

STATE SOVEREIGNTY IN THE ERA OF GLOBALIZATION

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Abstract

Among the factors affecting the political structure of the world, development of international relations, are globalization, increasing interdependence, formation of a planetary economic organism in the first place. Among the variety of modern trends, it is possible to allocate two most significant:

- Development of globalization and global processes;
- Increase of various subjects on the world stage and their sovereignty.

Both trends are interrelated and interdependent; however, they have their own nature and act relatively independently. Other trends should be considered as largely derived from these two.

The phenomenon of globalization has become one of the most popular subject of researches in recent years. It attracts the increased public interest but existing views are rather diverse. There are many definitions of globalization, different approaches to the understanding of its aspects and spheres, as well as the problem of assessments, as globalization is universal and integral trend of world development.

At the same time the negative consequences of globalization include widening inequality when obtained benefits and opportunities are concentrated in a relatively small number of countries and are spread unevenly within those countries, the consequent growing of vulnerability and marginalization of many countries, the serious and even grave consequences for the earth civilization, increased threats to the integrity of ethnic cultures and challenges to the sovereignty of States.

The contradiction lies in the fact that the modern international system, created the conditions for development of the globalization process, under its influence, gradually became out of date, and formed the postwar institutions of the international community turned out to be not ready to function effectively in a global world.

The state and territory are inextricably related categories, historically formed in close connection with each other.

The erosion of state borders represents perhaps the essence of the modern stage of globalization to the maximum extent.

Under conditions of globalization, simultaneously with the authority issue, there are other overarching problems. One of the categories and at the same time a new concept, reflecting and comprehending this general trend of development is management.

In contrast to the situation after Peace of Westphalia in 1648, sovereignty of the democratic constitutional states is restricted by internal and external factors, as well as international legal norms.

Recently there are suggestions about necessity to revise a number of international legal norms and principles, primarily the UN Charter, where principle of non-intervention "in domestic jurisdiction of any state is proclaimed.

Keywords: public sovereignty, state, law, globalization.

GENERAL SECTION

"The only way to protect themselves from the outside world – is deeply to know him."

John Locke, an English philosopher

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The phenomenon of globalization has become one of the most popular subject of researches in recent years. It attracts the increased public interest but existing views are rather diverse. There are many definitions of globalization, different approaches to the understanding of its aspects and spheres, as well as the problem of assessments, as globalization is universal and integral trend of world development. Globalization means not only internationalization of relations and creation of global integrity, where each element of the whole is transformed into the body of global organism [See. Economic globalization, regional integration, impact of these processes on the situation of working member states of CIS. Proceedings of the international research and practice conference. Moscow: Profizdat, 2002, 400 p.].

For example, the researchers of the topic note the presence of three dimensions of globalization:

- globalization as an ongoing historical process;
- globalization as homogenization and universalization of the world;
- globalization as the destruction of national borders.

Let us consider these processes in connection with the issue of state sovereignty.

It is obvious that globalization has designated new approaches to sovereignty, its content. Many authors predict sunset of "state sovereignty", forced to share authority with international agencies, non-governmental organizations, business community, etc. [See, example: Jessica T. Mathews, Power Shift.//Foreign Affairs, January/February, 1997].

There is opinion about the necessity of creating some kind of world "check-and-balance system" destined to define the rules of conduct, supplementing and replacing the international treaties and willingly assuming obligations by the states [See, Simonovic Ivan. Sovereignty Relative twenty-first century. //Hastings international and comparative analysis of law, vol. 25, #3, 2002, pp. 371-381].

It is also recognized that globalization has both positive and negative consequences.

Among the first: accelerating the introduction and dissemination of technical achievements and modern management methods, new economic opportunities for states and individuals, possibilities of achieving a higher level of living, etc. In one word "Globalization is a regular, even inevitable consequence of global progress" [Seidov A. V. International law in the era of globalization. The evolution of the concept of state sovereignty. –M.: Scientific book, 2005, p. 24].

At the same time the negative consequences of globalization include widening inequality when obtained benefits and opportunities are concentrated in a relatively small number of countries and are spread unevenly within those countries, the consequent growing of vulnerability and marginalization of many countries, the serious and even grave consequences for the earth civilization, increased threats to the integrity of ethnic cultures and challenges to the sovereignty of States.

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The processes of globalization, increasingly accelerated in recent years certainly have a strong impact on functioning of the States, basic institutions, and sovereignty [See. Konovalov V. N. Russian sovereignty under conditions of globalization. International relations, 2003, p. 337-346; Seidov A. V. International law in

the era of globalization. The evolution of the concept of state sovereignty. –M.: Scientific book, 2005, p. 9-10]. But despite the deep and numerous changes in the world in the last decade and a half, state sovereignty remains the basis of the constitutional system of most states.

The transformation of the role of the state, especially in the developed world, takes place. Informational, financial and other processes connected with globalization reduce capacities of national governments to monitor domestic political situation and managing it. Individual states that are under the increasing pressure of the situation in the world market lose sovereignty over the national economy to a certain extent. Their ability to influence the situation in the sphere of economy and Finance becomes weaker and weaker.

Information flows become increasingly uncontrollable. Many of the functions previously performed by governments, transferred to the civil society institutions and transnational corporations. National and international non-governmental political, economic, human rights, religious, charitable and other organizations have a growing influence on public opinion, policy-making, politics formulation, making laws, they perform themselves some governmental functions, up to participate in the activities of the committees and commissions of the United Nations.

Some researchers believe that the specificity of globalization can only be understood in connection with deep crisis of the nation-state, and hence state sovereignty. In this regard, it makes sense to remind these theorists that sovereignty naturally includes the territory.

The state and territory are inextricably related categories, historically formed in close connection with each other. French political scientist L. Dugi said: "Collectivity can be a state only when it settled on the territory with defined borders. There is no state without it " [Dugi L. "Constitutional law". – M. 1908 – p. 128]. However, theorists of globalization have noted that territoriality ceases to be the organizing principle of social and cultural life; globalizing social practices relate to the world as a whole, not with its local or national sector, begin to cross freely spatial boundaries. In the global environment, there is shifting towards transcontinental or interregional actions, interaction and exercise of power [See. Kegley Ch., W. Wittkopf *World Politics: Trend and Transformation*. (7th ed.), N. Y. 1999].

Erosion of state borders is perhaps reflects most the essence of the modern stage of globalization. First, the boundaries of national States had been clear in the economic sphere [See. Strange S. *The Retreat of the State: The Diffusion of Power in the World Economy*. Cambridge. 1996].

Then this process spread to social, military, political, cultural and other relations encircling entire regions. The greatest development these processes have received in Western Europe, where, beginning with the creation in 1951 of the European coal and steel community, the integration process by the end of the twentieth century led to the creation of the European Union, that is the most powerful supra-national structure, performing already coordination of foreign policy of the countries - EU members among other things.

It becomes increasingly evident that sovereign borders are not protected the population from environmental disasters, transnational dangers, fierce global epidemics that cause death to millions, or organized crimes, divided the world into zones of influence and, worst of all, from the threat of nuclear terrorism. Therefore, experts believe that if the current pace of AIDS spread will continue for the next 15 years, African countries lose about a third of its population. And there is already bird flu, predictions of mutation and its threat to humanity are on the verge and they can be predicted as devastating. It turned out that several governments are powerless to protect their people from "tsunami" of deadly diseases, and sovereignty does not help, and sometimes hinders the fight against transnational epidemics. A. Etzioni quoted Andy Ho from the world health organization: "We can't force nation-states, even just to recognize the fact of mass diseases if they find it derogatory to their sovereign dignity. And even when they recognize the conflict in national politics makes fight against epidemics almost impossible" [Amitai Etzioni. *From Empire to Community*. No.V, 2004].

Certainly, questions about transparency of borders and consequences of this phenomenon remain disputing. Nevertheless, number of researches, in particular P. J. Katzenstein, R.O. Keohane and S. D. Krasner, see the essence of globalization in the growth process of transparent borders [See. Katzenstein P.J., Keohane R.J, Krasner St. D. *International Organization and the Study of World Politics*. – International Organization, 1998, Vol.52, No. 4. P. 645-686].

Widespread statement that transparency of interstate borders has made the world, firstly, interdependent. For this reason, some authors associate globalization with interdependence [See. Keohane R. O., Nye J. S., *Transnational Relations and World Politics*. Cambridge. 1972]. Secondly, transparency of interstate borders "turned" the old ideas about security, about conflicts and their resolution [See. Lebedeva M. M. *Westphalian*

model of the world and characteristics of conflicts at the turn of the twenty-first century. –M., *Cosmopolis, Almanac*. 1999], about interrelation of foreign and domestic policy [See. J. N. Rosenau, along the *Domestic-Foreign Frontier: Exploring governance in a Turbulent World*. Cambridge. 1997], about diplomacy and about other basic premises of classic international relations. It erased the previously existing quite hard distinction between foreign and domestic policy, as well as classical political science, studying the separate state, and traditional studies that were engaged in the analysis of the situation in the world, the interaction of States on the world stage.

The opening of intrastate borders is often accompanied by the activation of supra-state and non-state actors on the world stage (intergovernmental organizations, transnational corporations, interstate regions), and various non-governmental organizations (human rights, environmental, professional and other movements). At the same time start to operate intrastate regions. If they had previously sought to influence only internal political processes of their country, now they "invade" in the external sphere too. Regions of States become significant factor of European construction, which even led to the emergence of such concept as "Europe of regions". [Ivanov I. D. *Europe of regions*. M. 1998]. Intrastate regions try to enter the international level with increasing frequency. For example, Scotland announced desire to join the European Union as full member.

Currently international organizations are actively involved in the resolution of internal conflicts. As a result, the old hard dichotomy becomes less relevant: foreign policy - domestic policy.

Note that supra-state and non-state actors had been in the international arena and earlier [See. Waltz, K. N. *Theory of International politics*. Reading (Mass.): Addison-Wesley. 1979. P. 92-93]. But the problem lies in how fundamentally their activity in the beginning of this century affects the structure of the world. Today, states have been bound to reckon with, on the one hand, international government and non-government organizations and institutes, and, on the other hand, with their own regions more and more. In this regard, the semblance of an "erosion" of the state sovereignty is obvious, the state, so to speak, departs from some principles stated in the classical sovereignty theory.

Of course, the activity of the non-state and supra-state actors was not only due to the process of globalization. After the Second World War, interstate organizations got extensive development. First, it was assumed that these supranational structures would be a kind of policy conductors in a particular area. For example, in trade - General Agreement on Tariffs and Trade, and in the political-military sphere - NATO [See. Keohan R. *After hegemony: cooperation and discord in the world political economy*. Princeton (NJ). 1984]. However, it gradually became apparent that these organizations began to play quite independent role more and more, and exert a tangible influence both on international relations, as a whole, and on their creators [See Gardner R.N. *sterling-dollar diplomacy in Current perspective: The origins and prospects of our international economic order*. N.Y. 1980].

There is a complex process of interaction and interference of government agencies and international organizations [See Wendt A. *Anarchy is what states Make of it: Social construction of power politics*. – 1992. *International Organization*, Vol. 46, № 2, spring. P395-424].

In turn, many non-government agencies, particularly engaged in economy, finance, information, communications, were also interested in the early development of globalization processes, and in even greater border transparency. This was an impetus to the new globalization round with its problems and contradictions [See Holton R.J. *Globalization and the Nation-State*. N.Y. 1998].

According to M. Waters, the globalization is a "social process in which the constraints of geography on social and cultural arrangements recede and in which people become increasingly aware that they are receding" [Waters M. «Globalization». – Д. – N.Y., 1995. – P.3]. It is possible to provide many examples illustrating the formation of the "post-national political order".

Some globalization supporters try to establish the concept of the "post-sovereign world order". For example, A.Appadurai states that, in a positive term, the globalization means, first of all, a formation of transnational public life spheres of the people who were earlier bound by the territorially determined public spheres of the relevant states. The actors of the forming post-sovereign world order are: international organizations, alternative movements (environmental, trade-union, confessional, feminist), transnational corporations, media, inter- and subnational regions, migrants and refugees, etc.

Against the backdrop of globalization, there are other comprehensive problems along with the problem of power. One of the categories and, at the same time, the new concept reflecting and comprehending this general development trend is management. The management concept began to form as a result of reduction in the role of the nation-state in the West in the 80s and 90s, by transferring its functions, on the one hand, to

the all-European level, and, on the other hand, to the lower one, in accordance with the subsidiarity principle [See Russia. Policy Challenges of the 21st Century: The Second All-Russian Congress of Political Scientists on April 21-23, 2000 - M., 2002, p. 563].

This process of decentralization and even hollowing out of the state has led not only to change of its role, but also to appearance of new administrative and political management methods (it was called the "global quasi-statehood" [See Cheshkov M.A. Global context of the Post-Soviet Russia. - M., 1999]).

It is in this direction the new world order paves the way and the new model and new content of sovereignty are developed. The so-called post-sovereign states or states losing their sovereignty appear. Thereby, the inviolability of the state and national sovereignty is questioned [See Khestanov R. Russia without Yalta. The modern world demands partial refusal of sovereignty. Political magazine. No. 16 (67), May, 3, 2005, p. 63-65].

Critics of the state-centrist international life model consider that it is impossible to offer an adequate explanation of the current public order without reconsideration of the fundamental theoretical positions of traditional sovereignty theories. The sovereignty model, which can be conditionally called the Maastricht model, by analogy with the Westphalian and Philadelphian sovereignty models, provides a lot of material for such reconsideration.

Today, compared to the situation which has developed after conclusion of the Treaty of Westphalia in 1648, the extent of the sovereignty of constitutional democracies is limited by internal and external factors, as well as by international legal norms to a certain extent. But the "fundamental" provisions enshrined by the Westphalian peace treaties remain unbreakable: the supremacy, independence and autonomy of the government on the national territory, independence in the international community, maintaining integrity and inviolability of the territory.

Recently, the suggestions on the need to revise a number of international legal rules and principles, first of all, the UN Charter, which proclaims the principle of non-intervention "in the domestic jurisdiction of any state", are offered [See United Nations Charter // International Law in Documents. - M., 1982, Ch. 1, art. 2, item 7]. It is suggested to replace the principles of observance of the state sovereignty by the global security management principles, which would be carried out by the "new" UN and its Security Council. However, it is somehow forgotten that the United Nations Organization appeared and exists only thanks to the will of sovereign states that set the goal to prevent future world disasters such as World War II.

At the same time, the UN is a successor of the Westphalian system, which is attacked in two directions. First, the human rights and the right of nations of self-determination are opposed to the principles of state sovereignty and territorial integrity. Secondly, national states are blamed for their inability to provide efficiency of sovereignty under conditions of globalization [See Russia in Global Affairs. Vol. 2, No. 3, 2004, Zorkin V.D. The Apology of the Westphalian system, p. 18-25].

Recognition of international organizations as international legal entities has already become a generally recognized principle of the international law. Granting of the international organization with the international legal capacity is carried out by the member states in the founding treaty, where their will and range of rights and responsibilities of the new organization in terms of the international legal order within the bounds of the competence, which were set before it by the founding states, are recorded [Texts of the treaties see: Collection of the selected documents on the private international law. Issue 2. M., 1968, p. 3-197; Hirschler M., Zimmermann B. Western European Associations. M., 1987. p. 330-358; Traite sur l'Union Europeenne. Bruxelles, 1992].

How are the problems of the Russian state sovereignty observed against these tendencies? Discussing this issue, we note that the West entered the post-industrial, post-modern era of the "shift towards a new-type global community, which is very poorly observed in Russia, and where the globalization is implemented more as a framework, background that sets the overall tone for its individual component under poor feedback from this component - to the whole" [Cheshkov M.A. Global context of the Post-Soviet Russia. – M., 1999, p. 77-78].

The modern-day Russia, seemingly, enters the "modern" era, in other words, the era, with which the developed West countries part. For this reason, the interest of domestic researchers, first of all, of lawyers and political scientists, to the subjects of the state sovereignty, power vertical, constitution and constitutionalism is relevant.

Such calls as: "Back to Locke, Hobbes!", "On the path of patriotism, freedom, loyalty and national statehood", "Return of the state back" often sound [See Ilyin I.A. About the upcoming Russia: Selected

articles. - M. Voenizdat, 1993, p. 334]. These slogans mean a primacy of law, which translates into the liberal democratic principles of power and government (parliamentarism, separation of powers, etc.).

It seems that the Russian state sovereignty model is characterized by the main features of the Westphalian model's mature level. Russia painfully experiences the erosion of the Yalta-Potsdam system of international relations. This is determined by a number of reasons, which are associated both with the recent development period of Russia and with its history.

Over the centuries, Russia was defined by the pursuit of the hierarchical management, as opposed to democratic management, which involves complicated mechanisms for coordinating the interests. As it was noted by the political scientist L. Shevtsov, "the power indivisibility - perception of the state and society as a some single subject, and, at last, the understanding of the power as a something indivisible and unstructured - were characteristic for Russia. Indivisibility simplified the power structure, which, within the framework of our inherited conceptions, was treated as a kind of the "vertical" hierarchy with the focus on authority and subordination" [Shevtsova L. Boris Yeltsin's regime. M. 1999, p. 486.].

As it was noted before in the Russian political practice, both in the pre-revolutionary and Soviet-era, this was translated into the pursuance of the state centralization, in a negative attitude - into compromises (Lenin's articles "On Compromises", where he understands a compromise as a temporary concession for having revenge, are indicative in this respect [Lenin V.I., On Compromises, Complete Works, M., Publishing House of Political Literature, 1975, vol. 34, p. 133-139]). The pursuance of centralized management reached its climax in the Soviet Union. F. Fukuyama drew attention to this moment, speaking to the fact that it was the industrial era - the era of the locomotive, railways, factories that opened the door for the Weberian centralized state, the brightest example of which is the Soviet Union [See Fukuyama F. Second Thoughts. The Last Man in a Bottle. – 1999. The National Interest. Summer. P. 26]. In view of this, probably, the Soviet Union, owing to its history, scale, was close to the system of those relations, which assumed such state, which is obliged to hold key positions in the international arena. Such pursuit is also peculiar to other states. It is difficult for modern-day Russia to step away from this system.

This is also due to the fact that during the past fifteen years, Russia had a tough time associated with the transition period. It is obvious that domestic political, social, economic reforming goes on difficult in any state. After more than 10 years of reforms, many problems in the economy, political, social life, social relations in Russia weren't resolved, but they exacerbated: the financial crisis of 1998, ethnic conflicts, corruption, inflation, terrorism. All these negative processes developed against the background of relaxation of the state power, which was caused both by objective (economic liberalization, power decentralization, democratization) and subjective reasons (reforming mistakes, lack of personnel policy and clear "game rules" concerning property, etc.) [See Delyagin M.G. Russia after Putin. Is the "Orange – green revolution" in Russia inevitable? - M., «Veche», 2005, p. 416].

It can be said with satisfaction that today Russia is in the period of stabilization and development. And the recent loss in the role of the state in the Russian life's activity gave rise to an increasingly expressed need for "reduction to order", strengthening of the public authority and positions in the international arena in the population mood, in public opinion. For this reason, resolute actions, in which the strength of the state, its independence, authority and power dignity are demonstrated, are well-received.

It is telling that, according to the ROMIR survey, at the beginning of 2000, among the answers to the question: "What do you expect from the president for whom you will vote?" - the answer: "Return to the country of the great power status" was on the third place in terms of the significance [Kutkovets T. Klyamkin I. What does Russia expect from Putin. M., "Liberal Mission" Foundation, 1999]. Note that this answer was given against the background of many other Russian problems: military operations in Chechnya, a growing number of people who were below the poverty line, etc. Today such sentiments are also observed in the society.

Russia wasn't able to develop a clear foreign policy course corresponding to the changed domestic and international realities. At first, attempts were made to integrate with the West, but these attempts were sharply criticized by the opposition. Then, the reorientation to the West countries began. There was a concept of the multipolar world suggested as an answer to the thesis formulated by George Bush Sr. during the Persian Gulf War: "A unipolar world led by the United States was formed after breakup of the USSR and disappearance of one of the poles of the bipolar world" [Kissinger G. Diplomacy. - M.: Ladomir, 1997, p. 37].

But, in some cases, the models of the unipolar world, as well as the models of the multipolar world, don't fully reflect the current realities and differ from the "multi-center world", - according to J. Rosenau, assuming participation of non-government structures as "centers" [See Rosenau J.N. Pre-Theory Revised: World

Politics in an era of Cascading Interdependence. – 1984. *International Studies Quarterly*, No. 1. P. 3-29].

It can be said that the return to the anti-statist philosophy of law was performed in the 90s and served a very specific purpose - the creation of a "single world" under control of the world "democratic order" with its institutions (IMF, G-8, IBRD). The core of this doctrine is a declaration of national interests and state sovereignty as secondary before the concepts of democracy and human rights. Relaxation of the role of the national states and their sovereignty, rise of influence of supranational structures and moral authority of the international mechanisms follow from them.

The Russian foreign policy in the 90s actively received the doctrine of the single world, in which the goal and meaning of the existence of states was declared to be a struggle for "world democracy". But it was discovered immediately that this goal is contrary to the pursuit of states to provide sovereignty, to achieve a result that they can reproduce their values and traditions freely. The West, under pseudo-humanist rhetoric, conducted another real policy of pressure on "democratic" Moscow in order to perform a "dismantlement" of the Soviet Union along the republican borders. The consent of the then leadership of the USSR to unify Germany without written commitments has received, as an answer, an open line for NATO expansion towards Russia.

The policy of the United States in this period became even more ideological, claiming the expression of a "global ideal", identifying itself as a leader of the world civilization. Globalization became an unofficial ideology of the US political and business elite; it determines America's role in the world and identifies it with the prospective benefits that the new era brings. Globalization has filled the main gap in the new status of America as the world's sole superpower [Brzezinski Z. *The Choice: Global Domination or Global Leadership*. - M., *International Relations*, 2005, p. 187-189].

The dismantlement of the USSR and transformation of the former Soviet republics into international entities were carried out in such a way that the people gravitating towards Russia were deliberately deprived of the right of choice. Yugoslavia experienced the same. For hasty recognition of the dismemberment of Yugoslavia, as well as of the breakup of the Soviet Union (founding members of the UNO and participants of the Helsinki Act), the provisions "on the right of nations to self-determination" and "on peaceful change of borders" were applied. But the territories of Ukraine, Georgia, Moldova, Bosnia and Herzegovina, Croatia are declared not subject to change. Their borders, previously - internal administrative, were declared international and inviolable on the basis of the same Act - the principle of inviolability of borders was applied here. It is characteristic that no western state in the XXth century allowed to apply the notorious "right of nations to self-determination" to itself, which "violates the sovereignty of each finally formed state" (Etat definitive constitue) and "for this reason, doesn't belong to any part, nor to any other state".

In due time, experts of the League of Nations have established that, in the Western states, "the right to self-determination" contradicts "the idea of the state as a territorial and political unit" and the right of the other people and state to unity. An exception was made for the "countries covered by the revolution" [See *The Intimate Papers of Colonel House*. London, 1928, v. IV., p. 204-206]. Towards themselves, the West countries still adheres to the traditional concept of state sovereignty and inviolability of the territory.

The western science more and more appears as serving the universalist idea of the single world under the auspices of the western ideological institutes and deliberately reduces sovereignty to the rights of nation and personality, where the western concept of nation is combined with the concept of ethnos that allows to randomly declare any separatist sentiments of the national liberation movement to self-determination.

So, Tsymbursky V.L. gives the attempt of the Lithuanian lawyer A. Burachas to ignore the classical basis of the theory of sovereignty and its founder, Zh. Boden, as an example [Tsymbursky V.L. *The idea of sovereignty in the post-totalitarian context*. POLIS (Political studies). 1993. No. 1.18]. In the context of obvious separatist tasks of the Lithuanian policy elite at the beginning of perestroika, A. Burachas claimed that sovereignty is nothing more than the "totality of the nation sovereignty and rights ensuring the personal independence ..." [Burachas A. *Sovereignty*. // 50/50: Experience of the new thinking dictionary. M. 1989, p. 519]. As it has been shown in chapter 1, the undefinable personal sovereignty covers national and ethnic claims to rejection of the territory.

This concept also has well-defined social consequences. A person who is free of associations with supreme spiritual values: religious, national, family, becomes not a citizen of his Homeland, but a citizen of the world who lives up to the principle: "ubi bene ibi patria" - "Where there is bread, there is my homeland". Such person prefers to have a world government than a national government. The state ceases to be a successively living organism, bound by spirit and common historical roots. It turns into a population. This is a fate of the sovereign demos and its imaginary kratos in the Atlantic Pax Americana, where an all-powerful

world oligarchy stands behind them. Apparently, the creation of such world center of power is its goal.

The so-called struggle for human rights, assertion of humanitarian values have become an active reason for intervention in the internal affairs of states, encroachments on their sovereignty. The role of the highest judges, who can assess the situation with human rights and enforce the relevant sentences, was taken by the same Western countries, the chief judge is the United States.

There are many examples of this fact. Let's recall, at least, the sequence of events in Kosovo. Recognition of violation of the rights usually goes only in the direction necessary for the United States. Kosovo Albanians are victims of genocide, and Serbians, whose thousands of families were expelled from their homes, their tragedy isn't covered by protection of human rights. It becomes a rule that only the USA can make claims concerning a situation with human rights, and it seems as there can be no glaring facts of such violations committed by the United States itself. And Iraq, torture in prisons, which Americans secretly scattered around the world, where they don't particularly understand, for which reason a person hits the bricks. Everything is allowed to the superpower - that's how some statesmen and politicians understand the international law.

In the world, more and more often, the USA individually determines the criteria of "truth": it judges, forces and punishes indomitable ones itself, declaring them uncivilized, so subject to external pressure and deprived of protection by international legal norms. Today, the phantom of the "will of the international community" covers the aggression and punitive operations of the United States and NATO, this is also provided by the convenient aegis of the "universal" international organization - the UN. But both sides of the coin - an assignment by the United States of the role of arbitrator and universal aegis - is a threat to the essence of state sovereignty.

The international public law, which subject is a state, gradually becomes an optional topic. All treaties and agreements are, in fact, only declarations of intent with the clause: "rebus sic distantibus" (things thus standing). Contrary to the pseudo-humanist propaganda, the role of force in the international relations has increased significantly, and the world map has become changeful again. We will bring the following fact into confirmation. During his visit to the US in October, 2005, the Italian Prime Minister S. Berlusconi, concerning the subject of Italy's participation in the war in Iraq, said: "In extreme cases, the war can be a way of export of democracy" [Rossiyskaya Gazeta, No. 246, November 2, 2005].

The USA has appropriated the role of a "peacemaker across the globe" to itself. In recent years, there were unauthorized UN operations - in Kosovo, Afghanistan and Iraq. Acting at its own discretion, the USA explains its actions, said to be, by an inefficiency of peacekeeping and humanitarian activities carried out without its participation. However, it is not difficult to see that each intervention is always attended by the interests of the USA: economic, as, for example, in Iraq, or geopolitical, as in Kosovo.

The practice of actions of the USA, which aren't approved by the UN, against failed, weak states, restricting, and, in fact, trampling their sovereignty, causes a sharp negative reaction in the world. It's no coincidence that the appeals, including of such "political bisons" as Zbigniew Brzezinski, to refuse "global domination in favor of global leadership" sound in America [See Brzezinski Z. The Choice: Global Domination or Global Leadership", M., International relations. 2005].

Having usurped the right to render a verdict to other states and placing itself above the international law, the USA, at the beginning of the third millennium, needs a universalist idea and proposes it through the apology of some doctrine: "The defense of democracy and human rights is the common goal of the world community". The American ideology of liberalism turns, thereby, into a totalitarian worldview that doesn't tolerate coexistence of other values. It is assumed that any state is obliged, first of all, to pursue the pro-American policy and not to interfere with the US geopolitical plans for governing the world, otherwise its democracy will be immediately declared untrue, and this state will be declared totalitarian.

These ideas were fully implemented during elimination of Yugoslavia. It is symptomatic that even during the Yugoslav crisis in the US, the Carnegie Endowment re-published the Report on the Balkan Wars of 1914. The main thing in this publication is the preface of the author of the American "deterrent doctrine", J. Kennan, who determined the approach to the future developments in the Balkans. He explained: "the restrictions, imposed on the Balkan participants with respect to what they consider to be their unrestricted sovereignty and freedom of action, should be much more significant than those that are usually applied in the international community" [The Other Balkan Wars 1913 Carnegie Endowment Inquiry in retrospect with a New Introduction and reflections on the Present Conflict by George F. Kennan. Washington. D.C. 1993. p. 16].

The Kennan's "abstract" theorems are in complete contradiction to the international law. In fact, those, who

took up this problem from outside, turned out to be capable of "innovations in the field of rights and duties assumed by the term "sovereignty", and they "were ready to use force". So, in 1993, a projection was made from the Balkan conflict to the whole world, the right of the USA to interfere with internal affairs of sovereign states, down to aggression, was "justified".

Analysis of formal statements of the US State Secretaries, from M. Albright and K. Powell to K. Rice, made in recent years before the Foreign Relations Committee of the US House of Representatives, confirms the global meaning of US goals. These goals have forced Washington to break down the international legal order, which has developed after the Second World War. That is why at the beginning of the third millennium no one has doubts that it wasn't the Russian great power that was the threat to stability and balance of world forces. The opposite is true. Russia was the only roadblock on the way to the forcible uniformation of the diverse world in the interests of the world power center, giving law to sovereign agencies of the international community. It will be possible to recover balance, to gain a power role only if Russia will accept the call imposed to it, but this requires not only material, but also spiritual power.

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