Contemporary Approaches of the Russian Doctrine to International Law: Identical to Western Ones?

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1. Introduction

Approaches of the Russian doctrine to current international law (IL) seem to be better revealed through some features and trends of its development and consequent “hot” debated topics in the Russian and Western doctrines. At the beginning of a new century and millennium IL is undergoing certain changes and gaining new prospects for development. The incentives for this are the great alterations in the social and political picture of the world, the increase (intensification) of coherence and interdependence among the States, as well as the globalisation process, which is clearly steady and irreversible. Many problems which originally were of domestic or regional character have become universal. The integration, “disappearance” of frontiers and creation of common political, economical, financial and legal space

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tend to be obvious. The tendency can be easily revealed within Europe, and it has all preconditions for further development and expansion.

Current IL, its features and trends of development have regularly been an object of scientific analysis and research in the Russian and Western doctrines. This paper in particular touches upon such issues as: the growth of the legal foundation and the role of law in international relations; the shift in the fundamental principles of IL; the future of general international law and *jus cogens*; a correlation of coordinating and subordinating elements in the legal regulation of international relations; the development of international procedural law; a need for dynamism in norm-formation; the “myths” of IL and threats of its fragmentation, the growth of the “presence” and functioning of IL within domestic jurisdiction; the humanisation of IL; the balance between the State sovereignty and human rights.

The analysis is based on documents and on comparison with the Western approaches in an attempt to realise if the Russian and Western doctrines differ or not, and if the first one “in practice is enigmatical” as it is sometimes stated.

Part 2 of this article examines the correlation of political and legal regulation of international relations and outlines the tendency and necessity of growth of the legal one. Part 3 analyses the change of meaning and significance of the IL principles. Part 4 addresses the change of the character of IL, in particular, the balance of its coordinating and subordinating features. It also reflects some thoughts concerning the future of general IL and *jus cogens*. Part 5 presents the doctrinal discussion on the need for development of international procedural law and for the dynamism in norm-formation. Part 6 draws attention to the “Fragmentation Threat” and the “Myths” of IL. Part 7 demonstrates some approaches to the role of IL in the domestic jurisdiction. A special attention focuses on “the Russian case” – its specific constitutional and legal attitude to implementation of IL norms and the doctrine of IL which has elaborated the whole theory consisting of a complex of aspects concerning domestic operation and realisation of IL. Part 8 introduces views of Western and Russian scholars on the issue of “humanisation of IL”. In the Conclusion there are some remarks summarising the tasks of the article.

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