



IRSTI 10.06.01
Scientific article

<https://doi.org/10.32523/2616-6844-2024-148-3-252-274>

On the Construction of the SCO Community with a Shared Future for Mankind – From the Perspective of International Law

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Abstract: This article is devoted to the analysis of the activities of the Shanghai Cooperation Organization SCO. The authors note the importance of the proposal by Chinese Secretary General Xi Jinping on the need to build a SCO community with a common future.

The article emphasizes that the SCO was created in order to unite humanity in terms of building a community with a common future.

The SCO's activities are based on the idea of "One Belt– one Road". However, against the background of the profound changes that have taken place over the century, it has become necessary to supplement this motto with the principle of the rule of international law.

In this article, the construction of the "SCO community with a common future" is proposed to be considered from the point of view of the priority of the principle of the rule of international law.

This will allow us to achieve the following positive results. Firstly, it will allow the SCO to develop in the future as an authoritative platform for solving the most difficult issues that are important for all mankind. Secondly, it will allow for the unification of the legal systems of different countries. Thirdly, to achieve universal prosperity, universal security, openness and mutually beneficial cooperation, equality and inclusivity.

Keywords: the rule of law, international law, SCO, common destiny, common path, international legal order

Introduction

“Kong De Zhi Rong, Wei Dao Shi Cong, Dao Zhi Wei Wu, Huang Huang Hu Hu.” [1] The occurrence and development of all things in the world have their own laws, namely “Tao”. How to make related things happen and develop according to the development laws of things themselves is to “respect virtue (Zun De)”, which is the essence of “Tao gives birth to it, virtue nurtures it (Dao Sheng Zhi, De Xu Zhi)” [1]. With the in-depth development of commercial capitalism, social division of labor, war and rationalization, the highly abstract, rationalistic and impersonal rule of law that restricts state power is considered to be an effective guarantee for social operation, including economic and social development, both in the national and international dimensions, and has become the “Tao” for the development of domestic and international society [2].

Since entering the 21st century, the world situation has undergone major changes, gradually forming a trend of profound changes unseen in a century. First, with the rapid development and popularization of communication and information technology, the degree of globalization has continued to deepen, and the economic dependence among countries has become unprecedentedly close and three-dimensional. When developing the economy and solving its own problems, any country needs to rely on the power of other countries to a greater or lesser extent. The Greece debt crisis [3] and the Turkish currency and debt crisis [4] are examples. The world is gradually showing a “community” trend. Secondly, international organizations have gradually emerged in the power field created after the transfer of power by sovereign states, and have played an increasingly important role in shaping and governing international relations. As David Kennedy said, “the current international community is an international community moving towards organization” [5] In this context, international organizations have gradually become a legal form of multilateral cooperation among countries, and “the law of international institutions, which is composed of various legal norms regulating their internal and external relations, has also become an important branch of the field of international law.” [6] Finally, the formal rationality of the rule of law can provide predictability and legitimacy for state actions. Therefore, “in order to achieve sustainable development, countries should implement the rule of law at home and promote the rule of law at the international level.” [7] In other words, the rule of law has become a recognized way of international governance. Against the background of profound changes unseen in a century, General Secretary Xi Jinping delivered an important speech entitled “Carrying Forward the Shanghai Spirit and Building a Community with a Shared Future” at the 18th Meeting of the Council of Heads of State in June 2018. On the basis of summarizing the development process of the SCO, he provided clear guidance for the SCO to promote regional development and global governance, and also played a leading role in the development of international law through its advanced ideas. “Law is the beginning of governance (Fa Zhe, Zhi Zhi Duan Ye). Building a community with a shared future for mankind is inherently linked to achieving international rule of law” [8] From the perspective of international law, the community with a shared future for mankind not only embodies the goals of human society and advanced new concepts of international relations, but also contains the basic principles and rules of international law that are binding on all countries in the world. Its basic essence is to create a beautiful world based on the common interests of mankind and the international rule

of law on the basis of adhering to the UN Charter and the Confucian philosophy of “One World, One Family (Tian Xia Yi Jia)”. However, is the current international legal system conducive to building a SCO community with a shared future? How to build a SCO community with a shared future? What are the goals and difficulties of building a SCO community with a shared future? These need to be examined and answered.

Research Methods

This article points out the shortcomings of the current legal system of the Shanghai Cooperation Organization through literature analysis, historical analysis and philosophical analysis.

Literature analysis – As the argumentative international law paradigm rises in the international law community, it provides space for third world countries to gain the right to speak in international law.

Historical analysis – This article combines the proposition of a community with a shared future for mankind proposed by General Secretary Xi Jinping to develop international law.

Philosophical analysis – this article uses the ideas of Chinese Confucian philosophy to develop international law.

Discussion

1. Theoretical reasons: the rise of the argumentative international law paradigm calls for oriental wisdom

For a long time, “regularity” has been regarded as the basic attribute of international law. The international academic community also generally believes that international law is the adjustment of relations between countries, which is achieved through the guidance and evaluation of state behavior by rules. The international community’s emphasis on the regularity of international law presupposes the “universality” of international law, namely, the “universal binding force of international law” [9] – once international law rules are formed, they are universally binding on all countries, except for individual persistent opponents, such as *jus cogens* – and that all countries in the world have a common, consistent and consensus-building understanding of international law. However, with the rise of critical legal studies in the 1980s, the traditional rule-based international law paradigm has been challenged both in theory and in practice. Different trends and forces are behind these challenges: Critical legal scholars’ reflections on Eurocentrism in international law; [10] Scholars from third world countries criticize international law for the construction and maintenance of hegemony; [11] Scholars from emerging countries attempt to claim more say in international law; [12] American scholars try to replace international law with foreign relations, [13] etc. All these indicate that the traditional international legal order dominated by the Western world, based on formal rules and with the right of interpretation controlled by Western academia, is facing the dilemma of disintegration. In other words, the traditional rule-based international law paradigm can no longer serve as the ideological basis for building the unity of the international community.

Under the impact of postmodernism, especially the rise of emerging countries, whose demands for the discourse power on international law have been continuously strengthened, and the increasing number of national practices violating international law, international law is no longer regarded as a universal truth or objective science. In this context, postmodern scholars led by Koskenniemi attempted to reconstruct international law with the help of linguistic philosophy and argumentation theory, using the concept of argumentative practice, and gradually formed an argumentative paradigm of international law. In the theory of argumentation, international law is no longer a static set of legal rules, but a dynamic process in which multiple parties compete and confront each other over the semantics of treaties. For example, Koskenniemi argues: “international law is a kind of argumentative practice. It’s about persuading target audiences such as courts, colleagues, politicians, and readers of legal texts about the legal correctness – lawfulness, legitimacy, justice, permissibility, validity, etc. – of the position one defends” [14].

From the perspective of argumentation, the international community’s attention to international law has shifted from rule identification to discourse, debate and the struggle for interpretation power, focusing on the various legal, political and technical strategies adopted by various subjects in the struggle for interpretation power. This paradigm, which regards “intersubjectivity” as a prerequisite for the study of international law, provides a debate field for debaters to put forward individual claims, and then reason, justify, promote and seek widespread acceptance of them. And in this field, other debaters can also raise objections or amendments, accept or agree. Therefore, the rise of the argumentative international law paradigm has broken the traditional rule-based Western control over the discourse power of international law, and provided a venue for emerging countries to participate in the formulation and interpretation of international law and to fight for their own interests. Because in the traditional rule-based international law paradigm, “the discourse power of international law has always been systematically in the hands of Western political, economic and international law elites,” [11] and the results of the operation of international law almost always favor Western interests, values and demands.

With the rise of developing countries represented by China, international organizations are playing an increasingly important role in shaping the international community and international law. Emerging countries and the young Shanghai Cooperation Organization need to change their role, that is, from an “outside the system country/organization” that mainly focuses on internal affairs of the country/organization and external defense to a country/organization that needs to actively participate in legal shaping and assume more responsibilities. Developing countries represented by China and the SCO should shoulder the historical mission of pursuing and shaping a more equitable international legal order, actively set the international agenda, create international legal discourse, and tell a good international legal narrative for their own peaceful development. “SCO Community with a Shared Future” is a new era international law proposition proposed by China based on the basic interests of harmonious, common and orderly development of developing countries. It has injected contemporary color and oriental wisdom into the development of international law. Because in the context of profound changes unseen in a century, the SCO’s proposition of a community with a shared future holds high

the banner of globalization, “recognizing that the current problems plaguing the world are not caused by globalization, and that globalization is an objective requirement for the development of social productivity and an inevitable consequence of technological progress.” [15] In other words, globalization contributes to the economic development of countries around the world – following the existing international legal order; On the other hand, the SCO’s proposition of a community with a shared future thinks about the future of the world from the perspective of all mankind. It draws on the grand ideals of “One World, One Family(Tian Xia Yi Jia)” and “World Peace(Shi Jie Da Tong)” in Chinese traditional culture, the philosophy of “harmony is the most precious(Yi He Wei Gui)”, “treating neighbors as friends(Yi Lin Wei Ban, Yu Lin Wei Shan)”, the value concepts of “universal love and non-aggression(Jian Ai, Fei Gong)” and “do not do to others what you do not want others do to you(Ji Suo Bu Yu, Wu Shi Yu Ren)”, and the great power sentiments of “taking the world as one’s own responsibility(Yi Tian Xia Wei Ji Ren)” and “universalism(Tian Xia Zhu Yi)”. It not only highlights the humanistic thought of the proposition, but also injects oriental wisdom into the continued development of international law.

2. Realistic reasons: Building a SCO community with a shared future is a practical need for the construction of the “Belt and Road”

“Since Chairman Xi Jinping proposed the Belt and Road Initiative in 2013, the joint construction of the Belt and Road has become China’s solution to participate in global open cooperation, improve the global economic governance system, promote global common development and prosperity, and promote the building of a community with a shared future for mankind” [16] From a geographical point of view, all SCO member states are located along the Belt and Road Initiative. Therefore, the construction of the Belt and Road Initiative is related to the development of the SCO. Moreover, “the Belt and Road Initiative, as China’s solution to promote changes in the international order and international system, is a concrete path to building a community with a shared future for mankind” [17] As mentioned above, the SCO’s proposition of a community with a shared future is an international law proposition that embodies oriental wisdom and is a new development of existing international law. Therefore, in today’s society where the rule of law has become a recognized way of governance, the construction of the Belt and Road Initiative also needs the guidance of the theory of a community with a shared future.

First, the construction of the Belt and Road Initiative requires legal protection. As former UN Secretary General Ban Ki - moon said: “We are convinced that the rule of law and development are strongly interrelated and mutually reinforcing, that the advancement of the rule of law at the national and international levels is essential for sustained and inclusive economic growth, sustainable development, the eradication of poverty and hunger and the full realization of all human rights and fundamental freedoms, including the right to development, all of which in turn reinforce the rule of law” [18] The historical experience of human development also shows that economic development cannot be separated from the adjustment of international law, because international law formed based on the will of coordination has become the basis for the normal operation of the international community after more than a hundred years of development - “formal rational law (rule of law) constructs stable expectations, and such

stable expectations are the secret of wealth” [19] Furthermore, from a practical perspective, “modern countries need to rely on the international legal system to gain recognition from the international community and seek development opportunities in international exchanges, and to facilitate their own exchanges, promote their own development, realize their own ideas, and reflect their own propositions through the normal operation of international law” [20] However, the level of regional rule of law in countries along the Belt and Road Initiative is still insufficient, especially in Central Asia. After the Cold War, due to Central Asia’s special geographical location and the influence of ethnic and religious factors, it has been in a relatively turbulent situation. This situation not only restricts the sustainable development of the regional economy, but also causes local turmoil in the region. The conflict between Pakistan and India and the conflict within Kazakhstan are examples. The theory of a community with a shared future for mankind is a model of following the current system of international law rules, as General Secretary Xi Jinping explained: “Looking at the history of the development of international law, from the principles of equality and sovereignty established in the Treaty of Westphalia to the humanitarian spirit established in the Geneva Convention, from the purposes and principles established in the UN Charter to the Five Principles of Peaceful Coexistence advocated by the Bandung Conference, these basic spirits and principles of current international law are necessary to follow in building a community with a shared future for mankind.” [21] From this we can see that the community with a shared future for mankind can provide theoretical guidance for the rule of law construction in the SCO and even in countries along the Belt and Road. Therefore, to improve the quality of the Belt and Road Initiative, it is imperative to use the concept of a community with a shared future for mankind to consolidate the status and role of international rule of law.

Secondly, it is a historical requirement for countries along the Belt and Road to build a SCO community with a shared future. Chinese scholar Su Li pointed out: “Legal system construction needs to rely on local resources. This is a convenient way for the legal system to gain people’s acceptance and recognition while changing, and then operate effectively” [22] Looking back at the history of human civilization, in the past thousands of years of civilization, Chinese civilization and the ethnic groups in Central Asia have formed an inseparable blood connection that is deeply rooted in genes through trade, intermarriage and migration. It is precisely this collision and exchange of civilizations that has forged a high sense of civilizational identity between China and the Central Asian countries and cultivated deep national feelings. “There was an endless flow of Chinese and Western envoys, caravans, tourists, scholars, and craftsmen. Countries along the way exchanged what they had, learned from each other, and jointly promoted the progress of human civilization” [23] The history of exchanges between Chinese civilization and Central Asia has verified that the construction of the Belt and Road Initiative has a profound historical foundation and a reliable space for co-governance. However, during the Cold War, Central Asia was controlled by the Soviet Union for a long time. After the disintegration of the Soviet Union, the former republics became independent one after another, and thus a geopolitical turbulence zone across the heart of the Eurasian continent, containing a large amount of strategic oil and gas resources, began to emerge. Due to its “geopolitical peculiarities, it (Central Asia) has become the world’s largest geopolitical axis. Controlling this region means controlling the entire Asia and Europe and even Africa” [24] Therefore, after the

end of the Cold War, major powers such as the United States and Europe turned their attention to Central Asia and tried to strengthen their influence in the region through multiple means such as politics, economy and military. China's economic ties with Central Asian countries have also been seriously affected by the local turmoil. In addition, under the infiltration and influence of various international forces, the ethnic separatism, religious extremism and international terrorism in Central Asia have seriously threatened the security situation in Central Asia. In order to maintain the security situation in Central Asia, continue the historical friendship between China and Central Asia, and provide a good international environment for economic cooperation between China and Central Asia, China and Central Asia must, based on their own historical and cultural backgrounds and in accordance with the basic principles of the UN Charter, shape a legal order that suits their current situation. The SCO's proposition of building a community with a shared future is a response to real needs. First, the SCO community with a shared future is based on the SCO's basic goal – maintaining regional stability and security. This effectively safeguards peace and stability in Central Asia and provides political and security guarantees for the economic construction of the Belt and Road Initiative. Secondly, the proposition of the SCO community with a shared future has transcended the SCO's basic goals. It focuses not only on political and security cooperation, but also on exchanges and cooperation in the economic and cultural fields. It advocates broadening the scope of cooperation in an open and inclusive manner, and pays attention to mutual learning and mutual benefit of civilizations in order to avoid cultural conflicts, providing guarantees for in-depth and sustainable cooperation between China and Central Asia.

In summary, whether from a theoretical or practical dimension, building a community with a shared future for mankind is a historical necessity. It is an important way for China and even Asian countries to assume international responsibilities and promote international law and world development in the new era of profound changes unseen in a century. At the same time, "taking the lead in promoting the building of the SCO community with a shared future is also an important beginning to fully leverage the SCO's regional advantages and test the scientific nature of the community with a shared future for mankind," [25] and will also promote the healthy development of regional and global governance to a certain extent.

Results

As pointed out above, the proposition of the SCO community with a shared future was put forward by China in accordance with the UN Charter, on the basis of fairness, justice and legal rules, against the backdrop of a century of change, based on the great vision of building a community with a shared future for mankind and the development of the SCO. It itself embodies the active pursuit of international rule of law and the firm recognition of the universal consensus that the rule of law promotes prosperity. Given that the international community has rich historical experience in how international law shapes the international order, it is necessary for us to examine the international law issues encountered by the SCO in building a community with a shared future from the macro to the micro level. This is also an important part of building the SCO community with a shared future.

1. Macro level: The SCO's legal system is not sound enough

Chinese scholar Zhang Yi pointed out: “The SCO's cooperation started with security needs and flourished from economic, trade and cultural cooperation.”[26] However, looking back at the SCO's development over the past 20 years, as a public product launched by member governments with security cooperation as its core, although its cooperation areas involve the economic and trade fields, cooperation in the economic and trade fields is at a relatively low stage both in depth and breadth. Based on this situation, the SCO's international legal system presents the following characteristics: First, in terms of content, the SCO's international legal system mainly focuses on cooperation in the military and political fields, and there is a relative lack of international legal norms in the economic, trade, and cultural fields; Second, in terms of rights holders, international law within the SCO focuses on intergovernmental cooperation. In other words, the governments of member states are the main subjects of rights and obligations, and there is a lack of attention to non-governmental exchanges.

First of all, in today's world, globalization remains the general trend of the world, and prosperous economic and trade cooperation requires corresponding international legal order to adjust. For example, in order to promote economic cooperation among countries, “since the 1960s, countries have signed more than 3,000 bilateral investment agreements and free trade agreements with investment chapters.”[27] These trade and investment agreements have greatly promoted the economic development of the international community. Although in the context of globalization, with the rise of the economies of developing countries such as China and Russia, and the SCO member states joining the WTO one after another, economic and trade cooperation among SCO member states has also achieved rapid development under the coordination of WTO regulations. Especially with the growth of China's strength in manufacturing and service industries, the SCO member states have not only formed an economic and trade structure with China at its core, but also effectively configured regional industrial chains among the member states. As Chinese scholar Liu Gan said: “With the continuous improvement of the economic development level of Central Asian countries and the strong complementarity of all parties in the trade field, the SCO trade development potential remains strong.” However, in contrast to the increasingly strengthened economic and trade relations, the economic and trade legal system within the SCO has developed relatively slowly, and the SCO's legal system on economic and trade cooperation focuses on the field of energy investment. For example, the SCO Charter states that economic and energy cooperation is an important area of cooperation for the SCO at the outset, and “the Charter of the Shanghai Cooperation Organization Energy Club adopted in Moscow in 2007 has become a programmatic document for SCO energy cooperation” [28] Although in recent years, with the deepening of economic and trade cooperation among SCO member states, the number of corresponding international law treaties has gradually increased, which has adjusted the economic and trade activities among member states to a certain extent, most bilateral or multilateral treaties are programmatic documents and lack specific implementation details. “The adjustment of economic and trade activities between member states still mainly relies on the WTO or other multilateral international law mechanisms to operate” [29] This shows that the SCO has not yet established an international legal system that focuses on economic and trade cooperation and highlights regional characteristics. In other words, the international legal

system within the SCO still focuses on security and military cooperation between governments, and the legal system for economic and trade cooperation is still not very sound.

Secondly, the SCO's international legal system lacks consideration for the rights of non-governmental organizations and individuals. With the deepening development of economic globalization and international human rights law, civil groups and even individuals are gradually regarded as limited subjects of international law. For example, Ulrich Petersmann, drawing on the ideas of Locke and Rousseau that sovereignty resides in the people, believes that "the sovereign state is only a shell that carries the needs of the people and must be restricted by the limited power delegated to specific individuals, while individuals are the most important legal subjects in international law." [30] Although Petersmann's argument is highly romantic, it undoubtedly shows that international law needs to pay attention to the important role of individuals and civil society groups in international law. Looking back at the development of international law in the SCO, its legal system still completely excludes individuals from legal regulation, "overemphasizing the state, nation, and class, but forgetting human rights and humanity" [31] Judging from the SCO's current legislation, the SCO's international law system is mainly composed of an intergovernmental cooperation mechanism established by member states based on political mutual trust, and its protection of non-governmental groups and individuals is far from the general development level of modern international law. The lack of attention to the rights and obligations of civil society groups and individual citizens has also led to a relatively low level of development of civil exchanges among SCO member states compared to the increasingly deepening economic ties.

2. Meso-level: The SCO's rule-oriented awareness is weak

As mentioned above, the rule of law has become a recognized necessary form of international governance, but it is undeniable that in the actual operation of international law, the absolute distinction between international law and morality, politics, and policy is difficult to maintain. This also leads to the fact that even if different countries adopt the same set of international law language, their positions, preferences, values, and imaginations are still different, making it difficult to use the same narrative to achieve a universal rule-based understanding of international law rules. Moreover, since the international community lacks centralized legislative and law enforcement agencies, states are both legislators and applicators. Therefore, "international law, as a product of the coordinated will of sovereign states, relies on the self-restraint of sovereign states for its development, which lays hidden dangers for sovereign states to abandon self-restraint and overthrow the existing international legal system" [32] - the ideal of international rule of law cannot cover up the real political order of competition among all nations. In short, rule-oriented thinking has not been widely accepted by the international community. Take the SCO as an example. The origin of the SCO is that the Shanghai Five countries established a public product based on sovereignty restrictions in order to fill the power loss and vacuum left in Central Asia after the disintegration of the Soviet Union based on their own security considerations. In essence, it is an intergovernmental security cooperation mechanism built by member states based on political mutual trust and security dependence. This also leads to the fact that "the SCO's agenda setting is not a top-down, pre-set plan, but a public product that

is repeatedly communicated and consulted among member states in a process of continuous trial and error, and ultimately confirmed based on the principle of consensus” [33] From this we can see that the SCO itself is still an organization with a strong political color and pays more attention to political mutual trust among member states.

It is worth noting that although the early development of international rule of law shows that legal equality cannot cover up the inequality in national strength, in other words, the maintenance of the international legal order is still based on the political, military and economic power of major powers. This also means that when the international law rules formulated by established powers cannot meet the interests of emerging powers and the emerging powers break with the old and establish the new, war becomes an unavoidable problem, as exemplified by the two world wars. However, with the in-depth development of international rule of law, the international community has gradually realized that “if we want to achieve stable development, we need to change the way of limiting power. How to achieve depoliticization and seek rule of law has become a core proposition” [29] Therefore, how to regulate and restrict the arbitrary expansion of sovereignty of countries through rules has become a feasible way to maintain the international order and promote the development of the international community. It has also become the inherent meaning of international rule of law in the new era, that is, rule-oriented.

Looking at the current international legal system of the SCO, its degree of regularization is relatively low. First, in terms of legal form, the legal structure of the SCO is dominated by framework agreements such as declarations and joint statements, and the relevant declarations and joint statements are mainly based on principled norms, which also leads to the low enforceability of relevant legal norms. Secondly, in the legislative dimension, since the SCO is not a top-down organizational form, but insists on the sovereign equality of its member states and relies on negotiations among member states to make legislation, this not only leads to certain key issues of the SCO remaining unresolved due to the difficulty in meeting the interests of all member states, but also leads to an extremely simplified legal responsibility framework - out of consideration for the principle of sovereign equality. Finally, in terms of the implementation mechanism, the SCO has not set up an executive body like the WTO dispute settlement mechanism, which also leads to the SCO’s legal system being undermined in its legal effectiveness due to its inability to be effectively implemented.

In summary, as a young international organization, although the SCO’s survival and development are inseparable from the political mutual trust between sovereign states, especially major powers, human historical experience shows that in order to achieve the stability and sustainable development of the SCO and promote regional and even global progress, the SCO needs to establish a rule of law framework oriented by rules. However, “although the SCO has made many achievements, objectively it has only gone through the first stage, and how to promote rule-oriented development is still a problem facing the SCO” [29].

3. Micro level: The level of rule of law varies greatly among member states

Regarding the connection between domestic rule of law and international rule of law, the Resolution on the Rule of Law at the National and International Levels adopted by the United Nations General Assembly in 2013 clearly pointed out that in today’s highly globalized world,

only when these basic values commonly recognized by mankind (rule of law and justice) are actually recognized and implemented at both the national and international levels can the rule of law demonstrate its role in social development... This is also the significance of the international community promoting international rule of law and national rule of law together. It can be seen from United Nations documents that the realization of international rule of law is closely related to the degree of domestic rule of law. If the degree of domestic rule of law is low, then the realization of international rule of law and even regional rule of law will also be difficult.

Judging from the current status of the rule of law in SCO member states, the rule of law in some of them is still slightly insufficient. Therefore, the uneven level of rule of law among member states has also affected regional economic cooperation to a certain extent. Take China as an example. Although China is at a relatively high level in terms of its participation in regional energy cooperation, it has not yet signed treaties with international legal status, such as the Energy Charter Treaty, the United Nations Convention on Multimodal Transport of Goods, and the Multilateral Agreement on Investment. These treaties are precisely the ones that can guarantee the mutual benefit of cooperation between China and other SCO member states in the field of energy trade. Since China's legal system in the energy field is difficult to effectively connect with the international energy legal system, this has also caused China's "competition with the United States, the European Union, Japan, South Korea, India and other countries to become more complicated." [34] However, since "international legal norms and domestic legal norms have achieved internal harmony and consistency within their respective legal systems, and are generally interrelated, mutually causal, mutually penetrating, and mutually reinforcing" [35], and "legal globalization has evolved into a trend of denationalization, standardization, convergence, and integration of law, which has profoundly affected the construction of legal systems in countries around the world," [36] therefore, in order to promote the construction of the SCO community of shared future, the SCO should improve the level of domestic rule of law in its member states by shaping regional international law and leveraging the influence of regional international rule of law on domestic rule of law. For example, as the SCO member states joined the WTO, they gradually constructed their own legal rules in accordance with high-level international economic and trade rules, gradually achieved alignment with WTO rules, and substantially promoted the beneficial development of the SCO regional economic and trade cooperation.

However, it is worth noting that "the specific rule of law that is suitable for a country is not a set of abstract de-contextual principles and rules, but involves a knowledge system. A living and effective legal system requires a large amount of constantly changing specific knowledge." [22] In other words, in the process of domesticating international law, SCO member states often need to retain some legal systems with their own cultural characteristics and combine them with the introduced legal systems to achieve the innovation and development of their own laws. Therefore, when the SCO improves its own rule of law, it cannot simply achieve this by unilaterally changing itself and adapting to the current legal rules dominated by Western values. Instead, it "should listen more to the voices of relevant countries, integrate the SCO's propositions with the interests of member states, find the greatest common denominator of cooperation in differences, and explore an international path that can be accepted by all members." [37] Therefore, how to realize the role of international rule of law in promoting

domestic rule of law has also become an important issue in building the SCO community with a shared future, and is also the key to testing the collective wisdom and governance capabilities of SCO member states.

Conclusion

End value is the ultimate goal or ideal pursued by the subject, as Aristotle said: “(Ends) are those things that are worth desiring for their own sake.” [38] With the help of the philosophical definition of purpose value, we can know that the purpose value of international law is to determine the long-term development, overall development, fundamental goals and rule of law ideals of international law, and it can also guide the establishment of specific principles and rules of international law. Through the purpose value of international law, we can use it as a value standard to provide value guidance for promoting the construction of the SCO community with a shared future and solving relevant international law issues. When explaining the value pursuit of a community with a shared future, General Secretary Xi Jinping pointed out: “We must work together with the people of the world to build a community with a shared future for mankind and build a world of lasting peace, universal security, common prosperity, openness, inclusiveness, cleanliness and beauty” [39] From General Secretary Xi’s remarks, we can see that when building the SCO community with a shared future, its value system of “development concept of common prosperity, security concept of universal security, cooperation concept of openness and win-win, civilization concept of equality and inclusiveness, and governance concept of consultation, joint construction and sharing” has also become the basic basis for shaping the SCO’s international legal framework and measuring the quality of the SCO’s future development.

1. Development concept of common prosperity as the guide

Peace and development are the themes of today's world and are often included in international treaties, declarations or regional agreements. Even though newly signed international agreements may no longer mention the value of peace, almost all international treaties will reaffirm the value of development, such as the “Millennium Development Goals” and the “2030 Agenda for Sustainable Development” proposed by the United Nations. From a realistic perspective, the painful lessons of the two world wars also tell the entire human society that confrontation and plunder will only continue to compress the space for human survival and development. How to promote the coordinated progress of the region and even the entire international community and ultimately achieve common prosperity is the theme of international law in the new era. Therefore, the first priority in building the SCO community with a shared future is still development. However, this is not development that simply comes at the cost of environmental pollution or development that enriches only some people, but rather innovative, green, coordinated, open and shared development guided by the concept of a community with a shared future for mankind.

Specifically, the development of common prosperity first requires the improvement of economic size. In the past two hundred years, Western developed countries represented by

Britain and the United States have made outstanding contributions to the development of the world economy. As a Chinese scholar said: “Without the strong promotion of developed countries in the past few centuries, global economic development would be much worse.” [40] However, with the general development of globalization, post-developed countries represented by China and Russia are playing an increasingly important role in global economic development. In particular, as the political actions of European and American countries such as “trade protectionism” and “anti-globalization” interfere more and more in economic activities, post-developed countries such as China and Russia that advocate openness and win-win cooperation should play a leading role in economic development and assume a greater role in formulating economic rules and maintaining the global economic order. In the SCO regional economic cooperation, China and Russia should not only use their own economic advantages to optimize the allocation of resources and industrial chains to drive the overall economic development of the region, but also adhere to technological innovation and environmental protection under the guidance of the concept of a community with a shared future for mankind, so that the SCO regional economy can not only develop, but also develop sustainably.

In addition, the development concept of common prosperity not only guides the SCO member states in the construction of international law in the production dimension, but also plays a guiding role in the construction of international law in the distribution field. Although the international legal system dominated by Western values has greatly promoted the rapid development of the global economy to a certain extent, as pointed out in the United Nations 2019 Sustainable Development Goals Report: “Although the world has achieved leapfrog development driven by developed economies such as Europe and the United States, there are still obvious shadows under the sunshine. Currently, there are still hundreds of millions of people in the world living in extreme poverty and most of them are in underdeveloped areas.” [41] From this, we can see that the main role of the current international legal system dominated by European and American countries is to maintain its development dividends. To achieve common prosperity, it is necessary to improve the current international legal order, improve the current interest distribution pattern, and build the SCO into a platform that adheres to coordination, openness and sharing.

2. Universal security as a guarantee

The two world wars made mankind realize the importance of peace values, and with the deepening development of globalization, people hope for long-term peace, as Kant said: “The unconscious acts of war between humans and their tragic consequences will prompt people to consciously seek peace; only in a peaceful state can human rational endowment be fully exerted” [42] When the SCO was first established, its purpose was to combat the “three major forces”. Therefore, in the context of a century of change, practicing a common, comprehensive, cooperative and sustainable security concept should be the inherent meaning of building a SCO community with a shared future, and it is also an objective guarantee for the economic prosperity and development of the SCO.

It is worth noting that the definition of security in international law in the past was only a narrow one, namely “no threat of force” and “peaceful settlement of disputes”. The common, comprehensive, cooperative and sustainable security concept of the SCO community with a shared future is a new era of broad security. In short, it is a “security community” [43].

The concept of “security community” has a profound foundation in international law and also has a strong influence in the international legal community. Since Richard Van Wagenen proposed the security community theory, it has gradually become a relatively complete and mature theory through the development of Karl W. Deutsch, Emanuel Adler, Michael Barnett and others. In the view of the above-mentioned scholars, the security community is “a transnational region composed of sovereign states, in which the people have reliable expectations for peaceful change.” Its core concept is to “view international relations as a process of social learning and identity formation driven by transactions, interactions, and socialization.” “And the recognition and identification between state actors are the key factors in ensuring the possibility of a peaceful change process” [44] In a security community, because people have a deep sense of community, countries will eventually give up using force to achieve their own interests.

The process of building the SCO community of shared future is also the process of forming a security community. In this process, the SCO member states must first abandon the Cold War mentality of group confrontation; Secondly, we need to persist in regional cooperation and build a sense of community among member states through economic, trade and cultural cooperation. Finally, SCO member states should stop acting independently and build a relevant security responsibility system under the guidance of the concept of a community with a shared future to provide stable expectations for state behavior.

3. Open and win-win cooperation as a path

“The opposite of win-win value is zero-sum thinking. Historically, zero-sum thinking has long dominated international political and economic relations. In order to pursue their own interests, various countries or nations have engaged in irrational behaviors such as fighting each other, abusing force, winner-takes-all, and closing the country to the outside world” [45] Even in today’s society where the rule of law is accepted as a universal value, there is still a zero-sum mentality. For example, “the current international rules are dominated by Western developed countries led by the United States, including the international security governance system centered on the United Nations and the world economic governance structure composed of the Bretton Woods system” [46] However, the current international legal system, which embodies zero-sum thinking, is unable to cope with the rapid development of the global economy under the changes of the century, and its world economic governance structure is not enough to deal with new financial crises and anti-globalization problems. The reasons are as follows.

First, although the current WTO trade rules system has achieved relative restrictions on sovereignty, it still leaves considerable power space for great power politics. For example, when the WTO was established, Western developed countries, led by Europe and the United States, reaped huge dividends from free trade. However, after the financial crisis in 2008, developed countries in Europe and the United States became increasingly aware that the current trade system could hardly provide them with huge trade dividends. Especially after the Sino-US trade war, anti-globalization and trade protectionism have gradually become the main weapons of European and American countries to fight against WTO trade rules. This means that the current international trade system is difficult to constrain powerful countries. When the rules cannot meet the interests of major powers, there is often a risk that major powers will use the expansion of sovereignty to confront or even overturn the existing system.

Secondly, zero-sum thinking contains the logic of hegemony. The painful experiences of the two world wars have taught mankind that when emerging countries are not satisfied with the distribution of benefits provided by the rules set by established powers, they often use war to break existing rules or subvert the current international order. Established powers will also be hostile to emerging countries and use various means to maintain the current order. For example, “the economic rise of emerging countries represented by China has already posed a threat to the hegemony of the United States. The United States has shifted its own economic problems to emerging economies such as China, exposing its misjudgment of the Thucydides Trap, and the Sino-US trade war is sufficient proof of this.” [47] Moreover, in order to restrict China’s development, the United States has been constantly confusing the international public opinion, emphasizing that China has excessively gained benefits in the WTO, and “the United States has also attacked China with the issue of non-market economy status, and repeatedly emphasized substantive issues in the procedural reform of the WTO Appellate Body in order to suppress China’s influence.” [48]

From historical experience, we know that the construction of the SCO community with a shared future need to avoid the zero-sum mentality in the traditional international law system, so as to promote the development of the SCO regional economy in the direction of openness, inclusiveness, universality, balance and win-win results. This requires the SCO to first avoid excessive dependence on major powers, so as to achieve substantive equality in regional economic cooperation and thus strengthen the stability of the SCO’s internal economic system. Furthermore, the SCO needs to completely abandon the logic of hegemony, as General Secretary Xi Jinping said: “Today, as economic globalization deepens, the law of the jungle and winner-takes-all is a dead end that is getting narrower and narrower. Inclusiveness, universal benefits, mutual benefit and win-win are the right path that is getting wider and wider.” [49] Therefore, the SCO’s cooperation should be based on consultation and joint construction on the basis of equality, and establish major power relations based on mutual understanding and trust in an open manner.

Of course, economic cooperation among SCO member states inevitably requires the maintenance of legal order. Formal rational legal order can enable “people to think and understand problems according to one or similar logic, so that the entire market economy can operate.” [22] Therefore, General Secretary Xi proposed the establishment of the “China-Shanghai Cooperation Organization Legal Services Committee” at the SCO Qingdao Summit. In the past few years, the committee has provided tremendous legal support for the SCO to enhance its rule of law capacity, optimize the business environment, innovate legal service methods, and improve diversified dispute resolution mechanisms. It has also provided a feasible path for the SCO to establish an open and win-win economic and trade community.

4. An equal and inclusive civilization as a boost

The traditional international law system is dominated by Western values, and European and American countries, relying on their strong economic and political power, believe that their civilization is superior. For example, Article 38 of the Statute of the International Court of Justice, established after World War II, states: “General principles of law recognized by civilized nations.”

The reason why “civilized” is defined as a qualifier of a country is that Western countries exclude uncivilized nations from the international order and exclude them from the interpretation and application of international law. “Obviously, when this article was formulated, the Western world had already excluded many non-European nations from civilization.”[50] By the end of the 20th century, when Samuel Huntington published *The Clash of Civilizations*, civilization discrimination reached its peak. If the West had previously looked down on other civilizations from a top-down perspective, then *The Clash of Civilizations* raised the West’s attitude toward other civilizations to the level of hostility. For example, Huntington pointed out: “In the post-Cold War world, the fundamental source of conflict is no longer ideology, but cultural differences. The conflict of civilizations will dominate the world” [51].

However, with the rise of anti-colonialism after World War II, many third world countries gained independence and the “theory of civilizational superiority” gradually lost its market. The United Nations established after World War II embodied the characteristics of this era. For example, the first article of the UN Charter confirmed the sovereign equality of all countries. This was also the first time that the international community “clearly defined the equality of large and small countries in international law without explicit distinctions or differences, thus eliminating the old traces of the previous limitation on Christian civilization countries (such as the Westphalian system) or the center (such as the League of Nations), and providing legal guarantees for the inclusion of all members of the international community” [52].

The concept of a community with a shared future not only conforms to the prevailing view of international law that different civilizations should be treated equally, but also includes the idea of “harmony(He)” in Chinese Confucian philosophy: “harmony creates life, sameness does not continue(He Shi Sheng Wu, Tong Ze Bu Ji)”, “all things grow together without harming one another, all paths run parallel without contradicting one another(Wan Wu Bing Yu Er Bu Xiang Hai, Dao Bing Xing Er Bu Bei)”, and “the beauty of a harmonious soup lies in the harmony of differences(He Geng Zhi Mei, Zai Yu He Yi)”. These ideas of harmony are the inclusiveness of modern international law towards different civilizations, and confirm its legitimacy in the philosophical dimension. The SCO member states have different civilizations, such as Confucian civilization, Islamic civilization, Hindu civilization, Orthodox civilization, etc. Different civilizations have nurtured different national characters and behaviors. Therefore, the SCO community with a shared future should adhere to the correct view of international civilization and uphold the equal status of different civilizations. There are bound to be more or less differences and conflicts between civilizations, and the basic way to uphold an equal and inclusive view of civilization is to communicate and learn from each other, insist on dialogue on the basis of equality, thereby eliminating barriers and replacing civilization conflict with civilization mutual learning, so that the theory of civilization coexistence surpasses the theory of civilization superiority and truly realizes the integration and commonality among different civilizations in the SCO.

5. Supported by the governance concept of joint consultation, joint construction and joint sharing

Realist scholar Krasner once pointed out that there are often multiple equilibrium problems in the design of international institutions. He used the coordination game model rather than market failure to explain the design of international institutions. He believed that “the

distribution of national power can better explain the nature of institutional arrangements” [53]. In other words, in the process of shaping the international order, powerful countries often have stronger bargaining power. In contrast, the political preferences of weaker countries are often difficult to be fully reflected, or even cannot be reflected.

In the past international order, whether it was the cession of Shandong Province in China to Japan at the Paris Peace Conference, or the cession of Czechoslovakia’s territory to Germany in the Munich Agreement, these international law practices have shown that the international order is mostly centered around the interests of major powers. The community of shared future completely abandons the hegemonic thinking in the traditional international order, and is based on the concept of “the world belongs to all (Tian Xia Wei Gong)” and advocates “maintaining trust and friendship, and achieving harmony among all nations (Chang Xin Xiu Mu, Xie He Wan Bang).” Especially in the context of profound changes unseen in a century, the world situation and international order have become more complicated. How to establish an international order based on fairness, equality, democracy and the rule of law in the turbulent modern society requires the SCO member states to discuss and build together and finally share the results. Consultation means that member states jointly participate in the law-building process on an equal basis. The SCO should listen more to the voices of relevant countries, combine the SCO’s propositions with the interests of member states, and find the greatest common divisor among the differences. Only in this way can a fairer and more universal legal system be built through a more democratic procedure. Co-construction emphasizes that building the SCO community with a shared future requires the gathering of forces from multiple parties. A single thread cannot make a line, and a single tree cannot make a forest. Building the SCO community with a shared future is not only the responsibility of all member states, but also indirectly demonstrates the principle of equality of state sovereignty. “The current anti-globalization is closely related to the imbalance in the distribution of global benefits. Therefore, it is necessary to change the past winner-takes-all mentality and advocate new win-win and multi-win concepts to promote international rule of law.”[54] This is not only an objective requirement for sharing, but also a practice of the Chinese Confucian philosophical concept of “the way of the great road is for the public(Da Dao Zhi Xing, Tian Xia Wei Gong)”, and provides a new direction for the SCO to create new opportunities, seek new development, expand new areas, and achieve complementary advantages and mutual benefit and win-win results under the context of profound changes unseen in a century.

Conclusion Remarks

General Secretary Xi Jinping once pointed out at the 2017 Belt and Road Forum for International Cooperation Roundtable Summit: “The Shanghai Spirit is our commonwealth, and the Shanghai Cooperation Organization is our common home. We must continue to be guided by the Shanghai Spirit, work together in solidarity, cooperate sincerely, and work together to build a community with a shared future for the Shanghai Cooperation Organization, promote the building of a new type of international relations, and work together to move towards a world of lasting peace, universal security, common prosperity, openness, inclusiveness, cleanliness and beauty.”[55] In

the context of profound changes unseen in a century, the construction of the SCO community with a shared future not only conforms to the new trends of international development and contains new theories and practices of international organization law with oriental wisdom, but also responds to the demand for discourse power in international law against the backdrop of the rise of the dialectical paradigm and the rise of Asia. The SCO theory of a community with a shared future provides theoretical guidance for comprehensively utilizing the existing rules of international law and building a more democratic and comprehensive legal system that conforms to the local characteristics of the SCO member states. At the same time, the SCO theory of a community with a shared future has fully overcome and abandoned the dregs of hegemonic logic, zero-sum thinking and other dross in the traditional international law system, and has formed a mature and complete new theory of international law by establishing a security concept of universal security, a development concept of common prosperity, a cooperation concept of openness and win-win, a civilization concept of equality and inclusiveness, and a governance concept of consultation, joint construction and sharing. As the originator of the SCO's community with a shared future, China "faces increasing global challenges, we must demonstrate our due international responsibility, adhere to the global governance concept of extensive consultation, joint construction and shared benefits, closely coordinate and cooperate, safeguard the international system with the United Nations at its core, promote multilateralism and free trade, and push the international order in a more just and reasonable direction." [56]

Authors' Contribution

All of the authors contribute equally to this article.

References

1. Wang B., Annotations and Interpretations of Laozi's The Tao-te Ching. - Peking: Peking University Press, 2008. - S.52, 136. [In Chinese]
2. Heyong W. On the Amendment to China's Universal Jurisdiction under the Profound Changes Unseen in a century//Вестник Казахстанской Ассоциации международного права.//2024.-No.1.- st. 34.
3. Amadeo K., Greek Debt Crisis Explained, the Balance[Electronic resource] - URL:<https://www.thebalance.com/what-is-the-greece-debt-crisis-3305525>[accessed 29.6.2024].
- 4.2018-2022 Turkish Currency and Debt Crisis - URL:https://en.wikipedia.org/wiki/Turkish_currency_and_debt_crisis,_2018[accessed 29.6.2024].
5. Kennedy D. W. The Move to Institutions//Cardozo Law Review.- 1987.- No.8-p. 841.
6. Liang X. International Institution Law (General Part). - Wuhan: Wuhan University Press, 2001. - S.3. [In Chinese]
7. Annan Resolution adopted by the General Assembly on 16 September 2005 - URL:<https://documents.un.org/doc/undoc/gen/n05/487/60/pdf/n0548760.pdf?token=Tzbf9kISFFYBzi0Xhy&fe=true>[accessed 29.6.2024].
8. Zhang X. J. Respect the authority of international law and maintain international order - URL:<https://theory.people.com.cn/n1/2018/1016/c40531-30344197.html>[accessed 29.6.2024].

9. Jennings R. and Watts A. (eds.). *Oppenheim's International Law*. - Cambridge: Cambridge University Press, 1992. - S.91. [In Chinese]
10. Koskenniemi M. *Histories of International Law: Dealing with Eurocentrism// Rechtsgeschichte*.-2011.- No.19.- st.152-176.
11. Chimni B. S. *International Law and World Order: A Critique of Contemporary Approaches*. - Cambridge: Cambridge University Press, 2017. -S.121.
12. Cai C. Y. *The Rise of China and International Law: Taking Chinese Exceptionalism Seriously*. - Oxford: Oxford University Press, 2019. -S.315.
13. Bradley C. A., Deeks A. S., Goldsmith J. L. *Foreign Relations Law: Cases and Materials*. - Abingdon: Taylor & Francis Ltd, 2014. -S.176.
14. Koskenniemi M. *Methodology of International Law*, in *Max Planck Encyclopedia of Public International Law* - URL:<http://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780-19923-e1440>[accessed 29.6.2024].15.Jin Ping X. *Share the responsibilities of the times and promote global development//People's Daily*.-13 March, 2018. [In Chinese]
16. At the symposium on the fifth anniversary of the Belt and Road Initiative, Xi Jinping stressed the need to persist in dialogue and consultation, build together, share together, cooperate for win-win results, exchange and mutual learning, and promote the Belt and Road Initiative to go deeper and more practical, benefiting the people -URL:https://www.gov.cn/xinwen/2018-08/27/content_5316913.htm[accessed 29.6.2024]. [In Chinese]
17. Liu X. H. *China's Private International Law Legislation in the Past Forty Years: System, Concept and Direction//Law Science*.-2018.-No.10.- st.3-21. [In Chinese]
- 18.Ki-moon B. *Resolution adopted by the General Assembly//A/RES/67/1//2012*. [In Chinese]
19. Jiang S. G. *The construction of national rule of law capacity: legal governance capacity and rule of law skills//Economic Herald*.-2019.-No.8.-st.23-29. [In Chinese]
20. Mushkat R. *State Reputation and Compliance with International Law: Looking through a Chinese Lens//Chinese Journal of International Law*.-2011.-No.4.-st.703-737.
21. Xi J. P. *Building a community with a shared future for mankind//People's Daily*.-20 January, 2017. [In Chinese]
22. Su L. *The Rule of Law and Its Local Resources*. - Peking: Peking University Press, 2004. - S.16. [In Chinese]
23. Xi J. P. *Promote people-to-people friendship and create a better future//People's Daily*.-8 September, 2013. [In Chinese]
24. Brzezinski Z. *The Grand Chessboard: American Primacy and Its Geostrategic Imperatives*. -Shanghai: Shanghai People's Publishing, 1998. -S.42. [In Chinese]
25. Liu X. H., Feng S. *On the Construction of the Shanghai Cooperation Organization Community with a Shared Future for Mankind from the Perspective of International Law>//Journal of Shanghai University of Political Science and Law(The Rule of Law Forum)*.-2020.- No.3.- st.1-17. [In Chinese]
26. Zhang Y. *Cooperation brings benefits, cooperation brings prosperity - Written on the occasion of the 18th meeting of the Council of Heads of State of the Shanghai Cooperation Organization//Guangming Ribao*.- 8 June, 2018. [In Chinese]
27. Wang G. G. *Rule of International Law in Profound Changes Unseen in a Century//China Law Review*.-2022.-No.1.-st.1-22. [In Chinese]

28. Liu Q. Multilateral Energy Cooperation Mechanism of the SCO and China's Participation Strategy// Journal of China University of Petroleum(Edition of Social Sciences).-2013.-No.6.-st.1-7. [In Chinese]
29. Liu X. H. China's Private International Law Legislation in the Past Forty Years: System, Concept and Direction//Law Science.-2018.-No.10.-st.3-21. [In Chinese]
30. Petersmann E. U. International Economic Law in 21st Century: Constitutional Pluralism and Multilevel Governance of Independent Public Goods. - Oxford: Oxford University Press, 2012. - S.504.
31. Midlerson R. A. Human Rights and the Individual as Subject of International Law: A Soviet View// European Journal of International Law.-1990.-No.1.-st.33-43.
32. Cai C. Y. The Problems of Great Powers in International Law//Chinese Journal of Law.-2012.-No.6.-st.188-206. [In Chinese]
33. Yang C. An analysis of the necessity and prospects of the Shanghai Cooperation Organization's transformation//China International Strategy Review.-2019.-No.1.-st.33-47. [In Chinese]
34. Menon R. The New Great Game in Central Asia//Survival.-2003.-No.2.-st.197-199.
35. Li L., Wang X. G. A Jurisprudential Reflection on the Relationship between International Law and Domestic Law: A Discussion on the Views of Asian Countries on This Issue//Modern Law Science.-2001.-No.1.-st.13-19. [In Chinese]
36. Zhang W. X. WTO and the Development of China's Laws//Law and Social Development.-2001.-No.1.-st.3-12. [In Chinese]
37. Yuan F. Q. The Construction of International Civil and Commercial Dispute Resolution Mechanism under The Background of The Belt and Road Initiative//Seeking Truth.-2018.-No.5.-st.82-90. [In Chinese]
38. Aristotle. Nicomachean Ethics, translated by Liao Shenbai. - Peking: The Commercial Press, 2003. - S.18. [In Chinese]
39. Huang H. K. China's Diplomacy and International Law. - Peking: The Commercial Press, 2019. - S.477. [In Chinese]
40. Zhen B. X. Rethinking Economic Globalization//China International Studies.-2007.-No3.-st.86-106. [In Chinese]
41. The UN, The Sustainable Development Goals Report - URL:https://unstats.un.org/sdgs/report/2019/The-Sustainable-Development-Goals-Report-2019_Chinese.pdf[accessed 29.6.2024]. [In Chinese]
42. Kant I. The Complete Works of Kant(Volume VIII).-Peking: China Renmin University Press, 2010.-p.31-32. [In Chinese]
43. Liu Z. Y. Implementing the Global Security Initiative and Building a Human Security Community.- URL:<http://theory.people.com.cn/n1/2023/0506/c40531-32679689.html>[accessed 29.6.2024]. [In Chinese]
44. Emanuel A. & Micheal B. Security Communities. - Cambridge: Cambridge University Press, 1998. - S.30-35.
45. Ma Z. F., Xie D. Y. On the Value Structure of International Law under the Concept of a Community with a Shared Future for Mankind//Wuhan University International Law Review.-2022.-No.2.-st.1-20. [In Chinese]
46. Lu J. The Current Institutional Dilemma of Global Governance and Its Reform//Foreign Affairs Review//2014, No.1, st.107-121. [In Chinese]
47. Shen W. The Thucydides Logic and Containment and Anti-containment Through Rule-making-- The Underlying Reason Behind the Sino-US Trade Friction//Frontiers.-2019.-No.1.-st.40-59. [In Chinese]

48. General USTR Report on The Appellate Body of The World Trade Organization - URL: https://ustr.gov/sites/default/files/Report_on_the_Appellate_BBody_of_the_World_Trade_Organization.pdf [accessed 29.6.2024].

49. Xi J. P. Jointly Building an Innovative, Inclusive and Open World Economy——Keynote Speech at the Opening Ceremony of the First China International Import Expo//People's Daily.-6 November, 2018. [In Chinese]

50. Gong G. W. The Standard of Civilization in International Society. - Oxford: Oxford University Press, 1984. - S.136. [In Chinese]

51. Huntington S. The Clash of Civilizations and the Remaking of World Order. - Washington D. C.: I.B. Tauris, 1998. - S.1. [In Chinese]

52. Zhang N. G. On the "Inclusiveness" of International Law and International Order: From the Perspective of Charter of The United Nations//Jinan Journal(Philosophy and Social Science).-2015.-No.5.-st.112-124. [In Chinese]

53. Krasner S. D. Global Communications and National Power: Life on the Pareto Frontier//World Politics.-1991.-No.3.-st.336-366.

54. Gong B. H. The "Three Common" Principle is The Cornerstone of International Law for Building a Community with a Shared Future for Mankind//Oriental Law.-2018.-No.1.-st.30-37. [In Chinese]

55. Xi J. P. Open up a new starting point for cooperation and seek new driving force for development//People's Daily.-15 May, 2017. [In Chinese]

56. Xi J. P. Let us unite our hearts and minds, work pragmatically and create a better future for the Shanghai Cooperation Organization/People's Daily.-15 June, 2019. [In Chinese]

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О построении сообщества ШОС с единой судьбой человечества – С точки зрения международного права

Аннотация: данная статья посвящена анализу деятельности Шанхайской организации сотрудничества ШОС. Авторы отмечают значение предложения Генерального секретаря Китая Си Цзиньпина о необходимости построения сообщества ШОС с единым будущим.

В статье подчеркивается, что ШОС создана для того, чтобы объединить человечество с точки зрения построения сообщества с единым будущим.

Деятельность ШОС основывается на идеи «Один пояс – единый путь». Однако на фоне глубоких перемен, произошедших за столетие, возникла необходимость дополнить данный девиз принципом верховенства международного права.

В данной статье построение «сообщества ШОС с единым будущим» предлагается рассматривать с точки зрения приоритета принципа верховенства международного права.

Это позволит достичь следующих положительных результатов. Во-первых, позволит в будущем развивать ШОС как авторитетную площадку для решения сложнейших вопросов,

значимых для всего человечества. Во-вторых, позволит провести унификацию правовых систем разных стран. В-третьих, достичь всеобщего процветания, всеобщей безопасности, открытости и взаимовыгодного сотрудничества, равенства и инклюзивности.

Ключевые слова: верховенство права, международное право, ШОС, единая судьба, единый путь, международный правопорядок

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Адамзат тағдыры ортақ ШЫҰ қоғамдастығын құру туралы – Халықаралық құқық тұрғысынан

Аннотация: Бұл мақала Шанхай Ынтымақтастық Ұйымының ШЫҰ қызметін талдауға арналған. Авторлар Қытайдың Бас хатшысы Си Цзиньпиннің болашағы біртұтас ШЫҰ қауымдастығын құру қажеттілігі туралы ұсынысының маңыздылығын атап өтеді.

Мақалада ШЫҰ адамзатты қоғамдастық құру тұрғысынан біртұтас болашақпен біріктіру үшін құрылғанын атап көрсетеді.

ШЫҰ қызметі "Бір белдеу – бір жол" идеясына негізделген. Алайда, ғасырда болған терең өзгерістер аясында бұл ұранды халықаралық құқықтың үстемдігі қағидатымен толықтыру қажеттілігі туындады.

Бұл мақалада "болашағы біртұтас ШЫҰ қауымдастығын" құруды халықаралық құқықтың үстемдігі қағидатының басымдығы тұрғысынан қарастыру ұсынылады.

Бұл келесі оң нәтижелерге қол жеткізуге мүмкіндік береді. Біріншіден, болашақта ШЫҰ-ны бүкіл адамзат үшін маңызды күрделі мәселелерді шешу үшін беделді алаң ретінде дамытуға мүмкіндік береді. Екіншіден, әртүрлі елдердің құқықтық жүйелерін біріздендіруге мүмкіндік береді. Үшіншіден, жалпыға бірдей өркендеуге, жалпыға бірдей қауіпсіздікке, ашықтыққа және өзара тиімді ынтымақтастыққа, теңдік пен инклюзивтілікке қол жеткізу.

Түйінді сөздер: Құқық үстемдігі, халықаралық құқық, ШЫҰ, бір тағдыр, бір жол, халықаралық құқықтық тәртіп.

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