DOI: 10.51634/2307-5201_2025_3_88
УДК 341.01
МРНТИ 10.87.91

FRAGMENTATION OF INTERNATIONAL LAW IN THE CONTEXT OF INSTITUTIONAL CRISIS

A.S. KAPAROV, PhD candidate, İstanbul Sabahattin Zaim University (Istanbul, Republic of Turkey), e-mail: asylbekqaparov@gmail.com

«Laws and institutions must go hand in hand with the progress of the human mind.» - Thomas Jefferson.

Recently, increasing fragmentation of international law – expressed in the growing number of specialized norms, international organizations, and judicial bodies – has led to challenges in the global security system. This article offers a critical examination of fragmentation as a multidimensional phenomenon that encompasses normative, institutional, and procedural aspects of international legal regulation.

The aim of the article is to reconsider fragmentation through the lens of institutional crisis and to explore its potential to create a flexible, multi-layered legal architecture at both global and regional levels. The author argues that while fragmentation may undermine the coherence of international law, it also offers a pragmatic framework for adapting legal systems in response to geopolitical instability and normative diversity.

The study presents a structural analysis of fragmentation based on jurisprudence, treaty regimes, and doctrinal sources. The novelty lies in viewing fragmentation as a manifestation of legal pluralism – one that may function as a stabilizing force amid institutional decline and rising regionalism. Particular attention is paid to the role of fragmentation in the formation of regional and specialized security instruments. It is argued that, under conditions of institutional crisis, fragmentation can serve as an effective model for conflict resolution and sustained legal cooperation.

Key words: international law, international courts, international relations, policy, fragmentation, regionalism, organizations, the United Nations, lex specialis, state.

Introduction

Today, when studying global issues, we can face urgent problems in the sphere of international security and law, which exhibit significant legal, political, and institutional instability. In this regard, the tendencies, which in the scientific literature are called fragmentation of international law – the splitting of a single legal space into separate, often highly specialized and local normative systems – are intensifying. Whereas previously this was viewed mainly as a negative phenomenon – as a danger to the integrity and predictability of international law – today, revision of this phenomenon is becoming fundamentally important in the context of building reliable global security strategies. During the confrontation between Europe and the USA against the USSR, more than 6000 multilateral treaties were signed in the twentieth century, 30% of which were open for accession by all states [1, p. 10]. In this regard, the issues that were the subject of public international law are now regulated by separate subsystems of international law.

Materials and Methods

In preparing this article, the author employed a range of methods commonly used in academic research. The empirical component included observation, comparison, and expert discussions with professors and specialists in Kazakhstan in the field of international law. The theoretical component comprised analysis and synthesis, idealization, induction and deduction, mental modeling, and the logical

progression from abstract concepts to concrete propositions. This article was prepared on the basis of legal doctrines, regulatory acts, international treaties, and foreign legal literature.

Key findings

Fragmentation of international law as a challenge to universalism

Indeed, each subsystem of international law has adopted its own rules, rule-making methods and adjudication mechanism [2, p. 55]. The tendency and manifestation of fragmentation in international relations have caused concern and apprehension on the part of Western scholars, who see it as a tension and anxiety of the stagnant level of integrity and unity of international law. In my opinion, in the above context, Roman Anatolievich Kolodkin, former member of the International Law Commission of the United Nations Organizations, interestingly noted: «Fragmentation or at least its threat is seen in the proliferation of international legal norms and institutions, in the 'autonomy' or «self-sufficiency» of some international legal regimes, in the spread of international law to those spheres of relations that previously were not considered suitable for international legal regulation» [3, p. 39]. Such fears have a place, because in the new conditions of geopolitical realities, countries from different continents are setting a course to ensure security not at the level of comprehensive and global importance, but rather at the regional level. International regional organizations, international legal regimes and acts of regional significance have already been formed, which give regionalization and specialization of international law in such aspects as ensuring human rights, establishment of international trade at an appropriate level. Regional international organizations (hereinafter – RIO) are created, reorganized and abolished for various reasons of member-states. Usually, such organizations can be political, military, economic, scientific and technical and the like. The main, and at the same time formal, attribute of RIO is considered to be the belonging of member-states of the organization to a certain geographical space. Such initiatives are not punishable, but on the contrary, are welcomed, for example, within the framework of paragraph 1 of Article 52 of the UN Charter: «This Charter shall in no way preclude the existence of regional arrangements or bodies for the settlement of such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or bodies and their activities are compatible with the Purposes and Principles of the Organization» [4]. Even though there is a legal basis for the existence of fragmentation, this situation has given rise to the phenomenon of regionalism. Regionalism is the desire to achieve geographical exceptions to universal norms of international law. It can be analyzed: a) in a positive sense – as a norm or principle having a regional scope in comparison with any universal norm or principle; or b) in a negative sense – as a norm or principle imposing a limitation on the validity of a universal norm or principle [5, p. 214]. Developing the regional direction in the positive sense, such an aspect will be binding only on the states of a particular region, while in the negative case all the same states will not have dependence on the mandatory application of a universal norm or rule. On the negative side, it is observed that it is impossible not to depend on the single question of all kinds of advantages and consequences of the regional lex specialis (principle of law): the state on the basis of which a regional act or treaty does not deny the appearance of a derogation from the universal norm. However, such aspiration is extremely unfavorable, because forming and basing only on regional legal acts can lead to a shaky balance and balance in the international legal system, as well as to unforeseen consequences, namely, the formation of legal conflict in the international arena. It is noted that all this leads to conflicts between norms and regimes, the interpretation and application of the same norms in different situations, and the disintegration of a coherent and homogeneous international legal system. Simply put, fragmentation is the result of the expansion of the subject matter of international law and the strengthening of the functional specialization of its branches. As M. Koskenniemi points out, in the conditions of globalization «in each of the autonomous spheres of law – be it trade, human rights or security – private interests seek to gain universal status» [6, p. 109]. This shows that the system of international law can in no way have a lopsided and strict character in the course of international dialogues and trade, as well as the impossibility of a clear structured hierarchy of international legal acts. At the proper level, we can cite the interpretation of Professor Gerhard Hafner: «The system of international law consists of disorderly parts and elements with different structures, and therefore it is hardly possible to speak of a homogeneous character of international law» [7, c. 369]. In my opinion, the fragmentation

of international law, its discussion and paradoxical nature is the end product of globalization of the entire international community, especially when issues in the field of trade and economic relations are involved. Foreign international law specialists argue that fragmentation is the result of the development of narrowly focused institutions of international law. Some international lawyers argue that fragmentation is a technical problem formed from procedural aspects that threaten stability in the field of legal order. For example, the European scholar Bruno Simma notes the following:"...The phenomenon described as the 'fragmentation' of international law is nothing other than the result of the transfer of functional differences in governance from the national to the international plane; which means that international law today increasingly reflects the differentiation of branches of law that are familiar to us from the domestic sphere" [8, p. 270]. Based on this, fragmentation is understood as a pattern of diversity of acts of transition of legal technique when moving from the national legal to the international legal context. Another scholar, Sahib Singh, describes fragmentation in an equally fascinating way: "...First, fragmentation should be defined as the normative disaggregation or conflict resulting from the continuous functional specialization of general international law. This is the normative effect of the emergence of special regimes" [9, p. 25]. The difficulties caused by the fragmentation of international law were also studied by candidate of legal sciences A.S. Smbatyan, who noted the following: "It is obvious that the bodies of international justice recognize the status of the International Court of Justice as primus inter pares (first among equals). Practice shows that when considering issues on which a decision has already been made or an advisory opinion of the Court, other bodies of justice in most cases refer to the Court's conclusions and do not adhere to them only if there are sufficient grounds for it" [10, p. 46]. Such a statement essentially describes the beginning of the growing danger of the formation of institutional fragmentation, expressed in the non-uniform, heterogeneous activities of an increasing number of international judicial and arbitration bodies, as well as the threat of material fragmentation associated with conflicts between the norms of international law. There are already "live" court cases confirming the fragmentation of international law.

In the area of proliferation, international courts point to the contradictions between the view expressed by the International Court of Justice in the 1986 United States Military and Paramilitary Activities in Nicaragua case (Nicaragua v. United States) and the 1996 International Tribunal for the Former Yugoslavia (ICTY) opinion in the Tadić case. The ICJ clarified that a state is responsible for paramilitary operations on the territory of another state if it exercises "effective control" over those operations. In doing so, the ICJ emphasized the importance of the degree of control [11]. The ICTY has held that it is sufficient for a state to attribute responsibility for such actions if it exercises "overall control"[12]. Based on the above decisions, we come to this conclusion that the two courts have interpreted and applied the same norm of international law differently. Another negative aspect of proliferation is the possibility of finding a suitable court, the so-called "convenient court", which in English-language literature has the name of "forum shopping". Its essence lies in the fact that each member of the judicial process is looking for the most advantageous international judicial body [13, pp. 258-259].

If we look at the diversification of international law, or more precisely in the context of the dynamic development of its humanistic branch, we note the difficult situation of reservations to international human rights treaties. Roman Anatolyevich Kolodkin draws attention to the fact that the regime of reservations and objections to them set out in the 1969 Vienna Convention on the Law of Treaties(VCLT) is not used when the topic of international human rights treaties is raised. However, reference was made to the position taken on reservations by the bodies established by those treaties. Another illustrative example of the undermining of the unity and integrity of international law is the establishment of autonomous or autonomous international legal regimes. Many international law specialists cite the example of such a reservations regime to the human rights treaties or the legal system of the World Trade Organization (WTO). When studying the law of regulation and the very essence of the WTO, the expression "The devil lies in the details" immediately comes to mind. For, that in the documents of this organization and the decisions of its dispute settlement body do not perceive a full reflection of the order of general international law. There is also parallel regulation of the same issues at the universal and regional levels. Speaking about the post-Soviet doctrine in the field of international law nothing has changed: the basic principles are the most important, fundamental universally recognized norms of international law, which have the highest legal authority [14, p. 41].

Thus, the fragmentation of international law is such a phenomenon that cannot be overlooked or not recognized as a key component of global society. Of course, fragmentation itself and its phenomenon implies the division and fragmentation of the whole norm into several parts, which to some extent may be independent of each other and it is justifiably perceived negatively and negatively by international lawyers, specialists in the field of international law, because now we have legal conflicts in the field of international law, there is no clear hierarchy of international legal acts and regimes, coherence of international judicial bodies, which leads to the development of regionalization and specialization Also negative consequences of fragmentation are: loss of coherence of system components in the settlement of gaps in the field of international law; fragmentation and excessive proliferation of international law can lead to its deformation and eventually lead to the decline and destruction of international law; formation of superfluous institutions and norms, which will be conflicting on the relationship. However, the phenomenon itself originated through court cases decided directly by the UN ICJ, ICTY and other judicial bodies.

Proliferation as a positive aspect of the current state of international law

Let us once again turn to the thought expressed at the beginning of the article – a quote by US President Thomas Jefferson – it fully reveals the essence of the current state of international law. Law is modernizing simultaneously with humanity, which is constantly making all kinds of changes in social relations, which it undertakes to control. In addition, given the modern and rapid changes in political, economic, trade and all sorts of different spheres associated with such phenomenon as globalization, we can well say about the compulsion of states to adopt international treaties for the unimpeded movement of people, capital, services and capital at the international level [15, p. 48]. The area of application of international law is continuously increasing, including areas that were previously considered as purely internal issues of states and were under the exclusive jurisdiction of national bodies. Today, international law actively regulates relations in the spheres of environmental protection, information security, human rights, as well as in the field of non-proliferation of nuclear weapons. In addition, the positive and constant dynamics of international cooperation has led to the formation of common ideals in areas such as human rights and, consequently, to the adoption of new rules [16, pp. 1004-1008]. New legal norms appear, and the existing ones undergo adaptation, integrating modern standards and humanitarian guidelines [17, p. 791-807]. The same G. Hafner notes that fragmentation is not any dangerous element of international law, but on the contrary, it was formed due to the need of society to obtain justice and solve certain disputes that can be settled in different and convenient institutions for specific cases [18]. Consequently, it is possible to use special rules (lex specialis), which will be adapted to the conditions of certain cases and will allow for a more efficient solution of the causes. For example, in the case of Kadi v. Council and Commission, the European Court of Justice (ECJ) considered the conflict between the UN Security Council resolutions and the fundamental rights enshrined in the EU law. The Court ruled that the EU norms on the protection of fundamental rights have priority over international obligations, regardless of the fact that they are based on UN resolutions, applying the principle of lex specialis in favor of the EU constitutional norms [19, p. 229]. The same infamous court cases of the ICTY and the International Tribunal for Rwanda are also examples of fragmentation. At the same time, we should not forget that during the ruthless and bloody twentieth century, which saw two monstrous world wars, the confrontation of two great powers and regional conflicts, the same period is marked as the era of the perfection of universal international law. And fragmentation in this period is the most positive phenomenon rather than negative in international law, countering the threat of "false universalism", embedded in the theory of global constitutionalism and governance [20, p. 100]. It is also important that the UN International Law Commission conducted an in-depth analysis and published a report on the essence and importance of fragmentation in international law, politics and relations, to be more precise: UN General Assembly Resolution of November 26, 2001: Report of the International Law Commission "Article 55: Lex specialis: These articles do not apply if and to the extent that the conditions for the existence of an internationally wrongful act or the content of a State's international responsibility or its implementation are determined by special rules between the international community and the international community [21].

The main conclusions of the commission are that fragmentation is recognized, and special rules take precedence over general ones, if they are present. The lex specialis principle does not slow down the pro-

cess and development of international law and the community in any way, since it does not repeal general norms in the case of the application of special norms and is not automatically applied in a specific case. In addition, when applying a special provision, it should also be taken into account that in some court cases a special provision is undertaken to clarify the general provision, and in some cases to contradict it [22, p. 425-427]. In such a case, when the lex specialis clarifies the general position and contributes to the achievement of the purpose of the general position, the general and special rules will be interpreted in the same direction and in harmony with each other. For example, in the case of New Zealand and Australia v. Japan, the court rejected Japan's claim that the 1993 Convention on the Conservation of Southern Bluefin Tuna contains more specific and subsequent provisions than the 1982 United Nations Convention on the Law of the Sea, and that only this Convention should apply to this case [23, p. 23].

The application of specific treaties to a matter covered by a general strict treaty prescribing international obligations does not eliminate the obligations imposed by the general treaty. In this case, the Arbitration Board decided to apply both conventions to the case. The advantage of the special rule over the general rule is explained by the expectation that the special rule is more clearly formulated, as well as more specifically takes into account the interests of the parties and therefore will lead to positive results. The entire international community recognizes the fragmented nature of the global legal order, where special norms can coexist hand in hand with universal ones. But the most crucial point is article 55 itself, which officially and documentarily recognizes the very nature of fragmentation.

Discussions and debates

Nevertheless, fragmentation itself is the result of historical development. The manifestations of fragmentation, whether explicit or hidden, are noticeable in the resolution of international legal disputes considered by specialized international justice institutions. These include, for example, the International Court of Justice, the International Tribunal for the Former Yugoslavia and Rwanda, the International Criminal Court, as well as regional courts such as the Court of the Eurasian Economic Union and the CIS Economic Court, etc. Turning to the historical aspect, fragmentation is a decentralized phenomenon that has helped develop various judicial bodies at the regional and international levels in every possible way. This allows us to talk about increasing the efficiency of the judicial authorities (diversification). As researcher Orlova E.S. notes, the decentralization of international law, an unlimited number of bodies of international justice, and also, importantly, the possibility for international judges and arbitrators to express different opinions on the interpretation of international legal norms and principles contribute to the development of law and its adaptation to changing conditions of international life [24, pp. 254-255]. In addition, international law has adopted the principle that in the case of two international treaties on the same issue with the same parties, priority is given to a later treaty (lex posterior derogat legi priori) [25, p. 94].

In the course of regulating any relations, whether economic or humanitarian, between countries, problems may arise, especially when the previous agreement is more specialized than the later one, or when the later agreement does not cover all aspects of the earlier agreement. On the other hand, if the parties to the subsequent agreement do not coincide with the parties to the previous agreement, the lex posterior principle is difficult to apply [26, pp. 620-639]. In this regard, Talat Kaya notes the following: "Within this framework, articles 30 and 41 of the VCLT provide guidance on how to resolve conflicts arising between the previous and subsequent treaties. If article 30 of the Convention regulates the application of subsequent treaties on the same issue, then article 41 regulates agreements concluded by some parties to a multilateral treaty in order to change the application of this treaty among themselves" [27, p. 163]. In addition, the continuous development of international law, i.e., diversification, is legally prescribed in art. 31 VCLT, on the basis of which many international judicial authorities have made their decisions. Since the issues of the approach to the interpretation of norms, the appeal to an international judicial body, the judge and his qualifications for a particular case, freedom of interpretation are very important aspects both in international law and in politics.

Thus, special rules can play the role of a permanent stabilizer and regulate certain aspects that, at least, cannot exceed the threshold of what is permissible. Thus, fragmentation is a characteristic response of international law to the aggravation and difficulty of global interaction.

Conclusion

Despite the existing major geopolitical conflicts, fragmentation makes it possible to develop and modernize international law by introducing more and more updated norms. This helps to involve a wider range of actors in norm-setting, expands the horizons of cooperation and, as a result, strengthens voluntary compliance with international obligations. This study has demonstrated that the negative and positive sides of the fragmentation of international law and its impact on the current state of the international legal order were presented. It is also worth paying attention to the fact that a priori there is no clear hierarchical system of international legal acts in international law, since the formation of such a phenomenon would lead to legal dissonance. Naturally, the presence of diverse regimes, institutions, and norms leads to paradoxical and contradictory regulations, but this makes it possible to strengthen international relations and the legal system. Because when designing certain regional regimes or institutions, the will and interests of each party are taken into account. Consequently, fragmentation becomes more important for all participants in a cross-border dialogue, which is equivalent to an attempt to streamline the world.

А.С. Қапаров, Сабахаттин Заим атындағы Ыстанбұл университетінің докторанты, (Түркия Республикасы, Ыстанбұл қ.): Институционалдық дағдарыс жағдайында халықаралық құқықтың бөлшектенуі.

Жақында мамандандырылған нормалардың, халықаралық ұйымдар мен сот органдарының көбеюінен көрінетін халықаралық құқықтың өсіп келе жатқан фрагментациясы жаһандық қауіпсіздік жүйесінде проблемаларға әкелді. Бұл мақалада халықаралық-құқықтық реттеудің нормативтік, институционалдық және процедуралық аспектілерін қамтитын көп өлшемді құбылыс ретінде фрагментацияға сыни талдау ұсынылады.

Мақаланың мақсаты-институционалдық дағдарыс объективі арқылы бөлшектенуді қарастыру және оның жаһандық және аймақтық деңгейде икемді, көп деңгейлі құқықтық архитектураны құру әлеуетін зерттеу. Автор фрагментация халықаралық құқықтың дәйектілігіне нұқсан келтіруі мүмкін болса да, ол геосаяси тұрақсыздық пен нормативтік әртүрлілікке жауап ретінде құқықтық жүйелерді бейімдеудің прагматикалық негізін қамтамасыз етеді дейді.

Зерттеу сот практикасына, келісімшарттық режимдерге және доктриналық дереккөздерге негізделген фрагментацияның құрылымдық талдауын ұсынады. Жаңалық мынада, фрагментация институционалдық құлдырау мен өсіп келе жатқан регионализм жағдайында тұрақтандырушы күш ретінде әрекет ете алатын құқықтық плюрализмнің көрінісі ретінде қарастырылады. Қауіпсіздікті қамтамасыз етудің аймақтық және мамандандырылған құралдарын қалыптастырудағы фрагментацияның рөліне ерекше назар аударылады. Институционалдық дағдарыс жағдайында фрагментация қақтығыстарды шешудің және тұрақты құқықтық ынтымақтастықтың тиімді моделі бола алады деп айтылады.

Түйінді сөздер: Халықаралық құқық, халықаралық соттар, халықаралық қатынастар, саясат, фрагментация, регионализм, ұйымдар, Біріккен Ұлттар Ұйымы, lex specialis, мемлекет.

А.С. Қапаров, докторант Стамбульского университета имени Сабахаттина Заима, (Турецкая Республика, г. Стамбул): Фрагментация международного права в условиях институционального кризиса.

В последнее время растущая фрагментация международного права, выражающаяся в увеличении числа специализированных норм, международных организаций и судебных органов, привела к возникновению проблем в глобальной системе безопасности. В данной статье предлагается критический анализ фрагментации как многомерного явления, охватывающего нормативные, институциональные и процедурные аспекты международно-правового регулирования.

Цель статьи – рассмотреть фрагментацию через призму институционального кризиса и изучить ее потенциал для создания гибкой, многоуровневой правовой архитектуры как на глобальном, так и на региональном уровнях. Автор утверждает, что, хотя фрагментация может подорвать согласованность международного права, она также обеспечивает прагматическую основу для адаптации правовых систем в ответ на геополитическую нестабильность и нормативное разнообразие.

В исследовании представлен структурный анализ фрагментации, основанный на судебной практике, договорных режимах и доктринальных источниках. Новизна заключается в том, что фрагментация рассматривается как проявление правового плюрализма, который может выступать в качестве стабилизирующей силы в условиях институционального упадка и растущего регионализма. Особое внимание уделяется роли фрагментации в формировании региональных и специализированных инструментов обеспечения безопасности. Утверждается, что в условиях институционального кризиса фрагментация может служить эффективной моделью разрешения конфликтов и устойчивого правового сотрудничества.

Ключевые слова: международное право, международные суды, международные отношения, политика, фрагментация, регионализм, организации, Организация Объединенных Наций, lex specialis, государство.

References:

1. Ku Charlotte , Global Governance and the Changing Face of International Law (ACUNS), 2001. N. 2.

2. Zapatero Pablo, Modern International Law and the Advent of Special Legal Systems, Arizona Journal of International & Comparative Law Vol. 23, 2005. No. 1.

3. Kolodkin R. A. Fragmentation of International Law // Moscow Journal of International Law, 2005. N 2. C. 38-61.

4. UN Charter (full text). URL: https://www.un.org/ru/about-us/un-charter/full-text (15.06.2025).

5. Report of the UN International Law Commission: Chapter XI The Fragmentation of International Law: Difficulties arising from the Diversification and Expansion of the Scope of International Law. 2005. P. 209-230.

6. Koskenniemi M. What Is International Law For? In: International Law. Ed. by M. D. Evans, Oxford Univ. Press, 2003.

7. Hafner, G. 'The risk of fragmentation of international law'. United Nations. General Assembly. Official Records. Fifty-fifth session. Supplement No. 10 (A/53/10).

8. Bruno Simma. Universality of International Law from the Perspective of a Practitioner // The European Journal of International Law Vol. 20. 2009.

9. Sahib Singh. The Potential of International Law: Fragmentation and Ethics // Leiden Journal of International Law Vol. 24. 2011.

10. Smbatyan A.S. Interpretation and application of the rules of the World Trade Organisation: Monograph. M.: INFRA-M, 2017. – 447 p.

11. Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of 12. ICTY: Prosecutor v. Tadic // 38 l.L.M. 1518. 1999. P. 154-159, P. 117-162.

13. Helfer, L.R. Forum Shopping for Human Rights // University of Pennsylvania Law Review. 1999. P. 285-400.

14. Usenko E.I., Shinkaretskaya G.G. International Law M.: Yurist, 2005. – 495p.

15. Malcolm N. Shaw. International Law. No. 9. 2021.

16. Lescano-Fischer A., Gunther T. Regime-Collisions: The Vain Search For Legal Unity in The Fragmentation of Global Law, Michigan Journal of International Law, Vol. 25, 2004. p. 1004-1008.

17. Dupuy, P. M. "The Danger of Fragmentation or Unification of the International Legal System and the International Court of Justice". NYU Journal of International Law and Politics, 31, 2007. P. 791–807.

18. Hafner G. The Physiognomy of Disputes and the Appropriate Means to Resolve Them, in INTERNATIONAL LAW AS A LANGUAGE FOR INTERNATIONAL RELATIONS 559 (1998).

19. Barker, J. C., Cardwell, P. J., French, D., & White, N. (2009). I. European Court of Justice, Yassin Abdullah Kadi and Al Barakaat International Foundation v Council and Commission (joined cases C-402/05 P and C-415/05 P) judgement of 3 September 2008. International and Comparative Law Quarterly, N. 58(01).

20. Medushevsky A.N. Global Constitutionalism: Integration or Fragmentation of the International Law of International Relations in the Conditions of Economic Crisis? M.: VTE № 3, 2020. C. 96-115.

21. UN General Assembly Resolution of 26 November 2001: Report of the International Law Commission on the work of its fifty-third session: Report of the Sixth Committee. URL: file:///C://C:/Users/rysja/Downloads/A_56_589-RU.pdf (15.06.2025).

22. C. Jenks Wilfried. The Conflict of Law-Making Treaties, BYBIL. 1953

23. Vol. 30, p. 425-427.

24. Southern Bluefin Tuna Case (Australia and New Zealand v. Japan) Award of 4 August 2000 (Jurisdiction and admissibility) UNRIAA vol. XXIII (2004),p. 23. para. 38 (c).

25. Orlova E.S. Trends in the development of modern bodies of international justice // Vestnik RUDN. 2018. C. 254-255.

26. Pazarcı, Hüseyin. Uluslararası Hukuk, Gözden Geçirilmiş 4 Bası, Ankara: Turhan Kitabevi. 2006.

27. Borgen, Christopher J. (2005). Resolving Treaty Conflicts, The Geo. Wash. Int'l L. Rev, Vol 37, p. 620-639.

28. Kaya Talat. Does the International Law Fragment? Difficulties Arising From the Diversification and Expansion of International Law. Ankara University. 2012.

Список литературы:

1. Ku Charlotte , Global Governance and the Changing Face of International Law (ACUNS), 2001. N. 2.

2. Zapatero Pablo, Modern International Law and the Advent of Special Legal Systems, Arizona Journal of International & Comparative Law Vol. 23, 2005. No. 1.

3. Колодкин Р. А. Фрагментация международного права // Московский журнал международного права, 2005. N 2. – С. 38-61.

4. Устав ООН. URL: https://www.un.org/ru/about-us/un-charter/full-text (15.06.2025).

5. Доклад Комиссии международного права ООН: Глава XI Фрагментация международного права: трудности, обусловленные диверсификацией и расширением сферы охвата международного права. 2005. С. 209-230.

6. Koskenniemi M. What Is International Law For? In: International Law. Ed. by M. D. Evans, Oxford Univ. Press, 2003.

7. Хафнер Г. «Риск фрагментации международного права». Организация Объединенных Наций. Генеральная Ассамблея. Официальные отчеты. Пятьдесят пятая сессия. Дополнение № 10 (A/53/10).

8. Bruno Simma. Universality of International Law from the Perspective of a Practitioner // The European Journal of International Law Vol. 20. 2009.

9. Sahib Singh. The Potential of International Law: Fragmentation and Ethics // Leiden Journal of International Law Vol. 24. 2011.

10. Смбатян А.С. Толкование и применение правил Всемирной торговой организации: Монография. - М.: ИНФРА-М, 2017. – 447 с.

11. Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America) // Merits, Judgment, LC.J. Reports. 1986. P. 14, at P. 52, 54-55, P. 109-115.

12. ICTY: Prosecutor v. Tadic // 38 l.L.M. 1518. 1999. P. 154-159, P. 117-162.

13. Helfer, L.R. Forum Shopping for Human Rights // University of Pennsylvania Law Review. 1999. – P. 285–400.

14. Усенко Е.И., Шинкарецкая Г.Г. Международное право М.: Юристъ, 2005. - 495с.

15. Malcolm N. Shaw. International Law. No. 9. 2021.

16. Lescano-Fischer A., Gunther T. Regime-Collisions: The Vain Search For Legal Unity in The Fragmentation of Global Law, Michigan Journal of International Law, Vol. 25, - 2004. p. 1004-1008.

17. Dupuy, P. M. "The Danger of Fragmentation or Unification of the International Legal System and the International Court of Justice". NYU Journal of International Law and Politics, 31, 2007. P. 791–807.

18. Hafner G. The Physiognomy of Disputes and the Appropriate Means to Resolve Them, in INTERNATIONAL LAW AS A LANGUAGE FOR INTERNATIONAL RELATIONS 559 (1998).

19. Barker, J. C., Cardwell, P. J., French, D., & White, N. (2009). I. European Court of Justice, Yassin Abdullah Kadi and Al Barakaat International Foundation v Council and Commission (joined cases C-402/05 P and C-415/05 P) judgement of 3 September 2008. International and Comparative Law Quarterly, N. 58(01).

20. Медушевский А.Н. Глобальный конституционализм: интеграция или фрагментация международного права международных отношений в условиях экономического кризиса? М.: ВТЭ № 3, 2020. – С. 96-115.

21. Резолюция Генеральной Ассамблеи ООН от 26 ноября 2001 г.: Доклад Комиссии международного права о работе ее пятьдесят третьей сессии: Доклад Шестого комитета. URL: file:///C:/Users/rysja/Downloads/A_56_589-RU.pdf (15.06.2025).

22. C. Jenks Wilfried. The Conflict of Law-Making Treaties, BYBIL. 1953

23. Vol. 30, p. 425-427.

24. Southern Bluefin Tuna Case (Australia and New Zealand v. Japan) Award of 4 August 2000 (Jurisdiction and admissibility) UNRIAA vol. XXIII (2004),p. 23. para. 38 (c).

25. Орлова Е.С. Тенденция развития современных органов международного правосудия // Вестник РУДН. 2018. С. 254-255.

26. Pazarcı, Hüseyin. Uluslararası Hukuk, Gözden Geçirilmiş 4 Bası, Ankara: Turhan Kitabevi. 2006.

27. Borgen, Christopher J. (2005). Resolving Treaty Conflicts, The Geo. Wash. Int'l L. Rev, Vol 37, p. 620-639.

28. Kaya Talat. Does the International Law Fragment? Difficulties Arising From the Diversification and Expansion of International Law. Ankara University. 2012.

Для цитирования и библиографии: Kaparov A.S. Fragmentation of International Law in the context of Institutional Crisis // Право и государство. № 3(108), 2025. – С. 88-96. DOI: 10.51634/2307-5201_2025_3_88

Материал поступил в редакцию 23.03.2025