Vestnik RUDN. International Relations. ISSN 2313-0660 (Print), ISSN 2313-0679 (Online)
Вестник РУДН. Серия: МЕЖДУНАРОДНЫЕ ОТНОШЕНИЯ
2026 Vol. 26 No. 3 500–527
http://journals.rudn.ru/international-relations

DOI: 10.22363/2313-0660-2026-26-3-500-527
EDN: DTTXAQ

Research article / Научная статья

"Exclusion Zones" as a Springboard for Interference in the Internal Affairs of Sovereign States: The Case of the US Guantanamo Bay Base

Olga A. Kuznetsova, Alexandra S. Kholoimova, Lev R. Klebanov, Murad M. Madzhumayev ✉

RUDN University, Moscow, Russian Federation
✉madzhumaev-mm@rudn.ru

Abstract. The contemporary architecture of international relations is witnessing new challenges to state sovereignty, notably the emergence of so-called "exclusion zones": geographically demarcated enclaves located within the borders of a state but operating exclusively to serve the military and political interests of another. The United States Naval Base at Guantanamo Bay, situated on Cuban territory, serves as the quintessential embodiment of such an exclusion zone. The relevance of this study is underscored by the progressive institutionalization of these extraterritorial enclaves, which have evolved beyond conventional military infrastructure into active instruments for projecting influence over independent states; they have transformed into staging grounds not only for targeted covert operations against dissenting foreign leaders, but also for full-scale military invasions. Crucially, these "exclusion zones" operate in a state of factual impunity, existing entirely outside the jurisdictional reach of their host states and beyond the constraints of international law. The Guantanamo Bay base houses a detention facility specifically for individuals suspected of terrorist activities. The detainees held within this facility have been subjected to a radical legal "exclusion"—a systemic deprivation of their status as subjects of law—which has facilitated inhumane treatment and sophisticated methods of torture. The primary objective of this research is to introduce a rigorous definition of "exclusion zones" into academic discourse and to elucidate their specific characteristics using Guantanamo Bay as a case study, tracing its qualitative transformation from a traditional military garrison into a broader US "zone of influence" spanning Latin America, the Caribbean, and beyond. The article examines the key historical stages of the base's formation and analyzes its ongoing functional role as a catalyst for geopolitical tension and an instrument of hybrid warfare. The methodological framework integrates Hans J. Morgenthau's classical political realism, Kenneth Waltz's structural realism, a structural-functional approach, and post-structuralist political philosophy (M. Foucault, G. Agamben, A. Mbembe), accompanied by a problem-chronological approach. The scientific novelty of the study lies in establishing the inextricable link between the proliferation of these "exclusion zones", including highly classified extraterritorial detention facilities, and the legitimization of acts of "coercive justice" and direct military aggression serving US strategic interests. The findings reveal the legal mechanisms underpinning the establishment of "exclusion zones", determining that their foundation rests upon the theory of "split sovereignty", which deliberately generates artificial legal vacuums enabling powerful international actors to systematically violate fundamental principles of international law. To counter this challenge, the study formulates strategic responses for the Global South, advocating a decisive shift away from passive observation in favor of denouncing exploitative bilateral agreements under the doctrine of a fundamental change of circumstances (rebus sic stantibus), developing a blocking international legal framework against unilateral sanctions, and establishing alternative judicial mechanisms within emerging multipolar institutions.

Key words: external interference, split sovereignty, extraterritorial jurisdiction, state sovereignty, hybrid warfare, neocolonialism, international law, security, multipolarity

© Kuznetsova O.A., Kholoimova A.S., Klebanov L.R., Madzhumayev M.M., 2026

This work is licensed under a Creative Commons Attribution-NonCommercial 4.0 International License
https://creativecommons.org/licenses/by-nc/4.0/legalcode

Funding sources. This research was prepared within the framework of project No. 210506-0-000, “Advanced technologies of molecular morphology, spatial phenotyping, and artificial intelligence in criminal evidence proceedings,” supported by the 2025 RUDN University Megagrant (competition code U.4-2025).

Authors’ contributions. O.A. Kuznetsova: conceptualization, development of research methodology, conducting research, data collection and processing. A.S. Kholoimova: conducting research, data collection and processing, data curation, writing—manuscript draft preparation. L.R. Klebanov: academic supervision, conducting research, data collection and processing, information analysis and systematization. M.M. Madzhumayev: conducting research, data collection and processing, manuscript preparation, software operation. All authors have read and approved the final version of the article.

Conflicts of interest. The authors declare no conflicts of interest.

For citation: Kuznetsova, O. A., Kholoimova, A. S., Klebanov, L. R., & Madzhumayev, M. M. (2026). “Exclusion zones” as a springboard for interference in the internal affairs of sovereign states: The case of the US Guantanamo Bay base. *Vestnik RUDN. International Relations*, 26(3), 500–527. https://doi.org/10.22363/2313-0660-2026-26-3-500-527; EDN: DTTXAQ

«Зоны исключения» как плацдарм для вмешательства во внутренние дела суверенных государств: пример американской базы Гуантанамо

О.А. Кузнецова, А.С. Холоимова, Л.Р. Клебанов, М.М. Маджумаев✉

Российский университет дружбы народов, Москва, Российская Федерация
✉madzhumaev-mm@rudn.ru

Аннотация. В современной архитектуре международных отношений наблюдаются качественно новые угрозы государственному суверенитету, к числу которых относятся так называемые «зоны исключения»: территориально обособленные участки, которые находятся на территории одного государства, но представляют военно-политические интересы другого государства. Олицетворением такой зоны исключения является база ВМС США Гуантанамо, располагающаяся на территории Кубы. Актуальность данного исследования продиктована институционализацией этих экстерриториальных анклавов, которые эволюционировали из военной инфраструктуры в активные инструменты влияния на независимые государства и превратились в плацдармы не только для точечных специальных операций против неугодных лидеров независимых стран, но и полномасштабного военного вторжения. Такие «зоны исключения» находятся фактически не только вне юрисдикции государств, территорию которых они занимают, но и вне каких-либо рамок международного права. На территории базы Гуантанамо находится тюрьма для лиц, подозреваемых в террористической деятельности. Содержащиеся там заключенные подверглись «исключению» из числа субъектов права (утратили правосубъектность), что выразилось в бесчеловечном обращении с ними и изощренных пытках. Цель исследования — введение в научный оборот определения понятия «зон исключения» и выявление специфики таких зон на примере базы Гуантанамо, которая прошла качественную трансформацию от традиционного военного гарнизона к «зоне влияния» США в регионе Латинской Америки и Карибского бассейна и за его пределами. Рассмотрены основные этапы становления базы и та функциональная роль, которую она играет в качестве плацдарма напряженности и орудия гибридной войны. Методологическую основу исследования составили классический политический реализм Г. Моргентау, структурный реализм К. Уолтца, структурно-функциональный подход и постструктуралистская политическая философия (М. Фуко, Дж. Агамбен, А. Мбембе). В ходе исследования также применялся проблемно-хронологический подход. Научная новизна исследования заключается в обосновании неразрывной связи между существованием таких «зон исключения», включая специализированные закрытые секретные учреждения экстерриториального характера, и легитимацией актов «силового правосудия» в интересах США и прямой военной агрессии. В результате исследования выявлен правовой механизм создания «зон исключения» и установлено, что их фундаментом служит теория «расщепленного суверенитета», создающая искусственные правовые вакуумы для систематических нарушений принципов международного права со стороны отдельных влиятельных акторов. В качестве реагирования на этот вызов сформулированы

подходы адекватного ответа стран Глобального Юга, предполагающие отказ от пассивного наблюдения в пользу денонсации кабальных соглашений на основе доктрины коренного изменения обстоятельств (*rebus sic stantibus*), формирование блокирующей международной нормативно-правовой основы против односторонних санкций и создание альтернативных судебных механизмов в рамках многополярных институтов.

Ключевые слова: внешнее вмешательство, расщепленный суверенитет, экстерриториальная юрисдикция, государственный суверенитет, гибридная война, неоколониализм, международное право, безопасность, многополярность

Сведения о финансировании. Статья подготовлена в рамках темы № 210506-0-000 «Передовые технологии молекулярной морфологии, пространственного фенотипирования и искусственного интеллекта при доказывании в уголовном судопроизводстве», поддержанной Мегагрантом РУДН 2025 года (код конкурса U.4-2025).

Вклад авторов. Кузнецова О.А.: концептуализация, разработка методологии исследования, проведение исследования, сбор и обработка данных. Холоимова А.С.: проведение исследования, сбор и обработка данных, курирование данных, подготовка черновика рукописи. Клебанов Л.Р.: научное руководство исследованием, проведение исследования, сбор и обработка данных, анализ и систематизация информации. Маджумаев М.М.: проведение исследования, сбор и обработка данных, подготовка рукописи, работа с программным обеспечением. Все авторы ознакомлены с окончательной версией статьи и одобрили ее.

Заявление о конфликте интересов. Авторы заявляют об отсутствии конфликта интересов.

Для цитирования: *Кузнецова О. А., Холоимова А. С., Клебанов Л. Р., Маджумаев М. М.* «Зоны исключения» как плацдарм для вмешательства во внутренние дела суверенных государств: пример американской базы Гуантанамо // Вестник Российского университета дружбы народов. Серия: Международные отношения. 2026. Т. 26, № 3. С. 500–527. https://doi.org/10.22363/2313-0660-2026-26-3-500-527; EDN: DTTXAQ

Introduction

The modern architecture of international relations, based on the principles of the Peace of Westphalia and set forth in the Charter of the United Nations (UN), is currently undergoing a period of profound structural transformation (Kashirina, 2020, p. 28). This process is not merely a succession of hegemonic cycles or a redistribution of spheres of influence, but a fundamental reconfiguration of the nature of power on a global scale. The states of the collective West continue to formulate and impose their own interpretation of the development of the world order, admitting neither alternative readings of the situation nor the alternative trends that have been "maturing" and acquiring objective form in the 21st century (Pankratov & Klinshans, 2023, p. 232). One of the resources used to resist the transformation of the unipolar world into a multipolar one is the technology of the "geopolitics of perception," which is defined as a dominant discourse "produced by the dominant powers and imposed upon the rest of the world as a non-alternative model of world order, functioning as a representation of the substance and significance of world political processes and of one's own place in the world" (Pankratov & Klinshans, 2023, p. 232).

At the institutional level, the logical continuation of this discursive strategy of resisting the transformation of the global architecture from unipolarity to multipolarity is the reproduction and legitimation of asymmetry in sovereign status. Whereas the "geopolitics of perception" establishes the conceptual framework of inequality, the asymmetry of sovereignty entrenches that framework in political and legal reality. Within this paradigm, the subjects of international relations are differentiated into states possessing sovereignty in full and actors whose sovereignty is purely declarative in character. The applied embodiment of this divide is the "exclusion zone," which constitutes the subject of the present study. Such zones represent the spatial objectification of the asymmetry in

question: a geographical localization of the deficit of sovereign authority that separates the hegemonic state from those actors which, while retaining formal legal equality under the UN Charter, are in practice constrained in exercising exclusive jurisdiction over their own territory.

On the part of the leading Western powers, a systematic dismantling of the principle of state sovereignty is discernible, a principle that for centuries has served as the sole, if imperfect, guarantee against the arbitrary conduct of powerful states. In the era of classical colonialism, the denial of sovereignty to "uncivilized" peoples was open and absolute; yet as the colonial system was dismantled, following the emergence of the socialist bloc states and the national liberation struggle for independence, "standards of civilization" linked to the formulation of criteria for recognizing or withholding recognition of a given country as an equal member of international society emerged (Mironov, 2017, p. 359). Such "standards" are in essence a camouflaged instrument employed by Western states to preserve their dominance over former colonial territories. These "standards," in turn, encompass a wide range of control practices, one of which is the establishment of so-called "exclusion zones."

The relevance of the problem under examination stems from the fact that such zones have ceased to be local anomalies confined to periods of armed conflict. Conventional wars are giving way to complex hybrid confrontations, in which military operations are combined with economic pressure, information campaigns, and political manipulation, including through the use of controlled (proxy) figures and structures. Today, the exclusion zones have become a systemic tool of foreign policy, applied to project force, remove competitors, and retain control over strategically significant regions. "Exclusion zones" can take diverse forms and structures, but they all share a common logic: creating a legal vacuum in which the will of an external actor displaces any law other than that which assists it in attaining its objectives. It should be emphasized that this practice is not a spontaneous reaction to threats, but a considered strategy rooted in the colonial past and adapted to contemporary conditions. Concepts that were previously applied to the administration of dependent territories are today revived in the form of extraterritorial jurisdiction and selective application, or non-application, of international law norms.

The aim of the study is to determine the political and legal content of the category "exclusion zone" through its theoretical demarcation from adjacent concepts, and to identify the functional role of the United States naval base at Guantanamo Bay at the successive stages of its operation.

The pursuit of this aim entailed addressing the following tasks:

– to formulate a doctrinal definition of the "exclusion zone" and to identify the set of criteria differentiating it from other political and spatial regimes,

– to establish the stages of the institutional transformation of the Guantanamo base, determining its strategic purpose at each of them,

– to assess the applicability of the international legal mechanisms available to states for the protection of their sovereignty where such extraterritorial enclaves are located on their territory.

The architecture of the study follows the logic of these tasks.

The source base of the study comprises several mutually complementary categories of documents.

The first group consists of declassified materials from the National Security Archive (George Washington University), including documents of the Cuba Project (Operation Mongoose) and the memorandum of the Joint Chiefs of Staff "Justification for US Military Intervention in Cuba" of 13 March 1962, known

under the code designation Northwoods.[1] These documents were declassified and brought into circulation under the Freedom of Information Act (FOIA), which was adopted in 1966 and came into force in 1967,[2] and within the framework of the Archive's Cuba project.[3]

The second group comprises Soviet and Russian archival materials on Operation *Anadyr*, partially published and introduced into scholarly circulation by S.V. Karakaev (2013).

The third group consists of normative legal instruments and materials of judicial practice: the agreement for the lease of lands for coaling and naval stations of 16/23 February 1903,[4] the supplementary lease agreement of 2 July 1903,[5] the Cuban-American treaties of relations of 1903 and 1934,[6] the Platt Amendment,[7] the United States act authorizing defense appropriations of 1961 (National Defense Authorization Act, NDAA),[8] as well as the 2019 advisory opinion of the International Court of Justice on the separation of the Chagos Archipelago[9] and UN General Assembly resolution A/RES/73/295.[10]

Research Methodology

The conceptual foundation for understanding the motives behind the creation of "exclusion zones" is classical political realism. Notwithstanding H. Morgenthau's consistent reservations regarding the need to correlate politics with ethics, political realism as he understood it is above all a politics of power pursued exclusively in one's own interest: the objectives of foreign policy must be defined in terms of the national interest and supported by adequate power (Morgenthau, 1949, p. 440). By national interest he understands the interest of the state rather than the interest of the nation. Taken to its limit, this conception directs the political actor toward the subordination of the greatest possible political space (Shabaga, 2015, p. 29). In cases of political weakness, whether absolute or relative, political realism indicates a path of

[1] Chairman, Joint Chiefs of Staff. Memorandum to the Secretary of Defense "Justification for US Military Intervention in Cuba", 13 March 1962 // National Security Archive. URL: https://nsarchive.gwu.edu/CMC-60/joint-chiefs-pretexts-to-invade-Cuba-1962 (accessed: 24.06.2026).

[2] Public Information Act of 1966, 5 U.S.C. § 552 // U.S. Government Publishing Office. URL: https://www.govinfo.gov/content/pkg/STATUTE-80/pdf/STATUTE-80-Pg250.pdf (accessed: 24.06.2026).

[3] The Cuba Project // National Security Archive. URL: https://nsarchive.gwu.edu/project/cuba-project (accessed: 24.06.2026).

[4] Agreement Between the United States and Cuba for the Lease (Subject to Terms to be Agreed upon by the Two Governments) to the United States of Lands in Cuba for Coaling and Naval Stations, February 16/23, 1903 // Office of the Historian, Shared Knowledge Services, Bureau of Administration, U.S. Department of State. URL: https://history.state.gov/historicaldocuments/frus1903/d331 (accessed: 24.06.2026).

[5] Lease to the United States by the Government of Cuba of Certain Areas of Land and Water for Naval or Coaling Stations in Guantanamo and Bahia Honda, July 2, 1903 // Office of the Historian, Shared Knowledge Services, Bureau of Administration, U.S. Department of State. URL: https://history.state.gov/historicaldocuments/frus1903/d332 (accessed: 24.08.2026).

[6] See: Naval Station Guantanamo Bay: History and Legal Issues Regarding Its Lease Agreements // Congressional Research Service. URL: https://www.congress.gov/crs-product/R44137 (accessed: 24.06.2026); Treaty Between the United States of America and Cuba, Signed at Washington, May 29, 1934 // Office of the Historian, Shared Knowledge Services, Bureau of Administration, U.S. Department of State. URL: https://history.state.gov/historicaldocuments/frus1934v05/d170 (accessed: 24.06.2026).

[7] Treaty Between the United States and the Republic of Cuba Embodying the Provisions Defining Their Future Relations as Contained in the Act of Congress Approved, March 2, 1901; 5/22/1903; Perfected Treaties, 1778-1945; General Records of the United States Government, Record Group 11; National Archives Building, Washington, DC // U.S. National Archives and Records Administration. URL: https://www.archives.gov/milestone-documents/platt-amendment (accessed: 24.06.2026).

[8] An Act to Authorize Appropriations for Aircraft, Missiles, and Naval Vessels for the Armed Forces, and for Other Purposes, June 21, 1961 // U.S. Government Publishing Office. URL: https://www.govinfo.gov/content/pkg/STATUTE-75/pdf/STATUTE-75-Pg94-2.pdf (accessed: 24.06.2026).

[9] Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965. Advisory Opinion of 25 February 2019. P. 95 // International Court of Justice. URL: https://www.icj-cij.org/sites/default/files/case-related/169/169-20190225-ADV-01-00-EN.pdf (accessed: 24.06.2026).

[10] Resolution A/RES/73/295 Adopted by the General Assembly on 22 May 2019 "Advisory Opinion of the International Court of Justice on the Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965" // United Nations. URL: https://docs.un.org/en/A/RES/73/295 (accessed: 24.06.2026).

adaptation to circumstances with a view to attaining the most desirable of the available outcomes (Shabaga, 2015, p. 29). At the same time, the exercise of such forcible intervention requires strategic footholds. "Exclusion zones" satisfy this requirement, since the creation of an extraterritorial enclave appears a rational means of securing national interests at a minimal cost.

The systemic character of these zones and the regularities governing their sustained reproduction are largely determined by the logic of neorealism (structural realism), as conceptualized by K. Waltz (1979). In his view, the structures that determine the condition and development of the international system may differ in potential (power), in function (purpose), and in organization (negentropy) (Waltz, 1979; Shabaga, 2015, p. 29). Waltz regarded power as the most important structural characteristic, while attaching considerable significance not only to its military but also to its financial, economic, and other components (Waltz, 1979; Shabaga, 2015, p. 29). At the macro level of interstate relations, this theoretical apparatus permits "exclusion zones" to be characterized as an instrument of structural influence, through which a great power secures its presence through extraterritorial enclaves, while avoiding the costs of direct annexation and formally observing the principle of sovereign equality. Meanwhile, at the institutional level, the structural-functional approach allows such zones to be treated not as isolated deviations from the norm but as elements of a broader system of force projection performing military, intelligence, legal, and political functions.

The political and legal dimension of human existence within the "exclusion zone," together with the mechanisms of power exercised over it, may be apprehended through post-structuralist political philosophy. The starting point of such an analysis is the theory of "biopower" (biopolitics) developed by M. Foucault. Classical biopolitics ("biopower" and "biohistory"), in Foucault's account, focuses on the management of the vital processes of a population (its preservation, the regulation of the birth rate) for the purpose of strengthening the state (Foucault, 2004, pp. 239–242). Foucault defines biopolitics as an attempt to rationalize the problems posed to governmental practice by phenomena characteristic of a population of living beings: health, hygiene, birth rate, life expectancy, and descent, and he further emphasizes that these problems are inseparable from the framework of political rationality (Foucault, 2008, p. 317). Thus, biopolitics is above all a process, an action directed at the management of a population and bound up with the realization of a specific political idea (Alasania, 2018, p. 71). Understood in this way, biopolitics proves to be a form of the existence of power itself, or more precisely of biopower (Alasania, 2018, p. 71). In this approach power is defined not as a punitive sword but as a mechanism for optimizing vital resources in the interests of the state organism (Foucault, 2004). The expansion of biopower does not, however, entail the automatic abolition of the sovereign prerogative of violence; on the contrary, that prerogative undergoes a profound functional transformation. The classical right of the sovereign to take life or let live is reconfigured into a technology of "letting die" (*laisser mourir*). Within the "exclusion zone," this orientation is manifested in the practice of the systemic alienation of the subject from legal protection, medical provision, and social communication. Biopolitics is thereby realized through the creation of conditions in which human life, while remaining biologically intact, is placed beyond the limits of political and legal existence.

The antipode of biopolitics is necropolitics. Drawing on the work of Achille Mbembe, D.V. Popov understands necropolitics as the extreme expression of a negentropic, that is, human-negating, biopolitics (Popov, 2019, p. 91). Necropolitics reduces biopolitics not merely to

control over the docile body but to total subjection under an immediate and visible threat of death (Popov, 2019, p. 91). In Mbembe's interpretation, necropolitics may be regarded as the right to dictate the conditions under which a subject may be destroyed or reduced to a condition devoid of rights (Mbembe, 2003, pp. 16–25; Golofast, 2021, p. 253). It is, in other words, a matter of absolute power over the subject, expressed also in the capacity to consign that subject to existence in the mode of the "living dead." "Exclusion zones," whether special facilities at Guantanamo Bay, secret prisons, or the "gray zones" of armed conflicts, constitute the material embodiment of necropolitical power. They are created in order to realize the "right of the strong" to apply various forms of violence against the weak without being bound by the constraints of national or international law. Within the perimeter of the base, the mechanisms for the protection of human rights cease to operate in respect of the persons detained there. The individual, as a rule a foreign national, is left alone before a military and punitive apparatus that subjects him to torture and retains the capacity to destroy him at any moment.

A condition of such absolute deprivation of rights, in which the physical survival of the subject is accompanied by the complete annulment of his legal status, is closely bound up with the concept of "social death." Social death is the condition of persons not fully recognized by society as human beings. It is, in other words, the process and the outcome of the self-removal or exclusion of a social subject from the life of society. The principal indicators of social death are the loss of freedom as a necessary condition of self-realization; the loss of social identity, which renders self-determination impossible; the individual's repudiation of generally accepted norms and values; and a deliberate refusal of interaction in the sphere of public life. The condition was first described by the sociologist O. Patterson in his study of the institutions of slavery, in order to characterize the position of the slave: physically alive, the slave was socially dead, deprived of name, kinship ties (Garcia, 2025, p. 472), honor, and rights. Under the conditions of contemporary hybrid warfare this conception is scaled up, transferred from the level of the individual to that of social groups, including heads of state and members of political elites. Hybrid warfare is designed, among other purposes, to induce despondency, despair, and fear, and to instill the conviction that resistance is futile. Here, in our view, the law of the transition of quantitative changes into qualitative ones operates with considerable clarity, leading from the broken will of the individual to the broken will of the masses.

"Social death" is an artificially modeled condition, a process of the systematic erasure of legal and political subjectivity. It is not a single act but a protracted procedure of desubjectivation. The subject is reduced to "bare life," to the figure of *homo sacer* in G. Agamben's terminology, wholly removed from the field of law (Agamben, 2011).

The conceptual development of this idea is reflected in Agamben's *Homo Sacer* (Agamben, 2011) and State of Exception (Agamben, 2004), where the category of the "state of exception" is interpreted as a topological space in which the sovereign sanctions the suspension of the legal order for the paradoxical purpose of its preservation. On this logic, the subject placed within an "exclusion zone" undergoes radical depoliticization: he is deprived of *bios*, that is, of the determinate form or mode of life proper to an individual or a group, of socially and legally qualified civic existence, and is reduced to the condition of *zoe*, the bare fact of biological life common to all living beings, animal and human alike (Agamben, 2011). Sovereign power strips the individual of his political subjectivity (*bios*) without, however, releasing him into a condition

of natural freedom. On the contrary, as Agamben emphasizes, the result of such an exercise of exclusion is not a simple return to animal *zoe* but the production of "bare" or "sacred life" as a specific zone of indistinction in which *zoe* and *bios* mutually exclude and simultaneously absorb one another (Agamben, 2011, p. 87). This "bare life" is a purely biological substrate in respect of which sovereign power is exercised without reference to any legal constraint. It is precisely this metaphysical principle that determines the specific character of the legal regime of the Guantanamo detention complex. The construction of a "legal nowhere" is effected through the deliberate refusal to accord detainees the status of prisoners of war protected by the norms of the Third Geneva Convention of 12 August 1949 relative to the treatment of prisoners of war, in particular Article 4, which defines the criteria of prisoner-of-war status,[11] or the status of accused persons enjoying the procedural guarantees of national legislation. The result of such institutional deprivation of human rights is the emergence of a unique jurisdiction in which the individual continues to exist physically while wholly losing the quality of a subject of law.

The technological cycle leading to "social death" is a multi-stage process whose implementation begins long before the physical detention of the opponent. The first and determining stage is symbolic, or discursive, delegitimation. Global media resources, including news agencies and social networks, initiate a process of semantic dehumanization of the target. The affixing of the labels "enemy of democracy," "accomplice of terrorism," "narco-terrorist," "murderer," or "war criminal" functions not merely as invective but as a marker of exclusion. It signals to international institutions and to entire states that the norms of law no longer extend to the subject in question. Demonization creates the requisite cognitive background, a "new normality" in which any aggressive action, from sanctions to physical abduction, is received by public opinion as the restoration of justice rather than as a violation of sovereignty, that is, as an act of "coercive justice."

The concluding act of the procedure of desubjectivation is the physical placement of the subject within a material "exclusion zone," a special prison or a military base of the Guantanamo type. At this stage the process reaches its culmination, passing into a phase of direct psychophysical suppression. On entering this system, the individual is deprived of the last attributes of personhood, including his own name, which is replaced by a serial number. The subject is removed from his customary environment and isolated from the informational and cultural sphere. Within the zone, special techniques for the destruction of personality are applied: sensory deprivation or overload, sleep deprivation, forced feeding, and degrading search procedures. The purpose of these practices is not so much the extraction of information as the complete breaking of the will and the deconstruction of personality, the conversion of a human being into a compliant biological object. The prisoner of the "exclusion zone" ceases to be a political opponent with whom negotiation is possible, or a prisoner of war protected by conventions. He is transformed into an object without rights, whose fate serves as an instrument of deterrence directed at any force prepared to challenge hegemony, and as a demonstration of the inability of international law to protect those condemned to "social death."

The connecting link between the foregoing elements is the legal construction of "split sovereignty." It permits the mutually complementary character of the selected

[11] Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949. Adopted on 12 August 1949 by the Diplomatic Conference for the Establishment of International Conventions for the Protection of Victims of War, held in Geneva from 21 April to 12 August 1949 // The United Nations. (In Russian). URL: https://www.un.org/ru/documents/decl_conv/conventions/geneva_prisoners_1.shtml (accessed: 24.06.2026).

approaches to be substantiated: the parameters of the "exclusion zone" are established at the interstate level, yet the legal consequences of those decisions bear directly upon the position of the individual.

The theory of political realism thus reveals the political and legal preconditions for the formation of such a vacuum, while post-structuralism describes its effect upon the individual. In contemporary studies of extraterritorial regimes (Borgen, 2024; Cantor et al., 2022), it is precisely this perspective that makes it possible to trace the direct connection between a state's geopolitical decisions and the individual's actual loss of legal protection.

The Phenomenon of "Exclusion Zones": The Concept and the Specific Features of the Political and Legal Regime

The extension of extraterritorial jurisdiction under contemporary conditions has ceased to be perceived as a jurisdiction of last resort, given the possibility of its establishment in relation to public law relations (Terentieva, 2019, p. 161). The reason is that in the contemporary world the limits of the comprehensive jurisdiction of states are delineated not only by physically determined state borders but also by what global players designate as the zone of their vital interests, the protection of which is organized according to the familiar Machiavellian principle that the end justifies the means. In substance, the question concerns the capacity of certain states to undertake actions that encroach upon the sovereignty of other states, and to do so on the territory of the latter. Under such conditions, manifestations of extraterritorial jurisdiction become an increasingly frequent occurrence (Terentieva, 2019, p. 161). Consequently, the identification of the "exclusion zone" as an independent analytical category is dictated by the need to resolve the terminological ambivalence that has arisen. The conflation of this term with adjacent concepts requires a clear categorial demarcation.

The "exclusion zone" is to be distinguished from the "uncontrolled territory" encountered in the work of V.A. Kolosov (Kolosov, Sebentsov & Turov, 2021; Sebentsov & Kolosov, 2012). He was among the first to draw attention to the frequent divergence between official and actual jurisdiction over a given territory in a number of countries (Okunev & Shestakova, 2022, p. 172). It may be noted that A.B. Sebentsov and V.A. Kolosov cite terms of similar meaning found in the work of A.I. Fursov ("gray zone") (Fursov, 1999), A.I. Neklessa (territories of "transitional statehood") (Neklessa, 1997), and others.

In foreign scholarship, the most widespread term is "ungoverned territories" (Schetter, 2012), "areas" (Lamb, 2008), "spaces" (Whelan, 2006), or "zones" (Botchway, 2017). S. MacDonald (1993) and X. Raufer (1999) employ the term "gray area" in approximately the same sense. MacDonald defines the "gray area" as a territory or sphere of activity over which a government loses effective control (MacDonald, 1993, p. 34). Raufer, for his part, describes such zones as spaces of anarchy that have definitively passed beyond the jurisdiction of the state and are closed to the outside world (Raufer, 1999, p. 32). The principal feature of these territories is that official institutions entirely lose their force there, while real power passes to illegal shadow structures (Raufer, 1999, p. 32).

Common to all the concepts enumerated above is the indication of a rupture between formal and actual authority over a territory. In all these cases, however, the rupture arises spontaneously, as a consequence of institutional weakness, armed conflict, or criminal activity. The fundamental distinction of the "exclusion zone" is that the rupture is created deliberately and formalized in law: it is not a defect of the legal order but rather its product.

In light of the foregoing, the "exclusion zone" is understood in the present study as an extraterritorial enclave purposively created by a dominant state actor on the territory of a sovereign state on a treaty basis, through the division of formal title to the territory and actual authority over it, and characterized by a combination of five features: jurisdictional dualism, normative indeterminacy, functional polycentricity, institutional durability, and informational impermeability.

Jurisdictional dualism means that formal sovereignty over the territory is retained by the host state, whereas administrative, military, and legal authority belongs in fact to the lessee state. This dichotomy is fixed in specific treaty formulas distinguishing "ultimate sovereignty" from "complete jurisdiction and control," as was done in the Cuban-American agreements of 1903[12] and confirmed by the treaty of 1934.[13]

Normative indeterminacy follows from this dualism: the operation of the national law of the territorial sovereign is blocked, while the norms of international humanitarian law and the principles of universal jurisdiction are applied selectively by the state exercising actual control. The zone of legal indeterminacy thus created becomes an instrument for the performance of operational tasks placed beyond the conventional legal field.

Functional polycentricity distinguishes the "exclusion zone" from an ordinary foreign military base whose status is determined by a status of forces agreement. Such a base performs a strictly defined range of functions, whereas the "exclusion zone" simultaneously combines the roles of a military and strategic springboard, forward post for special intelligence operations, and extra-legal space of detention, thereby serving as the material embodiment of the asymmetry of sovereign capacities.

Institutional durability is manifested in the fact that, unlike an occupation regime, which is limited in time and governed by the Fourth Geneva Convention of 1949, the "exclusion zone" acquires an indefinite character and is protected against liquidation by the internal legal mechanisms of the lessee state itself. In the case of the United States base at Guantanamo, such protection is afforded by the provisions of the acts authorizing national defense appropriations, beginning with the United States defense appropriations act of 1961.[14]

Informational impermeability in an "exclusion zone" is secured either by the complete deportation of the local population or by a regime of closure that precludes independent civil and human rights monitoring. The first variant was implemented in the Chagos Archipelago in the Indian Ocean, where between 1968 and 1973, the United Kingdom forcibly removed the indigenous population, the Chagossians, to Mauritius and the Seychelles in order to establish a joint military base with the United States on the island of Diego Garcia (Motluk, 2024; Chowdhury, 2024). In 2019 the International Court of Justice found that the separation of the archipelago from Mauritius in 1965 was contrary to the right of peoples to

[12] See: Agreement Between the United States and Cuba for the Lease (Subject to Terms to be Agreed upon by the Two Governments) to the United States of Lands in Cuba for Coaling and Naval Stations, February 16/23, 1903 // Office of the Historian, Shared Knowledge Services, Bureau of Administration, U.S. Department of State. URL: https://history.state.gov/historicaldocuments/frus1903/d331 (accessed: 24.06.2026); Lease to the United States by the Government of Cuba of Certain Areas of Land and Water for Naval or Coaling Stations in Guantanamo and Bahia Honda, July 2, 1903 // Office of the Historian, Shared Knowledge Services, Bureau of Administration, U.S. Department of State. URL: https://history.state.gov/historicaldocuments/frus1903/d332 (accessed: 24.08.2026).

[13] Treaty Between the United States of America and Cuba, Signed at Washington, May 29, 1934 // Office of the Historian, Shared Knowledge Services, Bureau of Administration, U.S. Department of State. URL: https://history.state.gov/historicaldocuments/frus1934v05/d170 (accessed: 24.06.2026).

[14] An Act to Authorize Appropriations for Aircraft, Missiles, and Naval Vessels for the Armed Forces, and for Other Purposes, June 21, 1961 // U.S. Government Publishing Office. URL: https://www.govinfo.gov/content/pkg/STATUTE-75/pdf/STATUTE-75-Pg94-2.pdf (accessed: 24.06.2026).

self-determination,[15] a finding endorsed by the UN General Assembly.[16] It is telling that the 2025 settlement, under which the United Kingdom recognized the sovereignty of Mauritius over the archipelago, preserved the base on lease terms for a period of ninety-nine years[17]: the change of formal title did not eliminate the zone itself but merely reconstituted its legal basis. This confirms that the defining feature of an "exclusion zone" is not the attribution of title but its separation from actual control.

The institutional structure of such zones is disclosed through the political and legal category of "split sovereignty." Historically this concept derives from the classical theory of the divisibility of sovereignty, initially advanced to explain the distribution of powers in federal states (Tchernyak, 2005, p. 15). In contemporary scholarly discourse the idea is developed within the theories of divided sovereignty (Yanush & Mukharyamov, 2025, p. 52) and of the divisibility of sovereignty (Gribunov & Stepanova, 2023, p. 31). When extrapolated to the specific character of the phenomenon under study, in development of M. Strauss's ideas concerning the status of extraterritorial leases (Strauss, 2006), this approach presupposes the artificial separation of formal title to a territory from actual authority over it. The traditional Westphalian model postulates the indissoluble connection of the triad of territory, population, and authority (Karpilenya, 2020, p. 32), in which the sovereign possesses the fullness of jurisdiction within its borders. The practice of creating "exclusion zones," however, rests upon the deliberate rupture of these components.

Such enclaves, removed from the ambit of national jurisdiction, should not be regarded solely as vestiges of the colonial era or as regrettable lacunae in the international legal regulation of relations between states. On the contrary, they represent a product of contemporary "geopolitical engineering," designed to secure the covert influence of leading powers under conditions of the formal legal equality of states. The genesis of these zones is inseparably linked to the evolution of strategies of domination, which demonstrates a transition from the direct physical seizure of territory to the formation of a complex system of extraterritorial nodes. This approach permits the projection of force on a global scale while minimizing political and legal costs. In this context, the institution of extraterritoriality loses the character of a diplomatic privilege and is transformed into an instrument of hybrid warfare, that is, into a mechanism by which a strong actor forms a space of strategic influence within the borders of a weaker one.

A comparison of the "exclusion zone" with adjacent spatial and legal regimes on the grounds indicated is presented in the table.

The proposed system of criteria makes it possible to differentiate "exclusion zones" from adjacent spatial regimes. This approach also explains the high degree of durability of such formations: their status rests not upon actual control of territory, which is always reversible, but upon a binding international treaty. Moreover, the termination of such an agreement is legally made contingent upon the consent of the beneficiary state itself.

[15] Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965. Advisory Opinion of 25 February 2019. P. 95 // International Court of Justice. URL: https://www.icj-cij.org/sites/default/files/case-related/169/169-20190225-ADV-01-00-EN.pdf (accessed: 24.06.2026).

[16] Resolution A/RES/73/295 Adopted by the General Assembly on 22 May 2019 "Advisory Opinion of the International Court of Justice on the Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965" // United Nations. URL: https://docs.un.org/en/A/RES/73/295 (accessed: 24.06.2026).

[17] Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Mauritius Concerning the Chagos Archipelago Including Diego Garcia. London and Port Louis, 22 May 2025 // UK Government. URL: https://assets.publishing.service.gov.uk/media/682f25afc054883884bff42a/CS_Mauritius_1.2025_Agreement_Chagos_Diego_Garcia.pdf (accessed: 25.06.2026).

Delimitation of the "Exclusion Zone" from Adjacent Spatial and Legal Regimes

Concept	Basis of emergence	Subject of actual control	Character over time	Distinction from the "exclusion zone"
"Exclusion zone"	International treaty (lease, cession of jurisdiction)	Foreign state	Indefinite (institutionalized)	Not applicable
Uncontrolled territory (V.A. Kolosov)	Weakness of the institutions of the host state	Non-state actors, or none	Variable	The divergence of jurisdictions arises spontaneously and is not created by treaty
"Gray zone" in the spatial sense (A.I. Fursov, S.B. MacDonald, X. Raufer)	Loss of effective control by the state in favor of shadow structures	Non-state actors (armed and/or criminal)	Situational (contingent)	There is no external sovereign that has given legal form to extraterritorial control
Territories of "transitional statehood" (A.I. Neklessa)	Incompleteness of state building	Emerging local institutions	Transitional	The condition is temporary and purely internal in nature
Failed state	Loss by the state of the monopoly on legitimate violence	Competing internal groupings	Permanently critical	The legal vacuum is not designed but spontaneous (the collapse of institutions)
Occupied territory (Fourth Geneva Convention of 1949)	Establishment of actual authority by the armed forces of an adversary	Occupying power	Temporary, until the cessation of occupation	The regime is directly regulated and limited by international humanitarian law
Foreign military base under a Status of Forces Agreement (SOFA)	Status of Forces Agreement	Host state, with exemptions in favor of the sending state	Limited by the term of the agreement	The jurisdiction of the host state is preserved and the functions of the lessee are confined to military ones
Dependent (non-self-governing) territory	Colonial legacy, international system of trusteeship or administration	Administering power	Long-term (until realization of the right of peoples to self-determination)	There is no treaty-based splitting of the sovereignty of independent states; the status is governed by the UN Charter

Source: composed by O.A. Kuznetsova, A.S. Kholoimova, L.R. Klebanov, and M.M. Madzhumayev.

Stages in the Formation of the Guantanamo Base as an "Exclusion Zone"

In the contemporary world, a salient example of an "exclusion zone" is the United States naval base at Guantanamo Bay.

The Guantanamo base, which occupies 117 square kilometers and is located 920 kilometers southeast of Havana, Cuba, has acquired worldwide notoriety on account of torture and mass violations of human rights at the secret prison situated on its territory: between 2002 and 2022 some 780 Muslim men and boys were held at Guantanamo, in almost every case without charge or trial. As of July 2026, fifteen persons remain in detention there.[18] The Guantanamo detainees are for the most part nationals of countries that, in the assessment of United States administration officials, are implicated in terrorist activity. The detainees were seized on foreign territory and were not presented with any specific charges (Kudinov & Mikrikova, 2023, pp. 5–12). It should be noted that the base is capable of functioning not only as a naval facility but also as an air base.

[18] The Guantánamo Docket // The New York Times. Updated July 27, 2026. URL: https://www.nytimes.com/interactive/2021/us/guantanamo-bay-detainees.html#indefinite (accessed: 25.08.2026).

The history of the establishment and use of the base is inseparably linked to the history of relations between Cuba and the United States and comprises five stages:

1) the legal formalization of split sovereignty (1898–1934),

2) the use of the base as an instrument of United States interference in Cuba's domestic political processes (1934–1958),

3) the conversion of the base into a springboard for preparing a United States invasion of Cuba (1959–1962),

4) its use as a space for the denial of legal personality to migrants (1991–1996),

5) its operation as an extra-legal place of detention during the Afghan campaign (2001–2021).

The events of January 2026 open a sixth stage, the content of which is still taking shape.

The Legal Formalization of Split Sovereignty (1898–1934)

The United States' expansion in Cuba began in 1898, when, under the pretext of assisting the Cubans in their liberation from Spanish rule, the United States seized Guantanamo Bay with a detachment of marines, although American forces were able to hold their position with the assistance of Cubans from the Liberation Army.

The legal formalization of this presence proceeded in several stages. On March 2, 1901, the United States Senate adopted, as an amendment to the Army Appropriations Bill of 1901, a proposal by Senator O. Platt consisting of eight articles that substantially restricted the sovereignty of Cuba.[19] The relevant provisions are Articles III, VI, VII, and VIII. Article III conferred on the United States the right of intervention for the purpose of "preserving the independence" of Cuba; Article VI transferred the Isle of Pines to the United States; and Article VII obliged Cuba to sell or lease to the United States portions of its territory for the establishment of coaling stations and naval stations. Article VIII, in turn, required the incorporation of the amendment into a permanent treaty between the United States and Cuba.[20]

In implementation of Article VII, the President of Cuba T. Estrada Palma signed the Agreement for the Lease of Lands for Coaling and Naval Stations on February 16, 1903, and the President of the United States T. Roosevelt on 23 February of the same year. It is this instrument that contains the formula which subsequently became the legal foundation of the regime: Cuba retains "ultimate sovereignty," whereas the United States acquires "complete jurisdiction and control" over the territory of the base (Cantor et al., 2022, p. 143). The precise content of these two concepts is nowhere disclosed in the document. Control over territory is, as is well known, a natural requirement of any state, since it enables the state to obtain the resources necessary for its existence, forms the basis of its sovereignty, and distinguishes it from other political organizations (Okunev & Shestakova, 2022, p. 173).

On May 22, 1903, a Treaty of Relations was signed, incorporating the Platt Amendment into a bilateral treaty,[21] and on July 2, 1903 a supplementary agreement was concluded that

[19] Treaty Between the United States and the Republic of Cuba Embodying the Provisions Defining Their Future Relations as Contained in the Act of Congress Approved, March 2, 1901; 5/22/1903; Perfected Treaties, 1778-1945; General Records of the United States Government, Record Group 11; National Archives Building, Washington, DC // U.S. National Archives and Records Administration. URL: https://www.archives.gov/milestone-documents/platt-amendment (accessed: 24.06.2026).

[20] Treaty Between the United States and the Republic of Cuba Embodying the Provisions Defining Their Future Relations as Contained in the Act of Congress Approved, March 2, 1901; 5/22/1903; Perfected Treaties, 1778-1945; General Records of the United States Government, Record Group 11; National Archives Building, Washington, DC // U.S. National Archives and Records Administration. URL: https://www.archives.gov/milestone-documents/platt-amendment (accessed: 24.06.2026).

[21] Treaty Between the United States and the Republic of Cuba Embodying the Provisions Defining Their Future Relations as Contained in the Act of Congress Approved, March 2, 1901; 5/22/1903 // U.S. National Archives and Records Administration. URL: https://www.archives.gov/milestone-documents/platt-amendment (accessed: 24.06.2026).

determined the terms of the lease, including an annual payment of 2,000 United States dollars in gold.[22]

The specific character of this international legal regime derives from the fact that none of the agreements discloses the normative content of the categories in question or establishes criteria for their delimitation. The texts of the instruments specify neither the scope of the powers retained by the territorial sovereign, nor the legal order applicable to persons present on the base, nor any institutional mechanism for the resolution of disputes as to competence. Such legal indeterminacy constitutes not a technical lacuna in the treaty but a fundamental functional characteristic of it. The resulting construction enabled each party to invoke its own basis of entitlement, Cuba appealing to nominal title and the United States to actual control, in the absence of any supranational body empowered to resolve jurisdictional contradictions. As M. Strauss observes in examining this model through the prism of the institutions of international leases and servitudes, such a division does not integrate the territory into both legal systems but, on the contrary, removes it from the operation of each of them (Strauss, 2006). It is therefore precisely the deliberate normative ambivalence in the relationship between these statuses that transforms a classical contractual lease into an extraterritorial "exclusion zone."

In 1934 a new Treaty of Relations was concluded, abrogating the Platt Amendment.[23] Article III, however, expressly preserved the operation of the Guantanamo lease agreements and provided that their modification or termination was possible only by mutual consent of the parties. The removal of the legal basis for the restriction of Cuban sovereignty thus did not entail the removal of the restriction itself, while the condition of mutual consent conferred an indefinite character upon the regime.

An Instrument of Interference in Cuba's Internal Political Processes (1934–1958)

At the second stage, the base was used as a resource for influencing the domestic politics of the host state. Immediately after the Second World War, in 1946, the United States government sought to persuade the Cuban government to leave the bases established under the Naval Cooperation Agreement of 7 September 1942 at the disposal of the United States for a further period of years. The official justification for this demand was the "defense of the hemisphere," a military and strategic concept premised on the protection of the entire Western Hemisphere, comprising North and South America and the Caribbean, as a single security space.[24] The growth of patriotic and national liberation sentiment in Cuba, however, obliged the country's leadership of the time to adopt a resolute position on the question: the United States was compelled to return the temporary military bases, and only the base at Guantanamo remained under United States control (Borodayev, 2015, p. 112).

The personnel of the Guantanamo base also appear to have played a certain role in the military coup led by F. Batista in Cuba on March 10, 1952.

[22] Lease to the United States by the Government of Cuba of Certain Areas of Land and Water for Naval or Coaling Stations in Guantanamo and Bahia Honda, July 2, 1903 // Office of the Historian, Shared Knowledge Services, Bureau of Administration, U.S. Department of State. URL: https://history.state.gov/historicaldocuments/frus1903/d332 (accessed: 24.08.2026).

[23] Treaty Between the United States of America and Cuba, Signed at Washington, May 29, 1934 // Office of the Historian, Shared Knowledge Services, Bureau of Administration, U.S. Department of State. URL: https://history.state.gov/historicaldocuments/frus1934v05/d170 (accessed: 24.06.2026).

[24] See: Memorandum of Conversation, by the Adviser on Political Relations (Duggan). [Washington] July 9, 1942 // Office of the Historian, Shared Knowledge Services, Bureau of Administration, U.S. Department of State. URL: https://history.state.gov/historicaldocuments/frus1942v06/d311 (accessed: 26.06.2026); The Secretary of State to the Ambassador in Cuba (Braden). Washington, August 24, 1942, 4:45 p.m. // Office of the Historian, Shared Knowledge Services, Bureau of Administration, U.S. Department of State. URL: https://history.state.gov/historicaldocuments/frus1942v06/d316 (accessed: 26.06.2026).

As V.A. Borodayev notes, the military attaché of the United States embassy in Havana, F. Hook, was present with Batista at the Columbia fortress on the night of the coup and coordinated, through special communication channels, the negotiations between the leader of the coup and senior military and civilian officials of the country. At the same time, two American officers from the Guantanamo base were present in the garrison at Santiago de Cuba, the second most important on the island. These officers apparently also performed coordinating functions and remained in the garrison until power in the country had passed entirely into the hands of the dictator. Shortly after the coup, Batista initiated the severance of diplomatic relations with the USSR and declared that Cuba would never be a base for communism (Borodayev, 2015, pp. 118–119).

The Guantanamo base was also used to assist Batista in his struggle against the revolutionary movement that developed after the dictator came to power. Parts of the country were controlled by partisans, and in order to eliminate them the United States began in 1958 to supply government forces with weapons and ammunition, including napalm bombs for the air force. The Americans also permitted Batista's air force to use the Guantanamo base for refueling aircraft and loading bombs (Borodayev, 2015, p. 123).

The functional significance of this stage is as follows: an enclave legally removed from Cuban jurisdiction afforded an external actor the opportunity to participate in the domestic political process while remaining physically on the territory of the country and formally without violating its sovereignty.

A Springboard for Preparing an Invasion (1959–1962)

After Fidel Castro came to power in Cuba, the United States severed diplomatic relations with the island on January 3, 1961. The Cuban government subsequently cut off the water supply to the Guantanamo base, which was obliged to convert to autonomous water and electricity provision over the course of several years.[25] It was the victory of the Cuban Revolution in 1959 that inaugurated the next stage in the history of the Guantanamo base, marked by major military and political events such as Operations Mongoose and Anadyr during the Cuban Missile Crisis of 1962.

Operation Mongoose, also known as the Cuba Project, was developed by the United States Central Intelligence Agency and the Pentagon during the first year of J.F. Kennedy's presidency and constituted a classic instance of hybrid warfare against an independent state. The materials of this formerly top-secret project have now been made public, which enables researchers to assess the methods employed by the United States leadership in pursuing its objective of removing the Cuban leader Fidel Castro and eliminating Cuban independence. The declassified files, in particular the memorandum of the Joint Chiefs of Staff "Justification for US Military Intervention in Cuba" of March 13, 1962 (code designation Northwoods),[26] indicate that the principal task of the operation was to secure a direct United States military invasion of Cuba. Such an invasion, however, required an appropriate justification, a pretext: it was necessary to create the appearance of a "Cuban threat" to peace in the Western Hemisphere and to present the United States as the deliverer from that threat. A particular role in this project was assigned to the United States base at Guantanamo.

Legitimating an invasion of Cuba required recourse to a "legitimate provocation," the term

[25] Naval Station Guantanamo Bay: History and Legal Issues Regarding Its Lease Agreements // Congressional Research Service. URL: https://www.congress.gov/crs-product/R44137 (accessed: 24.06.2026).

[26] Chairman, Joint Chiefs of Staff. Memorandum to the Secretary of Defense "Justification for US Military Intervention in Cuba", 13 March 1962 // National Security Archive. URL: https://nsarchive.gwu.edu/CMC-60/joint-chiefs-pretexts-to-invade-Cuba-1962 (accessed: 24.06.2026).

used in the Mongoose files. The object of such a "legitimate provocation" was to be the American base at Guantanamo, against which a series of coordinated aggressive acts was to be carried out, with the responsibility immediately being attributed to the Cuban government. These acts included:

– the dissemination, through clandestine radio stations, of persistent rumors of a Cuban incursion into the base,

– the landing of collaborating Cubans (friendly Cubans) dressed in Cuban military uniform in the vicinity of the airstrip, to simulate an attack on the base,

– the capture of these same Cuban "saboteurs" on the territory of the base,

– mass disturbances at the main gate of the base, staged by collaborating Cubans,

– detonations of ammunition on the territory of the base and firing of small arms,

– the burning of aircraft on the airfield,

– mortar fire directed at the base from areas beyond its perimeter, together with limited destruction of base facilities,

– the capture of assault groups attacking the base from the sea or from the environs of the city of Guantanamo,

– the capture of armed militia groups storming the base,

– sabotage of a ship in the harbor and its sinking, followed by a funeral ceremony for the fictitious casualties.

All of these manipulations were intended to furnish an immediate pretext for a large-scale United States invasion of Cuba.[27] It is entirely possible that this particular pretext, a direct "attack" on an American military base, was selected because previous plans to justify potential American military intervention by means of Cuban insurgents drawn from the emigre community had failed. The landing of emigre mercenaries (Brigade 2506) at the Bay of Pigs (the Playa Giron area) on April 17, 1961 resulted in complete failure: by the 19th of April the mercenaries had been decisively defeated and many were taken prisoner.[28]

The memorandum in question is significant for the present study beyond the confines of a particular historical episode. It demonstrates that the functions of the base were not confined to naval matters: the extraterritorial status of the facility made it possible to model situations legally attributable to the host state. A standard foreign base precludes such duality, since an attack upon it is characterized as an encroachment on the territory of the host state, with all the attendant consequences under international law. In the case of Guantanamo, by contrast, it is precisely the division of title and control that creates a space in which one and the same incident may be construed simultaneously as a threat to United States interests and as an act of the Cuban side. It is in this jurisdictional asymmetry that the specific character of the "exclusion zone" at this stage is expressed.

The Soviet leadership regularly received reliable information that the United States was preparing a direct military invasion of Cuba, an outcome that the Soviet Union could not permit. The response was the top-secret operation of the Armed Forces of the USSR codenamed *Anadyr*, in the course of which the Group of Soviet Forces in Cuba was deployed to the island, equipped with nuclear missiles capable of striking military and strategic targets throughout the territory of the United States. In the event of hostilities, the air forces of the Group, together with ground and naval forces and with the support of Cuban army

[27] Chairman, Joint Chiefs of Staff. Memorandum to the Secretary of Defense "Justification for US Military Intervention in Cuba", 13 March 1962. P. 7 // National Security Archive. URL: https://nsarchive.gwu.edu/CMC-60/joint-chiefs-pretexts-to-invade-Cuba-1962 (accessed: 24.06.2026).

[28] The Bay of Pigs Invasion and Its Aftermath, April 1961-October 1962 // Office of the Historian, Shared Knowledge Services, Bureau of Administration, U.S. Department of State. URL: https://history.state.gov/milestones/1961-1968/bay-of-pigs (accessed: 26.06.2026).

units, were to destroy enemy landing forces and deliver strikes against the Guantanamo base (Karakaev, 2013, pp. 37–38).

After President J.F. Kennedy received information that Soviet forces with nuclear weapons were present in Cuba, the Americans began actively to identify the deployment areas of the Soviet missile installations, and on October 22, 1962 the head of the White House announced a naval blockade of Cuba. In his address to the American nation, he also referred to the Guantanamo base: the families of service personnel were evacuated and the base itself received additional reinforcement.[29] Seeking to implement the design of Operation Mongoose, the Pentagon raised the strength of the invasion force to 250,000 personnel, while the base at Guantanamo itself housed a reinforced marine division of approximately 16,000 personnel (Karakaev, 2013, p. 41), which formed part of the Guantanamo and Puerto Rico grouping comprising more than thirty vessels.[30] The crisis was resolved by political means.

A Space for the Denial of Legal Personality to Migrants (1991–1996)

The next stage in the institutional formation of the Guantanamo base was precipitated by the migration crises in the Caribbean during the 1990s. At that time the Guantanamo base served as a "reception point" for refugees from Haiti: the coup in Haiti in September 1991 resulted in several thousand Haitians fleeing the country by sea. By December, more than 6,000 persons were being held on vessels and other facilities of the United States Navy, including the base at Guantanamo.[31] It was then that the extraterritorial status of the base was first used as a legal basis for depriving the persons held there of legal protection.

In 1994, the existing contingent was supplemented by Cuban migrants. The American administration established detention camps on the territory of the base, wholly denying the detainees access to the procedures guaranteed by US immigration legislation. The government's legal argument rested on the proposition that Guantanamo is not sovereign American territory and that, consequently, the constitutional and statutory guarantees do not extend to foreign nationals present there. On January 18, 1995, the United States Court of Appeals for the Eleventh Circuit upheld this position. In its decision in *Cuban American Bar Association v. Christopher*,[32] the court held that the exercise of "jurisdiction and control" is not equivalent to the possession of sovereignty, and that foreign migrants on the territory of the base accordingly do not possess rights enforceable in the American jurisdiction.

This judicial precedent radically transformed the original meaning of the bilateral treaty. The 1903 legal formula, created in order to regulate the territorial status of a naval station, became for the first time a lawful pretext for removing individuals from the operation of law. The mechanism dividing "ultimate sovereignty" from "complete jurisdiction" was transferred from the spatial dimension directly to the legal position of the individual. As a result, by the time of the events of 2001 the legal instruments required to create a fully developed "exclusion zone" had been completely formed and tested in the courts.

[29] Address During the Cuban Missile Crisis. Radio and Television Address to the American People on the Soviet Arms Build-Up in Cuba, 22 October 1962 // The John F. Kennedy Presidential Library & Museum (National Archives and Records Administration). URL: https://www.jfklibrary.org/learn/about-jfk/historic-speeches/address-during-the-cuban-missile-crisis (accessed: 26.06.2026).

[30] These Days Mark the Anniversary of the Cuban Missile Crisis of 1962. Little-Known Pages of History // AfterShock. October 24, 2024. (In Russian).URL: https://aftershock.news/?q=node/1435950&full (accessed: 01.04.2026).

[31] Naval Station Guantanamo Bay: History and Legal Issues Regarding Its Lease Agreements // Congressional Research Service. URL: https://www.congress.gov/crs-product/R44137 (accessed: 24.06.2026).

[32] Cuban American Bar Ass'n, Inc. v. Christopher, 43 F.3d 1412 (11th Cir. 1995). United States Court of Appeals, Eleventh Circuit. January 18, 1995 // Human Rights Library. University of Minnesota. URL: https://hrlibrary.umn.edu/refugee/CubanABA_v_Christopher.html (accessed: 26.06.2026).

An Extra-Legal Place of Detention during the Afghan Campaign (2001–2021)

The next stage in the transformation of Guantanamo into an "exclusion zone" was its use during the US military campaign in Afghanistan between 2001 and 2021. Its legal foundations were laid in the first months following the events of September 11, 2001. As early as September 18, the US Congress adopted the Authorization for Use of Military Force, conferring on the President the power to employ armed force against persons and organizations implicated in the attacks.[33] In development of this act, on November 13, 2001, President George W. Bush issued an order on the detention and trial before military commissions of foreign nationals suspected of terrorism[34]. On January 11, 2002, the first group of detainees arrived at the base and was accommodated at Camp X-Ray, subsequently replaced by Camp Delta.[35]

The detainees were assigned the status of "enemy combatants," a legal construction provided for neither by international humanitarian law nor by United States national criminal procedure legislation (Glazunova, 2011, p. 153). The introduction of this status meant the simultaneous deprivation of the guarantees of two basic legal regimes: the protection of prisoners of war provided for by the Third Geneva Convention of 12 August 1949 relative to the treatment of prisoners of war,[36] and the procedural rights of civilian defendants. The result was an unprecedented regime in which the individual, while retaining physical existence, wholly loses the quality of a subject of law.

The example of the Guantanamo base demonstrates that "exclusion zones" may function as a mechanism of segregation separating the political and legal status of an individual (*corpus politicum*) from his physical existence (*corpus naturale*). The "exclusion zone" has in effect become a place where rights are absent.

It should be noted that four distinct military formations have been located within the perimeter of the Guantanamo base at different times: the Guantanamo Bay Naval Base, the Joint Task Force Guantanamo, the Office of Military Commissions South Detachment, and the detention facilities. It is the operation of the latter on the territory of the base, that is, the Guantanamo prison that has exemplified the absolute dehumanization of the persons held there, providing substantial grounds for charging all those involved in the establishment and operation of the prison with crimes against humanity (Kudinov & Mikrikova, 2023, pp. 5–12).

It is necessary to analyze the practice of "desubjectivation," that is, of exclusion from the category of subjects of law, which is implemented within the base by the security services of one state on territory belonging to another. In contemporary political theory this practice is, as already noted, designated by the term "social death." The introduction of the category of death into the political science analysis of international relations requires that it cease to be understood exclusively as the biological fact of the cessation

[33] Authorization for Use of Military Force, Public Law 107-40, 107th Congress, 115 STAT. 224, September 18, 2001 // U.S. Government Publishing Office. URL: https://www.govinfo.gov/content/pkg/PLAW-107publ40/pdf/PLAW-107publ40.pdf (accessed: 26.06.2026).

[34] Military Order of November 13, 2001. Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism, Federal Register Vol. 66, No. 222. 57833 // U.S. Government Publishing Office. URL: https://www.govinfo.gov/content/pkg/FR-2001-11-16/pdf/01-28904.pdf (accessed: 26.06.2026).

[35] Lawfulness of Detentions by the United States in Guantánamo Bay: Committee on Legal Affairs and Human Rights Report. Doc. 10497. 8 April 2005 // Parliamentary Assembly of the Council of Europe. URL: https://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=10994&lang=EN (accessed: 26.06.2026).

[36] Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949. Adopted on 12 August 1949 by the Diplomatic Conference for the Establishment of International Conventions for the Protection of Victims of War, held in Geneva from 21 April to 12 August 1949 // The United Nations. (In Russian). URL: https://www.un.org/ru/documents/decl_conv/conventions/geneva_prisoners_1.shtml (accessed: 24.06.2026).

of life. In the context of the operation of "exclusion zones," death is transformed into a technology of governance, most fully described by the concept of necropolitics.

The process of "social death" involves two stages. The first stage is ideological delegitimation, that is, the attachment to the detainee of the labels "enemy of democracy" or "accomplice of terrorism" as markers of exclusion, signaling the inapplicability of generally recognized legal norms to the person concerned. At the second stage physical isolation within a material "exclusion zone" takes place. Here, the individual is deprived of the last attributes of subjectivity, including his name, which is replaced by a serial number, is entirely cut off from the outside world, and is subjected to techniques for the suppression of personality, including sensory deprivation, sleep deprivation, and forced feeding. The purpose of these measures is not so much interrogation as the breaking of the will and the transformation of the individual into an object with any rights. Such a condition is precisely described by Agamben's category of "bare life": the subject is depoliticized and reduced to the level of purely biological existence (*zoe*) (Agamben, 2011), power over which is exercised outside any legal constraint.

The extraordinary durability of the regime thus created is confirmed by the fact that its minimal correction required the intervention of the highest judicial authority of the United States. In *Rasul v. Bush* (2004) the Supreme Court recognized the competence of the federal courts to consider petitions concerning the lawfulness of the detention of persons at Guantanamo, on the ground that the United States exercises complete control over the base.[37] In *Hamdan v. Rumsfeld* (2006)[38] the court held that the military commissions established were contrary to the Uniform Code of Military Justice of the United States and to Article 3 common to the Geneva Conventions (Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Geneva, 12 August 1949;[39] Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, Geneva, 12 August 1949;[40] Convention (III) relative to the Treatment of Prisoners of War, Geneva, 12 August 1949;[41] Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949[42]).

In response, the United States Congress passed the Military Commissions Act of 2006,[43] Section 7(e)(1) of which explicitly excludes the possibility of *habeas corpus* petitions for people holding the status of "enemy combatants". However, in *Boumediene v. Bush* (2008) the United States Supreme Court held this prohibition unconstitutional, ruling that the constitutional guarantee of *habeas corpus* extends to Guantanamo, since the determining factor is actual, rather than formal titular control over the

[37] Rasul v. Bush, 542 U.S. 466 (2004) // Justia U.S. Supreme Court Center. URL: https://supreme.justia.com/cases/federal/us/542/466/ (accessed: 26.06.2026).

[38] Hamdan v. Rumsfeld, 548 U.S. 557 (2006) // Justia U.S. Supreme Court Center. URL: https://supreme.justia.com/cases/federal/us/548/557/ (accessed: 26.06.2026).

[39] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949 // International Committee of the Red Cross. URL: https://ihl-databases.icrc.org/public/treaties/365-GC-I-EN.pdf (accessed: 26.06.2026).

[40] Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 12 August 1949 // International Committee of the Red Cross. URL: https://ihl-databases.icrc.org/public/treaties/370-GC-II-EN.pdf (accessed: 26.06.2026).

[41] Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949 // International Committee of the Red Cross. URL: https://ihl-databases.icrc.org/public/treaties/375-GC-III-EN.002.pdf (accessed: 26.06.2026).

[42] Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949 // International Committee of the Red Cross. URL: https://ihl-databases.icrc.org/public/treaties/380-GC-IV-EN.pdf (accessed: 26.06.2026).

[43] Military Commissions Act of 2006. Public Law 109-366, 109th Congress, 120 STAT. 2600, October 17, 2006 // U.S. Government Publishing Office. URL: https://www.govinfo.gov/content/pkg/PLAW-109publ366/pdf/PLAW-109publ366.pdf (accessed: 26.06.2026).

territory.[44] The political and legal dynamics is itself instructive: each decision of the United States Supreme Court compelled the executive or the legislature to construct new mechanisms of legal exclusion. The necessity for three decisions of the highest court within four years testifies not to the capacity of the system for self-correction, but to the persistent effort by the state to maintain extraterritorial facility the status of a zone free of constitutional guarantees.

At present, the institutional preservation of the regime is secured by the norms of United States budgetary legislation. Since the National Defense Authorization Act for Fiscal Year 2011, Congress has annually imposed a prohibition on spending public funds for the transfer of Guantanamo prisoners to American territory (Section 1032) and has laid down strict conditions for their transfer to third countries (Section 1033).[45] At the same time, a prohibition has been established on any modification of the base lease agreement without the prior consent of Congress[46]. This creates a paradoxical legal construction: the liquidation of the "exclusion zone" is blocked not by an international obligation, but by an internal financial mechanism of the lessee state itself. Moreover, the operation of United States sanctions legislation in respect of Cuba renders the transfer of the property of the base to the territorial sovereign legally impossible.

A Transit Node of "Coercive Justice" (from 2026)

The most recent precedent attesting to a further transformation of the functional profile of the base was recorded at the beginning of 2026. In the course of Operation Absolute Resolve, on January 3, 2026, the President of Venezuela, N. Maduro, and his wife were seized by United States army special forces on the territory of the fortified Fuerte Tiuna military complex in Caracas. The transport of the detainees was carried out according to a multi-stage scheme: the captured persons were delivered by helicopter aboard the United States Navy amphibious assault ship Iwo Jima, then in the Caribbean Sea. From the Iwo Jima the presidential couple was taken to the base at Guantanamo, from there, they were flown to the Stewart Air National Guard Base in the state of New York.[47]

The Guantanamo base thus served as an important intermediate link in the conduct of an illegitimate military operation against the head of an independent state. This was not a logistical accident. From the standpoint of the legal architecture of "exclusion zones," the choice was strictly functional: the extraterritorial status of the facility creates conditions for jurisdictional ambivalence. At this point the detainee is in practice deprived of the ability to appeal in full measure to either Cuban or American justice, while the United States defense establishment retains complete operational control over it.

This political and legal practice has a historical precedent. In December 1989, the United States employed armed force not for defense or for the discharge of alliance obligations, but for the execution of an arrest warrant against the leader of Panama, Manuel Noriega, issued by

[44] Boumediene v. Bush, 553 U.S. 723 (2008) // Justia U.S. Supreme Court Center. URL: https://supreme.justia.com/cases/federal/us/553/723/ (accessed: 26.06.2026).

[45] Ike Skelton National Defense Authorization Act for Fiscal Year 2011. Public Law 111-383, 111th Congress, 124 STAT. 4137, January 7, 2011 // U.S. Government Publishing Office. URL: https://www.govinfo.gov/content/pkg/PLAW-111publ383/pdf/PLAW-111publ383.pdf (accessed: 26.06.2026).

[46] National Defense Authorization Act for Fiscal Year 2017. Public Law 114-328, 114th Congress, 130 STAT. 2000, Dec. 23, 2016 // U.S. Government Publishing Office. URL: https://www.govinfo.gov/content/pkg/PLAW-114publ328/html/PLAW-114publ328.htm (accessed: 26.06.2026).

[47] Escorted Off Plane in Handcuffs: First Video Shows Nicolas Maduro in US Custody // Times of India. January 4, 2026. URL: https://timesofindia.indiatimes.com/world/us/escorted-off-plane-in-handcuffs-video-shows-maduro-in-us-custody-happy-new-year-moment-at-dea-office/articleshow/126330367.cms (accessed: 01.04.2026).

a national court (Kruschke, 2025, p. 29). This act of "coercive justice" involved a contingent of 24,000 personnel with air support (Landis, 1991, p. 582). In the course of operations directed at the detention of a single individual, residential districts of Panama City were subjected to bombardment, resulting in civilian casualties and the destruction of infrastructure. Noriega's counsel subsequently based his defense on two arguments supported by international law: prisoner-of-war status under the Third Geneva Convention, and head of state immunity (Mathias, 2023). The American federal court, however, relying on the Ker-Frisbie doctrine,[48] took the following position: an unlawful method of bringing the defendant before the court, including abduction and violation of the sovereignty of another state, is not a ground for terminating the prosecution and does not divest the court of jurisdiction (Landis, 1991, pp. 593–594), while Noriega's immunity was rejected on the ground that the United States government had never officially recognized his regime as legitimate (Landis, 1991, p. 590). This decision created a precedent according to which the inviolability of a foreign leader depends not upon the constitutional procedures of his own country, but rather upon an act of political recognition by a foreign state, and Noriega's sentence of 40 years imprisonment (subsequently reduced to 17), consolidated the practice of substituting national criminal proceedings for international law (Kwiatkowska, 2022).

The difference between these two cases is nonetheless fundamental. Whereas in 1989, the detention of a foreign leader required a full-scale military intervention followed by years of judicial proceedings, in 2026, only a matter of hours elapsed between the seizure of the President of Venezuela and his delivery to United States territory. In this scenario, Guantanamo performed the role of a jurisdictional gateway, an ideal "exclusion zone" ensuring unimpeded transit outside the strict framework of international law. The transformation of this mechanism is evident: the legal instrument whose application in 1962 required the construction of a provocation, and in 2002 the invention of an extraordinary procedural status, had by 2026 been integrated into the routine practice of United States security agencies.

Within the paradigm of structural realism, the proliferation of "exclusion zones" represents a predictable response by the dominant powers of the collective West to the crisis of the unipolar world order. Losing the capacity to govern by reliance on brute force and direct military aggression, the declining hegemon is increasingly obliged to resort to indirect coercive measures and the creation of enclaves of instability on the territory of sovereign states. Systemic analysis indicates that this strategy contains an inherent defect: the creation of "exclusion zones" inevitably provokes the erosion of the very system of international law upon which global stability rests.

Strategies for Countering External Interference and Institutional Mechanisms for the Protection of Sovereignty

The systematic application of extraterritorial jurisdiction poses a threat to independent states, primarily the countries of the "global non-West" (Radkevich & Shabaga, 2018). This situation calls for a shift from passive diplomatic defense to a strategy of active and comprehensive counteraction. Traditional methods of response, such as notes of protest and declarations, have proved ineffective under current conditions. Contemporary international political reality requires the elaboration of a set of pragmatic measures capable of inflicting tangible political and economic costs on the initiators of aggressive

[48] The Ker-Frisbie doctrine is a rule of United States criminal procedure under which a US court does not, as a general matter, lose jurisdiction over a defendant merely because he was brought into the country or the state by unlawful means, including forcible abduction (*Editor's note*).

actions. A policy of interference must be rendered excessively costly and risky. What is at issue is the creation of a system of deterrence encompassing, among other elements, the revision of international treaties, the adoption of blocking legislation, the formation of new judicial institutions, and the development of economic, informational, and other means of counteraction.

The central element of this strategy is a mechanism for the legal "de-occupation" of territories occupied by foreign military bases. States that have made their territory available should initiate the revision or termination of lease agreements. The grounds for doing so are furnished by fundamental principles of international law. The key instrument is the doctrine of *rebus sic stantibus*, that is, of a fundamental change in circumstances (Ilinskaya, 2024). A state is entitled to assert that the principles governing the use of the leased territory have changed, since bases originally established to provide security are now employed for aggression or for the maintenance of secret prisons, as in the cases of Guantanamo and Diego Garcia, and that this fundamentally alters the conditions existing at the time the treaty was concluded. The host party accordingly acquires a lawful right to denounce the agreement.

In international relations, it is necessary to ensure the rule of law for the sake of a just and sustainable world order, the maintenance of global stability, and the peaceful and productive cooperation of states and their associations, as well as for the reduction of international tension and the increased predictability of world development. In order to enhance the resilience of the international legal system, to prevent its fragmentation and weakening, and to preclude the selective application of the generally recognized principles and norms of international law, a consolidation of the efforts of those states that advocate the restoration of universal respect for international law and the strengthening of its role as the basis of international relations is required.[49]

For this reason, it is necessary to deploy the argument of a violation of the peremptory norms of international law (*jus cogens*) (Romashev, 2024). An international treaty cannot sanction the violation of human rights or acts of aggression. If a base is used for torture or war preparation, the treaty providing for its establishment may be declared void. The implementation of this mechanism requires the adoption of national legislation on the status of foreign military facilities. Such legislation should introduce strict monitoring of the activities of bases. It should include a provision for the automatic annulment of lease rights upon the detection of unlawful activity. This mechanism may be termed a "sovereignty protection clause." A violation of the terms of operation would immediately trigger the procedure for the withdrawal of forces. The infrastructure of the facility would be nationalized by way of compensation for damage. Such an approach shifts the question from the plane of political negotiation to that of the automatic operation of law.

The second element of the protection system is legislation blocking extraterritoriality. Such instruments should be adopted by national parliaments and synchronized within the framework of BRICS and the SCO. They should prohibit compliance with unilateral sanctions imposed without a mandate from the UN Security Council. It is also necessary to introduce a mechanism of reciprocal property liability. If the assets of an affected country are seized abroad on political grounds, the national court should be entitled to take countermeasures. The court may attach the assets of companies of the initiating state within its own jurisdiction. This would enable the damage sustained to be

[49] Decree of the President of the Russian Federation No. 229 of 31 March 2023 "On the Approval of the Concept of the Foreign Policy of the Russian Federation" // Garant. (In Russian). URL: https://www.garant.ru/products/ipo/prime/doc/406543869/ (accessed: 27.12.2025).

compensated. Such an approach transfers the conflict to the commercial plane. Major business interests in the state initiating sanctions become hostage to the policy of their own government. The loss of assets and markets would encourage corporations to lobby for de-escalation.

The third mechanism should be the establishment of a specialized international tribunal. It would consider cases related to extraterritorial offenses and interference in internal affairs. The activity of the International Criminal Court is frequently criticized for political bias, and the new body might therefore be established under the auspices of the SCO, BRICS, or within the framework of the UN. Its jurisdiction would encompass unlawful sanctions, cyberattacks, and the organization of coups d'état. The decisions of the tribunal would create a legal basis for the introduction of collective countersanctions. It is also necessary to expand the application of universal jurisdiction in national criminal codes. This would make it possible to prosecute foreign officials who knowingly issue unlawful decisions on arrests. The risk of criminal prosecution would become a deterrent for those implementing a policy of interference.

A systemic response to the threat of isolation should involve the creation of mechanisms of digital and financial sovereignty. This entails the establishment of independent internet platforms and payment systems as alternatives to SWIFT. It is also necessary to form a global pool for the insurance of political risks. Such a fund could be replenished through deductions from resource trade within BRICS. It would guarantee the economic stability of participating states in the case of disconnection from Western markets. The technical capacity to switch to alternative channels renders the threat of isolation ineffective. Taken together, this set of legal and economic measures would form a reliable defense of state sovereignty.

The formation of strategies of institutional response nonetheless presupposes a prior deconstruction of the doctrinal grounds that legitimize the current status of extraterritorial enclaves. In the political and legal plane, three lines of argument potentially justifying the existence of such jurisdictions may be distinguished, each of which requires individual analytical consideration.

The first line of justification is constructed around a functional security imperative, which postulates the existence of "exclusion zones" as an unavoidable measure of counteraction to the asymmetric threats of transnational terrorism (Birdsall, 2016; Sanders, 2018). According to this logic, the extraterritorial status of the facility serves as an instrument for isolating persons whose activity poses a critical threat, while the procedure of proving their guilt in national judicial proceedings is deemed impracticable without compromising intelligence sources and methods. Notwithstanding its apparent operational plausibility, this position is refuted by verification of the factual data: in the case of Guantanamo, of approximately 780 individuals held at the prison, the overwhelming majority were repatriated or released without the presentation of any indictment (Rietveld, van Wijk & Bolhuis, 2021, pp. 36–37). Given that even institutionalized mechanisms of internal review, such as the Combatant Status Review Tribunals (CSRT), have in a number of cases found detention to be unfounded, the security argument loses the status of a systemic and universal justification and becomes a declaratory formula of political expediency.

The second group of arguments rests upon a legalist and positivist paradigm, appealing to the inviolability of the principle *pacta sunt servanda* and the stability of the international treaty order (Strauss, 2006, p. 504). Proponents of this approach maintain that the status of the base is determined by the bilateral agreements in force, the arbitrary termination of which would create a dangerous precedent for the entire architecture of international law. In the case of Guantanamo,

however, the formal legal cogency of this argument is neutralized by an analysis of the historical context in which the obligations themselves arose: the treaty of 1903 was concluded under conditions of limited Cuban sovereignty and direct military and political pressure from the United States, as recorded in the Platt Amendment. From the standpoint of the contemporary law of treaties, particularly the provisions of the Vienna Convention on the Law of Treaties of May 23, 1969, regarding the invalidity of agreements concluded under coercion (Articles 51 and 52),[50] the legitimacy of this position appears vulnerable. Moreover, the multifunctional character of the base's activity, in particular the transition from the function of a naval logistics hub to that of a springboard for interference in the internal affairs of sovereign states, provides substantial grounds for the application of the doctrine of *rebus sic stantibus*, which registers a fundamental change in the circumstances constituting the essence of the parties' original consent.

The third line of argument is based on the imperative of geostrategic determinism, which regards such enclaves as strongpoints for the projection of force and instruments for maintaining regional balance within the neorealist paradigm (Sawycky, 2016). In this respect the existence of "exclusion zones" is justified by the interests of *ratio status*, the interest of the state, which prevail over normative constraints, including constraints of an international character. While acknowledging the coherence of this argument as a descriptive instrument of international relations theory, it is necessary to emphasize the inadmissibility of its absolutization and its unconditional predominance over the generally recognized principles and norms of international law. The conflation of the categories of political necessity and normative legal order leads to the substitution of the will of individual influential subjects of international relations for universal norms, which ultimately devalues the very legal mechanisms whose stability the proponents of state interest formally claim to uphold.

Assessment of the substance of the above positions leads to the conclusion that none of them provides a comprehensive and incontrovertible justification for the existence of "exclusion zones." These arguments, which reveal empirical inadequacies, legal defects, or methodological inconsistencies, retain their political instrumentality, but cannot be regarded as a reasoned basis for the reproduction of such institutional anomalies in the contemporary world.

Conclusion

The contemporary system of international relations stands at a historical critical juncture. The unipolar model, which permits individual actors to apply international law selectively in their own interests, is facing a systemic crisis. This crisis manifests itself in the hegemonic state's loss of ability to exercise global governance by legitimate political and legal means and its consequent recourse to extraordinary, extra-legal mechanisms of coercion. The strategic task of the new centers of power accordingly becomes that of compelling genuine and equitable compliance with the norms of international law. The departure from the fundamental principles of the Westphalian system has manifested itself in the erosion of state sovereignty and in the emergence of enclaves removed from national jurisdiction on the territory of independent countries.

The study has shown that the "exclusion zone" constitutes an independent category, distinct from uncontrolled territories, "gray zones," and ordinary foreign military bases. The distinction is qualitative in character: the rupture between formal and actual jurisdiction arises here not spontaneously but is deliberately

[50] Vienna Convention on the Law of Treaties. Adopted on 23 May 1969 // The United Nations. (In Russian). URL: https://www.un.org/ru/documents/decl_conv/conventions/law_treaties.shtml (accessed: 26.06.2026).

designed and consolidated by international treaty. The proposed five-criterion model, comprising jurisdictional dualism, normative indeterminacy, functional polycentricity, institutional durability, and informational impermeability, makes it possible to delimit this phenomenon from adjacent political and legal regimes.

The formation of the Guantanamo base serves as a textbook example of the practical implementation of this legal construction. The functional profile of such a zone is capable of changing radically, while its legal foundation remains unaltered. The formula distinguishing "ultimate sovereignty" from "complete jurisdiction" in the agreements of 1903 has successively served the operation of a coaling station, support for a military coup, the denial of legal personality to migrants, indefinite detention, and, most recently, the transit of the detained head of a foreign state. The durability of the regime is ensured by the fact that termination of the lease is legally made dependent upon the consent of the party deriving benefit from it.

Contemporary practices of interference in the internal affairs of sovereign states are not accidental. The "exclusion zones" existing today are under the control of the United States, which in effect pursues a policy of neocolonialism. The use of "exclusion zones" to circumvent national law and nullify state sovereignty is a systemic property of the departing model of globalization, pathology of international relations and a vestige of the unipolar world order characterized by double standards.

The effort to preserve unipolarity through sanctions and hybrid wars will in strategic perspective produce the opposite result, since the present period is marked by the consolidation of alternative centers of power. The political activities of the countries of the Global South have increased, leading to the formation of an anti-colonial consensus. The response of states that dissent from the policy of the collective West is expressed in the strategies of BRICS and the SCO. These associations demonstrate the existence of a genuine alternative to a policy of global dictation. The institutionalization of a multipolar world is taking place at present. Independent financial mechanisms and technological platforms are being developed, and new security structures and judicial bodies are being formed. The development of mechanisms for the enforcement of international law appears an effective course. The denunciation of imposed lease agreements on the ground of a fundamental change of circumstances, the blocking legislation against unilateral coercive measures, establishment of specialized judicial bodies within multilateral associations, and the use of instruments of financial sovereignty together form the mutually complementary complex that permits national interests to be reliably protected.

The world is objectively moving towards the formation of large macro-regional clusters, each of which will possess its own financial system and technological standards. The concept of equal and indivisible security offers a reasonable way out of conflict, presupposing a return to diplomacy and compromise. It is necessary to recognize the value of sovereignty and the right of every people to its own path of development. Peoples will be protected from external interference by their own political and legal, economic, and, if required, military mechanisms. In such a system "exclusion zones" will simply not be possible, since they will become unviable relics of the past. Regional powers will be able to neutralize these threats effectively through collective efforts, given the requisite political will.

Received / Поступила в редакцию: 24.12.2025
Revised / Доработана после рецензирования: 09.05.2026
Accepted / Принята к публикации: 23.06.2026

References

Agamben, G. (2004). *State of exception*. Chicago: University of Chicago Press.

Agamben, G. (2011). *Homo sacer: Sovereign power and bare life*. Moscow: Evropa publ. (In Russian).

Alasania, K. Y. (2018). Philosophical concept of biopower: Sources and perspectives. *Moscow University Bulletin. Series 7. Philosophy*, (4), 70–77. (In Russian). EDN: XWOSTB

Birdsall, A. (2016). But we don't call it "torture"! Norm contestation during the US "war on terror". *International Politics*, 53(2), 176–197. https://doi.org/10.1057/ip.2015.42; EDN: EMXQZC

Borgen, C. J. (2024). National security's international empire (or, what we talk about when we won't talk about self-determination). *Temple International & Comparative Law Journal*, 38(2), 65–78. Retrieved from https://sites.temple.edu/ticlj/files/2025/05/7-Borgen_65-78-proof-with-final-edits-final.pdf

Borodayev, V. A. (2015). Interference of the USA in the affairs of Cuba during the rise of antiimperialist struggle and victory of the revolution. 1946–1959. *Modern and Contemporary History*, (6), 109–128. (In Russian). EDN: VJMHWN

Botchway, C. A. (2017). The need for executive federalism in federal-provincial relations: The Canadian example. *Journal of Public Administration and Policy Research*, 9(5), 68–75. https://doi.org/10.5897/JPAPR2017.0390

Cantor, D., Tan, N. F., Gkliati, M., Mavropoulou, E., Allinson, K., & et al. (2022). Externalisation, access to territorial asylum, and international law. *International Journal of Refugee Law*, 34(1), 120–156. https://doi.org/10.1093/ijrl/eeac023; EDN: CPENCV

Chowdhury, T. (2024). "Executive robbery": UK public law, race, and "regimes of dispossession" in the Chagos Archipelago. *Journal of Law and Society*, 51(1), 57–81. https://doi.org/10.1111/jols.12454; EDN: VMYFMO

Foucault, M. (2004). *Society must be defended: Lectures at the Collège de France, 1975–1976* (A. Fontana & M. Bertani, eds.). London: Penguin Books.

Foucault, M. (2008). *The birth of biopolitics: Lectures at the Collège de France, 1978–1979* (M. Senellart, F. Ewald, & A. Fontana, Eds.). London: Palgrave Macmillan. https://doi.org/10.1057/9780230594180

Fursov, A. I. (1999). Terrorism or world war? *Russkii Istoricheskii Zhurnal*, II(2), 193–231. (In Russian).

Garcia, H. (2025). An enslaved Black seaman in Victorian London? Abolitionism, missionary care, and the trials of John Bardoe. *Cultural and Social History*, 22(4), 467–483. https://doi.org/10.1080/14780038.2025.2562606; EDN: ZHISEW

Glazunova, E. N. (2011). Guantanamo: A story to be continued. *Lomonosov World Politics Journal*, (3), 153–183. (In Russian). EDN: OOMNEH

Golofast, A. V. (2021). Pandemic in world philosophy. *Proceedings of the Southwest State University. Series: Economics, Sociology and Management*, 11(2), 250–258. (In Russian). EDN: PLXGCJ

Gribunov, O. P., & Stepanova, E. E. (2023). The concept and essence of state sovereignty in its historical genesis. *Bulletin of St. Petersburg University of the Ministry of Internal Affairs of Russia*, (3), 29–36. (In Russian). https://doi.org/10.35750/2071-8284-2023-3-29-36; EDN: BAOBDO

Ilinskaya, O. I. (2024). Doctrinal approaches to the problem of the influence of a fundamental change in circumstances on the operation of treaties. *Actual Problems of Russian Law*, 19(1), 179–188. (In Russian). https://doi.org/10.17803/1994-1471.2024.158.1.179-18; EDN: TYGPXI

Karakaev, S. V. (2013). The Strategic Missile Force's participation in the USSR Armed Forces' Operation Anadyr. *Military History Magazine*, (8), 37–43. (In Russian). EDN: RARIOX

Karpilenya, N. V. (2020). *Theoretical foundations of a multipolar world: A Eurasian view from the Union State*. Moscow: Arkhont publ. (In Russian). EDN: DWJAGP

Kashirina, T. V. (2020). Transformation factors of the modern system of international relations. *Observer*, (8), 22–29. (In Russian). EDN: TXJBZW

Kolosov, V. A., Sebentsov, A. B., & Turov, N. L. (2021). Uncontrolled territories in the contemporary world: Theory, genesis, types and dynamics. *Outlines of Global Transformations: Politics, Economics, Law*, 14(1), 23–51. (In Russian). https://doi.org/10.23932/2542-0240-2021-14-1-2; EDN: RWJOEW

Kruschke, P. (2025). The Panama Canal, cocaine, and communism: An analysis on the timing of the U.S. action against General Manuel Noriega. *The Ascendant Historian*, 4, 23–31. Retrieved from https://journals.uvic.ca/index.php/corvette/article/view/22474

Kudinov, V. V., & Mikrikova, S. A. (2023). State security as a justification for crimes against humanity and human rights violations (Guantanamo Bay base, USA). *Voenno-Yuridicheskii Zhurnal*, (6), 5–12. (In Russian). EDN: XLJFCW

Kwiatkowska, K. (2022). Manuel Noriega and his impact on the events in Panama from 1981 to 1989. *Ameryka Łacińska. Kwartalnik Analityczno-Informacyjny*, 30(2), 25–48. https://doi.org/10.7311/20811152.2022.116.03; EDN: EKEXAN

Lamb, R. D. (2008). *Ungoverned areas and threats from safe havens: Final report of the Ungoverned Areas Project*. College Park, MD: Center for International and Security Studies at Maryland. Retrieved from https://spp.umd.edu/sites/default/files/2019-07/ugash_report_final.pdf

Landis, K. T. (1991). The seizure of Noriega: A challenge to the Ker-Frisbie doctrine. *American University International Law Review*, 6(4), 571–607. Retrieved from https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?httpsredir=1&article=1568&context=auilr

MacDonald, S. B. (1993). The new "bad guys": Exploring the parameters of the violent new world order. In M. G. Manwaring (Ed.), *Gray area phenomena: Confronting the new world disorder* (pp. 33–60). Boulder, CO: Westview Press.

Mathias, C. (2023). General Manuel Noriega and the application of the Geneva Conventions in US courts. *UC Davis Law Review Online*, 57, 93–112.

Mbembe, A. (2003). Necropolitics. *Public Culture*, 15(1), 11–40. Retrieved from https://mirror.explodie.org/Public%20Culture-2003-Mbembe-11-40.pdf

Mironov, V. V. (2017). G. Gong's "standards of civilizations" and history of international society. *Herald of Omsk University. Series Historical Studies*, (3), 355–367. (In Russian). https://doi.org/10.25513/2312-1300.2017.3.355-367; EDN: ZSUEGB

Morgenthau, H. J. (1949). *Politics among nations: The struggle for power and peace* (2nd printing). New York: Alfred A. Knopf.

Motluk, K. (2024). The imagined island: Colonialism and constructed remoteness on Diego Garcia. *The Geographical Journal*, 190(4), e12587. https://doi.org/10.1111/geoj.12587; EDN: YULCWW

Neklessa, A. I. (1997). The postmodern world in a new system of coordinates. *Vostok. Afro-Aziatskie Obshchestva: Istoriia i Sovremennost*, (2), 35–50. (In Russian).

Okunev, I. Yu., & Shestakova, M. N. (2022). *Political geography: The contemporary Russian school.* A reader. Moscow: Aspekt Press publ. (In Russian). EDN: NVUUSI

Pankratov, S. A., & Klinshans, E. V. (2023). Russia in contemporary architecture of international relations: Forecast scenarios and limits of acceptable restructuring. *Vestnik Volgogradskogo Gosudarstvennogo Universiteta. Seriya 4. Istoriya. Regionovedenie. Mezhdunarodnye Otnosheniya*, 28(3), 226–238. (In Russian). https://doi.org/10.15688/jvolsu4.2023.3.20; EDN: SGAZLN

Popov, D. V. (2019). The crisis of reciprocity: The transformation of biopolitics in necropolitics. *Filosofiya Prava*, (1), 91–99. (In Russian). EDN: RVWXSV

Radkevich, K. V., & Shabaga, A. V. (2018). The opposition "West/non-West" in the social thought: Pro et contra. *RUDN Journal of Sociology*, 18(1), 20–32. (In Russian). https://doi.org/10.22363/2313-2272-2018-18-1-20-32; EDN: DXMKHX

Raufer, X. (1999). New world disorder, new terrorisms: New threats for Europe and the Western world. *Terrorism and Political Violence*, 11(4), 30–51. https://doi.org/10.1080/09546559908427530

Rietveld, G., van Wijk, J., & Bolhuis, M. P. (2021). Who wants "the worst of the worst"? Rationales for and consequences of third-country resettlement of Guantanamo Bay detainees. *Crime, Law and Social Change*, 76(1), 35–83. https://doi.org/10.1007/s10611-020-09932-z; EDN: IEOVYM

Romashev, Yu. S. (2024). International law norms hierarchy in applying them and in the rule-making process. *Law. Journal of the Higher School of Economics*, (3), 180–211. (In Russian). https://doi.org/10.17323/2072-8166.2024.3.180.211; EDN: QGIYIY

Sanders, R. (2018). Human rights abuses at the limits of the law: Legal instabilities and vulnerabilities in the "global war on terror". *Review of International Studies*, 44(1), 2–23. https://doi.org/10.1017/S0260210517000377

Sawycky, B. S. (2016). International relations theory and US foreign policy. In R. J. Pauly, Jr. (Ed.), *The Ashgate research companion to US foreign policy* (pp. 65–84). London: Routledge.

Schetter, C. (2012). Ungoverned territories: The construction of spaces of risk in the "war on terrorism". In D. Muller-Mahn (Ed.), *The spatial dimension of risk: How geography shapes the emergence of riskscapes* (pp. 135–148). London: Routledge.

Sebentsov, A. B., & Kolosov, V. A. (2012). The phenomenon of uncontrolled territories in the contemporary world. *Polis. Political Studies*, (2), 31–46. (In Russian). EDN: OVXKFV

Shabaga, A. V. (2015). International relations research methodology: Realism. *Vestnik RUDN. International Relations*, 15(3), 24–33. (In Russian). EDN: VIOIAD

Strauss, M. J. (2006). Guantanamo Bay and the evolution of international leases and servitudes. *The City University of New York Law Review*, 10(2), 479–509. Retrieved from https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1210&context=clr

Tchernyak, L. Yu. (2005). Basic theories of the state sovereignty. *Siberian Law Herald*, (4), 15–17. (In Russian). EDN: JXCXON

Terentieva, L. V. (2019). Extraterritorial jurisdiction of state and perception transformation of its spatial boundaries. *Law. Journal of the Higher School of Economics*, (3), 160–180. (In Russian). https://doi.org/10.17323/2072-8166.2019.3.160.180; EDN: GJFPOL

Waltz, K. N. (1979). *Theory of international politics*. Reading, MA: Addison-Wesley.

Whelan, T. (2006). Africa's ungoverned space. *Nação e Defesa*, (114), 61–73. Retrieved from https://www.idn.gov.pt/pt/publicacoes/nacao/Documents/NeD114/NeD114.pdf

Yanush, O. B., & Mukharyamov, N. M. (2025). Concepts of sovereignty in semantic derivation. *Political Science (RU)*, (2), 41–61. (In Russian). https://doi.org/10.31249/poln/2025.02.02; EDN: KITNFC

About the authors:

Kuznetsova Olga Alexeevna—PhD, Dr.Sc. (Law), Associate Professor, Chief Researcher, Head, Department of Criminal Law, Criminal Procedure and Criminalistics, Law Institute, RUDN University; 6 Miklukho-Maklay St, Moscow, 117198, Russian Federation; eLibrary SPIN-code: 8755-2997; ORCID: 0000-0003-1066-3783; e-mail: kuznetsova-ola@rudn.ru

Kholoimova Aleksandra Sergeevna—PhD (Law), Associate Professor, Leading Researcher, Associate Professor, Department of Criminal Law, Criminal Procedure and Criminalistics, Law Institute, RUDN University; 6 Miklukho-Maklay St, Moscow, 117198, Russian Federation; eLibrary SPIN-code: 9897-7556; ORCID: 0000-0003-4029-8502; e-mail: vasilenko-as@rudn.ru

Klebanov Lev Romanovich—PhD, Dr.Sc. (Law), Professor, Leading Researcher, Professor, Department of Criminal Law, Criminal Procedure and Criminalistics, Law Institute, RUDN University; 6 Miklukho-Maklay St, Moscow, 117198, Russian Federation; eLibrary SPIN-code: 8500-6094; ORCID: 0000-0002-1452-9568; e-mail: klebanov-lv@rudn.ru

Madzhumayev Murad Mamedovich—PhD (Law), Leading Researcher, Associate Professor, Department of Criminal Law, Criminal Procedure and Criminalistics, Law Institute, RUDN University; 6 Miklukho-Maklay St, Moscow, 117198, Russian Federation; eLibrary SPIN-code: 2278-5843; ORCID: 0000-0003-3332-2850; e-mail: madzhumaev-mm@rudn.ru