Mineral Resources as a Subject of Negotiations between States (Precendents and Perspectives)

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Abstract

In the era of modern globalization, states are expected to coexist peacefully, refraining from violent actions. However, in practice, nations often resort to bold and aggressive measures to assert their interests. In such a landscape, the role of negotiation mechanisms and diplomatic actors becomes increasingly vital in managing conflicts and maintaining stability.

States that have effectively addressed their security concerns are better equipped to assert their interests on the global stage. In contrast, those grappling with national security challenges often find themselves compelled to make significant concessions to safeguard their sovereignty. Consequently, a state's standing in the international arena is largely determined by its capacity to offer material and intangible resources, with greater potential translating into stronger strategic positioning.

Amid shifts in the global order, the interests of states engaged in diplomatic negotiations are subject to constant evolution. Presently, international attention is centered on the unfolding developments surrounding the mineral agreement between the United States and Ukraine, underscoring the growing strategic importance of natural resources as a pivotal factor in interstate negotiations.

The concept of natural resources as a determinant of a state's strength is subject to varied interpretations across academic discourse. Mineral resources, defined as any mineral or rock extracted from beneath the Earth's surface and utilized in industry, hold particular significance in shaping national economic development strategies. The greater the diversity of a state's natural resources, the more self-sufficient it becomes in industrial production. For instance, metals are essential to the automobile manufacturing sector, while sand and gravel are fundamental to construction. Similarly, limestone and gypsum are integral to concrete production, clay is widely used in ceramics, and precious minerals such as gold, silver, and copper serve key roles in both the fashion industry and the manufacturing of electronic circuits, among other applications.

Keywords: Mining, Minerals, Negotiation, Agreement, Treaty, State.

Introduction

International politics operates within a dynamic framework where states endeavor to advance their interests, expand their influence, and secure strategic advantages. While the methods employed may evolve over time, the fundamental objective remains unchanged. In response to shifts in the global order, states encounter a range of challenges, prompting them to adapt their tactics, redefine their priorities, and recalibrate their strategic orientations. In the context of contemporary international political developments, mineral resources have reemerged as critical indicators of economic strength and national potential, further shaping the geopolitical landscape.

In the aftermath of the three-year-long war between Russia and Ukraine, the urgency of resolving the conflict has become a critical issue on the international agenda. However, the parties involved encounter substantial challenges in reaching a consensus on specific terms and transitioning to a new phase in their relations. Under such circumstances, the participation of mediator states in the negotiation process becomes indispensable. European nations and the United States have expressed their willingness to facilitate these discussions; however, it is essential to acknowledge that they also pursue their own strategic interests. Notably, ongoing negotiations between the United States and Ukraine center on the utilization of mineral resources located within Ukrainian territory, highlighting the broader geopolitical and economic dimensions of the conflict.

Global attention is directed toward the unfolding developments surrounding the so-called "Minerals Agreement"—particularly the terms under which it will be concluded, the obligations Ukraine will assume, and the concessions or support the United States will provide in return. Ultimately, these dynamics are expected to have a significant impact on the ongoing war.

This paper examines mineral resources as a key subject of negotiation between the two parties, analyzing whether they serve as a guarantee of peace for Ukraine or as compensation for the material support provided by the United States. Additionally, it explores international precedents in this regard, assessing the effectiveness of similar practices and, more broadly, how states leverage natural resources to enhance their economic and political positions.

The content and terms of the so-called mineral agreements are discussed in the first chapter of the paper. The second chapter presents several examples from international practice. The third chapter assesses the potential of the state of Georgia in relation to its mineral resources. The findings of the research are presented in the conclusion.

Methodology: Given that the objective of this paper is to examine mineral resource policy as a subject of interstate negotiations, a qualitative research methodology has been employed to obtain comprehensive answers to the main research questions and to verify existing assumptions. This approach integrates both normative/theoretical and empirical components, ensuring a thorough analysis of the topic.

In the initial stage of this research, various documents and scholarly articles were analyzed as secondary sources, followed by a content analysis of these materials. While the primary focus remains on the ongoing negotiation process between the United States and Ukraine, particularly concerning the Minerals Agreement, international precedents have also been examined for comparative analysis.

In the empirical section of the research, in-depth interviews were conducted using open-ended questions with two experts: Dr. Vakhtang Maisaia, Professor and Doctor of Political Science, and Ms. Gvantsa Bitsadze, Head of the Department of International Relations and Project Management at the National Agency of Mineral Resources.

1. Negotiations Between the United States and the Ukrainian State

1.1. A Brief Overview of the Russia-Ukraine War

In 2022, the world was confronted with a new reality. Russia's full-scale invasion of the Ukrainian state radically altered the global agenda and drew the attention of much of the international community. Some experts have even equated this development with a return to the present-day realities of the Cold War, emphasizing that, under the current circumstances, understanding the motives behind the Kremlin's actions is of particular importance. Specifically, Russia's invasion of Ukraine was preceded by its openly declared opposition to NATO's expansion.

"Following the concentration of approximately 180,000 Russian troops near the Ukrainian-Russian and Ukrainian-Belarusian borders in 2021, the Russian Ministry of Foreign Affairs submitted a draft "agreement" to Washington and NATO member states on December 17 of the same year. In this document, Russia effectively and unequivocally demanded a redivision of the world into spheres of influence, reminiscent of the 1945 Yalta Agreements."[1]

Russia's uncompromising stance ultimately manifested on February 24, 2022, with the incursion of its military forces into Ukrainian territory—a development that, naturally, could not be confined to a confrontation between just two states. "For the entire civilized world, it was clear that a large-scale war in Europe—beyond being a massive humanitarian catastrophe—would also be highly detrimental to the

[1] Antadze, M., Karalashvili, G., „Military-Political Aspects of the Russia-Ukraine War and Possible Scenarios for the Development of Hostilities", „Analitical card", 2023. p.3.

West itself. This was because the West would inevitably be compelled to impose the long-promised economic, political, and other sanctions on Russia, which, in turn, would prevent it from continuing the mutually beneficial trade and economic relations it had developed with Russia over the past decades."[2]

An agreement between the parties has not yet been reached; however, international interest in the issue continues to grow daily. At this stage, the United States is seeking to negotiate with Ukraine, proposing that, in exchange for access to mineral resources located within Ukrainian territory, it will provide assistance aimed at ensuring long-term peace**.**

1.2. Mineral agreement

The Ukrainian state, now in its fourth year of resisting Russia's full-scale aggression, possesses substantial reserves of rare minerals that are critically important for the production of modern technologies.

In 2022, the Russian-language service of UN News reported that Ukraine's deposits of rare earths accounted for approximately 5% of the world's reserves. These materials are key in the production of devices for the development of "green" energy. These include lithium, cobalt, scandium, graphite, tantalum, and niobium.[3]

The content of the so-called 'Minerals Agreement' has not yet been finalized; however, it is known that the agreement sets forth rules and conditions for both Ukraine and the United States.

In recent weeks, the agreement concerning rare minerals has garnered significant attention in Western media. The administration of Donald Trump has demonstrated clear interest in Ukrainian reserves; however, the parties have not yet reached an agreement on the terms of extraction, the parameters of the deal, or the distribution of revenues. Ukraine views the agreement as an opportunity to secure continued support and security guarantees from the United States, while the Trump administration regards it as a means of recovering the funds already provided to Ukraine.

The current version of the agreement explains: Whereas the United States of America has provided significant financial and material support to Ukraine since Russia's full-scale invasion of Ukraine in February 2022; Whereas the American people desire to invest alongside Ukraine in a free, sovereign and secure Ukraine; United States of America and Ukraine recognize the contribution that Ukraine has made to strengthening international peace and security by voluntarily abandoning the world's third largest arsenal of nuclear weapons; Therefore, the Government of the United States of America and the Government of Ukraine (each, a "Participant") hereby enter into this Bilateral Agreement Establishing Terms and Conditions for a Reconstruction Investment Fund to deepen the partnership between the United States of America and Ukraine, as set forth herein.[4]

The Governments of Ukraine and the United States of America, with the aim of achieving lasting peace in Ukraine, intend to establish a Reconstruction Investment Fund (Fund), partnering in the Fund through joint ownership, to be further defined in the Fund Agreement. The Fund will be jointly managed by representatives of the Government of Ukraine and the Government of the United States of America. More detailed terms pertaining to the Fund's governance and operation will be set forth in a subsequent agreement to be negotiated promptly after the conclusion of this Bilateral Agreement. Contact persons responsible for preparing the Fund Agreement on the basis of this Bilateral Agreement are: from the Government of the United States of America: The Department of the Treasury; from the Government of Ukraine: Ministry of Finance and Ministry of Economy.

The Government of Ukraine will contribute 50 percent of all revenues earned from the future monetization of relevant Ukrainian Government-owned natural resource assets (whether owned directly or indirectly by the Ukrainian Government). These assets are defined as deposits of minerals, hydrocarbons, oil, natural gas, and other extractable materials, as well as other infrastructure related to

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[2] Ibid. p.4.
[3] Unated Nations "Regional Information Centre for Western Europe", 20.02.2025. https://unric.org/en/rare-earths-and-strategic-minerals-in-ukraine/ [L. s. 13.03.2025].
[4] European Pravda 26.02.2025. https://www.eurointegration.com.ua/eng/articles/2025/02/26/7205922/ [L. s. 13.03.2025].

natural resource assets, as agreed upon by both parties and further described in the Fund Agreement. Future sources of revenue exclude current revenue sources that are already part of Ukraine's general budget revenues.[5]

Contributions made to the Fund will be reinvested at least annually in Ukraine to promote the safety, security, and prosperity of the country, as further defined in the Fund Agreement. The Fund's investment process will be structured to support projects in Ukraine and attract investments aimed at increasing the development, processing, and monetization of both public and private Ukrainian assets. In drafting the Fund Agreement, the participants will strive to avoid conflicts with Ukraine's obligations under its accession to the European Union, as well as its obligations under arrangements with international financial institutions and other official creditors.

This agreement, along with the prospective Reconstruction Investment Fund Agreement, incorporates elements of both bilateral and multilateral international formats. It outlines specific steps aimed at establishing long-term peace and ensuring economic sustainability.

According to Ukrainian Prime Minister Denys Shmyhal, the document concerning the establishment of the Investment Fund for Ukraine's Development and Reconstruction will have the status of an international agreement; therefore, it will be approved by the government and ratified by parliament. "We understand that the fund will be jointly managed by the governments of Ukraine and the United States. Ukraine will contribute financially to the fund using a portion of the revenues generated from rent, licensing, and payments related to mineral resources. The mineral resources themselves, as well as other Ukrainian assets, will not be transferred to the United States and will not constitute a direct contribution to the fund. Rather, a portion of the income derived from these resources will be used to finance the fund."[6]

According to the publication *Axios*, the agreement document expresses the United States' desire for Ukraine to be free, secure, and sovereign; however, it does not specify the continuation of military assistance. Moreover, the current version of the agreement stipulates that, in return for the assistance already provided, the United States will have the right to receive certain amounts as compensation. The document once again references the sum of 500 billion dollars, which the President of the United States had previously demanded be repaid. It is also stated that Ukraine's contributions to the fund must exceed those of the United States by a factor of two; however, it is not explicitly specified that this amount must be paid directly to the United States.

The text of the agreement states that its jurisdiction will also extend to the territories currently occupied by Russia, in the event that these lands are liberated.[7]

„It is not always necessary to explicitly separate security guarantees; at times, they may be embedded within economic, social, or other provisions. It is not essential to state directly that certain weapons will be transferred if such support can be provided through economic assistance, for instance, via contributions to a specific fund. I am confident that this agreement has the potential to provide robust security for Ukraine in the fullest sense of the term." stated Ruslan Stefanchuk, Chairman of the Verkhovna Rada of Ukraine.[8]

In the absence of clearly articulated security guarantees, if the mineral resources agreement between the United States and Ukraine primarily facilitates the extraction of resources by American corporations on Ukrainian territory, it may be interpreted as a coercive arrangement that disproportionately favors one party and potentially undermines Ukraine's sovereign interests, such an agreement resembles those typically established between Global North and South countries, which, while enabling Ukraine to break free from a totalitarian regime, may simultaneously expose it to neo-imperialist approaches and

[5] Ibid.
[6] Unian Net, 28.02.2025. https://www.unian.net/politics/garantii-bezopasnosti-est-shmygal-prokommentiroval-soglashenie-o-poleznyh-iskopaemyh-s-ssha-12930045.html [L. s. 13.03.2025].
[7] Realpolicy, 25.02.2025. https://realpolitika.ge/ge/akhali-ambebi/ra-vitsit-ukrainis-ishviati-mineralebis-shesakheb-romlis-mighebats-tramps-surs[L. s. 13.03.2025].
[8] Unian Net, 28.02.2025. https://www.unian.net/politics/garantii-bezopasnosti-stefanchuk-rasskazal-kakimi-oni-mogut-byt-12930198.html [L. s. 13.03.2025].

dependencies. As a result, Ukraine's economic, industrial, and financial potential may fall under the control of U.S. capital, significantly undermining its sovereignty.

Professor Vakhtang Maisaia, Doctor of Political Science, emphasized in a personal interview: „Zelensky's outright rejection of Trump's proposed terms is entirely justified. This is not a bilateral agreement between two equal actors—let alone between strategic allies. At this stage, Trump's policy is unpredictable and rooted in ideas of American neo-imperialism, which is a deeply regrettable reality. Under such conditions, concluding an agreement of this magnitude would be ill-advised."

Since the terms proposed by Trump to the President of Ukraine closely resemble the agreement recently signed between Russia and the Democratic Republic of the Congo, certain correlations can be drawn between the two. From another perspective, given that Russia possesses mineral resources that fall within the strategic interests of the United States—such as lithium, barium, uranium, and other resources—the United States' potential acquisition of resource reserves located within the post-Soviet space could be perceived by Russia as a symbolic affront or strategic setback. Russia's de facto declared doctrine explicitly asserts that the entire post-Soviet space, along with its natural resources, should remain under Russian dominance. From this viewpoint, Russia is rushing to seize the territories of Ukraine where rare minerals are concentrated. Of the four known lithium deposits, two have already fallen under the control of occupying forces, while the third is in close proximity. Russia has intensified its military operations, making every effort to outpace the United States in securing a monopoly over rare minerals on Ukrainian territory.

Conversely, the signing of this agreement may indirectly contribute to the establishment of security guarantees. If the United States gains access to rare minerals located on Ukrainian territory, it is likely to ensure their protection—even through the use of private military companies (such an approach has been previously employed in Afghanistan and Iraq to safeguard valuable mineral resources and strategic assets). This could serve as a form of indirect security guarantee, as any attack by Russia on American companies would risk escalating into a direct U.S.-Russia conflict.

1.3 The European Union's Interest in Mineral Resources

It appears that the United States is not the only actor interested in gaining access to the rare minerals located on Ukrainian territory. President Zelensky is also engaged in negotiations with European Union member states to foster their interest in this regard. Talks between France and Ukraine have been ongoing for several months. As stated by French Defense Minister Sébastien Lecornu, the United States is not the sole actor in this context. According to him, under the directive of President Emmanuel Macron, he is conducting direct negotiations with his Ukrainian counterpart to increase the number of countries supplying rare minerals to France. "We are discussing this matter based on our own, specifically French, needs. We do not view it as a means of reclaiming previously extended assistance. However, France's defense sector will require certain types of raw materials in the future, which are absolutely critical for the weapons manufacturing systems—at least for the next 30 to 40 years."[9]

Equally noteworthy is the criticism expressed by German Chancellor Olaf Scholz toward U.S. President Donald Trump. He emphasized that it is highly selfish and egocentric to demand that Ukraine grant the United States access to its rare mineral resources in exchange for the financial assistance it has received. "We must utilize the resources of this country to finance everything that will be needed after the war. In the future, Ukraine will require a strong military as well as financial assistance for the reconstruction of the country," as noted by the German Chancellor.[10]

Based on the above, it can be concluded that interest in mineral resources remains considerably high in the international arena. Moreover, given the finite nature of natural resources, there is an ongoing effort to identify and assess states with untapped or underutilized potential.

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[9] Ap News, 12.02.2025.
https://apnews.com/article/ukraine-france-minerals-rare-earths-defense-weapons-lecornu-e5fc5fa487d0b8fd884c7783356812d4 [L. s. 13.03.2025].
[10] DW Media Company, 12.02.2025. https://www.ghn.ge/print/324929 [L. s. 13.03.2025].

2. International Practice

2.1. General Precendents

Strategic mineral resources have frequently served as subjects of negotiation between states, a practice that was particularly prevalent during the Cold War era, with both the United States and the Soviet Union utilizing it extensively.

Professor Vakhtang Maisaia, Doctor of Political Science, emphasized in a personal interview: Often, the Soviet Union would conclude agreements with its allied states, granting itself the right to use their territories to advance its own geopolitical interests (for example, in countries of the Middle East or Africa). In return, the Soviet Union would ensure the supply of strategic resources to certain states, such as Libya, Egypt, Algeria, Angola, and Mozambique.

Similarly, in the post-bipolar era, Russia strategically capitalized on developments in Central Africa, particularly in the Democratic Republic of Congo. In exchange for gaining access to approximately 30% of the region's diamond and gold reserves, the Russian Federation provided military security and support in the region.

Another noteworthy example is the United States' access to strategic mineral resources in Latin America. In Chile, following the military coup, General Pinochet transferred much of the country's industrial potential to American interests. In return, the United States provided support for the Pinochet regime—both militarily and politically—while also backing the implementation of economic reforms led by representatives of the so-called "Chicago School" of economics.

2.2. The Treaty of Bardo (1881)

The Treaty of Bardo is one of the most significant historical documents marking the colonization of Tunisia by France. Under this agreement, full political and economic control over Tunisia was transferred to France, resulting in a substantial limitation of the country's sovereignty.

During the 1870s, local Algerian military authorities recorded over two thousand incidents, many of which involved incursions across the border.[11] France capitalized on this confrontation to further its own geopolitical interests, which aligned with the broader political agenda in Europe and the weakening of the Tunisian government. The French actively obstructed the negotiation process between the Tunisian and Algerian parties, while disillusioned tribal members resorted to new forms of violence. Simultaneously, French naval vessels launched continuous attacks on Tunisian ports. Ultimately, the city surrendered without resistance from its governor.[12]

The French general, consul, and the Tunisian ruler signed the Bardo Treaty, which formally recognized the sovereignty of the Tunisian government. However, full control over its administration was assumed by the French state, and the Tunisian army was placed under the authority of the French Ministry.

The French state achieved its objective by gaining access to Tunisia's natural resources, including minerals such as phosphates. From that point onward, the export of various natural resources and agricultural products became crucial to the French economy.

2.3. Iraq–Britain Treaty (1922)

The 1922 Iraq–Britain Treaty laid the foundation for the establishment of British economic control over Iraq. According to the terms of the agreement, Britain exercised control over the extraction of resources on Iraqi territory, including minerals deemed critical natural resources.

Even after Iraq gained independence in 1932, British influence over the country's oil extraction industry remained significant. The Iraq–Britain Treaty was important not only from a political standpoint but

[11] Perkins K. "A history of modern Tunisia", Cambridge University Press, 2014.06. p. 14.
[12] Ibid. p.61.

also from an economic perspective, as British interests were primarily focused on the exploitation of mineral resources—particularly oil.

As we can see, in international negotiations, natural resources—particularly valuable mineral deposits—are often the subject of strategic agreements, primarily due to their significant economic value. Furthermore, granting access to rare minerals typically entails a commitment by the beneficiary party to ensure the protection and security of the extraction environment. Thus, a country rich in natural resources possesses strategic leverage, enabling it to utilize this potential in negotiations with varying degrees of political, economic, and security-related implications.

3. Potential of Georgian State

Mining activities in Georgia represent a crucial sector of the national economy, playing a pivotal role in achieving key political and economic objectives, including revenue generation, job creation, and overall development. In global rankings of countries with similar economies, Georgia holds a relatively prominent position with regard to its investment climate.[13]

As of today, there is no precedent for Georgia's mineral resources being the subject of official negotiations with another state. However, considering that 20% of Georgia's territory is occupied by the neighboring Russian Federation—including the region of Abkhazia, which is rich in coal and mercury deposits, as well as lead, zinc, copper, and other metal ores; non-metallic minerals such as barite and gypsum; and construction materials like limestone, brick clay, diabase, and diorite; in addition to therapeutic mineral waters—it can be reasonably inferred that one of the key factors behind the occupying power's economic interest is Abkhazia's mineral-rich natural environment.

In a personal interview, Ms. Gvantsa Bitsadze, Head of the Department of International Relations and Project Management at the National Agency of Mineral Resources (LEPL), stated that since assuming her current position (since2018), there have been no negotiations between Georgia and any other state concerning mineral resources, but considering that EU member states are increasingly restricting mineral extraction activities due to the finite nature of these resources, interest is steadily growing toward countries that possess development potential in this sector: "In the case of Georgia, it is crucial to reassess the country's geological potential, as the existing data and geological records were primarily compiled during the Soviet era and are in need of updating. In order to effectively engage with potential partners and stakeholders in this field, it is essential to have a clear understanding of what Georgia can offer. A notable example in this regard is Canada. In recent years, the Alberta Geological Survey conducted a comprehensive assessment of the province's natural resource potential, developed an updated geological map, and now possesses precise data on rare earth element deposits. Building on the above example, if modern exploration methods reveal the presence of rare mineral resources within Georgia's territory, it would allow for a more confident assessment of the country's potential as an attractive investment hub for stakeholders interested in the extraction of critical minerals. Consequently, it is entirely plausible that such research could open up new opportunities for the country.

Georgia's strategic geopolitical location, abundant mineral resources, and business-friendly environment create favorable conditions for the country to emerge as a regional hub for the extraction and transportation of valuable mineral resources. In this regard, it is essential for Georgia to strengthen international partnerships with countries and alliances for which access to strategic resources and the establishment of secure supply chains are of paramount importance.

Conclusion

States endowed with abundant mineral resources often leverage this wealth to strengthen their domestic economies. However, it is also common for such resources to become subjects of negotiations with other countries in the international arena, serving as tools for advancing strategic interests and securing

[13] Green alternative „The policy of georgian mining sector", Adam Smith International, 2019. p. 8.

reciprocal benefits. In contrast, states lacking abundant mineral resources often become dependent on resource-rich countries.

Moreover, it is essential to implement a rational and sustainable policy framework with regard to natural minerals, as the development of this sector not only facilitates the attraction of foreign investment, but also enhances the country's role on the international stage.

Due to their enduring strategic importance, mineral resources frequently become subjects of interest and negotiation among states. As the research has demonstrated, it is a well-established practice for states to offer various forms of compensation in exchange for access to rare minerals. However, it is also noteworthy to consider the form of indirect interest, whereby mineral resources are not the direct subject of intergovernmental negotiations, yet they significantly enhance the economic and/or industrial value of the territory in which they are located.

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