

Grigori
TUNKIN

LAW

and

FORCE

in the

INTERNATIONAL
SYSTEM



Progress Publishers
Moscow

**Grigori
TUNKIN**

**LAW and FORCE
in the
INTERNATIONAL
SYSTEM**



**Progress
Publishers
Moscow**

Translated from the Russian
Designed by *Yevgeny Aksyonov*

Г. И. Тункин

ПРАВО И СИЛА В МЕЖДУНАРОДНОЙ СИСТЕМЕ

На английском языке

© «Международные отношения», 1983

English translation of the revised Russian text

© Progress Publishers 1985

Printed in the Union of Soviet Socialist Republics

Т $\frac{1207000000-746}{014(01)-85}$ 83-85

Contents

	<i>Page</i>
Foreword	8
PART I	
The International System and International Law	11
Chapter I	
The International System	11
1. The Concept of "International Relations" . .	11
2. The Concept of "International Community" .	20
3. A New Conception of the International System	24
Chapter II	
Law Functioning in the International System .	43
1. International Law	43
2. Modern International Law as a New Historical Type of International Law	46
3. The Mechanism of Changing International Law. The Theory of the Coordination of the Wills of States	63
4. Fundamental Principles of Modern International Law	76
(1) The Principle of Peaceful Coexistence . .	77
(2) The Principle of the Non-Use of Force or Threat of Force	81
(3) The Principle of Territorial Integrity of States	87
(4) The Principle of Inviolability of Boundaries	88

(5) The Principle of Peaceful Settlement of International Disputes	89
(6) The Principle of Disarmament	90
(7) The Principle of Sovereign Equality of States	96
(8) The Principle of Non-Intervention	99
(9) The Principle of Equal Rights and Self-Determination of Peoples	103
(10) The Principle of Co-operation Among States	106
(11) The Principle of Respect for Human Rights	108
(12) The Principle of Fulfilling in Good Faith International Obligations	111
5. International Law and Subjects (Actors) of the International System	113

Chapter III

International Law and Other Social Norms Functioning Within the International System . .	115
1. Recommendatory Resolutions of International Organisations	116
2. International Understandings	129
3. International Law and Morality	144

PART II

Two Socio-Economic Systems—Two Conceptual Models of the Global International System	156
--	------------

Chapter IV

Law and Force in Today's Imperialist Conceptual Model of the Global International System .	159
1. Force in the Imperialist Model of the International System	159
2. International Law in the Imperialist Model of the International System	171
3. The Theoretical Inconsistency of the Imperialist Conceptual Model of the Global International System	191

Chapter V

Law and Force in the Socialist Conceptual Model of the International System	201
1. The Notion of a Socialist Conceptual Model of the Global International System	201
2. The Socialist Concept of International Peace	204
3. The Socialist Concept of Disarmament	210
4. The Socialist Conception of Peaceful Coexistence	212
5. The Equal Rights and Self-Determination of Peoples	220
6. International Law in the Socialist Conceptual Model of the International System	225
7. Force in the Socialist Conceptual Model of the International System	230

PART III

The General Democratic Model of the Global International System and the Functioning of the International System	236
--	------------

Chapter VI

Law and Force in the General Democratic Model of the Global International System	236
1. The Notion of a General Democratic Model of the Global International System	236
2. The General Democratic Character of Modern General International Law	240
3. The General Democratic Concept of Peace	242
4. The General Democratic Concept of Peaceful Coexistence of States with Different Social Systems	246
5. The General Democratic Character of Universal International Organisations	251

Chapter VII

Law and Force in the Functioning of the International System	255
---	------------

1. The Notion of a Normal Functioning of the International System	255
2. Modern Power Politics and the Functioning of the International System	257
(1) Orientation on Force and on an Arms Race	258
(2) Hegemonism	267
(3) Intervention in Internal Affairs	272
(4) Rejection of Peaceful Coexistence and Orientation on Confrontation and Anti-Communism	276
(5) Neo-Colonialism	285
3. The Politics of Force and the Science of International Law in the Capitalist Countries	288
(1) The Unsoundness of the Concept that Modern International Law Is "Classical" International Law	289
(2) The Concept that the Principle of the Non-Use of Force or Threat of Force Does Not Exist, or Else Is Inoperative	293
(3) Neglecting the Principle of the Non-Use of Force and Threat of Force	301
4. The Policy of Peace and Peaceful Coexistence and the Functioning of the International System	307
(1) Ensuring International Peace and Security and Disarmament	309
(a) <i>The Struggle of the USSR for Peace and Disarmament</i>	309
(b) <i>The Growth of the Soviet Union's Military Might and International Law</i>	312
(c) <i>The Principle of Equality and Equal Security</i>	317
(d) <i>Renouncing First Use of Nuclear Arms</i>	320
(2) Strengthening Fraternal Co-operation with Other Socialist Countries	321
(3) The Policy of Peaceful Coexistence of States with Different Social Systems	324
(4) Supporting the Struggle of Peoples for National Liberation and Social Progress	326

(5) The Policy of Developing Mutually Advantageous Co-operation with All States in Accordance with the Principles of International Law	329
Subject Index	330
Name Index	336

**Grigori
TUNKIN**

**LAW and FORCE
in the
INTERNATIONAL
SYSTEM**



**Progress
Publishers
Moscow**

Translated from the Russian
Designed by *Yevgeny Aksyonov*

Г. И. Тункин

ПРАВО И СИЛА В МЕЖДУНАРОДНОЙ СИСТЕМЕ

На английском языке

© «Международные отношения», 1983

English translation of the revised Russian text

© Progress Publishers 1985

Printed in the Union of Soviet Socialist Republics

Т $\frac{1207000000-746}{014(01)-85}$ 83-85

Contents

	<i>Page</i>
Foreword	8
PART I	
The International System and International Law	11
Chapter I	
The International System	11
1. The Concept of "International Relations"	11
2. The Concept of "International Community"	20
3. A New Conception of the International System	24
Chapter II	
Law Functioning in the International System	43
1. International Law	43
2. Modern International Law as a New Historical Type of International Law	46
3. The Mechanism of Changing International Law. The Theory of the Coordination of the Wills of States	63
4. Fundamental Principles of Modern International Law	76
(1) The Principle of Peaceful Coexistence	77
(2) The Principle of the Non-Use of Force or Threat of Force	81
(3) The Principle of Territorial Integrity of States	87
(4) The Principle of Inviolability of Boundaries	88

(5) The Principle of Peaceful Settlement of International Disputes	89
(6) The Principle of Disarmament	90
(7) The Principle of Sovereign Equality of States	96
(8) The Principle of Non-Intervention	99
(9) The Principle of Equal Rights and Self-Determination of Peoples	103
(10) The Principle of Co-operation Among States	106
(11) The Principle of Respect for Human Rights	108
(12) The Principle of Fulfilling in Good Faith International Obligations	111
5. International Law and Subjects (Actors) of the International System	113

Chapter III

International Law and Other Social Norms Functioning Within the International System . .	115
1. Recommendatory Resolutions of International Organisations	116
2. International Understandings	129
3. International Law and Morality	144

PART II

Two Socio-Economic Systems—Two Conceptual Models of the Global International System	156
--	------------

Chapter IV

Law and Force in Today's Imperialist Conceptual Model of the Global International System .	159
1. Force in the Imperialist Model of the International System	159
2. International Law in the Imperialist Model of the International System	171
3. The Theoretical Inconsistency of the Imperialist Conceptual Model of the Global International System	191

Chapter V

Law and Force in the Socialist Conceptual Model of the International System	201
1. The Notion of a Socialist Conceptual Model of the Global International System	201
2. The Socialist Concept of International Peace .	204
3. The Socialist Concept of Disarmament . . .	210
4. The Socialist Conception of Peaceful Coexistence	212
5. The Equal Rights and Self-Determination of Peoples	220
6. International Law in the Socialist Conceptual Model of the International System	225
7. Force in the Socialist Conceptual Model of the International System	230

PART III

The General Democratic Model of the Global International System and the Functioning of the International System	236
--	------------

Chapter VI

Law and Force in the General Democratic Model of the Global International System	236
1. The Notion of a General Democratic Model of the Global International System	236
2. The General Democratic Character of Modern General International Law	240
3. The General Democratic Concept of Peace . .	242
4. The General Democratic Concept of Peaceful Coexistence of States with Different Social Systems	246
5. The General Democratic Character of Universal International Organisations	251

Chapter VII

Law and Force in the Functioning of the International System	255
---	------------

1. The Notion of a Normal Functioning of the International System	255
2. Modern Power Politics and the Functioning of the International System	257
(1) Orientation on Force and on an Arms Race	258
(2) Hegemonism	267
(3) Intervention in Internal Affairs	272
(4) Rejection of Peaceful Coexistence and Orientation on Confrontation and Anti-Communism	276
(5) Neo-Colonialism	285
3. The Politics of Force and the Science of International Law in the Capitalist Countries	288
(1) The Unsoundness of the Concept that Modern International Law Is "Classical" International Law	289
(2) The Concept that the Principle of the Non-Use of Force or Threat of Force Does Not Exist, or Else Is Inoperative	293
(3) Neglecting the Principle of the Non-Use of Force and Threat of Force	301
4. The Policy of Peace and Peaceful Coexistence and the Functioning of the International System	307
(1) Ensuring International Peace and Security and Disarmament	309
(a) <i>The Struggle of the USSR for Peace and Disarmament</i>	309
(b) <i>The Growth of the Soviet Union's Military Might and International Law</i>	312
(c) <i>The Principle of Equality and Equal Security</i>	317
(d) <i>Renouncing First Use of Nuclear Arms</i>	320
(2) Strengthening Fraternal Co-operation with Other Socialist Countries	321
(3) The Policy of Peaceful Coexistence of States with Different Social Systems	324
(4) Supporting the Struggle of Peoples for National Liberation and Social Progress	326

(5) The Policy of Developing Mutually Advantageous Co-operation with All States in Accordance with the Principles of International Law	329
Subject Index	330
Name Index	336

Foreword

The age-long problem concerning the relationship of law and force in international relations has acquired special importance in the context of today's exacerbated international tensions and increased threat of war, when "the very existence of human civilisation and possibly life on Earth are at stake."¹

While that problem is being studied by many sciences, it concerns above all the science of international relations and of international law. Unfortunately, they are divided by a substantial gap. Specialists in international relations study the different factors that influence them, but generally exclude international law. For their part lawyers specialising in international law make insufficient use of the results achieved by the science of international relations.

Yet a need has now clearly emerged for a complex, integrative approach, particularly with regard to the cardinal problem concerning the relation of law and force. As Academician B. M. Kedrov has noted, "*the differentiation of sciences* is now becoming not only a condition for their integration but also a component element of this integration.... In short, in that particular con-

¹ "Appeal of the All-Union Conference of Scientists for Freeing Humankind from the Threat of a Nuclear War, for Disarmament, and Peace", *Pravda*, 20 May, 1983.

text scientific progress currently represents an integral unity of opposite tendencies—differentiation and integration of scientific knowledge, each of these tendencies being only one side of the single process of development of scientific knowledge.”²

Knowledge of international life requires not only a growing number of disciplines that study its individual aspects and express a tendency towards science differentiation, but also an interdisciplinary, systems approach. Academician G. M. Gvishiani notes: “Expressing integrative tendencies in modern scientific knowledge, the systems approach orients special disciplines on achieving an integral, synthetic vision of complex objects studied.”³ At the same time—and this is quite important—“without claiming the philosophical generality of its conclusions, the systems approach represents a connecting link between general philosophical methodology and the methodologies of special sciences.”⁴

The present work is an attempt to apply an integrative, systems approach to studying an impor-

² B. M. Kedrov, *Klassifikatsiya nauk* (A Classification of Sciences), Vol. I, Moscow, 1961, p. 14.

³ G. M. Gvishiani, “Teoretiko-metodologicheskiye osnovaniya sistemnykh issledovaniy i razrabotka problem globalnogo razvitiya” (Theoretico-Methodological Foundations of Systems Studies and the Elaboration of Problems of Global Development). In: *Sistemniye issledovaniya. Metodologicheskiye problemy. Yezhegodnik* (Systems Studies. Methodological Problems. Yearbook), Moscow, 1982, p. 13.

⁴ *Ibid.*