

K. V. Radzivonau

LEGAL CONFLICTS AND WAYS OF THEIR SOLUTION IN PUBLIC INTERNATIONAL LAW

The article deals with topical issues of the origin, development and resolution of conflicts in public international law. One of the main problems of international law today is its implementation. The main disputed aspects in public international law from the point of view of the concept, their essence and content, the structure of the conflict, the interaction of its constituent elements, the causes of international legal conflicts, as well as ways of resolving conflicts in public international law were considered.

The effectiveness of the international legal system as a whole, as well as its individual branches and institutions, depends to a large extent on the completeness and integrity of compliance with the norms of principles, treaties and customs of international law by all parties to international relations, primarily States. After the Second world war, the sphere of regulation of international law gradually went beyond inter-state relations and conflicts, gaining some types of conflicts, which had previously been assessed as internal, literally international.

At the present stage, the only relatively well-defined concepts in public international law that are related to an international conflict are "international dispute" and "disputable situation". They are not a type of conflict, their transition to the conflict stage depends on the degree of growth of contradictions between their interests and the behavior of the parties. An example of such a situation is the territorial dispute between Russia and Japan over the Kuril Islands.

A distinctive feature of the conflict is a contradiction with an additional sign of their ultimate aggravation[1]. In the theory of international law, the concept of "conflict" is considered in different meanings: as a synonym for "international dispute" and "disputable situation", situations that are the result of the escalation of an international dispute, international armed conflict, as well as the designation of all disputable situations, which are based on

contradictions in the relations of subjects of international law. The need to distinguish these terms has been repeatedly addressed in the scientific literature, but has not been fully addressed, as these concepts are interdisciplinary in nature and are ambiguously used in the fields of international law. In order to resolve conflicts, it was necessary to develop a normative framework that was currently lacking in public international law.

In its structure, all international conflicts are divided into three main elements: conflict situation; conflict attitudes and conflict behavior. In a conflict situation, there are two or more States characterized by mutually incompatible objectives, which can act as values or interests, as well as a combination of these or other. This may be the case, for example, in assessing the acts committed by a state as aggression or self-defence. Conflict settings determine the psychological state of the parties associated with their involvement in the situation of international conflict. This is caused by certain emotional reactions in the population and the leadership of the state, as well as their perception that affect political decision-making. Conflict behavior – its impact on the opponent for the purpose of its submission or response to its actions, in order to obtain from him a waiver of their goals or transform them[2, p. 14].

At the beginning of the 21st century, the causes and sources of conflicts changed to a large extent. Increasingly, they have emerged on ethnic and religious grounds, growing economic and financial contradictions and the struggle for markets and resources. The struggle for access to resources at all levels – local, regional and global-may, in the long run, be one of the most common causes of conflict, armed conflict and war. Moreover, new conflicts are directly related to the decline in the influence and effectiveness of state power[3]. Also, the sources of conflict include instability and poverty in individual countries, which create favorable conditions for the rise in religious activization, in particular Islamic fundamentalism. There is a change in the parties to international conflicts. In addition to States the subjects of conflict have become the international community who are committed to management and resolution of conflict situations. It may be noted that, as interdependence among countries increases, internal conflicts in the twenty-first century are rapidly internationalizing. The state is increasingly the target of international conflicts.

The resolution of conflicts in the international public sphere can be carried out through the use of various international legal procedures, which include: international judicial proceedings, negotiations, mediation, reconciliation of the parties. Informal meetings between the parties to the conflict are of great importance. Informal meetings are a channel for exchanging views and developing solutions. Participants in such meetings, without being bound by official posts, can afford more flexibility in discussions than official leaders.

In international arbitration and judicial proceedings, the disputing parties are practically excluded from the proceedings of the dispute, which are carried out by an extraneous element and involves a binding decision on the parties. However, to date, practically all their disputes have been resolved by States not in Court, but through diplomatic means of peaceful settlement[4].

The development of scientific and research justifications for the use of international mechanisms for resolving conflicts in public international law should be based not only on research in the framework of legal conflict resolution, but also taking into account the experience of other scientific fields, disciplines, including conflict resolution in international relations. The most important is the study of modern aspects of the social system, political preferences of people and changes in the state of various countries, which largely determines the trend of modern conflicts in international public law.

Literature

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