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GREATER EURASIA: IN SEARCH OF A LEGAL ORDER

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Abstract. The correlation of national, supranational, trans-regional, and international legal systems is a concern of comparative legal (including their political science and international relations aspects) studies because it has decisive influence on how States position themselves within the family of nations, perceive themselves in the surrounding world community, and build relations with other nations, international organizations, and the international community as a whole. At the same time, the correlation has immense pragmatic significance, for it is the essential basis for determining which of the multi-level management legal systems operates and/or prevails when the rules binding on individuals, societies, businesses, civil services, international organizations, and interstate communities are formed within or outside of national jurisdictions. Study of this correlation is of particular importance in the context of the growing complexity of the international legal field and multilevel management systems, as well as in the light of current trends in the development of international economic and political processes. On the one hand, the growing international confrontation and misuse of international legal instruments are forcing States to take measures to protect their internal law systems. On the other hand, the need to build harmonious international cooperation requires them to open their legal systems to some extent. The article discusses the experience of various integration structures in this context. The authors claim that the project of the Greater Eurasia has the advantage of sharing a common Soviet legal heritage, which already establishes a common legal language and cohesive terminology – factors that have, for example, restrained EU integration efforts. Whatever the CIS may or may not have achieved, meeting expectations or otherwise, it represents nearly three decades of integration experience.

Keywords: Russia, U.S., China, Japan, European Union, Greater Eurasia, EAEU, CIS, multilevel legal systems, integration, law reform.

Classical international-legal doctrine in times past suggested at least two types of correlation between national and international legal systems: monistic or dualistic. There were and are many variants thereof, giving to one degree or another advantage

and supremacy in the exercise of regulatory functions either to international or national law [Tolstykh 2018].

Modern globalization and regional integration required the creation of supranational collective management structures and the emergence of supranational law. A system of multilevel management arose which gives a fundamentally different answer to the standard question of the correlation between national and international law; that correlation now involves correlations between national and supranational law, as well as between supranational and international law. Supranational law must become an organic, integral part of domestic law. The organic characteristics of such law are integration into the national law and legal system, supremacy, direct operation, and judicial defense [Evropeiskoe pravo 2018].

The search for a satisfactory and proper correlation between national, supranational, trans-regional, and international law is influenced by two multidirectional processes characteristic of the current state of the world economy and world politics. On one hand, the exacerbation of confrontational trends in international relations and the desire to use international legal instruments unfairly are forcing States to re-examine the eternal question of protecting internal law and order from destructive external influences. On the other hand, the new forms of globalization and regionalization require States to reasonably open their legal systems to the extent necessary for multidimensional and multilevel international cooperation, including approaches that would ensure a harmonious, consistent combination of national, supranational, trans-regional and international legal regulation.

This is an inherently comparative-legal process engaging, in part, the learning and lessons of comparative international law: investigation of the interface between and among competing and complementary legal systems and orders. The dissolution of the former Soviet Union, the emergence of fifteen independent States in its place, the imperative need for legal and institutional cooperation among them, the formation of sundry mini-regional communities ranging from the Commonwealth of Independent States (CIS) to the Eurasian Economic Union (EAEU) along with several others have led one of the present authors to refer to this region as a "laboratory of comparative law"[1].

In the case of integration, the old ideas embodied in monistic and dualistic concepts became obsolete. They are not helpful to the development of law and legal systems governing the transfer to integration communities of a part of sovereign powers from the nation-State and are no longer relevant. Perhaps even the basic concepts of constitutional law of the pre-integration era concerning the possibility and normalcy of conflict between national and international law, with the advent and expansion of supranational law, become less relevant. The intention of supranational law is to minimize, and not regulate, conflict.

[1] See [Butler 1996]. These observations were expanded in [Butler 2011]. For comparative studies of all twelve post-Soviet Independent States, excluding the Baltic jurisdictions, see M.I. Braginskii, W.E. Butler, A.A. Rubanov. *Fundamental Principles of Legislation on Investment Activity in the USSR and Republics* (1991); M.I. Braginskii, W.E. Butler, A.A. Rubanov. *The Law on Ownership in the USSR* (1991); M.I. Braginskii, W.E. Butler, A.A. Rubanov. *Foreign Investment Legislation in the Republics of the Former Soviet Union* (1993); W.E. Butler. *Constitutional Foundations of the CIS Countries* (1999); W.E. Butler. *Foreign Investment Law in the Commonwealth of Independent States* (2002); W.E. Butler. *The Law of Treaties in Russia and the Commonwealth of Independent States* (2002); W.E. Butler. *International Civil Procedure in Post-Soviet Space: The Participation of Foreigners* (2020).

The present study is based on the theoretical constructs outlined above; they explore and generalize some of the principal disagreements relating to the nature and relationship of national, supranational, and international law. The authors consider what has been done successfully by regional integration communities to identify the optimal balance between national and supranational law. It is suggested that supranational regulation supplants international law within the framework of a regional integration communities and is transformed into a kind of mediator in relations between national and international law. This, in turn, allows us to re-examine the systemic interdependence of national and international law.

With this in mind, the article proposes a modern vision of the relationship between trans-regional and other legal systems of multi-level governance and its applicability to the arrangement of international cooperation in the interests of the Comprehensive Greater Eurasian Partnership, the formation of which was initiated by the Russian Federation.

METHODOLOGY

Although the study was carried out individually, it can be considered as an outcome of activities undertaken by the MGIMO Department of European law to identify and explain characteristics of supranational law and international human rights law and their respective relationship with national law and general international law. The Department and individual personnel from the Department have published a large number of textbooks and monographs on the law of the European Union, the Eurasian Economic Union, the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, and the legal framework for relations between Russia and the European Union. MGIMO became a founder of the national school of European law, which continues to develop in collaboration with colleagues from Moscow State University, St. Petersburg State University, Moscow State Law Academy, Peoples' Friendship University of Russia, Higher School of Economics, Russian research centers, and regional universities.

The authors have relied primarily on the 1993 Constitution of the Russian Federation and constitutional acts of other European States; judicial decisions of the Constitutional Court of Russia and other similar courts of Germany and a number of other European countries; the established practice of the Court of Justice of the European Union and the European Court of Human Rights; a broad range of doctrinal works of Russian and foreign jurists. Numerous conversations with colleagues and discussions of issues raised in the article at numerous international conferences, colloquiums, and round tables provided invaluable assistance. Conferences held by Russian Association of International Law, Russian Association of European Studies, International Society of European Law, and European Society of International Law were especially helpful.

When conducting the research, the comparative legal approach and methods of system analysis were used. Understanding the combination of such diverse and complex phenomena as national, supranational, trans-regional, and international law is possible only with the consistent application of the tools of comparative law [Butler 1980]. Similarly, the need to resort to systems analysis is essential because multilevel management is systemic in nature, and national, supranational, trans-regional, and international law form a single regulatory system to which the modern State is subordinate.

The study assumes that the basic concepts from which the legislators, political and business elites, and the expert community of Russia proceeded in the 1990s and 2000s when constructing the relationship between national and international law and the orientation of State-formation and law reform on existing Western samples have ceased to be effective and are out of touch with reality [Entin, Entina, Osokina 2019].

All this required careful and subtle reflection on how to adapt ideas about the correlation between national, supranational, trans-regional, and international law to the needs of today, to the changes that have occurred and are continuing. The present study is devoted to such reflection.

DISCUSSION

The importance of harmonious correlation of multilevel legal systems for the Russian Federation

The weakening of cooperation in international relations and the growth of confrontational manifestations has required Russia to be more attentive to defending its legal order. The legislator, law enforcement bodies, and expert community have advanced a new approach to legal security, understood as the ability of the national legal system to effectively regulate, manage, and stimulate the development of society and at the same time resist what Russia may consider to be destructive external influence [Entin, Entina, Torkunova 2019]. The Russian Federation has taken several measures relating to "import substitution" in the legal sphere. Work in this direction continues.

However, a transition in Russia from a legal system of the "open" type to a legal system of the "closed" type is unacceptable and unnecessary. Such a transition would prejudice national interests. The task of investigating, adapting when appropriate, or introducing the best foreign or best world comparative-legal experience will continue in perpetuity.

Moreover, the Russian Federation is the vanguard and engine of Eurasian integration, the core of which has become the Eurasian Economic Union (EAEU)[2]. Increasing integration within the EAEU requires legal expansion, legal cooperation, and legal co-creation, which are possible only if national legal systems, while being reliably protected from destructive external influence, are open. The same applies to the implementation of Russia's newest geopolitical project – the formation of a Comprehensive Greater Eurasian Partnership, further discussed below.

A proper balance between the openness of the national legal system and effective legal security in the context of deepening integration and inter-regional cooperation can be found only if national legislation, law enforcement, and the projection of national legislation across borders do not allow, prevent, and remove the contradiction between national, supranational, trans-regional, and international legal systems.

The solution to this complex, but urgent and quite achievable task, is to be found in the harmonious combination of tools, methods, and regulatory mechanisms provided by all these legal systems, building the right relationships between them.

The artificial nature of the problem of correlation between national and supranational law

Discrepancies and divergences between national and supranational law are removed if supranational law in construed by States participating in the

[2] See the articles in *Russian Law Journal.* 2019. Vol. 7. No. 3.

implementation of the integration project as a common national law. In essence, both technically and procedurally, supranational law becomes national. Structural conflict between them is made impossible.

Discrepancies arise at the stage of transformation or transition of supranational law into national law, and/or when participants in an integration project allow a temporary interval between the emergence of a provision of supranational law and its metamorphosis into a provision of national law, that is, the replacement of a national legal rule by that of supranational law that has an identical object of regulation.

The instruments with the help of which these purely temporary differences are eliminated or overcome are the classical qualities of supranational law, in the absence of which supranational law ceases to be such. These instruments are automatic integration into national legal systems, supremacy, direct operation, and their application and jurisdictional protection by the same courts as with respect to a national law, to which are added specific remedies for the supranational legal order as a whole.

In doctrinal literature, a specialist in European law from Voronezh State University, Galushko pointed out that special attention is paid to the fact that EU law (as well as the law of the EAEU) is applied by the authorities of the member States, and not by the structures of the integration community that replace them; on this occasion, assumptions are made about the mixed nature of integration communities [Galushko 2018: 65-67]. The misunderstanding is removed as soon as we realize that it cannot and should not be otherwise because supranational law is inherently and for the most part a national law common to all participants in the integration project.

To be sure, a certain part of supranational law is addressed to tasks other than the uniform and harmonized regulation of domestic and cross-border relations. For example, it establishes governing bodies for integration processes and delegates sovereign powers to them, regulates inter-institutional relations, determines the decision-making and execution procedures, "re-melts" participants in an integration project into a community or union of States and peoples. Moreover, there can be no conflict between this part of the supranational and national legal systems, for they have different regulatory objects. In this respect, supranational law is completing national legal systems with a set of norms that ensure their transformation into an integral part of the wider legal space created by member States and into a single community in its relations with third countries and international organizations.

The mediating role of supranational law in combining national and international law

But if supranational law replaces national law and becomes national, at the same time turning the States participating in the integration project into a single subject of international law and international relations, it partially replaces national legal systems in their intercourse with international law. Interacting with international law is no longer national, but supranational, law. On one hand, it acts as a mediator between national legal systems and international. On the other hand, on a non-alternative basis, it prevents them from interacting directly.

The most obvious example is the customs codes of integration communities (be it the customs codes of the EU or EAEU). They insist that goods and services do not enter the market of individual States according to the requirements of their domestic law. They enter the common market and common customs territory in

accordance with the requirements of supranational law with all the legal consequences arising therefrom.

The most consistent line is followed in this respect by the Court of Justice of the European Union (CJEU). At the dawn of European integration, the CJEU made a decisive contribution to the establishment of the EU legal system as *sui generis*, disconnected from both national and international law. The Court supported a broader understanding of the powers of the EU institutions and the EU as a whole as going beyond the letter of the founding treaties of the integration community, if and to the extent that is necessary to achieve the goals of integration [Entin 1987].

In recent years, the CJEU has brought this separation to its logical conclusion. In one of its famous judgments (known as the Cadi case), the Court substantiated the concept of the EU internal legal order as a measure of compliance or noncompliance with prescriptions of international law. Later it closed the possibility for Member States to apply to international bodies external to the EU in all cases when it comes to the interpretation and application of EU law.

At the same time, the Court came to the conclusion that the EU itself should decide how to construe the relationship between supranational and international law. It decided that issues concerning the degree to which the EU is bound by international law, the nature and methods of incorporating international law into EU internal law, and determining jurisdiction and the possibility of direct application of international law to a single territory of the integration community fall under its exclusive competence. To the extent that relevant issues are regulated by the EU law, the norms of international law should be understood and applied by all member States in the same way, as if they were united in a State, not an international entity.

Legal mechanism for overcoming contradictions between supranational and international law

At the same time, the contradictions between the supranational and the international legal systems are removed because the international legal system as qualified fixes the minimum standard for the behavior of States, and the supranational fixes a more advanced, perfect system better serving the interests of Member States, and, therefore, replacing it. For example, in the fields of environmental protection, combating climate change, or protecting biological resources, EU law imposes more stringent requirements on States in comparison with international law.

In the field of human rights, with the EU Charter of fundamental rights giving them a constitutional status within the integration community, EU law establishes a more modern understanding than the European Convention on Human Rights and the Revised European Social Charter.

In the field of competition, the EU insists on compliance with its more rigorous antitrust laws and transparency rules for doing business anywhere in the world by any banks, airlines and other economic actors, operating on its domestic market.

Inadmissibility of contradictions between provisions of national and international law

To the extent that relevant issues are not governed by supranational law, relations between national legal systems and international are built according to the traditional pattern. States make the choice in favor of one or another version of the monistic or dualistic systems of law. But whatever their choice, a single rule applies everywhere – there should be no contradictions between provisions of domestic and international

law. States sign international treaties only after or at the same time as bringing their legislation and its application in line with the requirements of these treaties.

This procedure is prescribed in detail by the Federal Law of the Russian Federation on International Treaties [Butler 2013: 33-47]. Similarly, the constituent acts of the EU provide that the integration community and its member States may become parties to international agreements only when they do not contradict primary EU law.

From this angle, some believe that Article 15(4) of the 1993 Constitution of Russia in modern conditions may be obsolete. It provides that generally-recognized principles and norms of international law and international treaties of the Russian Federation are an integral part of its legal system and prevail therein. This is based on three presumptions that some consider to be controversial and opportunistic.

The first allows a discrepancy between a norm of domestic and international law. However, this categorically should not be. Russian legislation allows ratification or accession to international agreements only after determining the constitutionality of the treaty.

The second presumption elevates the provisions of international law to an absolute: it is always more progressive than the norms of national law that differ. But if the latter is replaced by the provision of common national law of an integration community, then it is compared with that of supranational law. The whole point of supranational law is precisely to offer a more detailed, more effective, more advanced regulation that exceeds the quality of provisions of international law. In relation to it, as observed above, the rule of international law is positioned as establishing only a minimum standard, below which it is impossible to go down. To rise above is desirable and beneficial.

Nonetheless, a provision of domestic law does not necessarily have to be oriented towards the minimum standard. The essence of the normative power of the State, which Russia needs to enhance for normative expansion outside, consists in the development, adoption, and application of the rule of domestic law, which would establish a higher standard. Such rules should be more advanced, promising, and attractive to others than the corresponding provisions of all other legal systems.

An exception is that part of general international law, based on the United Nations Charter, which acts as a metasystem of law and contains peremptory rules of law – *jus cogens* and *erga omnes* provisions [Sazonova 2014; Fourth report 2019], a derogation from which is not permitted under any circumstances. Ensuring their full, consistent, and indispensable observance by all States, regardless of their status and actual power, is a major task that Russia has set for itself.

The third presumption is the opposite to that of Article 15(1) of the 1993 Constitution: "The Constitution of the Russian Federation shall have the highest legal force, direct effect, and be applied throughout the entire territory of the Russian Federation. Laws and other legal acts applicable in the Russian Federation must not be contrary to the Constitution of the Russian Federation" [Butler 2013: 6]. Article 15(4) is not only based on the assumption that the rule of domestic law, including constitutional law, can diverge from a provision of international law, but also takes the provision of international law beyond the framework of the hierarchical construction of domestic law established by Article 15(1) and offers a different hierarchy.

Thus, it seems to give rise to an unacceptable situation of uncertainty of law and complicates the protection of the constitutional order in all cases where third countries, international organizations, and international bodies insist that they have

exclusive competence in interpreting the provision of international law and offer its evolutionary, innovative, or voluntary understanding. Such an understanding may not correspond to the letter and spirit of those obligations that States initially assumed.

In reality, such situations, from a legal point of view, do not arise, and it would seem that the Article 15(4) of the Constitution in the light of Article 15(1) do not interfere with effectively protecting the constitutional order of Russia because the Constitutional Court of the Russian Federation enjoys a monopoly on the interpretation of the Constitution. Its exclusive competence in this area cannot be called into question by anyone[3].

The vulnerability of this legal construct is its idealistic character. It describes how it should be. Real life is more complicated and contradictory.

There are frequent cases when preliminary work to bring national legislation into line with the requirements of an international treaty is not carried out fully, systematically, and properly. The purity of the legislative process is distorted under the pressure of lobbying interests. In the lawmaking process, influenced by opportunistic considerations, the legislator and/or the government seek to amend certain provisions of the Constitution or international treaty.

All these situations are a deviation. They are contrary to the requirements of sound and reasonable lawmaking and the creation and preservation of constitutional order. Therefore, they must be monitored continually, not be ignored. The relevant powers are entrusted to the highest judicial authorities.

However, this apparently is not enough. Perhaps establishing special civil service structures in addition to existing ones should be considered to monitor the emergence of all such situations and offer optimal solutions. Such a structure could be created within the framework of the State Duma and Soviet of the Federation. Another option would be to expand the powers of existing State structures, providing for personnel and financial support.

The importance of proper correlation between national, supranational, and international law for the emergence of trans-regional law as a tool of creating Greater Eurasia

The proposed legal construction of the correlation of national, supranational, and international law allows us to re-examine the phenomenon of trans-regional law, its differences from other dimensions of multilevel management, and how it is embedded or should be integrated into a multi-level regulatory system.

The study of this problem and the substantiation of specific recommendations are made especially relevant by the numerous conflicting geopolitical projects put forward by individual countries and groups of States to promote a world order based either on rules in general, on specific sets of rules, or on general international law, the collision of which leaves a noticeable imprint on trans-regional arrangements of Greater Eurasia.

At present, the competition between various projects to streamline and expand cooperation and interaction in Greater Eurasia, and, accordingly between projects of legalizing such cooperation and interaction, regulating the accelerating process of conjugation of Europe and Asia, Asia and Europe, is intensifying.

[3] Klishas A. The Russian Constitution Takes Precedence over International Law. – *Parlamentskaya Gazeta*. 12.12.2017. URL: https://www.pnp.ru/politics/konstituciya-rossii-imeet-prioritetpo-otnosheniyu-k-mezhdunarodnomu-pravu.html (accessed 26.02.2020).

The first joint project between Asia and Europe, launched by Singapore and France in 1996, was seen as a platform for dialogue between ASEAN countries and the EU. That project has significantly changed its geography, incorporating most neighboring countries of Asia and Europe interested in such dialogue. However, it maintained its neutral and non-binding character. At the same time, ASEM influence on the dynamics of international relations and the development of international law has remained marginal[4].

The situation was blown up by the Belt and Road Initiative, in the old manner and for simplicity, called the construction of the New Silk Road. China, already a major economy in the world, inaugurated the initiative in order to resolve problems of infrastructure support and diversification of transport corridors for delivering its goods to Central and Western Europe and ensure their security, stimulate internal development, and strengthen geopolitical positions. Such an ambitious project immediately raised the question of what legal code, in accordance with which set of norms, will regulate the Road.

This issue has generated gradually increasing concern on the part of the United States, the EU, and China's neighbors in the super-region and other countries. The United States and the EU considered the initiative to be a dominant existential priority. Considering that the practical implementation of the Belt and Road Initiative entailed a large-scale reformatting of the system of international relations and the economy not only in Greater Eurasia, but also on the scale of world politics and economics, they concluded that it is associated with the choice of a model of political and socio-economic development.

China was always criticized for the lack of transparency in economic decision-making and systematic violation of the rules of fair competition; for providing State-owned companies with financial, economic, and other privileges that contradict the laws of the open market and free enterprise; subsidizing of certain sectors of the economy and economic entities contrary to the rules of GATT/WTO; misappropriation of intellectual property rights, coercion to transfer know-how and technology, and actions to circumvent monopoly rights owned by Western companies.

Since the second half of 2018, the United States, EU, and their allies have changed their attitude towards China's economic expansion, the legal methods by which it is carried out, and Chinese policies [Lind 2019; Mitter 2019]. They launched sanctions against China, Chinese companies, and Chinese capital; amended domestic laws to provide greater control over mergers and acquisitions beneficial for companies with Chinese capital; started a trade and technological war in order to induce Beijing to abandon illegal practices and open its domestic market for the unhindered work of Western companies on an equal basis. In general, they have shifted to a full-fledged containment policy.

In 2016, the EU put the construction of a regional, trans-regional, and global rule-based order at the forefront of its updated foreign policy strategy. In September 2018, the support for the proliferation of a rule-based order became the core idea of its endorsed policy of connectivity between Europe and Asia[5]. The supreme value of

[4] Asia-Europe meeting (ACEM). URL: https://www.aseminfoboard.org (accessed 26.02.2020).

[5] *Joint Communication to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank "Connecting Europe and Asia – Building blocks for an EU Strategy"*. High Representative of the Union for Foreign Affairs and Security Policy. Brussels. 19.09.2018. URL: https://eeas.europa.eu/sites/eeas/files/joint_communication_-_connecting_europe_and_asia_-_building_blocks_for_an_eu_strategy_2018-09-19.pdf (accessed 26.02.2020).

a rule-based order was proclaimed by Brussels in a set of documents defining its policy in relation to individual countries and regions, in particular China and Central Asia, which it approved in the spring – summer of 2019[6].

However, what is the nature of the rules, what is their scope, what requirements do they provide, the EU did not specify. This means that the EU preferred to decide unilaterally on which particular rules of behavior to embody in its internal law and order to the whole of Greater Eurasia (Broad Eurasia in EU terminology).

In both cases it is obvious why Russia and China rejected the EU claims to make the approach proclaimed by it generally accepted. They saw in it an encroachment on general international law, a desire to replace common international law with their own supranational law, and an attempt to replace the regulatory system that is agreed by the entire international community by rules that are being formed in a different way.

Japan was less ambiguous. Since 2016, Japan began to promote the concept of an open trans-regional international order, which would be built on the obligatory use of transparent and generally-accepted mechanisms for concluding contracts, implementing economic projects, selecting contractors and subcontractors, combating political and economic corruption, and so on. Japan is convinced that the suppression of economic activity bypassing and violating the principles of the WTO and fair competition would allow Japan and Japan firms to regain their competitiveness in the markets of the Asia-Pacific and Indo-Pacific regions.

The Russian Federation set out its own interpretation of the legal prescriptions on which cooperation and interactions in Greater Eurasia should be built. Since 2017, the Russian Federation has begun to advance the strategy for the formation of a Comprehensive Greater Eurasian Partnership, which should be based on the United Nations Charter and the regulatory system of modern international law that has grown on its shoulders [K Velikomu okeanu... 2019].

Thus, Russia made non-interference in internal affairs and sovereign equality of States, inadmissibility of destabilization of the constitutional order and lawfully elected authorities, and an attitude of respect for cultural traditions and civilization paramount for the formation of the Comprehensive Greater Eurasian Partnership, which makes the project attractive to most potential participants.

The fierce battle between the leading world players over the legal grounds on which order should be built in Greater Eurasia is largely due to the fact that in order to support, promote, regulate, and securitize large transport, infrastructure, investment, decentralized, innovative projects of trans-regional coverage, connecting Asia and Europe / Europe and Asia, trans-regional law is needed. It must be agreed upon by sovereign participants in these projects. However, serious problems arise with its positioning in a multi-level management system.

Trans-regional law is called upon to ensure that the differences in legal regulation prevailing in previously separate integration communities and regions do not affect the properly built relationship between national, supranational, and international legal systems and do not interfere with the efficient and most rational implementation of large infrastructural projects and the creation of multi-regional value chains.

The methods of its formation are negative (lowering barriers) and positive (joint regulation) integration, development and adoption of uniform harmonized standards,

[6] Document 52019JC0005. Joint Communication to the European Parliament, the European Council and the Council EU-China – A strategic outlook. Join/2019/5 final. 12.03.2019. URL: https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52019JC0005 (accessed 26.02.2020).

or reaching agreements on pluralism of technical standards in those areas where this does not entail negative consequences. To some extent, this is the law serving the integration of integrations. In this sense it must not be rigid. It is important to conceive it as soft and flexible as possible, convenient for all participants.

The need for the formation of such a law at the current stage of strengthening global interdependence and regionalization trends was addressed by the Minister of Foreign Affairs, Sergei Lavrov, at the last session of the United Nations General Assembly on behalf of the Russian Federation[7]. The adoption of a framework declaration in support of trans-regional law by the countries of Greater Eurasia was seen an important step in this direction. The next obvious step is to develop an appropriate roadmap. It would help to remove multilayered contradictions that have accumulated in relations between China and the States gravitating towards it, on one hand, the EU and its Member States, on the other, and equally in relations between Russia and its partners, on one hand, and the EU and its Member States, on the other.

THE DICHOTOMY OF TASKS

In the context of confrontation, the forgotten tasks of correctly protecting the internal law and order from negative external influences, making the national legal system more stable, eliminating the previous distortions that made importing goods, services and technologies more profitable than comparing them with production, provision, development, and commercialization came to the forefront within national jurisdiction. This was demanded by the import substitution policy, designed to restore production chains violated by the sanctions war.

At the same time, the creation by Russia, together with neighboring countries, of a real customs union, and then the EAEU, moved the question of combining national, supranational, trans-regional, and international law for the Russian State apparatus from the sphere of abstract theorizing into the field of everyday practice. To one degree or another, it began to get involved in the formation and application of the law governing the progressive deepening of integration, jointly created by members of the integration bloc.

For its part, the EAEU Court has begun long-term painstaking efforts aimed at positioning EAEU law as an independent legal system with such important defining features as automatic integration into the national legal systems of member States, supremacy, direct operation, among others.

CONCLUSION

Before our eyes Greater Eurasia is turning from a political construct and a geographical name into political reality. China has already spent more than $300 billion on infrastructural and other projects within the framework of Belt and Road Initiative and plans to allocate up to $4-8 trillion over the next decade. New motorways, railways corridors, trunk pipelines, airports, seaports, multifunctional hubs along the East-West and North-South lines have been put into operation and are being built. The volume of container traffic from China to Central Europe by rail is growing from year to year.

In parallel with the modernization of infrastructure in Greater Eurasia and the intensification and diversification of trade and economic cooperation, the process

[7] Speech by Russian Foreign Minister Sergei Lavrov at the UN General Assembly. – *Russia 24*. 27.09.2019. URL: https://www.youtube.com/watch?v=hTcGnvwtGls (accessed 26.02.2020).

of building up regulatory mechanisms in continuing. This is evident on all floors of multi-level management. Serious changes necessary to support, ensure, and stimulate trans-regional cooperation are introduced into national legislation. The regulatory array is being debugged in order to ensure that the common market of integration communities, in particular the EU and the EAEU, works as clearly as the domestic market of the nation state, which will greatly facilitate the future integration of supranational legal systems and connectivity between them.

Free trade zones of wider geographical coverage are being formed. All the world's players are working on this. The United States will join them when bilateral negotiations underway bear fruit. As far as the EU is concerned, it has entered into new generation of free trade agreements with Canada and Japan. China has created the widest free trade zone of a special type around itself. The EAEU is confidently following the same path, having signed regular agreements with Vietnam, Iran, Singapore, and Serbia.

All the above can be considered as bricks, with the help of which States continue to pursue the construction of the trans-regional legal order, which is still "in the woods" and will remain so for some time. The minimum objective is that national, supranational, and international law and competition between them do not interfere with the conjugation of the regions that make up Greater Eurasia. The maximum objective is to establish a relationship between them that would serve the purpose of forming the Comprehensive Greater Eurasian Partnership in conjunction with the Belt and Road Initiative.

The concept of combining national, supranational, trans-regional, and international law, explored in this article, serves these purposes. It is evident that comparative legal studies, taken individually at the level of national legal systems, supranational legal systems, trans-regional legal systems, and the international legal system, including the possibility of regional international legal systems, are an indispensable prerequisite for these processes to be properly guided and/or perceived and understood. There are at least four multilevel components to be addressed, managed, and analyzed – more perhaps than any other region of the globe at the moment. An inter-disciplinary approach may prove to be most effective: legal, political science, international relations, and economics, at a minimum.

Empirical comparative studies of the material are decidedly uncommon. Some work has been undertaken at the level of the CIS. Western doctrinal writings are few indeed on the subject[8]. The Union State between Belarus and the Russian Federation, long in progress, has attracted little attention as an integration model. Greater Eurasia has the advantage of sharing a common Soviet legal heritage, which already establishes a common legal language and cohesive terminology – factors that have, for example, restrained EU integration efforts. Whatever the CIS may or may not have achieved, meeting expectations or otherwise, it represents nearly three decades of integration experience.

Comparative legal studies, together with sister disciplines, have immense potential in facilitating the understanding of integration processes and, if the parties so desire, forwarding integration processes.

[8] See W.E. Butler. *Russian Law* (3d ed.; 2009), Chapter 20, which is already more than a decade old.

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КАКОЙ ПРАВОВОЙ ПОРЯДОК НУЖЕН БОЛЬШОЙ ЕВРАЗИИ

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Аннотация. Изучение вопросов соотношения национальных, наднациональных, трансрегиональных и международных правовых систем – предмет прежде всего сравнительных правовых исследований, не исключая и те аспекты этих вопросов, которые относятся к предметному полю политической науки и международных отношений. Данные вопросы оказывают решающее влияние на позиционирование государств в мировом сообществе, выстраивание ими отношений с другими государствами и международными организациями и крайне значимы для политической практики. Соотношение правовых систем многоуровневого управления определяет, какая из них функционирует и/или превалирует – в зависимости от того, формируются ли правила поведения индивидов, общества, бизнеса, государственных институтов и служащих в пределах либо за пределами национальной юрисдикции. Особое значение изучение этих вопросов приобретает в условиях растущей сложности международного правового поля и многоуровневых систем управления, а также актуальных трендов развития международных экономических и политических процессов. С одной стороны, рост международной конфронтации и участившиеся случаи некорректного использования международных правовых инструментов вынуждают государства предпринимать меры по защите своих интересов. С другой стороны, потребность в выстраивании гармоничной международной кооперации требует от государств определенного открытия своих правовых систем. В статье рассматривается опыт различных интеграционных объединений в данном контексте. Авторы отмечают, что преимуществом проекта Большой Евразии выступает то, что в его основе лежит общее советское наследие, задающее единое языковое и терминологическое пространство (отсутствие которого тормозило европейскую интеграцию). Почти тридцатилетний опыт интеграции на пространстве СНГ является серьезным базисом для дальнейшей работы на этом направлении.

Ключевые слова: Россия, США, Китай, Япония, ЕС, Большая Евразия, Евразийский экономический союз, многоуровневые правовые системы, интеграция, правовая реформа.

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