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## МИРОВОЙ ПРАВОПОРЯДОК: ПРОБЛЕМЫ ТРАНСФОРМАЦИИ И МЕЖДУНАРОДНОЙ БЕЗОПАСНОСТИ

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**Введение:** в статье описываются тенденции стремительно меняющегося современного мира, поднимаются проблемы формирования мирового правопорядка, а также различные направления понимания мирового правопорядка. Цель: изучение роли России в развитии мировой цивилизации.

**Методы:** исторический, формально-юридический, метод правовой компаративистики. Авторами исследуются как российские, так и зарубежные источники по исследуемым проблемам, исследование опирается на широкую философскую, юридическую и политологическую базу источников.

**Анализ:** в стремительно изменяющемся современном мире происходят изменения миропорядка, которые ведут к фундаментальному сдвигу всей геополитической системы. Приводятся различные концепции мирового порядка. Подчеркивается, что в наше время на первый план настоятельно выдвигается необходимость согласования государственных и межгосударственных интересов, принятия многосторонних решений, формирования новых и совершенствования существующих международных организационных и правовых институтов. В статье анализируются различные концептуальные тенденции, характеризующие различные аспекты трансформации современного миропорядка: динамичное развитие интеграционных процессов на пространстве союза «Беларусь – Россия», Содружества Независимых Государств и Евразийского Экономического Союза; укрепление военно-политического потенциала России для предотвращения геополитических и военных угроз ее безопасности; смещение военных опасностей и военных угроз информационного пространства и внутренней сферы Российской Федерации; игнорирование и нарушение США норм международного права; повышение уровня правосознания российских граждан, рост патриотических настроений; расширение сферы международного правосудия как ответ на современные вызовы глобализации.

**Результаты:** отмечается, что в формирующемся многополярном мире существенно меняется содержание категории «сила» в международных отношениях, которая до недавнего времени включала в себя главным образом военные аспекты. Делается вывод о необходимости современной системы международного правосудия, которое будет согласовано с национальными судебными системами.

**Ключевые слова:** глобализация; мировой правопорядок; интеграция; международное право; безопасность; международное правосудие.



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## WORLD LAW AND ORDER: PROBLEMS OF TRANSFORMATION AND INTERNATIONAL SECURITY

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**Introduction:** the article describes the trends of the rapidly changing modern world. The authors examine the problems of the world order's formation, as well as various understandings of the world order. The aim: to study the role of Russia in the development of world civilization.

**Methods:** historical, formal-legal, method of legal comparativistics. The authors investigate both Russian and foreign sources on the studied problems. The article is based on a broad philosophical, legal and political-scientific sources.

**Analysis:** there is no doubt, that in the rapidly changing modern world there are changes, which lead to a fundamental shift in the entire geopolitical system. It should be noted, that article presents various concepts of the world order. It is emphasized that in our time the need for coordination of state and interstate interests, multilateral decision-making, formation of new and improvement of existing international organizational and legal institutions is strongly required. The authors analyze various conceptual trends characterizing various aspects of the transformation of the modern world order: the dynamic development of integration processes in the space of the Union «Belarus-Russia», the Commonwealth of Independent States and the Eurasian Economic Union; the strengthening of military-political potential of Russia in order to prevent geopolitical and military threats to national security; the offset of military dangers and military threats to the information space and the inner sphere of the Russian Federation; the disregard and violation rules of international law by the USA; enhancing the legal awareness of Russian citizens, the growth of Patriotic sentiment; the expansion of the scope of international justice as a response to modern challenges of globalization.

**Results:** it is significant, that in the emerging multipolar world, the content of the category «force» in international relations, which until recently included mainly military aspects, is changing extremely. The article concludes that there is a need for a modern system of international justice, which will coordinate with national judicial systems.

**Key words:** globalization; the world legal order; integration; international law; security; international justice.

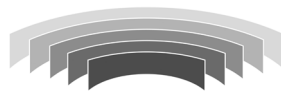
### INTRODUCTION

The modern world is changing rapidly, alarming processes are taking place, known challenges and threats are getting deeper and new ones are being formed. The current changes in the world order lead to a fundamental shift in the entire geopolitical system. The crisis of international institutions, the decline in economic growth, the increasing debt burden, the aging of population, terrorism, cybercrime,

the diminution of the UN's role, the blurring of the lines between war and peace – all this factors lead to creation of huge instability, uncontrolled conflicts. In this circumstance, the importance of legal means and mechanisms is increasing in the improvement of the world order.

Let us turn to the conceptual apparatus, without which the analysis of essential issues of our topic will be incomplete.





First of all, it seems reasonable and necessary to investigate the current geopolitical, economic, social and demographic processes from the standpoint of universal development.

The new foreign policy concept of the Russian Federation, approved by President of the Russian Federation V. V. Putin (November 30, 2016) contains the conclusion that the role of civilizations in the new conditions of the globalizing world increases. In particular, competition not only encompasses the human, scientific and technological potentials, but also becoming more and more civilizational in nature, in the form of values competition. In this circumstance, attempts to impose a scale of values on other States may lead to increasing of xenophobia, intolerance and conflict in international Affairs and may ultimately bring us to chaos and uncontrollability in international relations. Thus, fundamental aims are prevention of inter-civilizational fault lines, the formation of a partnership among cultures, religions and civilizations designed to ensure the harmonious development of mankind» (see article 5 of the foreign policy concept of the Russian Federation, approved by President of the Russian Federation V. V. Putin on November 30, 2016).

The first concept of world historical development as a result of competition-cooperation of a small number of influential civilizations of the world in the late nineteenth century was formulated by Russian scientist N.Y. Danilevsky [Данилевский 2003]. At the end of the twentieth century this concept, was developed by the American scientist S. Huntington on the basis of their Western worldview [Хантингтон 2003]. Many of these ideas, which were expressed by these scholars are of particular relevance in the twenty-first century. The ways of historical development, civilization processes themselves are becoming more global.

In the West, globalization is defined as a specific process of «large scale, which creates a single space for the global capitalist system through the consolidation of Nations and sub-Nations». According to the concept, «the present stage of the expansion of capitalism creates a homogeneous society, developing proportionately on the entire planet» [Evans 1998]. Although the existence of the processes of creating a single space for the global capitalist system can be acknowledged, the homogeneous society, developing proportionally across the planet, seems very questionable.

Understanding of globalization not as a process, but as a consequence of the information revolution, that

began in 1990 has become widespread. The essence of this revolution lies in blurring the differences between the internal and external policies of states as a result of multiple flows (money, goods, environmental pollution, culture etc.). A significant feature of this phenomenon is the disappearance of the intermediary role of the state, which it carried out for the communication of individuals with the world located outside its territory [Mathews 2000: 63-64].

In this regard, there is a need to study the forms, institutions and mechanisms that could ensure the safe development of the human community.

In the literature there are several approaches to understanding the term «security»: 1) it is the security or the ensuring condition of the vital interests of the individual, society, state; 2) absence of danger, safety, reliability; 3) the characteristic (attribute) of the system that contributes to the fullest satisfaction of social needs, etc. However, it must be recognized that in any case and with any interpretation of this concept, its real significance for national and international development can be revealed only within the framework of the world legal order.

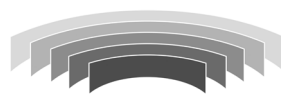
### CONCEPT OF THE WORLD LAW AND ORDER

The world legal order is a system of social planetary relations, formed on the basis of common humanistic and natural-legal principles and functioning in accordance with universally recognized principles and norms of international law and norms of domestic legal systems. The world legal order should be seen as both the ideal to which nations tend to aspire in order to continue the human race and comfortable coexistence, and as a definite reality, the result of the implementation of a variety of relations, the interaction of people and States on our planet [Политология 2009: 366].

The global legal order is a complex and dynamic system of relations between different States, international organizations, social and national communities. The world is constantly changing, and ideas about it is also modifying. There is a need to improve international and national legislation, to solve or minimize problems of a global nature (natural disasters, computer wars, organized crime, terrorism, etc.).

The global legal order is the result of harmonizing the interests of States and nations. Each UN member state is an independent sovereign entity which builds its relations with other entities on the principles of





non-interference in internal Affairs, territorial integrity of States, equality and self-determination of nations. Therefore, the main source of international law are international treaties, which achieve a balance between the interests of different States, there is a mutual agreement of interests, fixed in the international legal and domestic normative legal acts.

In recent years, the world order is determined in different ways. For example, in the economic sphere, it is characterized as multipolar with a tendency to bipolarity, as the United States and China are increasingly detached from the rest of the leading economic powers within the main indicators. In the field of security, world order is still seems bipolar – the nuclear capabilities of the United States and Russia significantly exceed the capabilities of the other members of the «nuclear club». In the sphere of global governance, the world is characterized as unipolar, because only the United States seems to be the greatest power capable to construct of a new world order. This was true some time after the collapse of the USSR. However, time goes by, the balance of forces changes, the criticism of the unipolar world grows stronger in the world community. More and more people are realizing that this model has nothing to do with democracy. For the modern world, the unipolar model is not simply unacceptable; in fact it is impossible, and primarily because it lacks the moral basis of modern civilization (Vladimir Putin). As a result, new human tragedies and hotbeds of tension are being generated in the unipolar world.

In the emerging multipolar world in the international relations, the content of the category «force», which until recently included mainly military aspects, has changed considerably. Now, in addition to the military part, it covers economic potential, territory and natural resources, the number and quality of the population, scientific, technical and information potential, political and social stability of society at all levels, the ability of the country to find its place in the complex and contradictory intricacies of global trends.

Today, the need to harmonize state and interstate interests, to make multilateral decisions, to form new and improve existing international organizational and legal institutions is in high demand.

The concept of «Institute» (from lats. institution – an establishment, institution) has moved into scientific turnover of sociological and politological knowledge from jurisprudence where it originally meant system of formally fixed legal establishments, norms, laws regulating official, state kinds of social relations [Samuels 2004: 285; Макашова 2007: 14].

Thus, D. North, Nobel laureate, one of the most famous and recognized institutionalists, believes that institutions provide a structural framework for daily activities, thereby reducing the uncertainty that is the cause of their existence. He suggests the following definition: it is a set of «rules, mechanisms ensuring the fulfillment of social, economic and political interactions and norms of behavior that formed repeated interactions between people» [Hopt 1997: 17]. This definition focuses our discussion primarily on the analysis of social processes.

Of course, it is impossible to ignore the growing information war against Russia, when historical facts are replaced by falsified versions and the main keynote is the shameless lie that modern Russia is in fault for the whole world, first of all – to its closest neighbors. Therefore, we must not forget the social memory of the people, the continuity of history and national culture.

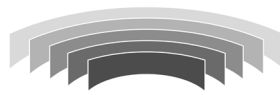
Historical memory is a stabilizing system (block) of public consciousness in the form of reliable knowledge about the historical past and the present of nations. We need to emphasize Russia's role in the development of world civilization, using reliable historical facts and legal documents.

### MODERN TRENDS AND PROBLEMS OF GLOBAL DEVELOPMENT

One of the conceptual trends characterizing various aspects of the transformation of the modern world order is the dynamic development of integration processes within the relations between Belarus – Russia Union, the Commonwealth of Independent States and the Eurasian economic Union. In recent years, Eurasian political good-neighborliness has continued to expand. For 20 years, the CIS has confirmed its important historical role in global and regional processes. Integration experience accumulated in the framework of the Commonwealth and has allowed a number of States-participants of the CIS to form the basis of the new inter-state relations in post-Soviet space – the Customs Union (CU) and Unite economic space [Лыкашенко 2011; Назарбаев 1997; Путин 2011].

On the one hand, the increase in the number of integration associations in Eastern and Western Europe creates objective prerequisites for the aggravation of political competition between the leading integration players – the EU and the CU/CES. On the other hand, the synchronization of regional integration processes can become a platform for the formation of new gravity centers of the world economy. There are also





prerequisites for the creation of a center power not only of regional European scale, but also of global importance.

Eurasian geopolitical strategy is the dominant feature of Russia's development. This is determined not only by its geographical location, but also by its place and role in the history of world civilization. The uniqueness of the country lies in the fact that it is not a European and not an Asian state. This is the Eurasian country. There is no other transcontinental state in the world. Heartland (the Heart of the Earth), which is located on the Russian territory is subject of trouble for overseas geopolitics. And because of this, the Russian territory as the most powerful impulse of human civilization development predetermined the vector of Russian development itself.

It is well known that all world wars began and took place mainly within the Eurasian continent. With this in mind, first of all, it is important to begin to implement the idea of creation of effective system of formation a single Eurasian space, free from strife in order to achieve a peaceful and mutually beneficial economic and social development of the Eurasian countries and nations as the basis of international security (for example, the Eurasian system of security, cooperation and co-development – EASSS) [Зимонин 2016].

Due to integration, the countries of the Eurasian economic Union (EAEU) have largely managed to neutralize the adverse impact on them of the external environment. This was stated by the President of Russia Vladimir Putin at session of the Supreme Eurasian economic Council in Bishkek in April 2017. The President noted that the cooperation is progressing well. A large common market with universal rules for economic operators has been created. The volume of trade in January 2017 increased by 38 %, and deliveries to third countries – by 37 %. In 2016, Russia accounted for about 62 % of total intra-Union exports. One of the challenges is the progressive elimination of obstacles to the free movement of goods, labour, services and capital. They still exist, but should be gradually eliminated until 2025, the free trade Agreement with Vietnam is In force, negotiations with China, Israel, Serbia, Egypt, India, Singapore, work is underway with Iran. In the meantime, Moldova has joined the summit for the first time [Латухина 2017].

A special place in the Russian geopolitics is occupied by China, which, having ensured the stability of economic growth, having entered the group of leading powers of the world, played a big

role in the establishment of the Shanghai Cooperation Organization (SCO). A no less significant step in the integration of geopolitical space within South and South-East Asia was the creation of the China-Hong Kong-Japan-Republic of Korea free trade zone within the Asia-Pacific region (APR). And, perhaps, the most important thing for the Chinese and Russian economy was the conclusion of contractual agreements between China and Russia on the supply of hydrocarbons on mutual settlements in national currencies.

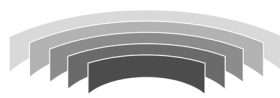
It is important to know that the promulgated «Military Strategy of the People's Republic of China» proceeds from the premise that although there is still a great threat of local armed conflicts, they are unlikely to grow into a third world war; the international situation as a whole will be peaceful. The authors of China's military strategy are convinced that in the age of economic globalization and the information society, the international community increasingly becomes a community with a single destiny, and the multipolarity of the world is not an obstacle to globalization, but its condition.

An important trend is the strengthening of Russia's military and political potential to prevent geopolitical and military threats to its security. The main factors that determine the need for appropriate measures are: the increase of violence in the system of social and inter-state relations; the increase in the number of armed conflicts and the expansion of their geography; militarization of foreign and domestic policy of many States; the use of military-military actions bypassing the generally recognized norms of international law; the growing threat of global terrorism, etc.

Long-term forecasting of developments of foreign military-technical systems and plans is an important component in ensuring Russia's military security and at the same time the most problematic and actual direction of modern prognostication. As V. Putin pointed out, «we need mechanisms for responding not only to existing dangers». We need to learn to «look beyond the horizon, to assess the nature of threats for 30–50 years ahead. This is a serious task that requires mobilizing the capabilities of civil and military science, algorithms for reliable, long-term forecasting» [Путин 2012]. In this case, an increasingly important role is assigned to high-precision conventional weapons. The development of weapons of a new generation is underway, including on new physical principles.

Terrorism, drug trafficking, subversive activities of mafia structures, religious extremism, the proliferation of





weapons of mass destruction, conflicts on national and ethnic grounds are of serious concern. Consequently, the urgency of the problems of protecting the population, material and cultural values from military dangers, threats of natural and man-made and terrorist nature in modern conditions is significantly increased.

We will note some external military dangers which can soon lead to emergence of military threats:

strengthening the North Atlantic Treaty Organization (NATO)'s military capabilities and providing it with global functions implemented in violation of international law, bringing the military infrastructure of NATO member countries closer to the borders of the Russian Federation, including by further expanding the bloc;

the creation and deployment of strategic missile defense systems that undermine global stability and violate the existing balance of forces in the nuclear missile sphere, the implementation of the concept of a «global strike», the intention to deploy weapons in outer space, and the deployment of strategic non-nuclear systems of precision weapons;

the growing threat of global extremism (terrorism) and its new manifestations in the context of insufficiently effective international anti-terrorist cooperation, the real threat of terrorist attacks using radioactive and toxic chemicals, the expansion of transnational organized crime, primarily in the field of illicit trafficking in arms and drugs;

the emergence of hotbeds of interethnic and inter-confessional tensions, the activities of international armed radical groups, foreign private military companies in the areas adjacent to the State Border of the Russian Federation and the borders of its allies, as well as the existence of territorial contradictions, the growth of separatism and extremism in certain regions of the world.

In modern conditions, there is a tendency to shift military dangers and military threats in the information space and the internal sphere of the Russian Federation. Events in the middle East, North Africa, and southeastern Ukraine demonstrate that, despite the reduced likelihood of a large-scale war being waged against the Russian Federation, military threats to the Russian Federation are increasing in a number of areas. It should be noted that there are also internal military threats to the Russian Federation [Военная доктрина Российской Федерации 2014: 13]. At the same time, the absence of specific measures aimed at neutralizing internal dangers leads to the emergence of internal threats. The long-term persistence of internal

threats without effective economic policy makes the country more vulnerable to external threats.

The Russian Security Concept provides an assessment of the necessary potential, including economic, that affects the solution of the country's economic security problems in the IEA. Russia has more than 11 % of the world's territory, 2.5 % of the population, huge natural resources. Effective use and development of this potential is one of the most important tasks of ensuring the economic security of the country. There are 35 % of the reserves of all the world's resources (energy, environmental, biological, etc.) in Russia and more than half strategic raw materials, including 13.6 % of oil and 35.4 % of gas, 22 % of forest reserves. Reserves of Russian raw materials are estimated at approximately 30 trillion dollars, the USA – 8 trillion dollars, China – 6 trillion dollars, Europe – less than one trillion dollars.

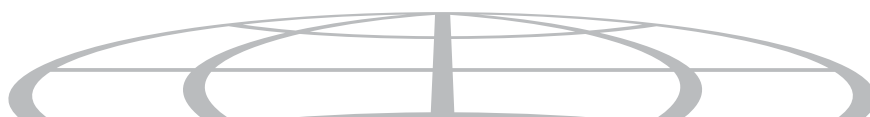
Russian oil production will have to exceed 12 million barrels per day by 2035. The growth of energy consumption in Russia should be 2 %, the growth of energy production – 15 %; the country's share in global primary energy consumption will be 4 %, and its share in global production – 9 % [Ильинский 2005].

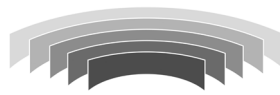
Increased energy efficiency will, of course, ideally contribute to reducing the growth rate of carbon dioxide gas emissions to one third of the level observed in the last 20 years, including through changes in the structure of the power consumption. However, a variety of factors such as the withdrawal of the US signature under the Paris climate agreement, initiated by Donald Trump, non-compliance by some countries with «climate» legislation and the Kyoto Protocol in an effort to obtain any competitive advantages can interfere in the situation. In this regard, experts, who prepared the forecast, in the basic scenario indicate that the growth rate of carbon dioxide gas emissions, confirming the urgent need for additional measures in the field of environmental law.

Specific, but quite stable is the trend that characterizes the US ignoring and violating the rules of international law.

The current geopolitical situation is characterized by a sharp deterioration in Russian-American relations. Negotiations on military-strategic issues (reduction of nuclear weapons, missile defense) have ceased. The propaganda war has resumed, using the worst cold war stereotypes. Unfortunately, this trend continues to grow.

Many examples of the tragic events of the last 25 years of world history, confirming this thesis can





be brought. Recall only the most famous «episodes» when international law was replaced by brute force: the genocide in Rwanda (1994), NATO war against Serbia «for Kosovo» (1999), Iraq (2003), Libya (2011).

In many cases, as a result of such military intervention by NATO countries, new countries have emerged from what is now often referred to as «failed States» on the world map. In all these cases, large-scale disinformation operations were carried out to justify military incursions into sovereign States without a UN mandate. Almost all the global media deliberately falsified the political reality in the crisis country, selectively and unilaterally presented facts and biased them.

Ignoring the norms and principles of international law is based not only on a powerful economy and military force, but also on theoretical research. Concentrated example – the book of Zbigniew Brzezinski [Бжезинский 1998: 108], which refers to the need for «US leadership on a global scale», the role of America as the «sole superpower» of the modern world in four key areas – military, economic, technical and cultural, which give it a global political weight. However, this author of common sense, although Americanized, is still there. He warns Americans that there is one supercontinent, whose potential power is generally superior to that of the United States. This is Eurasia, which accounts for 75 % of the World's population, 60 % of the gross domestic product, 75 % of energy resources. It plays the role of the world axis. And the state that will dominate here will have a decisive influence in two of the three most economically developed regions of the world – Western Europe and East Asia, and politically will almost automatically monitor developments in the Middle East and Africa.

At the end of the Second World War, the United States had a monopoly on nuclear weapons and their means of delivery. Moreover, by using atomic bombs in the war against Japan, the States have openly made clear their claims to world domination to both the enemy and allies.

The United States, under various slogans, including in the name of the fight against terrorism, is waging an endless war against the world, and usually on someone else's territory. Since the founding of the state in 1776, the States have been at war for 220 years out of 241 years. In other words, without a war the U.S. was only 21 years old. In its history, there was only one peaceful five – year plan-from 1935 to 1940 during the Great Depression.

The most recent American attacks on Syria are an act of direct aggression against a sovereign state in violation of international law, again under false pretenses. The Syrian army has no stockpiles of chemical weapons; the fact of their destruction was recorded and confirmed by the OPCW – a specialized unit of the United Nations. At the same time, the total disregard for the use of chemical weapons by terrorists only significantly aggravates the situation. Another surprise in this regard is the decision of the American Congress on the control of Russian far Eastern ports.

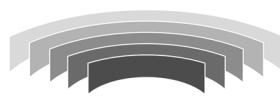
Reasoning about the future relations between Russia and the United States, which have a decisive influence on the state of the world order, I think we can agree with the opinion of the famous American political scientist T. Graham that in the near future a large-scale agreement between these powers is impossible. What is needed now is a commitment to address a number of critical issues for the security and well-being of both governments in the search for a stable balance between cooperation and competition that will reduce the risk of armed conflict to the lowest possible level under the current circumstances. Over time, such a balance can shift to cooperation if both states overestimate their interests and goals in a rapidly changing world [Грэм 2017].

A certain increase in the level of legal awareness of Russian citizens and an increase in patriotic sentiment can be seen as an encouraging trend. Foreign policy efforts to create a just polycentric system of global governance based on international law, as well as positive results of Eurasian integration and collective actions to ensure international security contribute to this.

This is confirmed by opinion polls. In particular, a quarter of Russians believe that in some cases, for the sake of the interests of the state, it is possible to agree with the infringement of the rights of citizens, and 10 % are ready to put the state interests above the rights of an individual. 47 % of respondents believe that everyone has the right to fight for their rights, even if it is contrary to the interests of the state, and 11 % believe that the state is now in such situation that we have to help him, even going to make sacrifices [Почти половина россиян 2017].

Even more convincing figures in answering the question, what is more important – freedom or order. According to VCIOM (Russian Public Opinion Research Center), more than 70 % of citizens prefer the order, under which more than 45 % of respondents





understand the political and economic stability of the country, 29 % – compliance with laws, 20 % – the opportunity for everyone to realize their rights. Only one in five respondents believes that democratic principles should be strictly complied «even though this may give some freedom with destructive elements». Moscow and Saint-Petersburg residents (33 %), as well as young people (29 %) are on this point of view. Democracy, according to 47 % of respondents, is the freedom of speech, press, religion. Almost a quarter of respondents associate democracy with the economic prosperity of the country, and 19 % – with strict legality. People do not want stagnation, and the sustained improvement of life.

Certain transformations are taking place in the European Union, in particular in the field of migration policy. In Germany, a plan has been drawn up to provide for the accelerated deportation from the country of persons who have been denied refugee status. This is a small but significant step, indicating the retreat of supporters of the so-called multicultural concept, which is due to the growing influence of its opponents. According to the conclusions of the American sociological Institute Pew Research Center, 72 % of Hungary's population, 69 % of Italians, 65 % of Greeks and 50 % of Spaniards oppose the influx of refugees to Europe. Only in Britain and Germany, the picture is still different-only 28 % of Britons and 29 % of residents of Germany against the reception of refugees from the Middle East [Шестаков 2017].

Some politicians see a way out of this situation in the resuscitation of the so-called «plan B», which was proposed by the Germans and the French 25 years ago. Its essence lies in the fact that if Europe, for whatever reason, is unable to continue to develop rapidly towards the creation of a United States of Europe, a Europe that is indigenous and moves towards greater integration should be created. At the same time, other EU countries will be cut off from this process: they will be given the opportunity to be friends with the «narrow composition» of the EU, but they will cease to receive benefits that have today from membership in a single Europe [Шестаков 2017]. However, the concept of «Europe of two speeds» has no prospects. So believes the well-known political scientist A. Rahr, justifying his opinion by the presence of a fairly solid course of German elites for the construction of a United Europe [Рокоссовская 2016].

The expansion of international justice as a response to the current challenges of globalization can be considered as a trend.

In the framework of the objectively developing process of globalization compete with a variety of models or projects of the latter. Among the most notable are projects based on the ideals of social justice, on the priorities of a free market economy, on religious dogmas, and on illusions about national exclusiveness.

Among the tools used in these models to overcome national and state isolation, international judicial bodies play an important role, which assume the functions of judicial proceedings on the facts of the preparation and initiation of aggression, war crimes and crimes against humanity, on terrorist activities, genocide, apartheid, the destruction of the treasures of world culture and other grave crimes.

However, each model of globalization is based on its own ideas and practices of international justice. The Nuremberg trials have therefore become a unique example of a coherent international legal practice of prosecuting war criminals by states implementing various models of globalization – socialist and market-based.

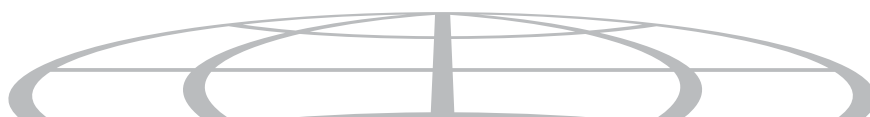
During the Nuremberg and Tokyo trials that followed, the principles applicable in this area (especially the principle of the criminal responsibility of natural persons, regardless of their official position) and the fundamental criteria for determining the most serious international crimes were reaffirmed or re-developed and developed. All this contributed to the development of international humanitarian law, international human rights law, international criminal law, and the new world order as a whole.

Hereinafter, other examples of international justice carried out with the support of the United Nations in the interests of countries that are just gaining their statehood or reviving after long civil wars and other cataclysms that have led to paralysis of state power were also revealed.

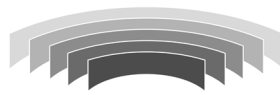
## INSTITUTIONS OF INTERNATIONAL JUSTICE

In today's globalizing world there are new reasons for appeal to the institutions of international justice, due to the five important features that distinguish the criminal activities of some subjects of legal relations (both individuals and organizations):

First, the cross-border nature of criminal activity. Islamist terrorist groups are fighting not only in Syria and Iraq, but also in Lebanon, Afghanistan, Algeria, Pakistan, Libya, Egypt, Yemen, Nigeria and other countries, including Russia. As reported by the British newspaper «Independent», «Islamic State of Iraq and







the Levant» (a terrorist group prohibited in Russia by the decision of the Supreme Court of the Russian Federation of December 29, 2014) took responsibility for the attack on the traffic police post in the Moscow suburbs in August 2016, published a video with an appeal from the attackers, who said that act at the call of the head of the ISIS Abu Bakr [Dearden 2016].

Secondly, the supranational character of the institutions representing these groups. The prosecution of war crimes committed, for example, by the Islamic state and other terrorist organizations in the territories of various countries, involves the involvement of international bodies that ensure the irreversibility and uniformity of penalties for crimes committed elsewhere. At the same time, the existence and authority of its own judicial power in Syria, Iraq, Turkey and Egypt or other countries that have become victims of the criminal activities of the «Islamic state» is not in doubt.

Thirdly, the especially grave nature of crimes against humanity:

deliberate attacks against civilians or against individual civilians not taking direct part in military actions;

deliberate attacks on civilian objects, i.e. objects which are not military objectives;

attacks on unprotected and non-military towns, villages, dwellings or buildings or their firing by any means;

mass executions; unlawful deportation or transfer or illegal confinement;

deliberate targeting of personnel, facilities, materials, units or vehicles involved in humanitarian assistance or peacekeeping missions in accordance with the Charter of the United Nations.

Fourthly, the scale of crimes committed on land, in the air, at sea and in the information space is particularly high. The latter may involve not only terrorist organizations, but also transnational corporations (TNCs), as well as individuals and organizations that distribute malicious software that can harm the most important life – support systems-information and computing resources of energy, communications, transport and financial infrastructure management systems. The consequence of their defeat will be massive disasters and systemic accidents that paralyze the vital activity of the modern state.

Fifth, the use of prohibited means and methods of warfare (weapons of mass destruction, including means of special program and technical impact). Under article 35 of The additional Protocol of 8 June 1977 to the Geneva conventions of 1949 relating to the protection of victims of international armed conflicts, it is prohibited to use weapons, projectiles, substances and methods of warfare that may cause unnecessary

injury or suffering. It is also prohibited to employ methods or means of warfare which are intended or may be expected to cause widespread, long-term and severe damage to the natural environment. Such damage would be manifestly disproportionate to the concrete and direct overall military advantage anticipated. It is also possible to significantly degrade the information space, which has become an equally important habitat.

The use of the means covered by the prohibitions in question should be subject to international justice. Under the 1968 Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, such war crimes have no Statute of limitations. Therefore, the US military, for example, will still have to answer for the use of herbicides in Vietnam to destroy vegetation. Soil and vegetation in places of spraying still contain substances harmful to human health in high concentrations. The use of toxic chemicals during the Vietnam war is considered to be one of the largest shares of the military ecocide.

The nature of modern warfare is changing. But war crimes as particularly serious violations of international humanitarian law continue to be committed. In «hybrid» wars, new crimes are spreading. In the information space they acquire new forms. Such crimes include the activities of transnational corporations trying to discredit the national statehood, instigate mass riots that develop into «color» revolutions, change cultural traditions and historical memory of peoples. It is also criminal that TNCs impose on the world community goods and services that cause irrevocable harm to human health and life.

## CONCLUSION

Thus, the internationalization of justice in the Nuremberg and Tokyo precedents should hardly be regarded as «an extreme measure aimed at replacing national justice where it clearly can no longer work, if only because of the collapse of national statehood – such as occurred in 1945 in Germany» [Зорькин 2011]. In a global world, international justice is expanding.

The agenda includes the establishment of a modern system of international justice, applicable in cases determined by consensus within the framework of the United Nations, rather than being imposed on us by the ICC under the Rome Statute. At the same time, international justice must, of course, be coordinated with national judicial systems. That is the only way to ensure that it does not become a mechanism in the hands of a super-power or a separate group of states.



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