estate crash may be the possible consequences of Brexit. A further fragmentation within Britain itself can also be the consequence of Brexit. In London today, there are many contradictions in relations with Scotland, Wales and Northern Ireland, and the unity of the autonomous regions of Great Britain may be threatened by the strengthening of nationalist movement there.*

Today, Brexit is considered to be an irrational event that occurred due to a combination of factors and circumstances. Britain is the only country where the ruling party raised the question of EU membership. In other EU countries, similar proposals do not come from the majority parties, but from the semi-marginal far-right ones. Brexit has revealed a deep rift in British society on regional, age, social, educational and in general on a class basis. Negotiations on the terms of

Brexit were tough and the possibility of Brexit without an agreement was not ruled out. With the exit of the UK, the EU loses its second union economy and the EU budget revenues will be significantly reduced. The rupture of economic ties with the UK will have a mirror effect on EU countries and their businesses.

Key words: *Brexit, EU, Great Britain, Referendum, Economy, Politics, Law, Eurozone.*

Анотація. У статті проаналізовано основні наслідки Брекзиту для соціально-економічного та політичного розвитку Великобританії та ЄС. Питання британської ідентичності, безпеки, міграційна та фінансово-економічна криза стали ключовими чинниками, що певним чином зумовили проведення референдуму з Брекзит та забезпечили його результати. Брекзит означає кризу єдиної європейської ідентичності, європейської цілісності і єдності. Великобританія увійшла до ЄЕС, а потім до ЄС на особливих умовах, які вона послідовно відстоювала у подальшому, перебуваючи осторонь від більшості інтеграційних процесів. Брекзит має політичні та соціально-економічні наслідки для розвитку, як Великобританії, так і для ЄС. Серед наслідків Брекзиту виокремлюють можливе падіння ВВП і курсу фунта стерлінга, зростання безробіття, відтік мігрантів, падіння цін на нерухомість. Одним із наслідків Брекзиту може стати подальша фрагментації в межах самої Великобританії. У Лондона на сьогодні існує багать протиріч у відносинах з Шотландією, Уельсом та Північною Ірландією і єдність автономних регіонів Великобританії може опинитися під загрозою через зміцнення там націоналістичних настроїв.

На сьогодні Брекзит розцінюється як ірраціональна подія, яка відбутися завдяки поєднанню низки чинників та обставин. Тільки у Великобританії питання про членство в ЄС поставила правляча партія. В інших країнах ЄС подібні пропозиції виходять в основному не від партій більшості, а від напівмаргінальних ультраправих. Брекзит виявив глибокий розкол в британському суспільстві за регіональною, віковою, соціальною, освітньою та в цілому класовою ознаками. Переговори про умови Брекзиту були жорсткими і не виключалася можливість Брекзиту без угоди. З виходом Великобританії ЄС втрачає другу економіку об'єднання і надходження до бюджету ЄС значно скоротяться. Розрив господарських зв'язків з Великобританією дзеркально позначиться на країнах ЄС і їх бізнесі.

Ключові слова: *Брекзит, ЄС, Великобританія, референдум, економіка, політика, право, Єврозона.*

Аннотация. В статье проанализированы основные последствия Брексита для социально-экономического и политического развития Великобритании и ЕС. Вопрос британской идентичности, безопасности, миграционный и финансово-экономический кризис стали ключевыми факторами, которые определенным образом обусловили проведение референдума по Брекситу и обеспечили его результаты. Брексит означает кризис единой европейской идентичности, европейской целостности и единства. Великобритания вошла в ЕЭС, а затем в ЕС на особых условиях, которые она последовательно отстаивала в дальнейшем, находясь в стороне от большинства интеграционных процессов. Брексит имеет политические и социально-экономические последствия для развития, как Великобритании, так и для ЕС. Среди последствий Брексита выделяют возможное падение ВВП и курса фунта стерлинга, рост безработицы, отток мигрантов, падение цен на недвижимость. Одним из последствий Брексита может стать дальнейшая фрагментации в пределах самой Великобритании. В Лондоне на сегодня существует много противоречий в отношениях с Шотландией, Уэльсом и Северной Ирландией и единство автономных регионов Великобритании может оказаться под угрозой из-за укрепления там националистических настроений.

На сегодня Брексит расценивается как иррациональное событие, которое могло произойти благодаря сочетанию ряда факторов и обстоятельств. Только в Великобритании вопрос о членстве в ЕС поставила правящая партия. В других странах ЕС

подобные предложения исходят в основном не от партий большинства, а от полумаргинальных ультраправых. Брексит обнаружил глубокий раскол в британском обществе по региональному, возрастному, социальному, образовательному и в целом классовому признаку. Переговоры об условиях Брексита были жесткими и не исключалась возможность Брексита без соглашения. С выходом Великобритании ЕС теряет вторую экономику объединения, и поступления в бюджет ЕС значительно сократятся. Разрыв хозяйственных связей с Великобританией зеркально отразится на странах ЕС и их бизнесе.

Ключевые слова: Брексит, ЕС, Великобритания, референдум, экономика, политика, право, Еврозона.

Problem statement. Both negative and positive consequences of Brexit for the political and socio-economic development of Great Britain and the EU will be revealed in the tangible future, what in turn, will affect the transformation processes within the entire system of international relations. Today, many scientists and politicians declare the irrationality of Brexit, which, in their opinion, turned out to be an extremely rich in the events. The political and economic sphere, personal and social, national and international plans and expectations are in a state of commotion. The field of uncertainty has expanded significantly, making it extremely difficult to make rational decisions. More than ever, the high need for a fundamental change in institutions, in particular the regulation of political and socio-economic processes – from making important political decisions to issues related to trade legislation and cross-border movement of labour, is transforming the contemporary system of international relations.

Review of the main researches and publications. In the context of the study of historiography, it should be noted that the domestic historiography of British Brexit is only being formed and therefore an insufficient amount of qualitative research on this issue is stated. Basically, there are isolated studies on the subject of Brexit in scientific periodicals, however, the absence of monographs and other fundamental studies is stated.

Research on this topic is available in English historiography that makes it possible to comprehensively consider various aspects and approaches of the authors to the issue of Britain's accession, first to the EEC, and later to the EU. Among the scientific achievements devoted to the analysis of the problems of European integration in Great Britain are the works of D. Watts and K. Pilkington [Watts, Pilkington, 2005], J. Young [Young, 1993], etc.

Quite a lot of scientific works are devoted to the influence of the Brexit factor on the nationalist movement in Scotland. The first one to raise this issue back in 2015 was a journalist S. Erlanger, who predicted that in case of success of Brexit supporters, Scottish separatists will strengthen their positions, increase the likelihood of a new referendum on independence and the victory of supporters of secession from the United Kingdom [Erlanger, (2014/2015): 38-42]. After the 2016 referendum, E. Tannam formulated the thesis that “Brexit is not the cause of Scottish nationalism, but it greatly strengthened the positions of nationalists” [Tannam, 2016:13]; Brexit “catalyzed nationalism in Scotland”, although a third of the supporters of the Scottish National Party (SNP) supported Brexit [Tannam, 2016:8].

In 2019 R. Ashcroft and M. Bevir expressed the opinion that “Brexit and calls for Scottish independence are intertwined with current discontent over multiculturalism” [Ashcroft, Bevir, 2019:26]. British identity, the authors are convinced, “is more strongly associated with Euroscepticism than the Scottish, Welsh and Northern Irish ones, and this may be due to different views on the threat of immigration and multiculturalism of any national identity” [Ashcroft, Bevir, 2019:37].

At the same time, X. Rioux drew attention to the similarity of economic nationalism between Brexit supporters and Scottish separatists. Its essence is not in the desire for autarchy, but in the diversification of trade relations and preservation of control over economic policy due to the weakening of dependence on some large political communities (respectively, the EU and the United Kingdom) [Rioux, 2020]. However, so far there has been no serious study of the impact of Brexit on

the Scottish electorate and its constituent social groups, or on the electoral evolution of Scotland in 2017-2019 [Кривушин, Миронова, 2020].

A very wide selection of Western European research literature devoted to the analysis of the economy of contemporary Great Britain. In this area, it is important to note the presentation of monographs by M. Pugh [Pugh, 2003], as well as collections of analytical studies edited by R. Flow [The Cambridge Economic History of Modern Britain, 2003]. The importance of the monograph by D. Gillingham lies in the fact that the author studied a wide range of issues related to the development of internal relations in the structures of the European Economic Community, as well as to the distribution of power and influence between the main “players” of Europe – France, Germany and Great Britain [Gillingham, 2003].

Studies by D. Dinan [Dinan.,2004] and D. Watts [Watts., 2008], focus on the analysis of the position of Great Britain in the European Union. Their monographs thoroughly analyze both past and up to date political events, which makes it possible to more accurately highlight the issues related to the development of an optimal European course by Great Britain. The evolution of British policy in relation to continental unions – economic and monetary ones – was reflected in the work of the British professor E. Verdun [Verdun A., 2002].

The purpose of the article. The main purpose of the article is to clarify the significance and consequences of Brexit for the prospects for the development of relations between the UK and the EU.

The main results of the study. Most research works today focus their attention on the short-term effects of Brexit. Among the main questions, the following ones stand out: the extent of GDP fall in the UK and on the continent, the unemployment rate rise; the pound will continue to weaken and the Swiss franc will strengthen its positions; whether Scotland and Northern Ireland will secede; how many immigrants from Eastern Europe will leave the UK; how much real estate prices in London will fall, etc. [14].

Short-term issues are certainly important, but we would like to draw attention to an issue that is more important in the context of the transformation of the system of international relations, international order, the world economy and the future of the whole world. The secession from the EU of such a large country as Great Britain is a big problem and a serious test for both sides. In this regard, it should be emphasized that the UK accounts for 13% of the population, 12% of the budget of EU institutions, and the British economy is one of the three leaders in Europe [14]. The most tangible consequences are expected for Britain and the EU in such areas as the financial sector, industry, employment, migration and international relations [15].

Of course, after Britain's exit from the EU, a necessity to develop new relations between the subjects of world politics is obvious. It is interesting that in this case analysts predicted several models of the possible development of events at once [The economic consequences of leaving the EU, 2014: 94]. Among them, the following models deserve special attention: – the Norwegian model, according to which the UK enters the European Economic Area and maintains full access to the single market, but accepts EU standards and rules with only a small right to influence decision-making, and the United Kingdom continues to make a significant contribution to the European budget, unable to change immigration restrictions; – the Turkish model, according to which internal tariff barriers for the UK are eliminated if EU regulation is adopted, but the UK does not gain access to all EU market sectors; – the Swiss model, according to which the UK and the EU develop a set of bilateral agreements regulating British access to the single market in specific sectors, while the UK accepts EU legal provisions in specific sectors, but negotiates separately on participation in the free trade zone [17].

Scientists and analysts noted that the UK sought to choose its own option to continue cooperation with the EU. It was believed that the closest option for Great Britain is the Norwegian option – accession to the European Economic Area while maintaining access to the European market, except for part of the financial sector. In addition, in Great Britain there is an opportunity to maintain independence in the field of agriculture, law and home affairs, as well as fishing. The UK can also follow the example of Switzerland, concluding separate economic agreements with the EU

it can enter into a customs union with the EU, following the example of Turkey, in order to maintain access to the European market for its industry, but the financial sector will not receive such access. The possibilities of breaking off relations with the EU were also analyzed, as well as options for concluding a free trade agreement in order to be able to influence the EU decisions [Irwin, 2015:14].

It should be noted that supporters of Britain's exit from the EU pointed out that with the exit from the organization, the UK would be able to trade with European countries on the same terms as the USA, China, Japan, India and other countries that are active on the European market. However, the British, in their opinion, can more actively and independently develop trade and economic relations with these countries. In addition, large transnational companies are associated with the European market, and small and medium-sized businesses will revive with the exit of the UK from the EU, the supporters of Brexit argued [Irwin, 2015:24].

Geopolitically and economically, the EU is losing an important partner, one of the key EU members. The international authority of the organization will undoubtedly decline. However, there are still opportunities and prospects for reforms, transition to other forms of unification. Free trade agreements with Britain can provide an opportunity to enter new rounds of integration both in Europe and in Britain [17].

With the exit of Great Britain, the European Union will lose its second economy of unification, and the EU budget will lose one of the largest net contributors. The severing of economic ties with the UK will mirror the effect on the EU countries and their businesses. Absence of the UK in the EU will change the balance of powers in the union. The influence of supporters of liberal approaches to the economy will decrease. Germany will lose a powerful ally in the fight against protectionist-oriented EU countries, and the Scandinavian countries and the Netherlands will be the locomotive that drives their innovative aspirations within the EU. The traditional political and trade allies of the United Kingdom – Denmark, the Netherlands, Sweden, Ireland, Portugal – will find themselves in a difficult position. Without the UK, the European Union expects an obvious transformation. Two directions of change are possible. The first is the creation of a more flexible structure than at present, with the provision of greater opportunities for member states to realize their interests. In this regard, the question arises about the effectiveness of such a union. The second option is that the intensification of integration and progress towards a “closer union” is obvious. Without Great Britain, such a development path becomes highly probable, since there will be no permanent troublemaker in the EU which undermines internal unity and disrupts the forward movement of integration [19].

The UK, leaving the EU, is dropping out of the Transatlantic Trade and Investment Partnership (TTIP). The UK was one of the most interested countries in the EU in it. And in this respect, it should be stated that, at the moment the already difficult negotiations have stalled. The ability to trade independently with the world according to WTO rules is another argument of supporters of leaving the EU. However, the UK does not currently have separate agreements from the EU within the WTO, as trade policy is the exclusive competence of the union. Thus, the UK still has to hold multilateral and multilevel negotiations within the WTO to conclude its own trade agreements, which takes time [19].

The UK ranks the first place in Europe in terms of foreign direct investment (FDI). However, almost half of total FDI comes to the UK from EU countries. With the exit from the European Internal Market (Single Market), the United Kingdom will cease to be so attractive to investors. Restrictions on freedom of movement within the European Union, as advocated by supporters of leaving the EU, will affect not only, for example, Poles who came to work in the UK, but also two million Britons living in EU countries. Students from EU countries studying in the UK will also have difficulties, which will indirectly hit the country's educational services sector. British participants in EU education and science and technology programs will be also affected. Brexit will hit security and counter-terrorism co-operation, as it will lead to withdrawal from EU police forces, where the British are very active. EU commitments to the UK under EU immigration policy will

cease to apply, leaving the French authorities no longer required to protect the English Channel tunnel from the influx of illegal immigrants seeking to enter the British Isles [19].

Given the above, the importance of the UK's exit from the EU and the fact that this event will affect both actors of international political cooperation, we consider it necessary, within this research to analyze more deeply the implications of the UK's exit for the EU.

It is almost impossible to predict what the European Union will be like after Britain leaves. Now we can formulate only the most general considerations about the future of the European Union and the contours of the new relationship between the UK and the EU. The most obvious consequence of the referendum is the collapse of the ideology of constant and steady integration development. European integration must be constantly deepened, and integration is an irreversible process that has no reversal. This ideology no longer exists. The collapse of the EU Constitution in 2005 effectively put an end to the project of the European federation and made us think about the limits of deepening of integration. The events of recent years have provided several examples of the rollback of the integration process, the actual abandonment of the achieved level of interaction and the transfer of issues back to the national level (for example, the migration crisis). And after the referendum in Britain, it became clear that integration is not only an enlargement, but also a “narrowing” of the EU. The EU has finally transformed into an organization that has to prove its efficiency to member states, elites and societies every hour. And the latter, in turn, now evaluate the EU based primarily on national interests rather than regulatory criteria. The EU needs to be significantly transformed, as its current political and institutional system does not meet the requirements of the times [Kaveshnikov, 2016:26].

The exit of a country from the union, especially such a large and significant one as Great Britain, is an unprecedented phenomenon, which will hurt the EU image and bring reputational loss. The European Union, having lost the United Kingdom, will have to reconsider the vector of its development, define new goals and objectives. At the same time, Brexit is unlikely to cause a domino effect in the EU countries. In the short term, the EU expects a period of turbulence and some political relaxation due to the uncertainty of the future structure. It is not surprising that the EU leadership urged Great Britain to start the exit procedure as soon as possible, which, however, the latter was in no hurry to do. The British referendum has already led to a surge of Euroscepticism in the EU countries. Calls for similar referendums emerge in other countries, however the referendums themselves are scarcely probable. First, it became clear how unpredictable and illogical the results of such plebiscites can be. Secondly, only in Great Britain the question of EU membership was raised by the ruling party. In other EU countries, such proposals come mainly not from the ruling parties, but from the semi-marginal ultra-right ones. With the exit of Great Britain, the EU loses its second economy and the EU budget will lose one of the largest net contributors. The breaking of economic ties with Great Britain will have a mirror effect on the EU countries and their business [19].

One of the consequences of Brexit could be further fragmentation within the UK itself. In London today, there are many contradictions in relations with Scotland, Wales and Northern Ireland. Given the importance of this issue, we consider it necessary to dwell upon this issue in more details.

So, today it is safe to state that the unity of the autonomous regions of Great Britain in 2021 may be under threat due to the strengthening of nationalist sentiments in Scotland, Northern Ireland and even Wales against the backdrop of the coronavirus pandemic and Brexit. As noted, dissatisfaction with the status quo is growing in England, which is forced to finance other autonomous parts of the United Kingdom. The existing political and constitutional agreements between the four parts that make up the United Kingdom are a constant source of pain for any British leader. At the same time, the economic crisis associated with the spread of the coronavirus and the political crisis caused by Brexit have further complicated the already difficult situation in the UK [21].

Conclusions. The outflow of emigrants from Eastern Europe, that positively influenced on the development of the British economy and the restriction of freedom of movement, will affect

both guest workers from Eastern Europe who came to work in the UK, and for the millions of Britons living in the EU. UK participants in EU education and science and technology programs will suffer, and vice versa. Brexit will hit security and counter-terrorism cooperation as it entails a withdrawal from EU law enforcement agencies. In the long term, Brexit can exacerbate the contradictions between the UK and the EU in all important areas of political and socio-economic interaction, as well as affect the development of the entire system of international relations and the formation of a new international order. In the long term, the UK's exit from the single European market will increase trade barriers with the EU and lead to a drop in trade turnover, which in turn will lead to a slowdown in economic growth and a drop in GDP. The UK financial sector, accounting for 80% of the country's GDP, is in a difficult situation. Interest in the UK from large multinational companies will decrease. European markets will respond with trade barriers as the UK will be forced to pay part of the funds to pay off pan-European obligations if the country wants to stay on European markets.

References:

1. Watts D., Pilkington C. (2005) 'Britain in European Union Today'. Manchester : Manchester University Press, 295 p.
2. Young J. (1993) 'Britain and European Unity, 1945-1992'. Basingstoke : Macmillan. 229 p.
3. Erlanger S. (2014/2015) 'Scotland's Wee Dram of Independence'. *World Policy Journal*. Vol. 31. No. 4. P. 38-42.
4. Tannam E. (2016) 'Brexit and the Future of the United Kingdom'. *Istituto Affari Internazionali*. Working paper 16. Rome.
5. Ashcroft R.T., Bevir M. (2019) 'British Multiculturalism after Empire: Immigration, Nationality, and Citizenship'. *Multiculturalism in the British Commonwealth: Comparative Perspectives on Theory and Practice* / R.T. Ashcroft, M. Bevir (eds). Oakland, CA. P. 2-45.
6. Rioux X.H. (2020) 'Rival economic nationalisms: Brexit and the Scottish independence movement compared'. *Canadian Foreign Policy Journal*. Vol. 26. No. 1. P. 8-24.
7. Krivushin I.V., Mironova E.V. (2020) 'Istoriografiya shotlandskogo separatizma': Preprint WP21/2020/01 [Historiography of Scottish Separatism: A Preprint WP21/2020/01]; Natsionalnyy issledovatel'skiy universitet «Vysshaya shkola ekonomiki». Moskva : Izd. dom Vyisshy shkolyy ekonomiki. 28 s. Available at: <https://wp.hse.ru/data/2020/05/28/1550147590/WP21_2020_01_____.pdf>
8. Pugh M. A (2003) 'History of Britain'. London : Perspective Publication Ltd.
9. *The Cambridge Economic History of Modern Britain* (2003). Cambridge : Cambridge University Press.
10. Gillingham J. (2003) 'European Integration, 1950-2003'. Superstate or New Market Economy? Cambridge : Cambridge University Press.
11. Dinan D. (2004) 'A History of European Union'. London.: Palgrave Macmillan, 2004.
12. Watts D. (2008) 'The European Union'. Edinburgh: University Press Ltd.
13. Verdun A. (2002) 'European Responses to Globalization and Financial Market Integration: Perceptions of Economic and Monetary Union in Britain, France and Germany'. London: Palgrave Macmillan.
14. "Brexit" – vyhod Velikobritanii iz ES ["Brexit" – Britain's exit from the EU] (2021). *Deutsche Welle*. January 1. Available at: <<https://www.dw.com/ru/brexit-brexit-brexit/t-18571808>>
15. *Kakimi posledstviyami grozit vyhod Britanii iz ES?* (2017) [What are the consequences of Britain's exit from the EU?]. *BBC*. February 16. Available at: <http://www.bbc.com/russian/uk/2016/02/160217_britain_and_eu_brexit_debate/>
16. *The economic consequences of leaving the EU*. (2014). *Centre for European Reform*. 94 p.
17. Basova A. G., Ason T. A. (2016). 'Posledstviya vyihoda Anglii iz ES dlya obeih storon' [Consequences of Britain's exit from the EU for both sides]. *European science*. №12 (22). Available at: <<https://cyberleninka.ru/article/n/posledstviya-vyhoda-anglii-iz-es-dlya-obeih-storon>>

18. *Irwin G. (2015). 'Brexit: the impact on the UK and the EU'. Global Council. London. 44 p*
19. *Babyinina L. O. (2016). 'Posledstviya Brekzita. Referendum o chlenstve Britanii v Evrosoyuzhe: hod, itogi i posledstviya'. Ch.I: [Consequences of Brexit. Referendum on Britain's membership in the European Union: progress, results and consequences. Part I:] / pod red. E.V. Ananoy, A.V. Budargina. Moskva : In-t Evropyi RAN. Available at: <<http://instituteofeurope.ru/images/uploads/doklad/330.pdf>>.*
20. *Kaveshnikov N. Yu. (2016) 'Nekotorye posledstviya Brekzita dlya Evropeyskogo Soyuzha' [Some implications of Brexit for the European Union]. Vestnik MGIMO-Universiteta. 2016. № 6 (51). C. 24-30.*
21. *2. Breksit, pandemiya i natsionalizm – CNN o glavnykh vyzovakh dlya Velikobritanii v 2021 godu (2021) [Brexit, Pandemic and Nationalism – CNN on Top Challenges for Britain in 2021] Inosmi. 04 yanvarya. Available at: <<http://inosmi.info/breksit-pandemiya-i-natsionalizm--cnn-o-glavnykh-vyzovakh-dlya-velikobritanii-v-2021-godu.html>>.*

F 52 - National Security

POLAND'S ENERGY SECURITY IN THE PROCESS OF ENERGY TRANSFORMATION

Koczan M.

doctor of political studies, Institute of International Studies, University of Wrocław, Poland, marcin.koczan@uwr.edu.pl

Abstract. *The issue of energy security has been present in the literature for several decades. Scientific studies focus mainly on the theoretical aspect of this concept. Many of them also describe and analyse the practical dimension of energy security, such as: international trade in raw materials, safety of transport of raw materials, energy production and transmission systems. For over a dozen years, the awareness of climate change, its causes and effects has been growing. Countries and international organizations are taking action to reduce greenhouse gases. The European Union is one of the world leaders in this process. Poland as a member state is obliged to implement the adopted energy and climate commitments. The electro-energy sector in Poland is based on the combustion of fossil fuels. Reducing a high share of coal in the energy mix is a long and very costly process. The speed and efficiency of this transformation affects the level of energy security in Poland.*

Keywords: *Energy security, energy transformation, Poland, coal, natural gas*

Introduction:

One of the most important factors influencing Poland's energy security is the EU climate and energy policy. The European Union, regardless of the political profile of its main bodies (European Parliament, European Commission, European Council), strives to achieve ambitious goals of reducing CO₂ emissions and increasing the share of renewable energy sources in final consumption. The determination of the EU institutions and some member states to implement the Green Deal suggests that the efforts of the Polish side to slow down this process will not bring the expected results.

Increasingly ambitious targets for reducing CO₂ emissions will have a negative impact on the price of electricity generated from coal sources. The Polish power system is based on coal-fired power plants. Out of the total number of 90 units included in centrally dispatched generating units (CDGUs), as many as 70 exceeded the assumed operation time [Bronk L., Czarnecki B., Magulski R 2019]. They should be modernized, adapted to the BAT directive (Best Available Techniques) in order to improve their flexibility, so that they can complement and support RES (Renewable Energy Sources).

There is a clear trend of abandoning large-scale energy, especially based on conventional sources, in favour of smaller sources located close to consumers. In this context, the need to build a nuclear power plant in Poland should be re-examined.

Purpose of the study:

The aim of the article is to describe the direction of Poland's energy transformation and to diagnose the main threats and challenges.

Main research results:

I. Energy security - the scope of the concept

The term "energy security" has been defined in the most important government documents relating to the broadly understood energy sector. For example, in the Energy Law of April 10, 1997, it was defined as the *state of the economy that enables the coverage of the current and future customer demand for fuels and energy in a technically and economically justified manner, while*

maintaining environmental protection requirements (The Act of April 10, 1997, Energy Law, art. 3 point 16). In turn, the document Energy Policy of Poland until 2030 states that the *security of fuel and energy supplies is understood as ensuring a stable supply of fuels and energy at a level that guarantees satisfying domestic needs and at prices accepted by the economy and society, assuming the optimal use of domestic resources of raw materials. Energy and by diversifying the sources and directions of supplies of crude oil, liquid and gas fuels* [Poland's Energy Policy until 2030].

According to the definition contained in the draft document Poland's Energy Policy until 2040 (hereinafter PEP2040), energy security *means the current and future satisfaction of the needs of customers for fuels and energy in a technically and economically justified manner, while maintaining environmental protection requirements. This means the present and future guarantee of the security of supply of raw materials, production, transmission and distribution, i.e. the complete energy chain* [Poland's Energy Policy until 2040].

The above definitions basically focus on three main aspects:

- A) Continuous / uninterrupted fuel and energy supply;
- B) Meeting the demand (current and future) for energy;
- C) The prices for supplied energy should be acceptable for the economy and society.

Taking into account the above, the main threats to energy security understood in this way can be defined:

Ad 1 The power supply may be interrupted due to natural causes (natural disasters, fires, strong winds, floods, snowfall, extreme temperatures, low water levels, etc.) or technical failures. Despite advanced prognostic tools, these phenomena are largely unpredictable. However, their effects can be minimized by introducing early warning systems, duplicating certain systems, maintaining the critical infrastructure at a sufficiently high level and efficient crisis management. If in this way it is not possible to prevent interruptions in energy supplies, at least the time of interruptions in supplies can be reduced to a minimum.

Ad 2 Adapting supply to demand actually boils down to the ability to predict changes in energy demand in relation to such phenomena as: increase / decrease in the number of recipients, development / degradation of industry, especially in relatively energy-intensive industries, change in the life model of the population, increase / decrease in energy efficiency and many others . The investment cycle in the energy sector ranges from several to several dozen years. Predicting is extremely difficult. Its effectiveness depends on many changing, interdependent factors. That is why long-term strategic planning and consistent implementation of the set goals with possible adjustments in response to changing environmental conditions are so important.

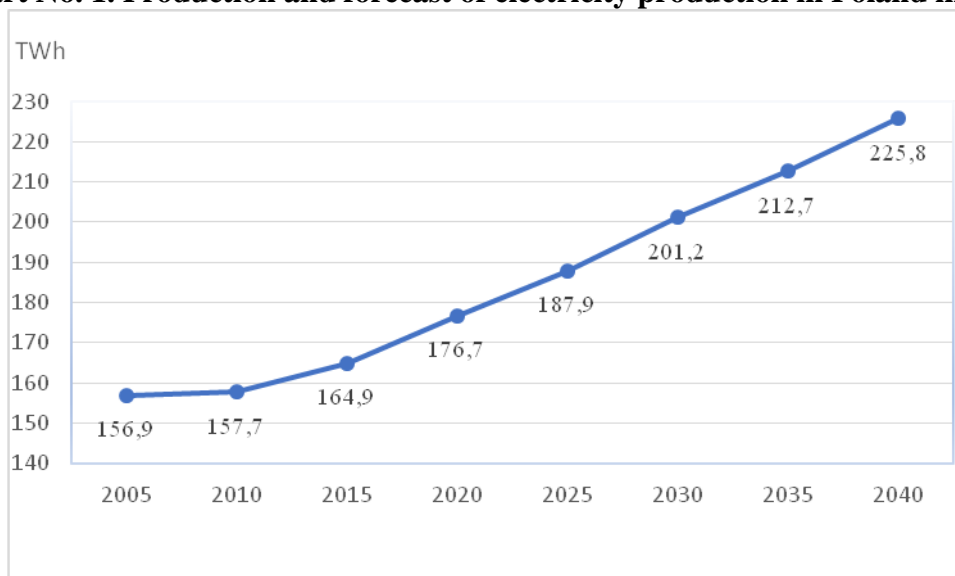
In both of the above points, the correlation between the possibilities of energy production and the possibilities of its transmission to the end user is important.

Ad 3 Energy prices are largely an effect of incidental regulatory environment, energy commodity prices on world markets, or operating costs of raw materials in the country, economic downturn / recession of the world economy, natural disasters or technical failures but also the valuation of the rights to CO₂ emissions. The effects of the negative impact on the prices of raw materials, which have an impact on the price of electricity, can be minimized by diversifying the directions of supplies and routes of raw material transmission. The independence of raw materials should also be developed, and in the absence of sufficiently rich deposits, domestic production should be maintained at a relatively high level, as a factor stabilizing the prices of energy carriers on the domestic market.

II. Electricity production

In February 2021, the Council of Ministers adopted the document *Poland's Energy Policy until 2040* (hereinafter PEP2040) determining planned changes in the energy sector. According to the forecasts adopted there, electricity production in Poland will continue to grow over the next two decades. In 2040, it is to reach over 225 terawatt hours (Chart 1).

Chart No. 1. Production and forecast of electricity production in Poland in 2005 - 2040



Own study based on: Annex 2 to PEP2040, Conclusions from forecast analyses for the fuel and energy sector.

If these forecasts are confirmed, it means about 14% increase in production by 2030 and nearly 28% increase by 2040. PEP2040 assumes a relatively high growth of 1.9% annually. It is likely that the increasing efficiency of energy use and the use of less energy-consuming technologies will result in the increase in electricity demand in the next two decades being lower than assumed in PEP2040.

In recent decades, electricity in Poland was mainly produced by burning black coal and lignite. The share of this raw material in the energy mix is systematically decreasing. In 1990 it was about 90%, in 2016 80%. In 2020, slightly over 70% of energy from coal was produced in Poland.

In line with the assumptions of PEP2040, the share of coal in the energy mix will drop to 56% by 2030 and 28% in 2040. Until 2030, this decrease will be compensated by the increase in the share of renewable energy sources to 32% in 2030 and 40% in 2040, and from the mid-30s by the connection to the system of the first of the six nuclear power plant units. The role of natural gas will also increase in the power system, in heating and in the household and municipal sector. This will be related to the relatively high flexibility of generation capacities based on this fuel and lower emissions compared to black coal and lignite.

Despite the assumed reduction in the share of coal in the energy mix, the high demand for this raw material will continue. Where will it come from? PEP2040 mainly indicates domestic production, which will mean opening new mines, deepening shafts, and building new or expanding existing mining levels. Black coal mining in Poland, however, has been gradually decreasing from 140 million tonnes in 1995 to 63.4 million tonnes in 2018. The shortage of domestic raw material is supplemented by import, which has almost doubled in recent years from 10.34 million tonnes in 2008 to 19.68 million tonnes in 2018 [TVN24].

The Polish government is working on reforming the coal sector. It will consist in creating a new entity, which will take over coal assets from state-owned companies. They are an increasing burden slowing down the energy transformation. Without freeing oneself from the coal ballast, it will be difficult for energy companies to implement investment programs in renewable energy sources.

In accordance with the assumptions of the restructuring plan, the National Energy Security Agency (hereinafter NABE) will be established, which will take over coal-fired power plants owned by the largest state-owned energy companies: PGE, Enea, Tauron. Only these three entities generated nearly 70% of electricity in Poland in 2019, the vast majority of which comes from coal. NABE will manage the acquired coal assets until they are completely decommissioned.

Are the government's plans to restructure the power sector and consolidate coal assets in one entity likely to be implemented? The government seems determined to achieve its goal. Undoubtedly, there is a need for a public debate on the future of the electricity generation sector in Poland, as well as the pace of the transition from coal.

Minister Artur Soboń, responsible for the reform, assumes that NABE will be a commercial project. It will be rather impossible. In the current market environment, the production of energy from coal is less and less profitable, and with the rising prices of CO₂ emission allowances, it is conducted with a negative margin. Coal assets depreciate and an additional complication is the division of debts of consolidated companies. Soboń assumes creating a mechanism that will eliminate a possible financial gap and make NABE a profitable project. It seems that the costs of maintaining coal-fired energy will largely fall on the shoulders of taxpayers. It will undoubtedly also reduce the competitiveness of Polish companies.

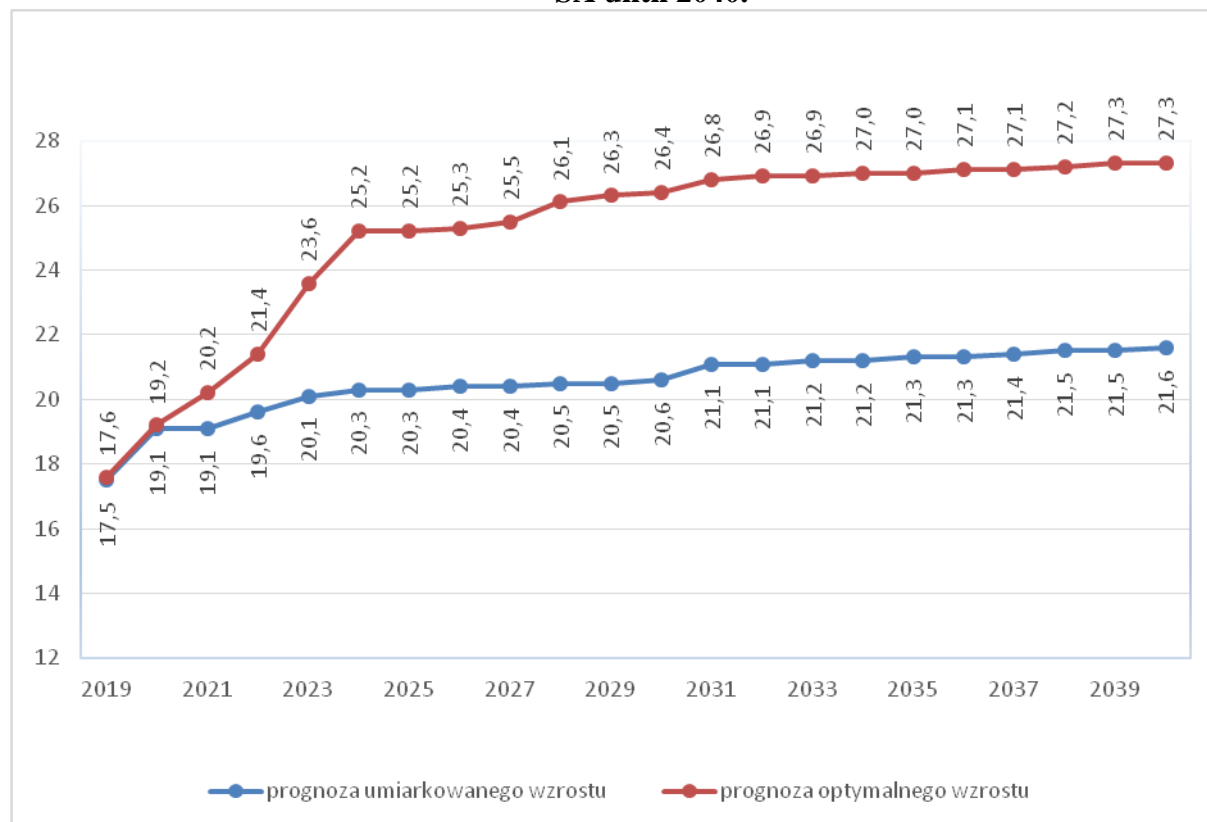
III. Natural gas as an intermediate fuel

According to the assumptions of PEP2040, in the coming years, the increase in gas consumption on the domestic market will take place through:

1. Construction of gas and steam power units;
2. Stimulating internal demand through deeper gasification of the country. According to the plan of Gaz-System SA, the company responsible for the transport of natural gas and management of the transmission network in Poland, the length of the natural gas transmission network from approx. 12,000 km will now be increased to approx. 14,800 km in 2029 [Gaz-System SA]. The level of gasification in municipalities in Poland will increase from 65% in 2019 to 77% already in 2022;
3. Increasing the use of gas in the form of LNG and CNG as an alternative fuel in sea and land transport;
4. It is estimated that reserve generating units will be created for renewable energy sources for which a flexible power reserve is needed. Gas-fired power plants are characterized by a relatively high level of controllability. Although gas is a more expensive fuel than coal, due to the rising prices of emission rights, the final price of energy produced in gas units will be competitive with coal.

Gaz-System SA, in its forecast of the demand for gas transmission services on the domestic market for 2018-2040, developed two variants of the increase in demand: Moderate Growth (UW) and Optimal Growth (OW) (Chart 2). Both variants are based on the signed contracts for connection to the transmission network, GDP growth (UW - assumes low growth of PBK, with the possibility of recession; OW - assumes moderate GDP growth in the absence of recession) and gas prices (UW- assumes price increase due to on the increased demand for the raw material in other EU countries; OW - assumes a moderate increase in the price of gas due to the access to the common market of the European Union and supplies of liquefied gas to Poland) [Gaz-System SA].

Chart No. 2. Annual demand for the transmission service based on the forecast of Gaz-System SA until 2040.



Own study based on: National ten-year transmission system development plan for meeting the current and future demand for gaseous fuels for the years 2020-2029 , p. 22

According to the forecasts Gaz System 2030 will record an increase in demand for gas, according to the scenario of 2.6 billion m³ to 8.4 billion m³, mainly in the power industry. Where will we get the additional amount of raw material? PEP2040 emphasizes the development of domestic production, the development of unconventional methods of gas extraction as well as the exploration and exploitation of foreign deposits by domestic entities (especially on the Norwegian Continental Shelf due to the finalization of the Balitc Pipe gas pipeline in 2022). Efforts to increase production and increase the share of domestic raw material in the overall consumption balance will not satisfy the growing demand. Domestic natural gas production in 2040 will remain more or less at the current level [Appendix 1 to PEP2040]. PEP2040 assumes that the increased demand for imported raw material will be covered. In the next decade, however, the structure of the directions of natural gas imports will change. The raw material imported from the east will be replaced with Norwegian gas, LNG from the USA and Qatar. The so-called Yamal contract, under which we import from Russia about 9 billion m³ of gas per year, expires at the end of 2022 [PGNIG 2019]. PEP2040 assumes that by then we will be able to satisfy our basic needs with deliveries from other directions, mainly through:

1. LNG Terminal in Świnoujście. Regasification capacity currently amounts to 5 billion m³ of gas, but by 2021 is to be increased to 7.5 billion m³ per year. The level of use of the gas terminal in 2019 was about 60%. Depending on the development of the global LNG market, there is a possibility to increase the capacity of the terminal to 10 billion m³ until 2030.

2. Balitc Pipe. According to the plan, the investment should be completed by October 2022. The gas pipeline will transport the raw material from the Norwegian Continental Shelf. Transmission capacity is planned at 10 billion m³ of gas.

3. Construction of the so-called a floating LNG terminal in the Gdańsk Bay until 2025 with regasification capacity at the level of 4.5 billion m³ of gas, which, like the terminal in Świnoujście, will enable diversification of import directions.

In my opinion, natural gas will play an increasingly important role as a fuel supplying the electricity sector. Data on electricity production in recent years show a clear trend. In 2016, power plants powered by natural gas produced 5.7 TWh of electricity, in 2017 - 7.1 TWh and in the following year - already 9.5 TWh, which accounted for nearly 6% of the energy generated in the country. According to the assumptions of PEP2040, the capacity of gas power plants in 2040 is to amount to 9.7 thousand. MW (more than in coal and lignite-fired power plants - a total of 8,000 MW), there are also gas-fired CHP plants with a planned capacity in 2040 at the level of 2.74 thousand. MW. We are dealing with a synergy of several factors that will contribute to the implementation of these assumptions. These include: the development of gas supply directions alternative to Russia at a competitive price, market development trends forcing the creation of reserve power plants for RES, development of the transmission system.

IV. Reduction of emissions, nuclear power plant, renewable energy sources

According to the assumptions of PEP2040, the implementation of nuclear energy is the only way to satisfy energy shortages after excluding some of the ineffective carbon sources and to reduce gas emissions (i.e. carbon dioxide CO₂, nitrogen oxides NO_x, sulfur oxides SO_x) and dust. The first unit with a capacity of 1-1.5 GW should be commissioned in 2033, the next 5 units, with a similar capacity, at intervals of 2-3 years. Are these plans real? The Polish authorities have been working on the implementation of nuclear energy for over 10 years, the effects of these efforts are not satisfactory. In January 2009, the Council of Ministers adopted a resolution on the development of nuclear energy [Resolution of the Council of Ministers 2009]. In May of the same year, pursuant to the resolution, the Government Plenipotentiary for Polish Nuclear Power was appointed (Journal Of Laws of 2009, No. 72, item 622), and in 2014 the Council of Ministers adopted the *Polish Nuclear Power Program* [Resolution of the Council of Ministers, 2014]. Polska Grupa Energetyczna (PGE) SA, as a leading entity in the construction of nuclear energy in Poland, established the special purpose company PGE EJ1 in 2010, whose direct task is to prepare and implement the investment process for the construction of the first Polish nuclear power plant. In March 2018, the Supreme Audit Office published a report on the implementation of *the Polish Nuclear Energy Program (PPEJ)*. The Supreme Audit Office stated that the essential tasks set out in the PPEJ were not implemented, deemed the planned commissioning of the first unit in 2024 unrealistic, criticized the changes in the concept of building a nuclear power plant and the low effectiveness of the activities of the relevant ministers. According to the NIK Report, PGE EJ1 spent PLN 133.2 million in the years 2010-2014, i.e. in the preparatory period before adopting PPEJ. In 2014-2017 (until the third quarter), the expenditure amounted to PLN 776 million (including PLN 552.5 million by public administration entities and PLN 223 million by PGE SA and its subsidiary) [NIK 2017]. According to the NIK auditors, the main reason for the delay in the implementation of PPEJ for several years was the lack of choice of technology and contractor for the construction of a nuclear power plant. Although nearly three years have passed since the publication of the NIK report, little has changed in this respect. The government is in talks with technology vendors, but no decisions have been made. We also do not know the location of the future power plant. PEP2040 indicates three potential locations: Kopalino in the Choczewo commune, Żarnowiec in the Krokowa commune in Pomerania or the vicinity of Bełchatów or Pątnów. The first two towns have been taken into account for a long time and PGE EJ1 implemented the location and environmental tasks provided for by the PPEJ, and the attitude of the local community towards the construction of power plants in their municipalities is favorable [Partner in Business Strategies 2018]. The Supreme Audit Office estimates that the delay in starting a nuclear power plant will generate specific costs related to the need to purchase emission rights, estimated at PLN 253-430 million annually in 2025-2030 [NIK 2017].

The Polish Energy Policy until 2030, adopted in 2009, set the commissioning of the first block of a nuclear power plant for 2020. This clearly illustrates the planning errors, lack of decision

and lack of consistency in action by all governments in power over the past decade. The situation in terms of the condition of the Polish economy and public support for the nuclear power plant was exceptionally favorable for the development of nuclear energy. Currently, the Polish authorities are negotiating with three potential technology suppliers - the US, Japan and France, but unfortunately without any specific decisions. If the assumptions of PEP2040 in the field of nuclear energy are to be implemented in the form of the first reactor put into operation in 2033, a model for financing the investment (in line with the rules of state aid), the choice of technology and location should be established in the next several months. Taking into account the pace of the implementation of the PNPP so far, it seems unlikely in my opinion.

The share of Renewable Energy Sources (hereinafter RES) in the final energy consumption does not develop dynamically. Pursuant to Directive 2009/28 / EC of the European Parliament and of the Council of the European Union, Poland was obliged to produce at least 15% of final energy by 2020 from renewable sources. At the beginning of 2019, the Polish government, in the *National Energy and Climate Plan for 2021-2030 sent to the European Commission (draft)* [National energy and climate plan] , admitted that the 15% share of renewable energy in the final consumption will not be achieved in 2020. The plan is to reach this level only in 2022. PEP2040 assumes an increase in the share of renewable energy sources in gross final energy consumption at a level of at least 23% by 2030. In the electricity sector, the share of RES will be at the higher levels of 32% in 2030 and 40% in 2040. Increasing the share of renewable energy sources entails a lot of benefits for the Polish electricity and energy sector, such as, for example, diversification of the local generation infrastructure, zero emissions or limiting the import of fossil fuels. However, a question should be asked whether the assumptions of PEP2040 regarding the share of RES in final energy consumption are realistic? In the 2010-2020 decade, we increased the share of renewable energy sources in final energy consumption by only 4.55% from 9.25% to 13.8% and we did not achieve the assumed goals. In the 2020-2030 decade, the government assumes that the growth dynamics will more than double, i.e. by nearly 10% (from 13.8% in 2020 to 23% in 2030).

V Conclusions

PEP2040 is conservative in many respects. It sets unambitious goals for reducing CO₂ emissions, a low growth rate of renewable energy sources in the power sector and a slow process of phasing out coal in energy production. This raises serious concerns about the failure of the power system, an accelerated process of closing coal-fired power plants due to non-compliance with emission standards, and the depletion of lignite deposits faster than assumed in PEP2040. If the process of reducing the generation capacity of lignite-fired power plants is not carried out in parallel with the development of nuclear energy, we can expect a shortage of electricity of up to 9 GW [Gawlikowska-Fyk A., Maćkowiak-Pandera J., (2019)] . The government does not take real steps to launch the first nuclear power plant by 2033. Meeting the assumptions of PEP2040 in this respect seems unlikely. This may result in the necessity to extend the operation of some coal units which are planned to be decommissioned, and thus the high costs of energy generation, negatively affecting the competitiveness of the entire economy. There is also the risk of having to increase energy imports from our neighbours. The mock “construction” of a nuclear power plant may also block the development of other sectors, e.g. offshore wind farms, due to the limitations of the transmission grid.

It seems, however, that the market will force, regardless of government actions, the acceleration of certain processes. The constantly developing technologies of energy production from RES that affect the decline in prices, combined with the popularization of use, will probably cause a faster growth rate of the share of RES than assumed in PEP 2040. PPAs - Corporate Power Purchase Agreements concluded between energy producers and recipients, regardless of state-owned producers, have gained in attractiveness.

References

1. Bronk L., Czarnecki B., Magulski R, (2019) *Flexibility of the National Power System. Diagnosis, potential, solutions*, "Forum Energii", February 2019, p. 19.
2. "Poland's Energy Policy until 2030", Annexes to Resolution No. 202/2009 of the Council of Ministers of November 10, 2009, Ministry of Economy, p. 8.
3. "Poland's Energy Policy until 2040" project in. 2.1 - 08/11/2019), p. 10.
4. TVN24, <https://tvn24bis.pl/surowce,78/import-wegla-do-polski-minister-srodowiska-henryk-kowalczyk-wyjasnia,968651.html>,
5. Gaz-System SA, National ten-year transmission system development plan for meeting the current and future demand for gaseous fuels for the years 2020 - 2029, p. 30.
6. Gaz-System SA, National ten-year transmission system development plan for meeting the current and future demand for gaseous fuels for the years 2020 - 2029, p. 19.
7. See Appendix 1 to PEP2040, Conclusions from forecast analyses for the fuel and energy sector, p. 12.
8. PGNIG - On November 15, 2019, Polskie Górnictwo Naftowe i Gazownictwo issued a declaration of the lack of will to extend the so-called Jamal contract <http://pgnig.pl/aktualnosci/-/news-list/id/oskieta-woli-zakonczenia-kontraktu-jamalskiego-z-dniem-31-grudnia-2022-roku/newsGroupId/10184?changeYear=2019> tPage = 3 (accessed on January 3, 2020).
9. Resolution of the Council of Ministers of 13 January 2009 (No. 4/2009) on activities undertaken for the development of nuclear energy in Poland.
10. Resolution of the Council of Ministers of 28 January 2014 (No. 15/2014) on the multi-annual program called the Polish Nuclear Power Program (MP of 2014, item 502)
11. NIK information on the audit results: Implementation of the "Polish Nuclear Power Program", reg. No. 169/2017 / P / 17/018 / KGP, p. 10.
12. Partner in Business Strategies, Poles' attitudes towards nuclear energy, Research report, Sopot, December 2018.
13. NIK information on the audit results: Implementation of the "Polish Nuclear Power Program", reg. No. 169/2017 / P / 17/018 / KGP, pp. 31-32.
14. National energy and climate plan for 2021-2030. Assumptions and goals as well as policies and activities, PROJECT - in. 3.1 of 04/01/2019, the text is available on the website of the Ministry of State Assets <https://www.gov.pl/web/aktywa-panstwowe> .
15. Gawlikowska-Fyk A., Maćkowiak-Pandera J., (2019) PEP2040 under the magnifying glass of Forum Energii. Comments and recommendations to the draft Polish Energy Policy until 2040, Forum Energii, Warsaw 2019, <https://www.forum-energii.eu/pl/analizy/pep-2040-uwagi>

СУЧАСНА СИСТЕМА МІЖНАРОДНОГО ПРАВА

УДК 341+342.7

SCIENTIFIC RESEARCH: OVERVIEW OF SOME URGENT ISSUES FROM NATIONAL AND INTERNATIONAL LAW PERSPECTIVES

НАУКОВІ ДОСЛІДЖЕННЯ: ОГЛЯД ДЕЯКИХ ПРОБЛЕМНИХ ПИТАНЬ З ПОЗИЦІЙ НАЦІОНАЛЬНОГО ТА МІЖНАРОДНОГО ПРАВА

НАУЧНЫЕ ИССЛЕДОВАНИЯ: ОБЗОР НЕКОТОРЫХ ПРОБЛЕМНЫХ ВОПРОСОВ С ПОЗИЦИЙ НАЦИОНАЛЬНОГО И МЕЖДУНАРОДНОГО ПРАВА

Medvedieva M.O.

Doctor of Law, Professor at the International Law Chair of the Institute of International Relations of Taras Shevchenko National University of Kyiv. E-mail: medvedieva.maryna@gmail.com

Медведєва М.О.

Доктор юридичних наук, професор, професор кафедри міжнародного права Інституту міжнародних відносин Київського національного університету імені Тараса Шевченка. E-mail: medvedieva.maryna@gmail.com

Медведева М.А.

Доктор юридических наук, профессор, профессор кафедры международного права Института международных отношений Киевского национального университета имени Тараса Шевченко. E-mail: medvedieva.maryna@gmail.com

Abstract. *The article analyzes some urgent problems of the legal governance of scientific research, namely the adherence to the principles of academic freedom and academic integrity, as well as protection of the right to science. The article provides the definitions of academic freedom and academic integrity, considers relevant international and national legal documents and case-law. It analyzes main criteria for the free use of quotations which must be adhered to in the context of preserving academic integrity principles and observes practical consequences of different definitions of plagiarism by education and copyright law. The author considers the normative content of the right to science in accordance with International Law and highlights its importance in times of COVID-19 pandemic. The author concludes that academic freedom, academic integrity and right to science in general are linked to economic, social and cultural rights, especially the right to information, freedom of thought and expression, freedom from discrimination. If a state is not able to exert every effort to implement its positive responsibility (due diligence) regarding human right to science, including to academic freedom, such a state must be held responsible under customary rules of International Law. In case of violations of the principles of academic integrity comes academic responsibility which is the competence of national governmental bodies on science and education. The only exception is plagiarism which is copyright infringement leading to civil or even criminal responsibility and which is the competence of national civil courts.*

Key words: *academic freedom, academic integrity, right to science, international law, national law.*

Анотація. *У статті проаналізовано деякі нагальні проблеми правового регулювання сфери наукових досліджень, а саме дотримання принципів академічної свободи та академічної доброчесності, а також забезпечення права на науку. У статті наводяться визначення академічної свободи та академічної доброчесності, розглядаються відповідні*

міжнародні та національні правові документи та судова практика. Аналізуються основні критерії вільного використання цитат, яких слід дотримуватися в контексті забезпечення принципів академічної доброчесності, а також розглядаються практичні наслідки різних визначень плагіату, передбачених законодавством про освіту та авторське право. Автор розглядає нормативний зміст права на науку відповідно до міжнародного права та підкреслює його значення в період пандемії COVID-19. Автор приходить до висновку, що академічна свобода, академічна доброчесність і право на науку в цілому пов'язані з економічними, соціальними та культурними правами, особливо з правом на інформацію, свободою думки та вираження поглядів, свободою від дискримінації. Якщо держава не в змозі докласти всіх зусиль, щоб реалізувати свою позитивну відповідальність (належну обачність) щодо права людини на науку, в тому числі на академічну свободу, така держава повинна нести відповідальність за звичайними нормами міжнародного права. У разі порушення принципів академічної доброчесності настає академічна відповідальність, яка є компетенцією національних державних органів в сфері науки та освіти. Єдиним винятком є плагіат, який є порушенням авторських прав, що призводить до цивільної або навіть кримінальної відповідальності, і який є компетенцією національних цивільних судів.

Ключові слова: академічна свобода, академічна доброчесність, право на науку, міжнародне право, національне право.

Аннотация. В статье проанализированы некоторые актуальные проблемы правового регулирования сферы научных исследований, а именно соблюдение принципов академической свободы и академической добротности, а также обеспечение права на науку. В статье приводятся определения академической свободы и академической добротности, рассматриваются соответствующие международные и национальные правовые документы и судебная практика. Анализируются основные критерии свободного использования цитат, которые должны соблюдаться в контексте обеспечения принципов академической добротности, а также рассматриваются практические последствия различных определений плагиата, предусмотренных законодательством об образовании и авторском праве. Автор рассматривает нормативное содержание права на науку в соответствии с международным правом и подчеркивает его значение в период пандемии COVID-19. Автор приходит к выводу, что академическая свобода, академическая добротность и право на науку в целом связаны с экономическими, социальными и культурными правами, особенно правом на информацию, свободой мысли и выражения, свободой от дискриминации. Если государство не в состоянии сделать все возможное, чтобы реализовать свою позитивную ответственность (должную осмотрительность) касательно права человека на науку, в том числе на академическую свободу, такое государство должно нести ответственность в соответствии с обычными нормами международного права. В случае нарушения принципов академической добротности наступает академическая ответственность, которая является компетенцией национальных государственных органов в сфере науки и образования. Единственным исключением является плагиат, который является нарушением авторских прав, приводит к гражданской или даже уголовной ответственности, и входит в компетенцию национальных гражданских судов.

Ключевые слова: академическая свобода, академическая добротность, право на науку, международное право, национальное право.

Introduction. To make a thorough scientific research in International Law is not an easy task as it may seem from the first glance. One has to operate relevant international legal methodology, i.e. to use different scientific methods in a proper way; to apply the basic principles of academic integrity; to understand the general structure of scientific paper and to know how to publish the results of scientific research; to make a practical application of the scientific results ensuring the integration of science and industry production (business); to understand the features of

the legal regulation of scientific activity in Ukraine and other countries; to be able to integrate one's own scientific results into the world and European research areas, in particular in the sphere of International Law.

Ukraine is at the stage of reforming the scientific activity sector, not least thanks to the provisions of the Association Agreement with the European Union (Articles 374-377) [*Association Agreement*, 2014]. Some important results have already been achieved, e.g. the creation of National Research Foundation of Ukraine which provides grant support for scientific research in the fields of natural, technical, social and human sciences; state certification of scientific activities of universities and research institutions; introduction of scientific degree 'Philosophy Doctor' (PhD) that is the generally recognized in the world scientific community; more stringent requirements for awarding the academic titles, etc. Meanwhile, many problems still remain unsettled, among them – the overall negligence of the academic integrity in scientific legal research, infringements of academic freedom, incomprehension of the importance to integrate the Ukrainian science in general and international legal research in particular into the world and European research areas, etc. These problems can be better understood and dealt with if Ukrainian scientists and governmental authorities be aware of the legal consequences for violations of the academic freedom or academic integrity principles as well as legal consequences for infringements of the human right to science.

The purpose of the research is to analyze some urgent problems of the legal governance of scientific research, namely the adherence to the principles of academic freedom and academic integrity, as well as to determine the place of the right to science in International Law.

Recent literature review. The issues of legal governance of academic freedom and the right to science have been duly elaborated in academic literature. Academic freedom was highlighted in Ukrainian scientific literature (Davydova N., Maslova N., Mokliak V., Gerciuk M.), but mainly from the pedagogical and philosophical standpoints. The works of some foreign authors (Vrieliink J., Lemmens P., Parmentier S., Beiter K.D., Karran T., Appiagyeyi-Atua K., Parmar S.) may be appraised for the thorough analysis of international legal documents and judicial practice in this regard. Scientific papers of such foreign authors as Barham K., Hubert A.-M., Mancisidor M., Shaver L., Porsdam Manna S., Dondersd Y., Mitchell C., Bradley V., Choug M., Mannh M., Church G. and Porsdamk H. are referred to in this article within the context of the right to science. Meanwhile, Ukrainian authors didn't pay enough attention to this question. The issue of the legal governance of academic integrity received proper consideration neither in Ukrainian nor in foreign scholars' papers. The author of this article analyzes mainly national and international legal acts on education and copyright as well as reports of some international organizations related to the issue.

Main research results. Academic freedom is the fundamental value of any democratic society. Academic freedom includes the liberty of individuals to express freely opinions about the institution or system in which they work, to fulfil their functions without discrimination or fear of repression by the State or any other actor, to participate in professional or representative academic bodies, and to enjoy all the internationally recognized human rights applicable to other individuals in the same jurisdiction [*General Assembly*, 2020: 6]. Academic freedom comprises individual and institutional rights, and entails various obligations for the public authorities [*Vrieliink J., Lemmens P., Parmentier S.*, 2011: 138], since it extends not only to members of the academic community but also to educational institutions [*Human Rights Watch*, 2005: 14] and may be properly implemented with the help of governmental assistance. Academic freedom is protected by Article 54 of the Ukrainian Constitution [*Конституція України*, 1996] and the Law of Ukraine 'On Higher Education' (Articles 1, 2, 57) [*Закон України "Про вищу освіту"*, 2014].

Under Article 15 of the International Covenant on Economic, Social and Cultural Rights, the States Parties undertake to respect the freedom indispensable for scientific research and creative activity [*International Covenant on Economic, Social and Cultural Rights*, 1966]. On April 30, 2020, the UN Committee on Economic, Social and Cultural Rights issued Comment No. 25 on science and economic, social and cultural rights where underlined that freedom of research includes the following dimensions: protection of researchers from undue influence on their independent judgment; the possibility for researchers to set up autonomous research institutions and to define the

aims and objectives of the research and the methods to be adopted; the freedom of researchers to freely and openly question the ethical value of certain projects and the right to withdraw from those projects if their conscience so dictates; the freedom of researchers to cooperate with other researchers, both nationally and internationally; and the sharing of scientific data and analysis with policymakers, and with the public wherever possible [*Committee on Economic, Social and Cultural Rights*, 2020: 9]. Although UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel is not an international instrument on academic freedom, guaranteeing academic freedom in higher education is a fundamental concern of the document [*Beiter K.D., Karran T., Appiagyei-Atua K.*, 2016: 268]. The UN Human Rights Council addressed academic freedom through its jurisprudence under Article 19 of the International Covenant on Civil and Political Rights (i.e. right to hold opinions and freedom of expression) in the cases of *Faurisson v. France* and *Adimayo M. Aduayom et al v. Togo* [*Parmar S.*, 2019].

On the European level, Article 13 of the Charter of Fundamental Rights of the European Union explicitly provides that academic freedom shall be protected [*Charter of Fundamental Rights of the European Union*, 2000]. Article 10 of the European Convention on Human Rights stipulates that everyone has the right to freedom of expression which includes freedom to hold opinions and to receive and impart information without interference by public authority and regardless of frontiers [*European Convention on Human Rights*, 1950]. This right may be subject only to such restrictions which are prescribed by law, necessary in a democratic society and proportional. The European Court on Human Rights (hereinafter – ECHR) has underlined the importance of academic freedom in line with Article 10 in a number of its cases, e.g. *Sorguç v. Turkey*, *Sapan v. Turkey*, *Aksu v. Turkey Hertel v. Switzerland*, *Mustafa Erdoğan and Others v. Turkey etc.* [*Research Division of the European Court of Human Rights*, 2011: 35-37]. In the latter case, the ECHR expressed its opinion that the academic freedom in research should guarantee freedom of expression and of action, freedom to disseminate information and freedom to conduct research and distribute knowledge and truth without restriction [*European Court of Human Rights*, 2014]. It made an important conclusion that academics' freedom grants the scientists a right to express freely their views and opinions, even if controversial or unpopular, in the areas of their research, professional expertise and competence [*European Court of Human Rights*, 2014]. In its judgement in the case of *Sorguç v. Turkey* the Court stressed that Article 10 'comprises the academics' freedom to express freely their opinion about the institution or system in which they work' [*European Court of Human Rights*, 2009].

The right to academic freedom of the author of this article has been infringed for several times in the context of scientific discussion on the legal status of LGBTIQ people. A paper providing solely some medical data on sexual orientation and gender identity as well as deliberations upon the nature of the prohibited grounds for discrimination was not admitted for publication in a prominent scientific journal because, as its editor in chief put it, the paper 'didn't reflect the opinion of the majority of the population', though that statement contradicted the results of the sociological surveys available at that time. Besides, the author was not allowed to take part in the discussion on those issues at a popular channel. These facts testify that scientific deliberations on some contradictory issues of International Law, in particular human rights law, or as the ECHR described them – 'controversial' issues, are not welcome in some academic environment and that there is still censorship in Ukraine which is prohibited by Article 15 of our Constitution.

Another important question is academic integrity. Academic integrity is the commitment to and demonstration of honest and moral behavior in an academic setting [*University of North Carolina at Chapel Hill*]. According to the Law of Ukraine 'On Higher Education', academic integrity is a set of ethical principles and rules, which should guide participants during the educational process and scientific activities in order to ensure confidence in learning outcomes and / or scientific achievements (Article 1) [*Закон України "Про вищу освіту"*, 2014]. These principles are responsibility, trust, impartiality, respect for the person, their honor and dignity, respect for diversity of thoughts, honesty, transparency, equality and non-discrimination, justice, tolerance, truthfulness, etc. [*Institute of International Relations*]. Academic integrity deals with such questions as adherence to the rules for direct and indirect quotations, as well as designing the list of

references. There are various forms of the violations of academic integrity (such as plagiarism, self-plagiarism, fabrication, falsification, deception, bribery, etc.) which must lead to the academic responsibility (Article 42 of the Law of Ukraine ‘On Education’) [*Закон України “Про освіту”*, 2017]. Regulatory governance of the academic integrity in Ukraine consists of the Laws of Ukraine ‘On Education’; ‘On Scientific and Scientific-Technical Activities’, ‘On Higher Education’, ‘On Professional Education’, ‘On General Secondary Education’, ‘On Preschool Education’, ‘On Extracurricular Education’; regulations of the Cabinet of Ministers of Ukraine, central executive bodies; statutes and other internal regulations (codes of conduct, ethical codes, rules of procedure on violations of academic integrity, etc.) of educational and research institutions.

The main criteria for the free use of quotations in accordance with Ukrainian, European and International Law are: (1) public access (publication), (2) reference to the author and source, (3) fair use to the extent justified by the intended purpose. Thus, copyright regulations relating to quotations are contained in the Civil Code of Ukraine (Article 444), Law of Ukraine ‘On Copyright and Related Rights’, Criminal Code of Ukraine (Article 176) and other regulatory legal acts. According to the Law ‘On Copyright and Related Rights’, a quotation must be used by other persons with a mandatory reference to the author and the source of the quotation (Article 1) [*Закон України “Про авторське право і суміжні права”*, 1994]. Without the consent of the author (or other copyright holder), but with the obligatory indication of the author’s name and the source, it is allowed to use of quotations from published works to the extent required by the specific purpose if such usage is determined by the polemical, scientific or informational nature of the work to which the quotations are included (Article 21) [*Закон України “Про авторське право і суміжні права”*, 1994].

According to Article 10 of the Berne Convention for the Protection of Literary and Artistic Works, it shall be permissible to make quotations from a work which has already been lawfully made available to the public, provided that their making is compatible with fair practice, and their extent does not exceed that justified by the purpose [*Berne Convention*, 1979]. According to Article 5 of the Directive 2001/29/EC of the European Parliament and of the Council on the Harmonisation of Certain Aspects of Copyright and Related Rights in the Information Society, quotations for purposes such as criticism or review, provided that they relate to a work or other subject-matter which has already been lawfully made available to the public, that, unless this turns out to be impossible, the source, including the author’s name, is indicated, and that their use is in accordance with fair practice, and to the extent required by the specific purpose [*Directive 2001/29/EC*, 2001].

One of the most urgent and pressing issues relating to academic integrity is plagiarism. There is a difference in the title and definition of plagiarism in the Laws of Ukraine ‘On Higher Education’ and ‘On Copyright and Related Rights’ which has already caused some legal collisions and problems for judicial practice. Law ‘On Higher Education’ in Article 6 stipulates that ‘academic plagiarism’ is publication (in part or in full) of scientific results obtained by others as the results of their own research and / or reproduction of texts published by other authors without indication of authorship [*Закон України “Про вищу освіту”*, 2014]. Meanwhile, Law ‘On Copyright and Related Rights’ in Article 50 provides: ‘plagiarism’ is the publication, in whole or in part, of another’s work under the name of a person who is not the author of this work [*Закон України “Про авторське право і суміжні права”*, 1994]. The Ministry of Education and Science tried to explain the difference in its Letter No. 1/9-650 of 23 October 2018. Academic plagiarism is regarded as a violation of the ethical norms of the academic community which leads to academic responsibility, and copyright infringement – as an offense for which liability is established by the Civil Code [*Міністерство освіти і науки України*, 2018]. Publishing the results obtained by others under one’s own authorship with the permission of these persons is not a copyright infringement, but is an academic plagiarism [*Міністерство освіти і науки України*, 2018]. Copyright has a limited validity period: after the expiration date, the work may be used without the consent of the authors or their successors and without payment of appropriate remuneration, but this does not eliminate the need to refer to the authors during direct or indirect quotations [*Міністерство освіти і науки України*, 2018]. In other words, there are different practical

consequences of these various definitions of plagiarism in accordance with education and copyright law: in the first case comes academic responsibility (which is the competence of the Ministry and other educational and scientific bodies), and in the second case comes civil or even criminal responsibility (which is the competence of the court).

Academic plagiarism became the subject matter of the ECHR case-law. In 2014, the Court rendered its judgment in the case of *Hasan Yazıcı v. Turkey*. This case was lodged with the Court by a Turkish national, Mr Hasan Yazıcı against Turkey. In 1981, a well-known journalist published an article in the daily newspaper 'Cumhuriyet' in which he drew attention to the similarities between the books 'Mother's Book', written by Professor Dr I.D., and that of Dr Benjamin Spock entitled 'Baby and Childcare' [*European Court of Human Rights*, 2014]. In 1998, the applicant, acting as the head of the Ethics Committee of the Turkish Academy of Sciences, submitted a report in which tried to attract attention to the fact that Professor Dr I.D. had committed plagiarism in his 'Mother's Book' and asked the Council of the Academy of Sciences to take various actions in this regard, however, no action was taken [*European Court of Human Rights*, 2014]. After that, Professor Dr I.D. brought a number of civil actions for compensation against the applicant before Turkish courts of first instance, then –appellation and cassation courts stating that Mr Hasan Yazıcı's assertions constituted a breach of his personality rights; and the Turkish courts ordered the applicant to pay compensation to Professor Dr I.D. [*European Court of Human Rights*, 2014]. The ECHR, *inter alia*, decided that there had been an unjustified interference with Mr Yazıcı's freedom of expression in breach of Article 10 of the Convention.

Although human rights bodies do not usually refer to the right to science, its normative content is vague and underdeveloped [*Barham K. and Hubert A.-M.*, 2016], has to be clarified and better specified [*Mancisidor M.*, 2015: 1], it is enshrined in main human rights treaties, such as: International Covenant on Economic, Social and Cultural Rights (Article 15), Charter of Fundamental Rights of the European Union (Article 13), Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Article 14), Arab Charter on Human Rights (Article 42), Protocol on the Rights of Women in Africa of the African Charter on Human and Peoples' Rights (Article 12(2)). The right is also provided in Article 27 of the Universal Declaration on Human Rights which has gained a customary nature. The right of individuals to science and the obligation of states to cooperate in science are enshrined in several 'soft law' instruments, e.g. UN Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, Universal Declaration on the Human Genome and Human Rights, UNESCO Declaration on Science and the Use of Scientific Knowledge, International Declaration on Human Genetic Data, Universal Declaration on Bioethics and Human Rights, Venice Statement on the Right to Enjoy the Benefits of Scientific Progress and its Applications, UNESCO Recommendation on Science and Scientific Researchers. The right to science is protected by Article 54 of the Ukrainian Constitution [*Конституція України*, 1996].

Under Article 15 of the International Covenant on Economic, Social and Cultural Rights, the States Parties recognize the right of everyone to enjoy the benefits of scientific progress and its applications and to benefit from the protection of the moral and material interests resulting from any scientific production of which he or she is the author; they also commit to achieve the full realization of this right by the conservation, development and diffusion of science; to undertake to respect the freedom indispensable for scientific research and creative activity; to recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific field [*International Covenant on Economic, Social and Cultural Rights*, 1966].

The 2012 Report of the Special Rapporteur in the field of cultural rights on the right to enjoy the benefits of scientific progress and its applications envisages that the normative content of the right to benefit from scientific progress and its applications includes: (a) access to the benefits of science by everyone, without discrimination; (b) opportunities for all to contribute to the scientific enterprise and freedom indispensable for scientific research; (c) participation of individuals and communities in decision-making; and (d) an enabling environment fostering the conservation,

development and diffusion of science and technology [*Human Rights Council*, 2012: 9]. Several key human rights concepts are essential in the interpretation of the right to science, namely: non-discrimination, progressive realization, minimum core obligations, direct and horizontal application, the duties to respect, protect, and fulfil [*Shaver L.*, 2010: 167]. Minimal obligations of states also include prevention of harmful effects of science and technology [*Porsdam Manna S. et al.*, 2018: 10821]. States have to take measures in order to prevent and eliminate the adverse and uncertain consequences of scientific research. For this purpose they are encouraged to use such tools as public participation, risk assessment, risk management, risk communication, environmental impact assessment, precautionary principle, responsibility and liability for dangerous scientific human activity. Many environmental treaties contain such states' obligations, for example, on climate change, ozone protection, GMOs, gene editing, biodiversity, geoengineering, etc. The right to science can be enjoyed individually and collectively [*UNESCO*, 2009: 16]. The right to science may be subject to some limitations which must pursue a legitimate aim, be compatible with the nature of this right, be proportional and strictly necessary for the promotion of general welfare in a democratic society [*Human Rights Council*, 2012: 12].

The right of everyone to enjoy the benefits of scientific progress and its applications became very urgent in times of the COVID-19 pandemic, when scientific community tries to understand the nature of a new virus and find out vaccines to counter it. Thus, this right is closely linked to the right to health enshrined in a number of international human rights treaties. The question is two-fold: (1) everyone has a right to access to objective and valid scientific information regarding the source of the coronavirus, its pathogenesis, methods of treatment, duration of immune protection, genetic predisposition to infection and complications, the mortality caused by it, the effectiveness and side effects of the vaccines, etc.; (2) everyone has a right to access to medical treatment in case of infection, including anti-COVID vaccines developed by scientific community, without discrimination. Meanwhile, a right to access to medical treatment should be ensured with due regard to some basic ethical and legal standards governing scientific biomedical research, such as the right to free and informed consent as well as the right to refuse and withdraw from any healthcare procedures which are not scientifically grounded, as provided by the Oviedo Convention on Human Rights and Biomedicine and its additional protocols. In academic literature devoted to the relationship between COVID-19 and International Law, experts discuss the need to apply the precautionary principle to current situation with quarantines, lockdowns, in other words, restrictions posed by governments on human rights, as well as to the compulsory vaccination. The essence of the principle is as follows: if there is reason to believe that a particular technology, product or activity can harm the environment or human health and there is scientific uncertainty regarding the nature and extent of such damage and possible risks, measures to prevent such damage are necessary and fully justified [*Raffensperger C. and Barret K.*, 2001]. Due to scientific uncertainty regarding the source of the coronavirus, its pathogenesis, methods of treatment, duration of immune protection, genetic predisposition to infection and complications, the mortality caused by it, restrictions posed by governments on human rights, in particular right to assembly and free movement, may be justified. At the same time, due to uncertainty regarding the effectiveness and side effects of the anti-COVID vaccines a right to refuse immunization must be preserved to everyone. Furthermore, another important problem arises: a right to enjoy the benefits of scientific progress may collide with a right to benefit from the protection of the moral and material interests resulting from any scientific production, i.e. right of population to access to vaccines contradicts the rights of scientific community to protect intellectual property rights regarding such vaccines. International Law provides some solution to the problem in the form of compulsory licensing (Article 31bis of the TRIPS Agreement).

Conclusions. The right to science is enshrined in a number of international treaties and 'soft law' instruments. It comprises access to the benefits of science by everyone, without discrimination; freedom indispensable for scientific research; participation of individuals and communities in decision-making; an enabling environment fostering the conservation, development and diffusion of

science and technology; prevention of harmful effects of science and technology, including by the application of the precautionary principle.

The right to academic freedom the integral part of the right to science and also protected by International Law. Academic freedom has become the subject matter of the human rights bodies' case-law. It comprises the protection of researchers from undue influence on their independent judgment; the possibility for researchers to set up autonomous research institutions and to define the aims and objectives of the research and the methods to be adopted; the freedom of researchers to cooperate with other researchers, both nationally and internationally, etc.

Academic freedom and the right to science are linked to some economic, social and cultural rights, especially the right to information, freedom of thought and expression, freedom from discrimination, etc. These rights are protected by Ukrainian legislation. In order to ensure human rights to science, including to academic freedom, a state has to fulfil some positive and negative obligations. If it is not able to exert every effort to implement its positive responsibility, or due diligence, such a state must be held responsible under customary rules of International Law. Concerning Ukraine, one may assert that the integration of national science into the world and European research area is an integral part of its obligations under human rights treaties as well as the EU Association Agreement.

Academic integrity is an inalienable part of the right to science which envisages obligations for scientists and is provided mainly by national legal acts on education and copyright protection. Some basic rules for quotations, though, are prescribed by international intellectual property law. Besides, academic plagiarism became the subject matter of the ECHR case-law. In case of violations of the principles of academic integrity comes academic responsibility, e.g. refusal to award or deprivation of the awarded scientific degree or an academic title, which is the competence of national educational and scientific governmental bodies. The only exception is plagiarism which is copyright infringement leading to civil or even criminal responsibility and which is the competence of national civil courts.

References

1. Закон України “Про авторське право і суміжні права” (1994). *Відомості Верховної Ради України*, 13: 64.
2. Закон України “Про вищу освіту”. (2014). *Відомості Верховної Ради України*, 37-38: 2004.
3. Закон України “Про освіту”. (2017). *Відомості Верховної Ради України*, 38-39: 380.
4. Конституція України. (1996). *Відомості Верховної Ради України*, 30: 141.
5. Міністерство освіти і науки України. (2018). *Лист №1/9-650 “Щодо рекомендацій з академічної доброчесності для закладів вищої освіти”*, <https://zakononline.com.ua/documents/show/124272__124272>.
6. Barham K. and Hubert A.-M. (2016). The International Human Right to Science and its Application to Geoengineering Research and Development, <<https://ablawg.ca/2016/09/07/international-human-right-to-science/>>.
7. Beiter K.D., Karran T., Appiagyei-Atua K. (2016). Academic Freedom and Its Protection in the Law of European States, *European Journal of Comparative Law and Governance*, 3: 254-345.
8. Berne Convention for the Protection of Literary and Artistic Works. (1979). <<https://wipolex.wipo.int/en/text/283693>>.
9. Charter of Fundamental Rights of the European Union. (2000). <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012P%2FTXT>>.
10. Committee on Economic, Social and Cultural Rights. (2020). *General comment No. 25 (2020) on science and economic, social and cultural rights (article 15 (1) (b), (2), (3) and (4) of the International Covenant on Economic, Social and Cultural Rights)*, E/C.12/GC/25, <<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmlBEDzFEovLCuW1a0Sz>>

29. University of North Carolina at Chapel Hill. *Academic Integrity*, <<https://writingcenter.unc.edu/esl/resources/academic-integrity/>>.
30. Vrielink J., Lemmens P., Parmentier S. and the LERU Working Group on Human Rights. (2011). Academic Freedom as a Fundamental Right, *Procedia Social and Behavioral Sciences*, 13: 117–141.

УДК 341.6

HOW CAN THE HUMAN RIGHTS LEGAL FRAMEWORK ADDRESS THE VIOLATION OF HUMAN RIGHTS EXTRATERRITORIALLY?

ЯКИМ ЧИНОМ МІЖНАРОДНЕ ПРАВО ПРАВ ЛЮДИНИ ВИРІШУЄ ПИТАННЯ ЕКСТРАТЕРИТОРІАЛЬНОГО ПОРУШЕННЯ ПРАВ ЛЮДИНИ?

КАКИМ ОБРАЗОМ МЕЖДУНАРОДНОЕ ПРАВО В ОБЛАСТИ ПРАВ ЧЕЛОВЕКА РЕШАЕТ ВОПРОС ЭКСТРАТЕРРИТОРИАЛЬНОГО НАРУШЕНИЯ ПРАВ ЧЕЛОВЕКА?

Lazarenko M.

Ph.D., Assistant Professor of Private International Law Chair of the Institute of International Relations of Taras Shevchenko National University of Kyiv. E-mail: nnlazarenko@gmail.com

Chernohorenko I.

LL. M, Queen Mary University of London. E-mail: illia.chernohorenko@new.ox.ac.uk

Лазаренко М.М.

Кандидат юридичних наук, асистент кафедри міжнародного приватного права Інституту міжнародних відносин Київського національного університету імені Тараса Шевченка. E-mail: nnlazarenko@gmail.com

Черногоренко І.Л.

LL.M, Лондонський Університет Королеви Марії. E-mail: illia.chernohorenko@new.ox.ac.uk

Лазаренко М.М.

Кандидат юридических наук, ассистент кафедры международного частного права Института международных отношений Киевского национального университета имени Тараса Шевченка. E-mail: nnlazarenko@gmail.com

Черногоренко И.Л.

LL.M, Лондонский Университет Королевы Марии. E-mail: illia.chernohorenko@new.ox.ac.uk

Abstract. *The armed conflict in Ukraine has been ongoing since 2014. As to date, the total number of recorded deaths has exceeded ten thousands civilians and combatants. Every day, i.e. during the present research, this number has been increasing. As outlined above, the European regional system of human rights protection, epitomised by the ECtHR, addresses this challenge within two interrelated tracks: individual and inter-State applications. The research focuses on landmark decisions of international, regional, and domestic courts in terms of human rights extraterritorially by way of establishing human rights duty-bearer jurisdiction outside states' boundaries based on effective control test. It scrutinizes the jurisprudence of the ECtHR in terms of inconsistency between Bankovic and Aj-Jedda cases. In turn, the paper aims to model extraterritorial application of human rights law in Ukraine v. Russia inter-State applications (re Crimea and re Eastern Ukraine) based on Loizidou precedent as well as describes new forms of Russia's violations of human rights in Crimea.*

Key words: *extraterritorial jurisdiction, inter-State applications, human rights violations in Crimea, effective control test, armed conflict*

Анотація. Збройний конфлікт в Україні триває з 2014 року. На сьогодні загальна кількість зафіксованих смертей перевищила десять тисяч цивільних осіб та учасників бойових дій. Щодня, тобто під час цього дослідження, ця кількість збільшується. Європейська регіональна система захисту прав людини, зокрема ЄСПЛ, вирішує цю проблему двома взаємопов'язаними напрямками: індивідуальними та міждержавними заявами. Дослідження фокусується на ключових рішеннях міжнародних, регіональних та національних судів в контексті екстраєриторіального застосування прав людини у спосіб визначення суб'єкта відповідальності за порушення прав людини поза межами кордонів держави на основі ефективного контролю. Дослідження критично оцінює невідповідність позицій ЄСПЛ у рішеннях *Vančović* та *Aj-Jedda*. Водночас, дослідження моделює застосування екстраєриторіальної юрисдикції у міждержавних заявах України проти Росії (щодо Криму та щодо Східної України) на основі прецеденту *Loizidou*, а також окреслює нові форми порушення прав людини у Криму.

Ключові слова: екстраєриторіальна юрисдикція, міждержавні заяви, порушення прав людини у Криму, ефективний контроль, збройний конфлікт

Аннотация. Вооруженный конфликт в Украине продолжается с 2014 года. На сегодняшний день общее количество зарегистрированных смертей превысило десять тысяч гражданских лиц и военных. С каждым днем, т.е. в ходе настоящего исследования, это число увеличивалось. Как указано выше, Европейская региональная система защиты прав человека, в частности ЕСПЧ, решает эту проблему в двух взаимосвязанных направлениях: индивидуальные и межгосударственные заявки. Исследование фокусируется на ключевых решениях международных, региональных и национальных судов в контексте экстраэриториального применения прав человека посредством определения субъекта ответственности за нарушение прав человека за пределами границ государства на основе эффективного контроля. Исследование критически оценивает несоответствие позиций ЕСПЧ в решениях *Vančović* и *Aj-Jedda*. В то же время, исследования моделирует применение экстраэриториальной юрисдикции в межгосударственных заявлениях Украина против России (по Крыму и Восточной Украине) на основе прецедента *Loizidou*, а также определяет новые формы нарушений прав человека в Крыму.

Ключевые слова: экстраэриториальная юрисдикция, межгосударственные заявления, нарушения прав человека в Крыму, эффективный контроль, вооруженный конфликт

The current problem. As a presumption, human rights apply to a subject situated within the territorial boundaries of the state. However, in some circumstances, the state remains its status of human rights duty-bearer outside its boundaries and, thus, human rights should apply. As outlined by Besson, extraterritorial application of human rights raises, at least, *seven* theoretical issues, namely as to the: (1) human rights imperialism; (2) human rights coherence; (3) human rights pluralism; (4) international legal pluralism; (5) human rights to self-determination; (6) *erga omnes* effect of extraterritorial case law; (7) margin of appreciation [Besson, 2021:880]. For the reason of scope, this paper focuses only on the three of them: (2), (3), and (6).

The aim of the research. The present paper attempts to analyse these circumstances and critically rethink both theoretical and practical issues arising from extraterritorial application of human rights framework with a focus on the later.

The analysis of latest publications. In case certain human rights duties would apply at home only, while others abroad, albeit pertaining to the same human rights, one may argue double standards take place [Besson, 2021:881]. Besson suggests, as a solution to this problem, to reason domestic judgments about extraterritorial cases the way domestic judges would about territorial cases. In turn, she later objects to this solution by way of stating it would imply leveling down of domestic human rights protection [Besson, 2021:881]. Eventually, Besson leaves the issue at hand unresolved.

With reference to the European Commission of Human Rights, Schabas states that the inter-State compliant mechanism established by the Convention is a 'vehicle' for the 'collective enforcement' of rights contemplated by the Convention [2]. As stated by the Council of Europe Steering Committee on Human Rights through its inter-State case-law the Court has played a prominent role in guaranteeing a peaceful public order in Europe. In turn, exploring the purpose of Inter-State applications, Risini stated that travaux préparatoires had never been scrutinised from the angle of the mechanism in question. She, therefore, challenged Schabas's thesis by posing a question: 'whether the Inter-State application is a mechanism of collective enforcement of human rights or one of international dispute settlement?' To this end, Risini observes that many Inter-State proceedings were driven by interests other than the safeguarding of human rights but a combination of collective enforcement and dispute resolution [Risini, 2018:60].

The key findings. To address this issue, the research argues that coherence is not at risk when human rights apply extraterritorially. This is because the state's acts or/and omissions taking place outside its territory shall be considered as specific circumstances of the case. In turn, such circumstances shall not automatically trigger decreasing in human rights protection level. At the same time, international/regional judges (and not only domestic judges as mentioned by Besson) shall still enjoy a certain level of flexibility to render fair and enforceable decisions in specific circumstances of each extraterritorial case.

Another portion of the critique of extraterritorial application roots in the possibility of conflicts between an interpretation of human rights duties by international and domestic courts [Besson, 2021:880]. In turn, two solutions are offered to address this issue: one is to apply most beneficial for human rights interpretation, while the other one is to privilege most democratic determination [Besson, 2021:881].

However, this paper argues that neither of the suggested solutions is justified. First, interpretation of international/regional courts shall prevail on domestic interpretation in accordance with international/regional human rights law. Second, such characteristics as "*beneficial for human rights*" and "*privilege to democratic determination*" will vary depending on evaluating authority. Accordingly, contrary to the Besson's considerations, this paper states international/regional courts' interpretation shall prevail.

As a matter of principle, the present research disagrees with the statement that *erga omnes* effect of extraterritorial case law on extraterritoriality shall be deemed as a problem [Besson, 2021:882]. On the contrary, problems arise when the case law of international/regional/domestic courts, i.e. on extraterritorial human rights application, is not consistent and coherent. This logically brings the reader to the next section that analyses jurisprudence on extraterritorial application on international, regional, and domestic levels.

The case *Loizidou v. Turkey* (1995) concerned Turkey's occupation of parts of Northern Cyprus. Ms Loizidou, who had been forced out of her home during the invasion, alleged a violation of her right to property under Article 1 Protocol 1 of the European Convention of Human Rights [4].

Eventually, the Court found that Turkey violated human rights outside its territory based on the following "*effective control test*" for extraterritorial application of human rights:

"Bearing in mind the object and purpose of the Convention, the responsibility of a Contracting Party may also arise when as a consequence of military action - whether lawful or unlawful - it exercises effective control of an area outside its national territory..."

The precedent of *Loizidou case* subsequently influenced interstate application *Cyprus v. Turkey* [5] and become decisive for the ECtHR jurisprudence that is described below.

In six years, the Court decided a case regarding NATO bombing during the Kosovo conflict. The complaint was filed against seventeen states NATO Member States which were also the ECHR Contracting States.

In a nutshell, in *Bankovic* the Court mentioned "*effective control test*", stated that extraterritorial jurisdiction applies only in exceptional circumstances and, finally, observed that the Convention was a multi-lateral treaty operating in the *legal space* of the Contracting States within

which Federal Republic of Yugoslavia clearly *did not fall*. Thus, the Court declared the application inadmissible [6]. If to compare with *Loizidou*, one may refer to *Bankovic* as to the illustration of the ECtHR jurisprudence's inconsistency (see Section II (C) of the research) or incoherency (see Section II (A) of the research). However, the difference in circumstances in *Loizidou* and *Bankovic* cases (as stated by the Court) was decisive: Cyprus ratified the ECHR (enter into force in 1953) and Federal Republic of Yugoslavia did not. Nevertheless, in ten years the Court had changed its approach while considering the results of military action of the United Kingdom and the United States in Iraq that is outlined below.

The case *Al-Jedda v. the United Kingdom (2011)* concerned the internment of an Iraqi civilian for more than three years (2004-2007) in a detention centre in Iraq, run by British forces [7]. The Court referred to the fact that the United Kingdom, having displaced the previous regime, assumed control over the provision of security in Iraq. Accordingly, based on “*effective control test*”, the Court confirmed the United Kingdom's effective control over the territory of Iraq notwithstanding the fact that Iraq (in the same degree as Federal Republic of Yugoslavia in *Bankovic*) was not “*territory ... that would normally be covered by the Convention*”. Thus, although the Court in *Al-Jedda* had changed the approach adopted in *Bankovic*, this shall be deemed as beneficial development for extraterritorial human rights protection as it implies its wider application.

In 2014, Russia annexed Crimea while pro-Russian self-proclaimed republics established control over the part of Eastern Ukraine. It has triggered more than *4,000 individual applications* before the Court as well as a several interstate applications (re Crimea and re Eastern Ukraine) [8]. All the cases are pending now.

In both cases, Ukraine alleges numerous violations of human rights in Crimea and Eastern Ukraine. By doing so, Ukraine refers to the “*effective control test*” to prove that Russia is human rights duty-bearer in both cases [9]. On the contrary, Russia denies its effective control over Crimea (until the annexation) and over Eastern Ukraine through all the alleged period. As far as the prediction of the outcomes in mentioned cases is concerned, this paper assumes that the ECtHR will establish Russia's extraterritorial jurisdiction in both cases based on *Loizidou* precedent. At the same time, while the ECtHR has been deciding the case (during the years), violations of human rights in Crimea are taking new form. In March 2020, Russia adopted the law which *prohibits land ownership in the Crimea for non-Russian citizens* [10]. This recent example indeed suggests a rhetorical question: *how this particular (and many more others) violations can be addressed if not by extraterritorial application of human rights framework?*

As far as jurisprudence of the ICJ is concerned, the illustrative case with the same human rights duty-bearer outside its territory (Russia) is given below.

In *Georgia v. Russian Federation* case, Georgia instituted proceedings relating to Russia's actions on and around the territory of Georgia (Abkhazia and South Ossetia) in breach of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) [Hathaway, 2015: 416]. The Court has applied “*effective control*” test based on Articles 2 and 5 of the CERD. Although, the Court eventually concluded that neither requirement contained in Article 22 of the CERD had been satisfied, thus, the Court did not have a jurisdiction over the case, one may still consider this case as a landmark precedent for extraterritorial application of the CERD.

In *Al-Jedda case* (mentioned above in the Section II (A)), the House of Lords confirmed extraterritorial application of the ECHR as the UK exercised effective over foreigners abroad [11]. As mentioned above, this conclusion was eventually confirmed by the ECtHR. In turn, in *Al-Skeini v the United Kingdom* case, the House of Lords had to assess killing of six persons by British troops in Basra. Eventually, it applied the UK extraterritorial jurisdiction only to the death that had happened in a British detention facility [12].

Conclusions. As the present paper has analysed more than ten landmark decisions of international, regional, and domestic courts, it concludes that human rights framework addresses violations of human rights extraterritorially by way of establishing human rights duty-bearer jurisdiction outside its boundaries based on “*effective control test*”.

As the paper mostly focused on the jurisprudence of the ECtHR (as on the most solid one as to date), it defined inconsistency between *Bankovic* and *Aj-Jedda* cases, namely both Federal Republic of Yugoslavia (*Bankovic*) and Iraq (*Aj-Jedda*) did not fall within the 'legal order' of the Convention, nevertheless, the extraterritorial jurisdiction was defined only in the *Aj-Jedda* case.

In turn, the research also refers to recent cases of extraterritorial application in Ukraine v. Russia interstate application (re Crimea and re Eastern Ukraine). By way of doing so, the paper predicts establishing extraterritorial jurisdiction in both cases based on *Loizidou* precedent. This resolution, however, takes time during which Russia's violations of human rights are taking new forms (as in the case with the land ban for non-nationals in Crimea adopted in March 2020).

References

1. Besson S, 'The extraterritoriality of the European Convention on Human Rights: why human rights depend on jurisdiction and what jurisdiction amounts to' (2012) 25(4) *Leiden Journal of International Law*
2. William A. Schabas. *The European Convention on Human Rights: A Commentary*. Oxford UP, 2015. *Oxford Commentaries on International Law*. Web.
3. Risini, Isabella. *The Inter-State Application under the European Convention on Human Rights: Between Collective Enforcement of Human Rights and International Dispute Settlement*. Leiden, 2018. *International Studies in Human Rights*
4. ECtHR case *Loizidou v. Turkey* (Application no. 15318/89)
5. ECtHR case *Cyprus v. Turkey* (application no. 25781/94)
6. ECtHR case *Bankovic and Others v. Belgium and 16 Other Contracting States* (Application no. 52207/99)
7. ECtHR case *Al-Jedda v. the United Kingdom* (Application no. 27021/08)
8. Press Release, European Court of Human Rights, ECHR (432) 2018, 17/12/2018
9. Memorial on admissibility on behalf of the Government of Ukraine, *Ukraine v. Russia* (re Eastern Ukraine) Application No .8019/16Kyiv, 8 November 2019
10. EU: Putin's order banning non-Russian citizens from owning land in Crimea violates law, UNIAN, 02 April 2020 <https://www.unian.info/politics/10941590-eu-putin-s-order-banning-non-russian-citizens-from-owning-land-in-crimea-violates-law.html>
11. Hathaway O, 'Human rights abroad. When do human rights treaty obligations apply extraterritorially?' (2011) *Arizona State Law Journal*, p. 416
12. Press release 2011/9 1 April 2011 Application of the International Convention on the Elimination of All Forms of Racial Discrimination (*Georgia v. Russian Federation*) - Preliminary Objections - The Court finds that it has no jurisdiction to decide the dispute

ОСОБЛИВОСТІ РОЗВИТКУ
СВІТОВОГО ГОСПОДАРСТВА ТА МЕВ

УДК 339.9 + 331.556.4

**KEY TRENDS IN INTERNATIONAL REGULATION OF INTELLECTUAL
MIGRATION**

**КЛЮЧОВІ ТРЕНДИ МІЖНАРОДНОГО РЕГУЛЮВАННЯ
ІНТЕЛЕКТУАЛЬНОЇ МІГРАЦІЇ**

**КЛЮЧЕВЫЕ ТРЕНДЫ МЕЖДУНАРОДНОГО РЕГУЛИРОВАНИЯ
ИНТЕЛЛЕКТУАЛЬНОЙ МИГРАЦИИ**

Stakanov R.

Dr of Sc. (Economics), Professor of the Department of World Economy and International Economic Relations of Taras Shevchenko National University of Kyiv. Email: roman.stakanov@gmail.com

Savchuk A.

PhD student of the Department of World Economy and International Economic Relations of Taras Shevchenko National University of Kyiv. Email: anneukhova@gmail.com

Стаканов Р.Д.

Доктор економічних наук, доцент, професор кафедри світового господарства і міжнародних економічних відносин Інституту міжнародних відносин Київського національного університету імені Тараса Шевченка. E-mail: roman.stakanov@gmail.com

Савчук А.В.

Аспірант кафедри світового господарства і міжнародних економічних відносин Інституту міжнародних відносин Київського національного університету імені Тараса Шевченка. E-mail: anneukhova@gmail.com

Стаканов Р.Д.

Доктор экономических наук, доцент, профессор кафедры мирового хозяйства и международных экономических отношений Института международных отношений Киевского национального университета имени Тараса Шевченко. E-mail: roman.stakanov@gmail.com

Савчук А.В.

Аспирант кафедры мирового хозяйства и международных экономических отношений Института международных отношений Киевского национального университета имени Тараса Шевченко. E-mail: anneukhova@gmail.com

Abstract. *The main purpose of the article is to analyze the regulation of intellectual migration and to determine the levels and mechanism of regulation, to study the features of international migration of highly skilled workers. The advantages and disadvantages for donor and recipient countries of intellectual migrants are considered. The main directions and centers of attraction of migrants in the world are analyzed.*

Key words: *intellectual migrant, international migration, regulation of international migration, "brain drain", global labour market*

Анотація. *Головною метою статті є аналіз регулювання інтелектуальної міграції та визначення рівнів та механізму регулювання, дослідження особливостей міжнародної міграції висококваліфікованих працівників. Розглянуто переваги та недоліки для країн-донорів та країн-реципієнтів інтелектуальних мігрантів. Проаналізовано основні напрями*

та центри тяжіння мігрантів у світі.

Ключові слова: *інтелектуальний мігрант, міжнародна міграція, регулювання міжнародної міграції, "brain drain", глобальний ринок праці*

Аннотація. *Главной целью статьи является анализ регулирования интеллектуальной миграции и определения уровней и механизма регулирования, исследование особенностей международной миграции высококвалифицированных работников. Рассмотрены преимущества и недостатки для стран-доноров и стран-реципиентов интеллектуальных мигрантов. Проанализированы основные направления и центры притяжения мигрантов в мире.*

Ключевые слова: *интеллектуальный мигрант, международная миграция, регулирование международной миграции, "brain drain", глобальный рынок труда.*

Introduction. The globalization of the world labor market causes a general equalization of average wages between countries, while increasing the income gap between different categories of workers, whereby this trend is typical for both the developed countries, and developing countries, and the global economy as a whole.

The growing income gap is primarily an increase in the differentiation of factor incomes – labor and capital, in favor of the latter. Highly skilled workers in today's global labor market are, first of all, owners of capital (both financial - necessary to obtain the appropriate level of knowledge and intellectual - the necessary abilities and talents, which also have their own financial expression), than the classical workforce. Recently, global competition for skilled labour has intensified, which was due, in particular, to the reduction of skilled labour in many developed countries, as well as the general population aging in particular, in post-industrial countries. Recently, intensified global competition for skilled labor, which was due, in particular, a reduction in skilled labor in many developed countries, and the general aging of the population and the workforce in most post-industrial countries. That is one of the determining factors for these countries to implement a stimulating migration policy for highly skilled workers. Still, the regulation is further one of the most difficult problems of labour migration, which not all states have managed to solve. The experience in migration management shows that an individual state cannot achieve results without interaction with others.

Migrants are in two legal systems: the country of their citizenship and the country of residence. The regulation of norms and procedures of departure of people from one country and entry into another is the sphere of international relations. The need to manage international labour migration is growing under the influence of globalization and intensified by the problems both in the countries of origin of migrants, and in the host countries, as well as in transit countries, and in the world community as a whole.

The purpose of the study is to analyze the regulation of migration of highly qualified personnel, to determine the levels of regulation of international migration, to identify the mechanism of regulation.

Recent literature review. The study and analysis of the regulation of international migration of highly skilled workers has received a great deal of attention from foreign scholars, including Bailey A., Mulder C. H. [Bailey, Mulder, 2017], Czaika M., Parsons C. R. [Czaika, Parsons, 2016], Nathan M. [Nathan, 2013], Weinar A., Klekowski von Koppenfels A. [Weinar, Klekowski von Koppenfels, 2020]. Important contributions to the study of international intellectual migration have been made by the list of Ukrainian scholars, such as Erfan Y. [Erfan, 2018], Zaychuk V. [Zaychuk, 2009], Mayev A. [Mayev, 2016], Davydyuk L. [Davydyuk, 2019]. At the same time, there are relatively few publications in the national literature, which cover the theoretical and methodological foundations of international migration' regulation, namely the levels of regulation of international migration (supranational level, level of international regional associations, state level, informal ways of regulation). The methodological basis of the study was

documents, analytical data and statistics from the United Nations (UN), the International Organization for Migration (IOM), the International Labor Organization (ILO) and others.

The main results of the research. Intellectual migration as a contradictory and ambiguous phenomenon requires specific measures for regulation, it should be carried out through international legal regulation of migration processes taking into account the global interests of the world community, the objective capabilities of individual states and features of population development in modern conditions [Erfan, 2018: 10]. The peculiarities of the current stage of migration processes are the strengthening of the regulation of the international movement of labor by all actors in migration relations. A multilevel system of regulation of international labor migration, including highly skilled workers, has been formed, including international, supranational, national, as well as regulation at the level of domestic regions and informal methods of regulation (Fig. 1.)

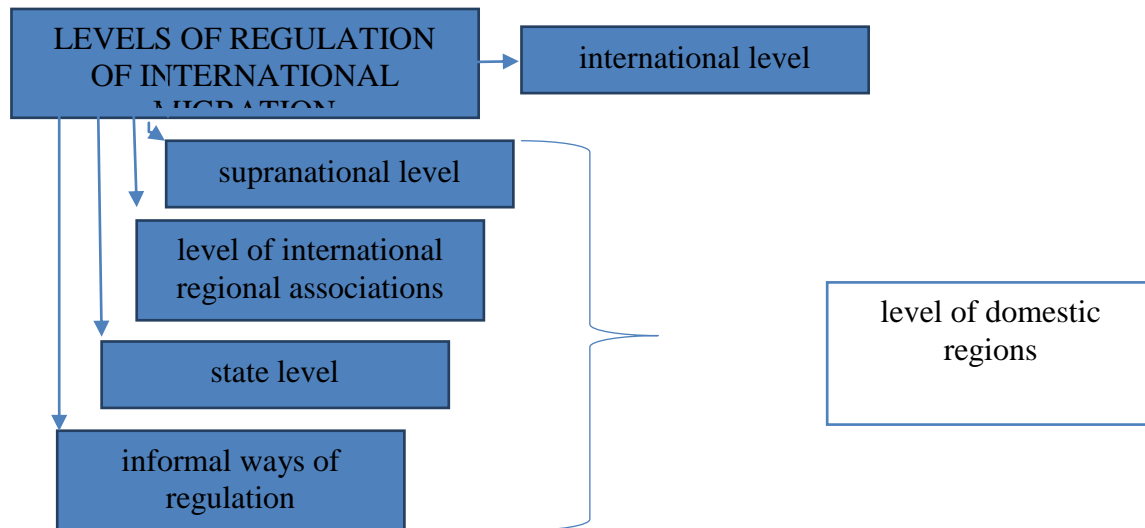


Fig. 1. Multilevel system of regulation of international labor migration.

In the XIX century, the processes of international labor migration began to be regulated by agreements on a bilateral basis: between labor-exporting country and labor-importing country. As international labor migration increases and more countries become involved, regulation based on bilateral and multilateral interstate agreements is expanding. The interconnectedness of states in the context of globalization has reached such a degree that it is very difficult not to take into account the norms and principles established by international organizations. The state may not accede (or not ratify for a long time) certain documents developed by international organizations, but this, firstly, worsens the country's competitive position in the world labor market, and, secondly, causes a certain negative reaction from the world community.

At the present stage of development of the world economy, states have a duty to develop the social orientation of immigration policy, to adhere to the principles enshrined in the Universal Declaration of Human Rights, adopted in 1948 and other documents of international organizations.

At the international level, the migration and labor of migrants are regulated by a number of international organizations. The leading role in regulating the processes of international labor migration belongs to the International Labor Organization (ILO). The ILO was established on April 11, 1919 under the League of Nations in accordance with the Treaty of Versailles. Its purpose was to promote the principles of social justice, internationally recognized human rights in the field of labor. The ILO was the first intergovernmental organization to create conventions and recommendations on labor law, promote socio-economic progress, increase welfare and improve working conditions, and protect human rights. In 1949, Convention 97 on Migrant Workers was adopted [ILO, 1949]. The provisions of this Convention remain relevant to this day. The document

applies to immigrants legally staying in the country and provides for the right of migrant workers to permanent residence in the host country after a certain period of work. In 1955, the ILO adopted another important document, Recommendation 100 on the Protection of Migrant Workers in Developing Countries [ILO, 1955]. This document aims to regulate migration in the interests of social and economic development of developing countries, limiting the undesirable loss of labor resources for these countries. Among the proposed measures - the adoption of special programs of economic development in the countries of emigration, the creation of new jobs.

Each ILO member country must: ensure the application of the principle of equal opportunities for migrant workers and members of their families to nationals of their country, examine complaints of non-compliance with this principle (in case of violations by entrepreneurs or other persons or organizations responsible for their implementation, apply administrative, civil and criminal penalties); ensure compliance of national laws and rules of international norms with the rights of migrants; promote the reunification of families as soon as possible; promote the coordination of the activities of social services on its territory with the social services of other countries and be responsible for their work; consult on emerging problems of migrants.

The activities of the International Organization for Migration (IOM) are aimed at streamlining and humanizing measures to regulate migration, developing international cooperation in the field of migration, and providing assistance in finding practical solutions to problems. Founded in 1951, IOM is a leading intergovernmental institution in the field of migration, working with governmental, intergovernmental and non-governmental organizations to ensure the orderly movement of refugees and others in need of assistance in international migration. It should be noted that the activities of the International Organization for Migration are aimed at protecting the rights of all categories of migrants.

The socially-oriented approach to the regulation of migration relations has been enshrined in the norms of international law, to which most states give priority to the norms of national law. International law contains three main concepts that characterize the protection of migrants:

- 1 equal treatment of legal migrant workers and citizens of the country;
- 2 basic universal human rights apply to all people, including migrants;
- 3 a wide range of international labor standards that provide protection in the treatment of workers, the creation of working conditions (including health and safety, maximum working hours, non-discrimination, maternity leave, etc.) applicable to all workers.

The objective need to adapt to the new attitude to migrants forces all countries involved in international labor migration to reconsider their approaches to its assessment, to take into account in their migration policy norms and principles of international organizations, to understand the inevitability of cooperation with migration partner countries. In real practice, there are two approaches to interstate cooperation. The first approach is manifested in the active position of the states developing cooperation on the basis of balance of national interests, development of the corresponding programs and creation of institutional structures; the second approach is to limit migration cooperation.

Within integration associations, migration cooperation is even closer, and the migration regime is becoming liberal. Thus, the legal basis for improving the management of migration processes in the CIS is a multilateral international document - European Convention on the Legal Status of Migrant Workers and Members of Their Families, signed on November 14, 2008 [IOM, 2008]. The purpose of the Convention is to create conditions for equal treatment of migrant workers, members of their families and nationals of the host country, as well as favorable conditions for the movement of labor across the territories of the participating States.

In integration associations, the liberalization of migration regimes at the regional level often contradicts the national interests of an individual country. For example, the attitude towards migrant workers in Greece with an unemployment rate of 15.8% and 34.2% among young people (December 2020) [Take-profit, 2021a] and Germany, where unemployment was 4.6% and 6.6%, respectively, cannot be the same (January 2021) [Take-profit, 2021b].

The state level of regulation is aimed at ensuring the priority use of national labor resources, taking into account the situation on the labor market, as well as to ensure control over the attraction and use of foreign labor. The government of each country determines the directions and goals of migration policy. However, the world community has recognized a reasonable and necessary condition for states in developing a set of measures to regulate labor migration, to adhere to certain legal norms and standards enshrined in the documents of international organizations. States, by ratifying international conventions governing the process of labor migration, recognize the priority of international law over national law, which is important both for the country itself in terms of its integration into the world community, and for migrants whose rights abroad are significantly expanded and need protection. At the same time, each state in the implementation of international principles in regulating the processes of international labor migration on its territory can not ignore existing trends and prospects for socio-economic and demographic development, determined by the state strategy.

Reform of migration policy in developed countries went in two directions: strengthening mechanisms for the selection of migrant workers in favor of highly qualified professionals and limiting the entry of low-skilled migrants. For example, Council Directive 2009/50 / EU of 25 May 2009 was aimed at attracting highly qualified specialists to the European Union in order to create favorable conditions for the relocation, residence and employment of highly qualified labor in the EU [Zaychuk, 2009: 42].

As world practice shows, all states seek to develop mechanisms for regulating external labor immigration that could ensure a balance of interests: the state - society - entrepreneurs - citizens - migrants, the interests of the country and other states on the basis of international norms and principles adopted by international organizations (Fig. 2.). But all countries apply the existing legislation depending on fluctuations in the labor market, specialty and qualifications of the migrant, the country of origin.

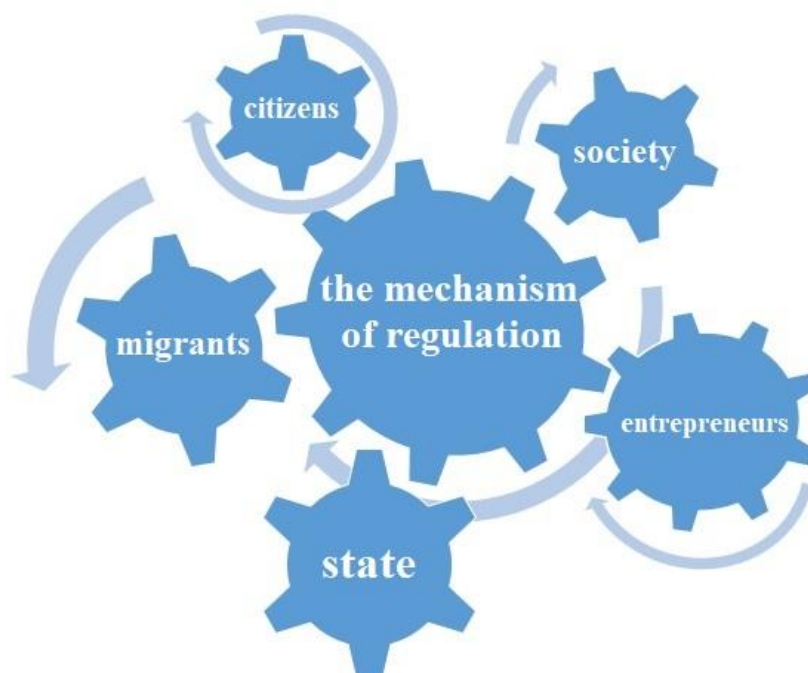


Fig. 2. Balance of interests for successful regulation of labor migration

Regulating international labor migration at the state level, each country is forced to resolve a number of conceptual contradictions, such as the need to ensure the priority use of national labor resources in accordance with their demographic and economic interests. Regulation of labor immigration processes at the national level is determined by both national economic interests and the need to preserve national culture, identity and traditions. Based on these considerations, in some developed countries the regulation of migration relations is based in part on the concept of "cooperation instead of migration". For example, France adopted the Chevenement law in 1998, the

main idea was to help other countries train the necessary specialists and researchers for a limited period of stay in France so they could then return home and promote its economic development, as well as close relations with France [Mayev, 2016: 94].

The organization of labor migration and its scale in all countries has always been determined by the historical conditions of their development. The direction and nature of changes in immigration policy depend on the country's immigration history. Australia, Canada, New Zealand and the United States are among the leading countries of traditional immigration. Each country has established its own system of migration management, which is based on the observance of economic interests and international humanitarian obligations. In these countries there is an active selection of qualified personnel of interest to the host country.

The motivation of the policy to encourage the inflows of highly qualified specialists from abroad, which is carried out by industrialized countries, is quite clear. The most interesting thing is that the processes of intellectual migration are not always negatively perceived by the authorities of the countries. Often the authorities of donor countries suffering from the "brain drain" support the existing migration trends. First, skilled migrants, like other participants in cross-border movements, invariably send large sums of money to relatives. Secondly, in many developing countries due to the departure of qualified personnel, the unemployment rate among the educated part of society is reduced, and thirdly, when preparing to leave the world's poorest countries, people incur significant costs for education and thus contribute to raising the level of education in their country.

However, most states still try to counteract the outflow of their specialists, rather than encourage "brain drain" or enjoy its benefits. Some countries legally prohibit the departure of certain categories of professionals - for example, doctors and teachers [Davydyuk, 2019: 4]. However, this does not solve the problem.

Departure-oriented professionals use various opportunities to overcome official prohibitions, for example, by concealing the availability of appropriate qualifications, entering into fictitious marriages or obtaining certificates of non-existent diseases. More promising, compared to purely prohibitive measures, is the approach adopted in the middle of the last decade by EU countries. Concerned about the scale of the "brain drain" to the United States and Great Britain, creating not only a hypothetical but also a practical problem of preserving the national scientific elite, EU countries seek to systematically increase spending on science. This helps to ensure the employment of the best graduates of local universities and to develop programs to support the repatriation of intellectual migrants.

With regard to measures to attract foreign professionals, which are done to stimulate the influx of intellectual migrants, in addition to the development of a network of recruitment agencies, there are other methods. In most cases, they focus on the selective selection of talented foreign youth who are studying in universities and speak the language of the host country, which is usually English.

The United States, Australia, New Zealand, Canada, France and the United Kingdom are easing visa requirements for foreign applicants, offering preferential tuition schemes for the best students, and facilitating the process of obtaining citizenship by graduates of higher education institutions. However, today such an approach, reminiscent of conventional market dumping, is no longer so popular. The situation, which existed five or seven years ago, is changing and is limited not only by budgetary problems, but also by growing public sentiment directed against the excessive influx of potential competitors into the skilled labor markets.

Among the official mechanisms for stimulating intellectual immigration is the experience of a number of countries, including the United Kingdom, France, Germany and Japan, in providing special visas for highly qualified professionals that allow them to work under long-term contracts. The number of such special visas issued, for example, by Japan, has reached several hundred thousand in the last ten years.

Conclusions. Thus, the main postulate of regulating migration relations at the international level is the requirement to provide migrants with the rights they should have as individuals.

International norms and principles developed by international organizations affect the content of national law governing migration processes that take place at the national and regional levels. The strengthening of the role of regulating international labor migration is due to new conceptual approaches based on the principles and provisions adopted by international organizations and enshrined in the UN General Assembly the Universal Declaration of Human Rights, the Constitution of the International Organization for Migration, conventions and recommendations of the International Labor Organization. Effective state regulation of international labor migration is ensured by participation in bilateral, multilateral, regional migration agreements aimed at ensuring the interests of attracting foreign labor in accordance with the needs of the labor market in terms of number and structure of flows, as well as respecting the rights of migrant workers. Therefore, intellectual migration is a complex phenomenon that ambiguously affects the socio-economic development of donor and recipient countries.

References

- 1 Bailey A, Mulder C. H. (2017) 'Highly skilled migration between the Global North and South: gender, life courses and institutions', *Journal of Ethnic and Migration Studies*, 43:16, 2689-2703, <DOI: 10.1080/1369183X.2017.1314594>
- 2 Czaika M., Parsons C. R. (2016) 'The Gravity of High-Skilled Migration Policies', *KNOMAD WORKING PAPER 13* <https://www.knomad.org/sites/default/files/2017-04/KNOMAD%20Working%20Paper%2013%20HighSkilledMigration_0.pdf >
- 3 Davydyuk L. (2019) 'Intelektualna mihratsiia trudovykh resursiv v umovakh hlobalizatsii' [Intellectual migration of labor resources in the context of globalization], *Effective economy* 11. Dnipro, <http://www.economy.nayka.com.ua/pdf/11_2019/71.pdf>
- 4 Erfan Y.A. (2018) 'Osoblyvosti mizhnarodnoi mihratsii vysokokvalifikovanykh pratsivnykiv' [Features of international migration of highly skilled workers], *Naukovyi visnyk Uzhhorodskoho natsionalnoho universytetu*, 18(II): 10, <http://lib.znau.edu.ua/jirbis2/images/phocagallery/2017/Pryklady_DSTU_8302_2015.pdf>
- 5 *International Labor Organization* (1949) 'Migration for Employment Convention (Revised), 1949 (No. 97)', <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::p12100_instrument_id:312242/>
- 6 *International Labor Organization* (1955) 'R100 - Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955 (No. 100)', <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::p12100_instrument_id:312242/>
- 7 *International Organization for Migration* (2008) 'European Convention on the Legal Status of Migrant Workers and Members of Their Families', <<https://www.iom.org.ua/en/legislation/migration-related-legislation/workers-and-members-of-their-families.html>>
- 8 Mayev A.P. (2016) 'Kontseptualni zasady rozbudovy instytutu rehionalnoho upravlinnia v suchasni Ukraini: yevropeyskyi ta vitchyzniansyi dosvid' [Conceptual principles of development of the institute of regional management in modern Ukraine: European and domestic experience], *Odessa Regional Institute for Public Administration of the National Academy for Public Administration under the President of Ukraine*. Odessa.
- 9 Nathan M. (2013) 'The Wider Economic Impacts of High-Skilled Migrants: A Survey of the Literature' *IZA Discussion Papers, No. 7653, Institute for the Study of Labor (IZA)*, Bonn <<https://www.econstor.eu/bitstream/10419/89999/1/dp7653.pdf> >
- 10 *Take-profit* (2021a). 'Unemployment rate and employment data in Greece', <<https://take-profit.org/en/statistics/unemployment-rate/greece/>>
- 11 *Take-profit* (2021b). 'Unemployment rate and employment data in Germany', <<https://take-profit.org/en/statistics/unemployment-rate/germany/>>

12 Weinar A., Klekowski von Koppenfels A. (2020) 'The State and the Highly Skilled Immigrant', *Highly-Skilled Migration: Between Settlement and Mobility. IMISCOE Research Series*. Springer, Cham. <https://doi.org/10.1007/978-3-030-42204-2_3>

13 Zaychuk V.O. (2009) 'Referatyvnyi ohliad yevropeiskoho prava' [Abstract review of European law], *Legislation Institute of The Verkhovna Rada of Ukraine* 14. Kyiv, <<http://instzak.rada.gov.ua/uploads/documents/31600.pdf>>

ЗМІСТ

ПОЛІТИЧНІ ПРОБЛЕМИ МІЖНАРОДНИХ ВІДНОСИН

Matviyenko V., Doroshko M.S., Baliuk V.

Ukrainian-Polish century-long co-operation: from the 1920 Warsaw agreement to strategic partnership of the two states4

Parfinenko A.

International tourism as a neoliberal practice of chinese influence in the Western Balkans.....14

Fesenko M. V., Mukha V. V.

Consequences of Brexit for the prospects of the UK - EU relations.....29

Koczan M.

Poland's energy security in the process of energy transformation.....37

СУЧАСНА СИСТЕМА МІЖНАРОДНОГО ПРАВА

Medvedieva M.O.

Scientific Research: Overview of Some Urgent Issues from National and International Law Perspectives.....45

Lazarenko M., Chernohorenko I.

How can the human rights legal framework address the violation of human rights extraterritorially?.....55

ОСОБЛИВОСТІ РОЗВИТКУ СВІТОВОГО ГОСПОДАРСТВА ТА МЕВ

Stakanov R., Savchuk A.

Key trends in international regulation of intellectual migration.....60

**АКТУАЛЬНІ ПРОБЛЕМИ
МІЖНАРОДНИХ ВІДНОСИН**

Збірник наукових праць

ВИПУСК 146

Заснований в 1996 році.

Засновник : Інститут міжнародних відносин
Київського національного університету імені Тараса Шевченка.

Свідоцтво про державну реєстрацію: К1 №292 від 05.11.1998 р.

Перереєстрація у 2020 році.

Засновник: Київський національний університет імені Тараса Шевченка.

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

Науковий редактор: **Дорошко М. С.**, доктор історичних наук, професор.

**Рекомендовано до друку Вченою радою Інституту міжнародних відносин
Київського національного університету імені Тараса Шевченка.
Протокол № 9 від 30 березня 2021 року.**

Підписано до друку 31.03.2021 року.
Наклад 100 примірників

Інститут міжнародних відносин
Київського національного університету імені Тараса Шевченка
Тел. 044-481-44-68
Сайт: <http://apir.iir.edu.ua/index.php/apmv/>