Securitisation behind *persona non grata*: Implications to the theory and the cases regarding the Russian invasion of Ukraine in 2022 [version 1; peer review: awaiting peer review]

Yuki Moritani\textsuperscript{1}, Hajime Akiyama\textsuperscript{2}

\textsuperscript{1}Graduate School of Law, Hitotsubashi University, Kunitachi, Tokyo, Japan
\textsuperscript{2}Faculty of Humanities and Social Sciences, University of Tsukuba, Tsukuba, Ibaraki, Japan

**Abstract**

**Background:** Diplomats or consuls can be declared *persona non grata* (PNG) by receiving states. In many cases, it is declared for security reasons, claiming that issues caused by sending states are matters of national security of receiving states. The extant literature focused on legal aspects of it regarding diplomatic immunities and privileges, but the declarations of PNG in international affairs require considerations from security studies.

**Methods:** Security is a social construct, and the process of construction is explained by securitisation theory by the Copenhagen School and the Paris School. The paper conducted an overview of PNG by a general examination of the declarations of PNG with securitisation theory. Further examinations were done focusing on series of the declarations of PNG during the Russian invasion of Ukraine in 2022. Along with the overall examination of PNG during the crisis, the analysis of the declaration of PNG to a Japanese Consul in Vladivostok, Russia was conducted as a unique case.

**Results:** Generally, declaration of PNG is a result of securitisation within normal politics as the Paris School theorised, not exceeding normal politics as the Copenhagen School theorised. Also, two implications to the theory were found: 1) the need to focus on the existential threat; and 2) the need to consider a sphere of gradation between normal and emergency politics. The massacre in Bucha, Ukraine triggered many declarations of PNG, indicating that the cause of the securitisation of PNG was the massacre as an existential threat. The case of Vladivostok was a deviation from normal politics with a possible illegal detention of the consul, but the declaration of PNG itself is within normal politics. Rather than seeing the case simply as in the realm of emergency politics, it is better interpreted as a mixture of normal and emergency politics.
Keywords
Persona non grata; securitisation theory; the Copenhagen School; the Paris School; diplomatic privileges and immunities; Vienna Convention on Diplomatic Relations; Vienna Convention on Consular Relations; 2022 Russian invasion of Ukraine

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Introduction

Diplomacy is at the core of the practice of international relations. It is diplomacy that allows a state to deliver its intentions to other states and to make arrangements to form and sustain international relations.¹ Thus, there is no reason not to study diplomatic issues from the research field of international relations. Basically, on a daily basis, diplomacy is done by diplomatic missions that are exchanged between states to sustain and develop relationships. Additionally, consular affairs have a significant role as well. To sustain diplomatic relations, privileges and immunities are given to diplomats and consuls.² Such privileges and immunities should not be abused, but misuses can and do happen. When abused, persona non grata (PNG) can be declared by the receiving state to a diplomat or a consul from a sending state as an action to protect its state sovereignty. PNG was designed to be a significant system in international relations to sustain the diplomatic relations of states. However, not much academic attention has been given to PNG.

Previously, a small amount of research on PNG was mainly done in the field of international law. For those, PNG was an international legal issue regarding diplomatic privileges and immunities. However, its declarations are matters of international relations, not only international law. Usually, PNG has been issued for “an unfriendly attitude toward the (prospective) receiving state, violation of its laws or of international law, or improper diplomatic behavior or indiscretions”.³ The reason behind the declaration can be political, like “as a symbolic gesture as a way for a country to show displeasure with the actions of another country or entity”.⁴ Also, it seems that “[t]he more the relation is fragile, and above all, based on conflicting interests, the more the states are not hesitating to Ref ⁵ declaring PNG. Such a tendency attracts consideration of PNG from the specific perspective of security. Security studies deal with not only military elements but with various other aspects including diplomacy.⁶ Moreover, as Eric Paul Witiw pointed out, PNG “allows the receiving state to prevent serious damage to its national security”.⁷

The declaration of PNG itself is not primarily a security policy. However, in many cases, receiving states announce that there was a security threat. The existence of such communication stimulates a hypothesis that the declaration of PNG is the result of securitisation. In particular, when PNG has been issued for security reasons, was PNG securitised? If so, in what sense? Mainly, this paper intends to make two contributions. One is to develop knowledge of PNG by approaching it from the perspectives of international relations and security. This contributes not only academically but also to develop understanding on current affairs. Such declarations of PNG can be found regarding the situation of the Russian invasion of Ukraine that broke out on 24 February 2022. Another contribution is the development of securitisation theory. By examining PNG with securitisation theory, the assumptions on the limitations of the current theory can be pointed out.

This paper is constructed with four sections excluding the introduction and conclusion. First, an overview of PNG from political and legal perspectives is provided. Next, a general examination of the declarations of PNG with securitisation theory is provided. Overall, this section shows that many declarations of PNG are results of securitisation within normal politics as the Paris School theorised, not exceeding normal politics as the Copenhagen School theorised. Also, two assumptions on securitisation theory, 1) the need to focus on the existential threat and 2) the need to consider a sphere of gradation between normal and emergency politics, are posed. To consider these assumptions, the paper focuses on PNG after the Russian invasion of Ukraine began for deeper analysis. In the third section, an overview of the declarations of PNG regarding the Russian invasion of Ukraine is given. The series of the declarations suggest the significance of the role of the existential threat to securitisation. In the fourth section, the case of the declaration of PNG to a Japanese consul in Vladivostok, Russia is analysed. This is a unique and significant case since not only the declaration of PNG but also the detention of a consul was seen. The case suggests the need to consider the situation as a mixture of normal and emergency politics, rather than simply labelling either normal or emergency politics.

Law and Politics of Persona Non Grata in Diplomacy

The practice similar to PNG is observable from ancient times, and it has been recognised in international law. PNG means “[p]erson not appreciated” in Latin,⁸ and it refers to “a diplomatic agent of a state is unacceptable to the receiving state”.⁹ It is understood that the concept of PNG was regarded as a customary law even before the conclusion of the Vienna

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¹See Nakanishi et al., 2015, 123; Grieco et al., 2019, 240.
⁴Ahmad, 2020, 2.
⁵Fakhoury, 2017, 117.
⁸Ahmad, 2020, 3.
⁹Bledsoe and Boczek, 1987, 112.
Convention on Diplomatic Relations (VCDR) in 1961. Diplomacy is “the management of international relations by negotiation”. Distinguishing from foreign policy, Harold Nicolson pointed out the significance of negotiation in the concept of diplomacy saying the term ‘diplomacy’ “denotes the processes and machinery by which such negotiation is carried out”. Since states indicate their willingness not to accept diplomats by declaring PNG, PNG makes it difficult to negotiate issues. In other words, PNG receives attention from the perspective of the effectiveness of diplomacy.

As a background, there are two different concepts related to PNG. On the one hand, there is a concept of sovereignty. Based on sovereignty, each state can decide which foreigners to allow or refuse the admission to the state, and preservation of security can be one function of sovereignty. On the other hand, there is sovereign immunity, and diplomats and consuls need to be regarded as representatives of the sovereign state, and as a result, they enjoy some kinds of privileges. Therefore, PNG can be regarded as a concept to coordinate these different concepts.

Sovereign immunity has been recognised since the 19th Century. Since the beginning of the diplomatic system, when governments sent diplomatic representatives to other states throughout the world, sovereign immunity has been a formal one in diplomatic affairs. To sustain diplomatic relations, privileges and immunities are given to diplomats, so that diplomatic missions are exempt from the local legal forces fully. Embassies, where diplomatic missions are located, have territorial sovereignty of the sending state free from the law of the receiving state. The aim of diplomatic immunities is to allow states to maintain its works overseas in its embassies, which is necessary for the ambassador to ‘truly’ speak for the sovereign.

Such immunities are also found with consuls. They are not entitled to diplomatic immunities since they are different from diplomats, but consuls also receive privileges and immunities. Moreover, practically, consuls receive more privileges and immunities than originally expected to maintain friendly relationships between states. As Luke T. Lee wrote, “the existence of consular relations is the agreement to confer on consuls certain privileges and immunities”. When these privileges and immunities by diplomats and consuls are abused, PNG can be declared by a receiving state to a diplomat or a consul from another state as an action to protect its state sovereignty.

Currently, there are two multilateral treaties that provide for PNG: the VCDR, which was adopted in 1961 and the Vienna Convention on Consular Relations (VCCR), which was adopted in 1963. Related to the case this paper covers, both Japan and Russia are contracting parties to these treaties. The scope of these treaties is different, but both of them provide for PNG. Article 9 of the VCDR provides that:

“1. The receiving State may at any time and without having to explain its decision, notify the sending State that the head of the mission or any member of the diplomatic staff of the mission is persona non grata or that any other member of the staff of the mission is not acceptable. In any such case, the sending State shall, as appropriate, either recall the person concerned or terminate his functions with the mission. A person may be declared non grata or not acceptable before arriving in the territory of the receiving State.

2. If the sending State refuses or fails within a reasonable period to carry out its obligations under paragraph 1 of this article, the receiving State may refuse to recognize the person concerned as a member of the mission.”

Article 23 of the VCCR provides that:

“1. The receiving State may at any time notify the sending State that a consular officer is persona non grata or that any other member of the consular staff is not acceptable. In that event, the sending State shall, as the case may be, either recall the person concerned or terminate his functions with the consular post.

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10Ahmad, 2020, 4.
11Nicolson, 1988, 4.
12Ibid., 3-4.
13Preamble of the VCDR provides that “the purpose of such privileges and immunities is not to benefit individuals but to ensure the efficient performance of the functions of diplomatic missions as representing States.”
14Ahmad, (2020, 4) calls PNG as “balance, worthiness, and justice between the principle of sovereignty and territorial jurisdiction on one hand, and the principle of inviolability and immunity on the other hand.”
17Ibid., 58-59.
20The VCDR covers the diplomats (see Article 1 of the VCDR), and the VCCR covers “a consular officer” (Article 1, the VCCR).
2. If the sending State refuses or fails within a reasonable time to carry out its obligations under paragraph 1 of this article, the receiving State may, as the case may be, either withdraw the exequatur from the person concerned or cease to consider him as a member of the consular staff.

3. A person appointed as a member of a consular post may be declared unacceptable before arriving in the territory of the receiving State or, if already in the receiving State, before entering on his duties with the consular post. In any such case, the sending State shall withdraw his appointment.

4. In the cases mentioned in paragraphs 1 and 3 of this article, the receiving State is not obliged to give reasons to declare PNG. During the negotiating history of the VCDR, there was not much discussion on the necessity to notify the reason of PNG because many states assumed that the reasons do not have to be shared.21

Although there is no need to explain the reason for the declaration, it has been done with purpose and aim. The reason behind the declaration can be political, like “as a symbolic gesture as a way for a country to show displeasure with the actions of another country or entity”22, as Nehaluddin Ahmad wrote. According to Amer Fakhoury, there were 10 types of the reason behind the declaration of PNG: 1) “violating hosting state’s laws”; 2) “negative position of the sending states toward the interests of the hosting states”; 3) “pre-emptive action toward the sending state”; 4) “interfering with its politics, or domestic affairs”; 5) “[v]isiting sensitive areas in hosting countries without prior permission”; 6) “using aggressive or undiplomatic language la[st] against the exterior or interior hosting state’s policies”; 7) “criminal behavior either minor or major”; 8) “criticizing its head of state or any high ranking personality”; 9) “offenses against the security of the state such as espionage either political or economic”; and 10) “[w]ar and severance of diplomatic relation between countries.”23

Securitisation and Persona Non Grata

Diplomatic affairs can be a matter of security. It is true that the primary focus of security studies traditionally has been to explore “the conditions that make the use of force more likely, the ways that the use of force affects individuals, states, and societies, and the specific policies that states adopt in order to prepare for, prevent, or engage in war”.24 However, as Arnold Wolfers wrote, “the term ‘security’ covers a range of goals so wide that highly divergent policies can be interpreted as policies of security”.25 Stephen Walt also admitted that “[m]ilitary power is not the only source of national security, and military threats are not the only dangers that states face”.26

Especially with PNG, consideration from the perspective of security studies is necessary. PNG has been usually issued for “an unfriendly attitude toward the (prospective) receiving state, violation of its laws or of international law, or improper diplomatic behavior or indiscretions”.27 As already mentioned, Fakhoury introduced 10 types of the reason behind the declaration of PNG, and the last two reasons (“offenses against the security of the state such as espionage either political or economic” and “[w]ar and severance of diplomatic relation between countries”)28 indicate security is an important motivation to declare PNG. It is said that PNG was applied much during the Cold War mainly for spy activities “in a tit-for-tat fashion”.29 Moreover, as Fakhoury pointed out, “[t]he more the relation is fragile, and above all, based on conflicting interests, the more the states are not hesitating to”30 declaring PNG. This implies that international relations and security is relevant to the declaration of PNG. More importantly, the term “national security” has been used in the announcements by governments for many cases of the declaration. Although PNG is originally a diplomatic issue, it is used as a security measure in many cases of the declaration. In other words, PNG is securitised.

Ole Wæver, the leading scholar of securitisation theory, argued that political leaders in a state declare an emergency condition claiming a need to use whatever means to deal with an issue by using the word “security.”31 Extremely, it is

22Ahmad 2020, 2.
23Fakhoury 2017, 116-117.
24Walt 1991, 212.
25Wolfers 1952, 484.
26Walt 1991, 213.
28Ibid., 116-117.
29Ahmad 2020, 2. See also Crawford 2008, 401; Lee 1969, 58-59.
30Fakhoury 2017, 117.
31See Wæver 1995, 405.
possible to see anything such as environmental pollution, pandemic, abuse, or economic downturn as “security threats.” However, seeing almost anything as a security issue “would destroy its intellectual coherence” as Walt wrote. To define security coherently, along with Barry Buzan and Jaap de Wilde, Wæver argued that security is something different from the normal mode of politics. For Wæver, security is the emergence of “politics beyond the established rules of the game” by the issue being framed as “a special kind of politics or as above politics.” The theoretical school associated with this idea is called the Copenhagen School.

The Copenhagen School argues that “the issue becomes a security issue - not necessarily because a real existential threat exists but because the issue is presented as such a threat.” Based on this assumption, security is socially constructed with: 1) the securitising move, “[a] discourse that takes the form of presenting something as an existential threat to a referent object”, by political leaders; and 2) the acceptance by audiences such as citizens, which provides legitimacy to security policy. Usually, policies exist because there is coercion and consent, according to the Copenhagen School. Rather than strictly requiring certain responses by audiences, Buzan, Wæver, and de Wilde wrote that the acceptance intends to check that securitising move gained “enough resonance for a platform to be made from which it is possible to legitimate emergency measures”.

Regarding emergency measures, the Copenhagen School makes a distinction between politics and security. According to the scholars of the Copenhagen School, any public issue can be located into three categorisations of spectrums: non-politicised, politicised, and securitised. Non-politicised issue is an issue that the state is not dealing with. Regarding an issue, no public debate is made and no political decision is made. When an issue turns into a matter of public policy that requires decision making and resource allocations by the government, it can be said that it is politicised. More importantly, the Copenhagen School sees that “armed forces and intelligence services are carefully separated from normal political life”, especially in the Western developed and civilised political system. For the Copenhagen School, ideally, politics is something that can be done with routine procedures without any extraordinary measures. Thus, securitised issue is different from politicised issue since it is “presented as an existential threat, requiring emergency measures and justifying actions outside the normal bounds of political procedure”. Thus, for the Copenhagen School, securitisation is an extreme version of politicisation that exceeds from normal politics, that demands less democratic control over policies or even the legitimation of illegal government activities. The term “panic politics” is also used to describe such a political situation.

From the approach of the Copenhagen School, the general cases of PNG cannot be said that it was securitised. As pointed out above, especially when PNG was declared for against hostile activities or severe inter-state relationship, the phrase ‘national security’ is used in the announcements by receiving states for many cases of the declaration of PNG. Receiving states show that what diplomats or consuls have done was threatening national security in the announcements. Such announcements are the securitising move that requires audiences to admit the necessity to deal with. With the legitimation of the declaration of PNG, it can be said that such securitising moves are accepted. However, more careful consideration is needed to argue that the declarations of PNG are the result of securitisation.

As the Copenhagen School noted, securitisation is fulfilled “by cases of existential threats that legitimise the breaking of rules”. It requires the measure to be done not in the arena of normal politics, but “outside the normal bounds of political procedure”. The declarations of PNG are legally admitted activities by states. Article 9 of the VCDR says that “[t]he receiving State may at any time and without having to explain its decision, notify the sending State that the head of the mission or any member of the diplomatic staff of the mission is persona non grata or that any other member of the staff of

\[32\] Walt 1991, 213.
\[33\] Buzan et al., 1998, 23.
\[34\] Ibid.
\[35\] Ibid., 24.
\[36\] Ibid., 25.
\[37\] Ibid., 23-25; Buzan 1997, 14.
\[38\] Buzan et al. 1998, 25.
\[39\] Ibid., 28.
\[40\] Howell and Richter-Montpetit 2020, 8.
\[41\] Buzan et al. 1998, 24.
\[42\] Ibid., 24-29; Buzan 1997, 14.
\[43\] Fakhoury 2017, 116-117.
\[45\] Buzan et al. 1998, 25.
\[46\] Ibid., 24.
the mission is not acceptable”. The declaration of PNG to consuls is also legal as Article 23 of the VCCR says: “[t]he receiving State may at any time notify the sending State that a consular office is persona non grata or that any other member of the consular staff is not acceptable”. Since the declarations have clear legal basis, it can be said that the declarations of PNG are done within normal politics.

However, although the usual cases of PNG are done in the arena of normal politics, it is still true that the declarations are done in the manner of security measures. This suggests that security policies can take place as a part of normal politics, although the Copenhagen School argued that “armed forces and intelligence services are carefully separated from normal political life”. This requires a different analysis from the Paris School, another school of securitisation theory.

One significant point regarding PNG is that the declaration is legally accepted even for security reasons. By criticising the theory by the Copenhagen School, the Paris School argued that there is a connectivity between normal politics and security. For example, although Thierry Balzacq shared a similar idea that securitisation is about governments taking extraordinary measures, he declined the idea to separate security and politics. Didier Bigo, a leading scholar of the Paris School, also pointed out that securitisation works continuously rather than being exceptional. For the Paris School, securitisation occurs within normal politics, not as the realm outside. (See Table 2)

Rather than focusing on the role of political discourse by political leaders in securitisation, the Paris School emphasises “the day-to-day practices, of the bureaucracies that are necessary to understand how discourses work in practice”. Threats or risks are assessed and determined not only by the political leaders, but also by security practitioners and bureaucratic institutions. Thus, according to the Paris School, it is “the role of the bureaucratic professionalization of the management of unease” that should be taken into account in securitisation.

It is not only political elites as the Copenhagen School argued, but knowledge and technological resources that bureaucratic institutions and security professionals that “produce a hierarchy of threats”. In other words, not necessarily by the political discourse but bureaucratic works can determine what threat and security is. Bureaucratic institutions and professionals make security legitimate by shaping political labels with manpower, time, and professional routines. Thus, the Paris School claims the necessity of the analysis of “the internal logic of the field of professionals in the management of unease” in the process of securitisation. (See Table 3)

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Table 1. Normal and emergency politics as defined by the Copenhagen School.

<table>
<thead>
<tr>
<th>Characterisations</th>
<th>Mode of Politics</th>
<th>Explanations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-politicised</td>
<td>N/A</td>
<td>The issue is not dealt with by the state. No public debate or no decision was made on the issue.</td>
</tr>
<tr>
<td>Politicised</td>
<td>Normal Politics</td>
<td>The issue is part of public policy. It requires government decision and the allocation of political resources. This mode is carefully distinguished from military and intelligence services, and ideally, deals with the issues with democratic routine measures, not with extreme emergency measures.</td>
</tr>
<tr>
<td>Securitised</td>
<td>Emergency Politics/Panic Politics</td>
<td>The issue has been presented as an existential threat by political leaders and dealt with emergency measures. Such measures are justified although it can be illegal on normal occasions, which can result in panic politics.</td>
</tr>
</tbody>
</table>

Source: Authors’ original based on Buzan 1997, 14; Buzan et al. 1998, 23-29; Howell and Richter-Montpetit 2020, 7-10.

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47 Article 9, the VCDDR.
48 Article 23, the VCCR.
49 Buzan et al. 1998, 28.
50 Balzacq 2019, 343.
51 Bigo 2002, 73.
53 Bigo 2002, 73.
54 Ibid., 74.
55 Ibid., 76.
56 Ibid., 75.
57 Ibid., 86.
Table 2. Security by the Copenhagen and the Paris Schools.

<table>
<thead>
<tr>
<th>Stage</th>
<th>The Copenhagen School</th>
<th>The Paris School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Normal politics without threats</td>
<td>Not security</td>
<td>Not security</td>
</tr>
<tr>
<td>Normal politics with threats</td>
<td>Not security</td>
<td>Security</td>
</tr>
<tr>
<td>The realm of emergency politics</td>
<td>Security</td>
<td>Not considered</td>
</tr>
</tbody>
</table>

Source: Authors’ original based on Balzacq 2019, 342-343; Bigo 2002, 72-74; Bourbeau 2014, 189-190; Buzan 1997, 14; Buzan et al. 1998, 23-24.

Table 3. The mechanism of securitisation by the Copenhagen and the Paris Schools.

<table>
<thead>
<tr>
<th>Stage</th>
<th>The Copenhagen School</th>
<th>The Paris School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Securitising actor</td>
<td>Political leaders</td>
<td>Security professionals and bureaucratic institutions</td>
</tr>
<tr>
<td>Cause of securitisation</td>
<td>Claim of threat by political leaders</td>
<td>The determination of threats and risks by security professionals and bureaucratic institutions</td>
</tr>
<tr>
<td>Process of securitisation</td>
<td>With the claim of threat, the need for exceptional measures for the survival of a state will be stated. Due to such political discourse, exceptional measures otherwise unaccepted normally gain legitimacy.</td>
<td>Based on the determination, daily routine works and internal logics of security professionals and institutions shape security policy.</td>
</tr>
<tr>
<td>Result of securitisation</td>
<td>The deviation from normal politics, stepping into panic politics</td>
<td>Security policy within normal politics</td>
</tr>
</tbody>
</table>

Source: Authors’ original based on Balzacq 2019, 331-348; Bigo 2002, 63-85; Bourbeau 2014, 189-190; Buzan 1997, 14; Buzan et al. 1998, 21-47.

One significant aspect of the internal logic for bureaucracy and professionals in the legal basis. Usually, the works by bureaucrats and professionals in agencies or institutions are done legally based on law.58 Regarding the declaration of PNG, Article 9 of the VCDR and Article 23 of the VCCR are the legal basis as seen above. Both articles allow a receiving state to declare PNG without explaining the reason for it.59 Thus, referring to the Paris School, it can be argued that securitisation of PNG in many cases is done within normal politics with legal basis even for security and emergency reasons.

Persona Non Grata and the Russian Invasion of Ukraine

According to the general examination, many cases of the declarations of PNG are the result of securitisation as seen above. Such can be seen in the situation regarding the Russian invasion of Ukraine in 2022. According to Foreign Policy, at least 394 Russian officials were expelled by the Western states by April 2022 after the Russian invasion of Ukraine began.60 The US Embassy and Consulates indicated that 19 states expelled Russian diplomats.61 The first case of the declaration of PNG was by the United States. On 28 February 2022, the United States announced that 12 Russian diplomats in the mission to the United Nations (UN) are PNG. According to the announcement, Russian diplomats were engaged in espionage activities in the United States. The United States mission to the United Nations (UN) mentioned that such espionage activities were “adverse to [American] national security”.62 Richard Mills, the Deputy Representative of the United States to the UN, stated that the decision of the declaration of PNG was made “so [Russian diplomats] do not harm the national security of the host country”.63 This case also can be analysed that the declaration was the result of securitisation within normal politics.

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58As the other example of a research focusing on the significance of legal basis as the internal logic for bureaucracy and professionals in the process of securitisation, see a conference presentation: Moritani, Yuki. 2021. “Sakerarenai anzenhoshōka?: COVID-19 to Jieitai no katsuyō [Unavoidable securitization?: COVID-19 and the usage of the Self-Defense Forces],” in the 14th Seminar, Japan Association for International Security.
59Article 9, the VCDR; Article 23, the VCCR.
60Gramer and Yang 2022.
61Namely, Austria, Bulgaria, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Ireland, Italy, Japan, Latvia, Lithuania, Norway, Poland, Romania, Slovenia, Spain, Sweden. U.S. Embassy & Consulates in Italy 2022.
63Quoted in Nichols 2022.
Since the beginning of the Russian invasion of Ukraine, many cases of the expulsion of diplomats, consuls and diplomatic staff can be found. Below, Table 4, is the list of expulsions, including the declarations of PNG.\(^{64}\)

Some states indicate their intention behind the declaration of PNG and expulsion in their official statements. For example, on the Danish decision to expel 15 Russian intelligence officers who worked at the Russian embassy on 5 April, Jeppe Kofod, the Foreign Minister of Denmark, stated that: “They pose a threat to our national security. It’s in our mutual

<table>
<thead>
<tr>
<th>Date</th>
<th>Cases of expulsion and declaration of persona non grata (PNG)</th>
</tr>
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<tbody>
<tr>
<td>28 February 2022</td>
<td>The United States declared PNG to 12 Russian diplomats to the United Nations (UN).(^{65})</td>
</tr>
<tr>
<td>4 March 2022</td>
<td>Montenegro declared PNG to a Russian diplomat.(^{66})</td>
</tr>
<tr>
<td>14 March 2022</td>
<td>Slovakia expelled three Russian Embassy staff members.(^{67})</td>
</tr>
<tr>
<td>18 March 2022</td>
<td>Bulgaria, Latvia, Lithuania, and Estonia expelled Russian diplomats (10 in Bulgaria, three in Latvia, four in Lithuania, and three in Estonia).(^{68})</td>
</tr>
<tr>
<td>23 March 2022</td>
<td>Russia declared PNG to American diplomats as a retaliation.(^{69})</td>
</tr>
<tr>
<td>24 March 2022</td>
<td>Russia informed Montenegro that it would be expelling a diplomat from Russia.(^{70})</td>
</tr>
<tr>
<td>28 March 2022</td>
<td>Russia expelled three employees of the Embassy of Slovakia in Moscow as a retaliation.(^{71})</td>
</tr>
<tr>
<td>29 March 2022</td>
<td>Belgium, the Czech Republic, Ireland, and the Netherlands expelled Russian diplomats (21 in Belgium, one in the Czech Republic, four in Ireland, and 17 in the Netherlands).(^{72})</td>
</tr>
<tr>
<td>29 March 2022</td>
<td>Russia expelled three diplomats each from Estonia and Latvia, and four from Lithuania.(^{73})</td>
</tr>
<tr>
<td>4 April 2022</td>
<td>Lithuania expelled the Russian Ambassador,(^{74}) and France, Germany, Poland, and Slovakia expelled 40 Russian diplomats (35 in France, 40 in Germany, 45 in Poland, and 35 in Slovakia).(^{75})</td>
</tr>
<tr>
<td>5 April 2022</td>
<td>The European Union (EU) declared PNG to 19 members of the Permanent Mission of the Russian Federation to the EU.(^{76}) Also, Denmark, Estonia, Italy, Latvia, Romania, Slovenia, Spain, Sweden, and Portugal expelled Russian officials (15 in Denmark, 14 in Estonia, 30 in Italy, 13 in Latvia, 10 in Romania with PNG, 33 in Slovenia, about 25 in Spain, three in Sweden, and 10 in Portugal).(^{77})</td>
</tr>
<tr>
<td>6 April 2022</td>
<td>Greece, Luxembourg, and Norway expelled Russian diplomats (12 in Greece, one in Luxembourg, and three in Norway).(^{78})</td>
</tr>
<tr>
<td>7 April 2022</td>
<td>Austria declared PNG to three Russian diplomats.(^{79}) Also, Russia expelled two Irish diplomats.(^{80})</td>
</tr>
<tr>
<td>8 April 2022</td>
<td>Japan expelled eight Russian diplomats.(^{81})</td>
</tr>
<tr>
<td>8 April 2022</td>
<td>Russia declared PNG to 45 Polish diplomats.(^{82})</td>
</tr>
</tbody>
</table>

\(^{64}\)Note that the below is not necessarily a full list of cases of expulsion and declaration of PNG. They are the cases that the authors are aware of based on their research.

\(^{65}\)NHK 2022; Nichols 2022.

\(^{66}\)Reuters 2022c.

\(^{67}\)Westfall and Simon 2022.

\(^{68}\)Al Jazeera 2022a.

\(^{69}\)Reuter 2022d.

\(^{70}\)Westfall and Simon 2022.

\(^{71}\)Ibid.

\(^{72}\)EURACTIV.com with Reuters 2022.

\(^{73}\)Westfall and Simon 2022.

\(^{74}\)Reuters 2022b.

\(^{75}\)Al Jazeera 2022b; Kazmin et al. 2022; Noyan 2022.

\(^{76}\)EEAS Press Team 2022.

\(^{77}\)ERR News 2022; Kazmin et al. 2022; Maček 2022; Neagu 2022; Reuters 2022a; Reuters 2022e; Reuters 2022f.

\(^{78}\)Al Jazeera 2022c; Velazquez and Lambert 2022.

\(^{79}\)Aydogan 2022.

\(^{80}\)Quann 2022.

\(^{81}\)Konno 2022; Ministry of Foreign Affairs of Japan 2022a.

\(^{82}\)Vakil 2022.
interests to maintain diplomatic ties, but we will not accept Russian espionage on Danish soil. 

1 What this indicated was that security is regarded as one important reason for the expulsion.

As can be seen from the list, many cases of the expulsion and the declaration of PNG can be found in the early April of 2022. 

<table>
<thead>
<tr>
<th>Date</th>
<th>Cases of expulsion and declaration of persona non grata (PNG)</th>
</tr>
</thead>
</table>
| 15 April 2022| Russia declared PNG to 18 members of the EU mission as retaliation.  

83DAILY SABAH WITH AGENCIES 2022. |
| 19 April 2022| Russia declared PNG to 12 Belgian diplomats and 15 Dutch diplomats as retaliation.  

84AFP 2022b; Gijs 2022. |
| 25 April 2022| Croatia expelled 24 Russian diplomats.  

85Dynes 2022. |
| 25 April 2022| Russia indicated that it would expel 40 German diplomats as a “symmetrical response” to the German “unfriendly decision” to expel Russian diplomats.  

86Westfall and Simon 2022. |
| 27 April 2022| Russia expelled eight Japanese diplomats.  

87Ibid. |
| 19 May 2022 | Russia expelled 34 French diplomats, 27 Spanish diplomats, 24 Italian diplomats, and two Finnish diplomats as retaliation.  

88INTERFAZ 2022; JAKUČIONIS 2022. |
| 27 May 2022 | Russia expelled five Croatian diplomats as retaliation.  

89Ibid. |
| 28 June 2022 | Bulgaria declared PNG to 70 Russian diplomats.  

90The Yomiuri Shimbun 2022. |
| 5 August 2022 | Russia declared PNG to 14 Bulgarian consuls and embassy staff as retaliation.  

91Interfax 2022. |
| 12 August 2022 | Montenegro declared PNG to a Russian diplomat.  

92JAKUČIONIS 2022. |
| 8 September 2022 | Russia expelled a Romanian diplomat as a retaliation.  

93Ibid. |
| 26 September 2022 | Russia declared PNG to a Japanese consul.  

94The Yomiuri Shimbun 2022. |
| 29 September 2022 | Montenegro declared PNG to six Russian diplomats.  

95The Yomiuri Shimbun 2022. |
| 3 October 2022 | Lithuania expelled a Russian acting chargé d'affaires.  

96Ibid. |
| 4 October 2022 | Japan declared PNG to the Russian consular officer.  

97The Yomiuri Shimbun 2022. |
| 5 October 2022 | Russia declared PNG to Romanian diplomats.  

98The Yomiuri Shimbun 2022; The Yomiuri Shimbun 2022; The Yomiuri Shim bun 2022. |
| 31 October 2022 | Moldova expelled a Russian diplomat.  

99NV 2022. |
| 1 December 2022 | Lithuania declared PNG to Russian embassy employee.  

100Teslova 2022. |

Source: Authors' original based on AFP 2022b; Al Jazeera 2022a, 2022b, 2022c; Aydogan 2022; Basso et al. 2022; Chirciu 2022; DAILY SABAH WITH AGENCIES 2022; Dynes 2022; EEAAG Press Team 2022; ERR News 2022; EURACTIV.com with Reuters 2022; Gijs 2022; Interfax 2022; JAKUČIONIS 2022; KAZMIN et al. 2022; KOONNO 2022; MAČEK 2022; Ministry of Foreign Affairs of Japan 2022a; Neagu 2022; NHK 2022; Nichols 2022; Nichols 2022; NOYAN 2022; NV 2022; OZTURK 2022; OZTURK and ABAY 2022; QUANN 2022; Radio Free Europe/Radio Liberty 2022; Reuters 2022a, 2022b, 2022c, 2022d, 2022e, 2022f; Reuters Editor 2022; RFE/RL 2022; TESLOVA 2022; THE ASAHI SHIMBUN 2022; The Yomiuri Shimbun 2022; Velazquez and Lambert 2022; Westfall and Simon 2022.

interests to maintain diplomatic ties, but we will not accept Russian espionage on Danish soil.  

101 What this indicated was that security is regarded as one important reason for the expulsion.

As can be seen from the list, many cases of the expulsion and the declaration of PNG can be found in the early April of 2022.  

102 Focusing on speech acts, as written above, governments claimed that the decisions were made due to “spying or
national security reasons” by Russia. Other than examples above, José Manuel Albares, the Foreign Minister of Spain, announced that Russian “diplomats and staff posed a ‘threat to the interest of the country’. Italy also claimed that its decision was made due to national security reasons. However, the VCDR and the VCCR allow states to declare PNG “at any time”. Why did many states declare PNG in April 2022?

The possible reason behind the expulsions in early April was the massacre in Bucha. After the withdrawal of Russian forces from Bucha at the end of March, more than 400 dead bodies of citizens were found as this was reported in early April. As can be seen from the announcements of governments, decisions to expel and declare PNG to Russian diplomats and consuls were made as a response to the massacre. For example, Spain referred to the massacre as a reason for the expulsion. Foreign Minister Albares stated in the announcement that “[t]he unbearable images we have seen of the massacre of civilians in the town of Bucha after the withdrawal of the Russian army deeply outrage us”. Germany argued that the massacre was a war crime, and the decision was made “as an immediate response” to the massacre in Bucha. The Foreign Minister of Lithuania stated that:

“What the world has seen in Bucha, unfortunately, may only be the beginning. With other liberated cities, we may see more horrific examples of war crimes. All war crimes and crimes against humanity committed by the Russian armed forces in Ukraine will not be forgotten”.

The Foreign Ministry of Slovenia also “expressed ‘the strongest protest’ against the killings of civilians by Russian forces in Bucha and other towns”. These cases indicate that the Russian invasion to Ukraine is the direct reason for expulsion rhetorically. It also indicates that the massacre in Bucha was one significant concern for states. This explains the timing of the expulsion and the declaration of PNG.

In explaining the process of securitisation, securitisation theory does not emphasise the role of the existential threat itself. What the Copenhagen School focuses on as a significant producer of securitisation is political discourses. Buzan, Wæver and de Wilde clearly wrote that “the issue becomes a security issue - not necessarily because a real existential threat exists but because the issue is presented as such a threat”. Similarly, the Paris School also relatively undermined the effect of the existential threat itself but focuses more on the significance of professional internal logics to securitise an unease.

Generally, as Fakhoury pointed out, the declarations of PNG can be found when the relationship between states is fragile. Considering the cases of PNG regarding the Russian invasion of Ukraine, the significant reason for securitisation seems to be the massacre in Bucha, which is the actual event. It is true that such decision making on the declaration of PNG is decided by political leaders or bureaucratic professionals. Although a widely shared concept or belief can be socially constructed by political elites or professional logic, “there must also be a basis upon which the people can accept such a concept”. If so, objective character or degree of existential threat seems to matter in the establishment of securitisation significantly. What the examination of PNG with securitisation suggests is that more serious consideration of the role of existential threats is needed. (See Table 5)

The Detention of a Japanese Consul in Vladivostok and the Declaration of Persona Non Grata

As examined above, many cases of the declaration of PNG regarding the Russian invasion of Ukraine in 2022 were securitised within normal politics. However, there was one case that seems to be securitised in the sense of theory of the Copenhagen School. On 26 September 2022, the Ministry of Foreign Affairs of Russia told the Japanese Embassy in Russia that the activity of a Japanese consul in Vladivostok damaged Russian security interests and declared PNG.

103 AFP 2022a.
104 Connolly 2022.
105 AFP 2022a; Redazione ANSA 2022.
106 Article 9, the VCDR; Article 23, the VCCR.
107 For instance, the Kyiv Independent reported the massacre on 3 April 2022. Rudenko, 2022.
108 AFP 2022a; Connolly 2020.
109 Westfall and Simon 2022.
110 Quoted in AFP 2022a.
111 Connolly 2022.
112 Ministry of Foreign Affairs of the Republic of Lithuania 2022.
113 Maček 2022.
114 However, it should be noted that some states like Montenegro and Slovakia took their actions in early March, which might have different reasons.
116 Bigo 2002, 73-76.
117 Fakhoury 2017, 117.
118 Akiyama 2019, Note 55.
What makes this case notable is that the Japanese consul was physically detained along with the declaration of PNG. On the same day, the Federal Security Service of the Russian Federation (FSB) announced that it detained the Japanese consul in Vladivostok. It was claimed that the consul has done an activity of espionage, obtaining classified information illegally.119

The Japanese government claimed that the action which the Russian government pointed out was not present. The MOFA of Japan announced that “there is no fact that the consular conducted an illegal activity as Russia alleges”.120 To be noted, the determination of facts related to espionage is difficult from an academic point of view. It is almost impossible to confirm which claim is true. However, it is possible to examine the process of securitisation without considering the preciseness of espionage activities. As the Copenhagen School pointed out theoretically, the significant aim of securitisation is “to understand the processes of constructing a shared understanding of what is to be considered and collectively responded to as a threat”.121 What is important here is the fact that the Russian government claimed a security reason to detain a Japanese consul and to declare PNG.

The Copenhagen School uses the term ‘panic politics’ for the securitised political situation.122 Securitisation in the sense of the Copenhagen School will allow a securitising actor to be free from rules or legal process that should bind policymakers normally.123 Panic politics is a situation “where departures from the rules of normal politics justify secrecy, additional executive powers, and activities that would otherwise be illegal”.124 As examples of extraordinary means, the Copenhagen School listed “the form of secrecy, levying taxes or conscription, [and] placing limitations on a specific task”.125 In this case, an extraordinary action that seems to be taken was an illegal activity.

As laws regarding this case, not only the consideration of the VCCR, but also the Consular Convention between Japan and the Union of Soviet Socialist Republics (Japan-Soviet Consular Convention) is needed. Both conventions provide rules on dealing with consuls judicially, but the rule is stricter in the VCCR than the Japan-Soviet Consular Convention. According to Article 41 of the VCCR, basically, “[c]onsular officers shall not be liable to arrest or detention pending trial”.126 If the case is not “a grave crime and pursuant to a decision by the competent judicial authority”127, “consular officers shall not be committed to prison or be liable to any other form of restriction on their personal freedom save in execution of a judicial decision of final effect”.128 From this perspective, the detention of a Japanese consul in

### Table 5. Existential threat in securitisation.

<table>
<thead>
<tr>
<th>Cause of securitisation</th>
<th>The Copenhagen School</th>
<th>The Paris School</th>
<th>Implication from persona non grata</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Claim of threat by political leaders</td>
<td>The determination of threats and risks by security professionals and bureaucratic institutions</td>
<td>Actual event causes threat</td>
</tr>
<tr>
<td>Process of securitisation</td>
<td>With the claim of threat, the need for exceptional measures for the survival of a state will be stated. Due to such political discourse, exceptional measures otherwise unaccepted normally gain legitimacy.</td>
<td>Based on the determination, daily routine works and internal logics of security professionals and institutions shape security policy.</td>
<td>With the legal basis (internal logics), either/both political leaders, security professionals and institutions shape security policy.</td>
</tr>
<tr>
<td>Result of securitisation</td>
<td>The deviation from normal politics</td>
<td>Security policy within normal politics</td>
<td>Security policy within normal politics</td>
</tr>
</tbody>
</table>

Source: Authors’ original based on Balzacq 2019, 331-348; Bigo 2002, 63-85; Bourbeau 2014, 189-190; Buzan 1997, 14; Buzan et al. 1998, 21-47.

119 See Nikkei 2022.
120 MOFA 2022b.
121 Buzan et al., 1998, 26.
122 See Buzan, 1997, 14; Roe, 2012, 249-266.
123 Buzan et al., 1998, 25.
125 Buzan et al., 1998, 24.
126 Article 41, the VCCR.
127 Ibid.
128 Ibid.
Vladivostok is problematic. Illegal espionage activities can be seen as a “grave crime,” but “a decision by the competent judicial authority”\textsuperscript{129} is needed. If circumstances meet the condition above, “it has become necessary to detain a consular officer”\textsuperscript{130} as the Article stated. However, a decision was not made by a judicial authority, but by the FSB. With this, the detention of a Japanese consul by Russia can be possibly illegal, against Article 41 of the VCCR. From this, it can be argued that the case was the matter of panic politics as the Copenhagen School conceptualised.

The general examinations of PNG with securitisation supported the theoretical argument of the Paris School, not security as the deviation from normal politics but security within normal politics.\textsuperscript{131} However, this specific case of PNG associated with the detention of a consul suggests that securitisation of PNG can result in exceeding normal politics. Although the Paris School has not dealt seriously with security policy outside normal politics, this requires the consideration that security policy actually can step into the realm of panic politics. With further consideration, the case suggests that the Copenhagen School also has a problem, especially its clear distinction of normal politics and the realm of emergency politics. In theory, extraordinary means are simply and equally considered as elements of panic politics. However, with the consideration of the Japan-Soviet Consular Convention, it cannot be argued that the case was “fully” panic politics. The Japan-Soviet Consular Convention, which was adopted in 1966 and is currently effective between Japan and Russia, admits judicial immunity to consuls. Article 18 of the Convention provides that “[a] state shall enjoy immunity from the jurisdiction of the receiving state with respect to official action”.\textsuperscript{132} If an action by a Japanese consul the Russian government accused as an espionage activity was an “official action,” an activity of a consul had to be outside of the jurisdiction of Russia. As mentioned above, it is almost impossible to find out if an espionage activity was done by a Japanese consul as an official action. If not, the application of the Russian jurisdiction to a Japanese consul can be possible.

In total, the Russian detention of a Japanese consul in Vladivostok can possibly be seen as an illegal activity. It is difficult to legally justify the Russian action considering Article 41 of the VCCR. However, this does not mean that Russia broke international law overall regarding this case. Depending on the situation there is a possibility to find a certain legal basis in Article 18 of the Japan-Soviet Consular Convention.\textsuperscript{133} Moreover, it must be noted that the declaration of PNG itself has a legal basis in Article 23 of the VCCR. The declaration of PNG with the reasoning of an espionage activity itself is legal as Article 23 of the VCCR states: “[t]he receiving State may at any time notify the sending State that a consular officer is persona non grata”\textsuperscript{134} and “is not obliged to give to the sending State reasons for its decision.”\textsuperscript{135}

There are both legal and illegal perspectives to examine this issue. With this situation, it is too simple to label the status as ‘panic politics’. It seems more precise to find the gradation between normal politics and panic politics, and the case fits the interpretation that stepped into the realm of panic politics but not fully. This provides another implication to securitisation theory, the need to consider the gradation between normal politics and the realm of emergency politics.

**Conclusion**

Academically, PNG was mainly dealt with as an issue of international law regarding diplomatic immunities and privileges. Although the declaration of PNG itself is not primarily a security policy, many cases of it are associated

\begin{table}[h]
\centering
\caption{Transition from normal politics to panic politics, and the gradation.}
\begin{tabular}{|l|c|c|c|}
\hline
 & The Copenhagen School & The Paris School & Implication from the case \\
\hline
Normal Politics & Not security policy & Security policy & Fully legal security policy \\
\hline
The Mixture & Not considered & Not considered & Illegal security policy, but some legal aspects within \\
\hline
Panic Politics & Security policy & Not considered & Illegal security policy \\
\hline
\end{tabular}
\end{table}

Source: Authors' original based on Balzacq 2019, 342-343; Bigo 2002, 72-74; Bourbeau 2014, 189-190; Buzan 1997, 14; Buzan et al. 1998, 23-24.

\textsuperscript{129}Ibid.

\textsuperscript{130}Ibid.

\textsuperscript{131}Bigo, 2002, 73.

\textsuperscript{132}Article 18, the Japan-Soviet Consular Convention.

\textsuperscript{133}However, as the common understanding, Japan lacks the capability of espionage and intelligence abroad. See Kotani 2014, 56-57.

\textsuperscript{134}Article 23, the VCCR.

\textsuperscript{135}Ibid.
with the claims that the issues states are facing are matters of national security. Security is a social construct. The construction of security can be explained by securitisation of the Copenhagen School and the Paris School. This paper provided two main contributions. One is the development of the knowledge of PNG by approaching from international relations and security. By generally examining PNG with securitisation theory, it can be argued that many declarations of PNG are results of securitisation within normal politics as the Paris School theorised. This contributes not only academically but also to develop understanding on current affairs. Such declarations of PNG can be found regarding the situation of the Russian invasion of Ukraine that broke out on 24 February 2022.

With the consideration of the declarations of PNG regarding the situation of the Russian invasion of Ukraine, implications to the development of securitisation theory were found as another contribution of this paper. One is the need for securitisation theory to be more aware of the role of the existential threat in the securitising process. Considering the cases of the declaration of PNG in 2022, many declarations were made after the unravelling of the massacre of Bucha. It should be taken into account that threats and risks are not only made by political leaders or security professionals, but also with an actual basis that people can accept. Another theoretical implication is the need to consider the gradation between normal politics and the realm of panic politics. The specific case of the Russian declaration of PNG to a Japanese consul in Vladivostok after the detention was the result of securitisation as what the Copenhagen School theorised. However, although it was possibly illegal in total, some other legal perspectives can be found. Although the case seems to have stepped into the realm of panic politics, it is not fully panic politics. Thus, rather than simply labeling the status as “panic politics,” it seems more precise to find the gradation between normal politics and panic politics theoretically.

This complicated legality/illegality is interesting from a legal perspective. There is no single unified legal norm, but there are legal norms which are different in scope. As a result, there can be confusion in interpreting the legality of any given action. This paper clarifies that how to evaluate diverse legal norms is one important area of study, and this also indicates the link between law, politics and diplomacy.

However, there are some limitations of this paper. First, in the examination of the diplomatic relations regarding the Russian invasion of Ukraine in 2022, this paper did not distinguish the practice of expulsion and the declaration of PNG in Table 4. The authors assume that both have many things in common in practice and it was difficult to distinguish in reality, so that both of them were covered in this paper. However, it must be noted that they are different in theory, and close analysis of each concept and reality will be required in the further research. Second, although the examinations of the declarations of PNG after the unravelling of the massacre in Bucha and the case of Vladivostok were done, the degree of analysis is limited due to the lack of access to internal policy making process. However, the strength of the examination is the attempt to see the result of policy and its relations of discourse and legal basis. Lastly, although the theoretical implications to securitisation theory were made, the number of cases dealt in this paper is limited. By using the current issue as the cases, this paper can contribute academically and socially, but more considerations of the actual cases are needed for the further development of theory. In the future, these limitations need to be overcome.

In recent years, many scholars and policymakers have been saying that the international order is facing a crisis. Such a trend seems to continue. When the tension rises in international relations, possibilities of the declaration of PNG can rise. The declaration can also raise the tension of international affairs. The analysis of the declaration of PNG from the perspectives of international relations and security studies is necessary to develop better understanding on international affairs. This paper showed the potential of the analysis with securitisation theory. This is only a first step for future research, encouraging the further development of the field.

Data availability
No data are associated with this article.

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