

NEW CONCEPTS OF INTERNATIONAL LAW ARE REQUIRED

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Joseph Diskin is the moderator of Global policy forum section in Yaroslavl in 2010

The section of the Yaroslavl Forum that I am moderating, ‘New Challenges and Concepts of International Law’, is devoted to a number of key international problems that are of both international and national importance.

Before speaking on the agenda of this section, I would like to say a few words about those arrangements that are being made (and will be made) within the framework of preparation for the forum. On April 6, the conference on the subject of the section took place at the Institute of State and Law of the Russian Academy of Sciences. Together with the staff members of the Institute of State and Law, international lawyers from MGIMO, MSU, the

Russian Foreign Trade Academy, the Russian Academy of Public Administration under the President of the Russian Federation and other leading scientific and educational structures of the country took part in the conference.

One more event is scheduled for the near future; this time it will take place at Harvard Law School. On May 7, the seminar devoted to the main topic of the section will take place there. Leading Harvard professors such as David Kennedy, Roberto Mangabeira Unger, and former Chancellor of Austria and Harvard professor Alfred Gusenbauer will take part in the seminar. At this meeting the Russian delegation will be headed by myself and the director of the Institute of State and Law, the corresponding member of RAS Andrey Lisysin-Svetlanov. We would really appreciate it if Roberto Mangabeira Unger, one of the most renowned theoreticians of international law, and Barack Obama’s teacher, who until recently represented Brazil in BRIC, agrees to become a co-moderator of the ‘New Challenges and Concepts of International Law’ section.

Now let’s turn to the core of the problem. For a long time, international law developed in an environment where national states acted as main players on the world stage. One of the global problems of the present world

institutions such as the World Bank, the International Monetary Fund, and such structures as G20 and G8 also play a significant role in this process.

It has become evident that **we need new concepts of international law to describe the current situation adequately and to offer working standards and principles in this sphere.** We are particularly talking about the integration of international private law and international public law under conditions where they cannot exist independently from each other anymore. Besides, it is important to understand how the ‘enforcement’ problem is being solved in new conditions. It is a problem of external enforcement in relation to some states in order to make them follow international legal rules. However, there is a more urgent problem that is provoking international discussions but for which a solution that is acceptable for the majority cannot yet be offered. It is the problem of a nation’s right to defense. This raises the question about the notion of ‘aggression’ in international law, which also includes a question on whether a preventive strike could be considered as a defensive means of dealing with an attack. The international community is also concerned by the problem of transnational terrorism.

For obvious reasons, the actual problem of international law for Russia is the potential collision of a nation’s right to self-determination and the right to preserve territorial integrity.

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order lies in the fact that today the role of a national state in global processes and foreign affairs has been considerably weakened. Together with national states, transnational corporations, supranational formations, terrorists, pirates and so on have become actors of different practices of global and international importance. Supranational

However, we should admit that other countries are far less concerned about the latter aspect than Russia.

There are lots of problems to be resolved in this sphere. And we hope that the Yaroslavl forum will contribute to their solution. ■

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