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TRANSFORMATION OF THE WORLD: CHALLENGES AND PROSPECTS FOR INTERNATIONAL LAW

The transformation of the world is an ongoing historical process characterized by both universal features and specific civilizational and regional traits. The most obvious, albeit tragic, milestones in the transformation of the world were the two world wars. The outcomes of these wars brought about transformations in the political and economic life of individual countries, as well as in the mechanisms of their interaction. For some, the results constituted an achieved objective, with territorial, political, economic, and possibly ideological dimensions. For others, such outcomes represented unfulfilled hopes, or even the bitterness of defeat.

The First World War culminated in the collapse of continental empires, including the Ottoman Empire. The largest remaining empire – the British Empire – if it could celebrate at all, then only a Pyrrhic victory... Just 25 years later, it began to collapse catastrophically. The centre of power shifted across the ocean.

The changes that took place in terms of global politics and the world economy were enormous. However, from a legal standpoint, these changes were not enshrined in international law – the foundation of the world order – but rather in the national laws of states. International legal regulation underwent no significant transformations. The treaties concluded by the belligerent countries were quite ordinary by global standards, and the League of Nations turned out, in practice, to be a singular and, unfortunately, premature attempt to establish an institutional mechanism for universal international cooperation. It was still based on the treaty law and secret diplomacy with various “protocols.” From this standpoint, international relations prior to the Second World War developed

within the European tradition, albeit expanding their geographical scope along the "Berlin – Rome – Tokyo Axis."

A historic global event following the end of the First World War was the emergence of a fundamentally new type of state – the USSR. While its political significance was indisputable, this event did not generate new trends in international law until the end of the Second World War. By the end of the Second World War, the Soviet Union, as a victorious power with a well-established legal system, became a co-founder of a new global order – the United Nations order. Furthermore, over its twenty-year existence, the Soviet Union had developed a national legal system, which was subsequently adopted by the so-called socialist camp countries – from Pyongyang to Havana.

Due to its distinct historical development, another superpower – the United States of America – also emerged on the world stage and likewise became a co-founder of "the United Nations". The center of influence of the Western world shifted unambiguously to the United States. A system of so-called transatlantic relations was established.

The emerging and evolving legal order not only modernized previously existing international law, but also established a new foundation for its further development, embodied in the system of international organizations – chiefly, "the United Nations" and its specialized agencies. A new principle of international law was established: the principle of peaceful coexistence of different states, accompanied by a legal mechanism for its implementation.

The national liberation movements from the late 1940s across the former colonies of European powerful states, along with the attainment of economic and political independence by countries in the Middle East and Latin America, resulted in developing a new map of international law. This map also became a roadmap for interaction between states with different political and legal systems. Its main idea lay in the fact that, taking into account the general principles of international law recognized by the UN and stated in various sources of UN law,

relations among member states were based on a tendency to peaceful coexistence and cooperation.

It would be unwise to idealize the past, given the existence of contradictions that at times escalated into armed confrontations, in which the United States played a particularly significant role. However, being the historical centre of world conflicts and confrontations, the European continent has gained the bipolar balance based on regional political, economic and, for the first time, legal integration, which has received institutional forms in the West and East. The rest of the world, to a greater or lesser extent, was focused on and cooperated with one or the other of these systems.

Assessing the postwar era, one can assert with confidence that within a uniquely short time, the United Nations managed to develop the fundamentally new international law and world order, based on the principle of peaceful coexistence of states with different political systems. Today, as we approach the end of the first quarter of the twenty-first century and in the context of ongoing armed conflict, the question arises regarding the future of international law.

In the political discourse, the assertion has emerged that “the world will never be the same again”. Indeed, the current crisis has generated such negative global developments that the basis of the postwar world order no longer correspond to the UN’s declared commitment to peaceful co-existence through the development of comprehensive cooperation among states – regardless of their socio-political systems – and the peaceful resolution of international disputes and conflicts.

The events unfolding on the global stage provide grounds for agreement with this assertion, although the contours of a new world order remain unclear. This assessment is so cautious due to the fact that the “contours of world order” is, in essence, international law – the objective regulator of international relations.

The emerging concept of multipolarity as a reference point for a new world order remains vague. It does not specify the number of poles nor, more importantly, the characteristics of each pole.

An analysis of current negotiations aimed at resolving armed conflicts reveals two principal approaches to forming a new world order. The first approach seeks to modernize international law. The second seeks to replace international law with a system of "rules" developed by the so-called "Collective West."

The idea of imposing the will of the "Collective West" on the rest of the world in the form of new rules governing in the political sphere and defining the permissible vectors of policy; economic – determining the level of state management of economic processes; humanitarian – determining the number of genders and behavior patterns – can only be imposed on the rest of the world by force, which is impossible, since the world is multifaceted. Such efforts are inherently adventurist and are already proving so in the current global crisis; crisis resolution is not only difficult, but also bloody. Unlike in earlier eras, when rules were set by Western civilization, which dominated economically and militarily, today's world has fundamentally changed. A "Collective South" has been formed, comprising not only states with alternative ideologies, but also new economic powers that seek independent paths of development and are willing to cooperate with each other and with the West – but only on equal terms, that is, on the basis of and in accordance with international law.

This approach presumes the preservation of international law. However, the viability of this approach depends on the successful modernization of the modern international law and on its adaptability to the legal systems of the states involved in its development.

The necessity of preserving the fundamental institutions of modern international law – particularly the United Nations and the Security Council – is affirmed by permanent members, such as the Russian Federation and the People's Republic of China. The support expressed by the leaders of these two major

powers underscores the potential of building a new world order based on the modernization of the current legal framework.

Despite the evident advantages of this proposed development path, articulated in the form of the political declaration, questions remain about how to transfer this vision into the norms of international law. At a minimum, two key principles must be taken into account:

- first, the modernization of international law, regardless of the proposed models, must begin with the coordination of the sovereign wills of independent states;
- second, this coordination must serve to restore destroyed legal institutions and create regulatory mechanisms that ensure the ability of legal entities to exercise their rights in the political, economic, and social spheres, both independently and through enforcement mechanisms.

In this context, the focus is on inter-state relations and states' legal entities.

The practical development and potential modernization of international law occurs on three levels: universal, regional, and bilateral. Each of these levels involves both treaty-based and institutional forms of international legal development. Modernizing the universal level of international legal regulation – associated with the UN, its specialized agencies, and the Security Council – entails confronting a range of complex and multifaceted challenges. For example, the UN General Assembly, despite its political significance, has no significant impact on international law per se, nor on its practical implementation principle. In contrast, the International Court of Justice of UN is the key institution tasked with ensuring objective legal adjudication. However, in today's climate of heightened politicization, selecting impartial candidates for the Court poses serious challenges.

The increasingly urgent issue of reforming the Security Council, particularly by expanding the number of its permanent members, has taken on new dimensions in light of the crisis-driven confrontation between its two

influential and permanent members – Russia and the United States – who also remain its principal founding members.

The need to reform certain UN agencies is, perhaps, most evident when studying the case of the World Trade Organization. The recent practice of economic sanctions has undermined WTO standards and customs regulations, effectively delegitimizing them. The international market and the legal framework of international economic law have devolved into a lawless space. Under these circumstances, the revival of previously existing universal institutions of international law appears to be a long-term endeavor – one that does not align with the urgent need to exit the current acute crisis and return to comprehensive and peaceful international cooperation.

Given this situation, it seems reasonable to initiate the complex process of legal modernization by focusing on the development and reorganization of regional structures. Regarding Russia, this issue is of particular importance, given the current emphasis on regional cooperation. Unlike many other regional organizations, BRICS is unique in terms of its geographic scope and the diversity of its member states' legal systems. Regional international law generally aims to harmonize national legal institutions among member states. In the BRICS context, this task is complicated by the fact that its member states not only stem from different legal traditions, in which some common roots can still be found, but also exhibit fundamental civilizational differences. Overcoming these differences for the purposes of legal harmonization will require both careful effort and some time.

Bilateral relations between states also face unique challenges, particularly when influenced by broader regional legal frameworks. In this domain, beyond the issue of exiting the current regime of sanctions and counter-sanctions, Russia faces the need to revise existing bilateral treaties with the countries of the "Collective West" and the European Union. A central issue in this process is the legal regulation of foreign investment. Notably, reform in this area of international

legal regulation must begin with the reform of domestic legislation on foreign investment.