

**INTERNATIONAL LAW
AT THE IVAN FRANKO NATIONAL UNIVERSITY
OF LVIV**



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The Ivan Franko National University of Lviv is a center of international law in Ukraine. An outstanding group of well-known international lawyers is linked with the University: Sir Hersch Lauterpacht, Judge Manfred Lachs, Professor Louis B. Sohn, Raphael Lemkin, H. Roshkovskiy, S. Dnistrianskyi, Z. Tsybikhovskiy, Ludwig Erlich, N. Nedbailo, and others are worthy of mention.

Although there was almost no development of international legal studies at Lviv University during the Soviet period, the Chair of International Law began to function again in 1991 with the proclamation of the independence of Ukraine. Since then a new generation of international law specialists has been created. Considerable progress can be seen in the last five years.

Twelve dissertations for the candidate of legal sciences were successfully defended at specialized councils in Kyiv, Kharkiv, and Odessa from 2008 to 2011:

in 2008: «The Legal Status of International Red Cross Committee in International Law» by V. Lysyk (supervised by Prof. V. Repetskyi); «Compliance with the Principles of Territorial Integrity and Inviolability of Borders in International Law» by T. Tsymbrivskiy (supervised by Prof. V. Repetskyi); «The Status of Refugees in the European Union» by M. Sirant (supervised by Prof. V. Repetskyi); «The

International Legal Regulation of the Physical Protection of Nuclear Materials» by P. Bortsevych (supervised by Associate Professor V. Hrynychak).

The original contributions to legal scholarship of the dissertations defended in 2008 was as follows: the International Red Cross Committee was determined to be a special subject of international law combining elements peculiar to the legal nature of international intergovernmental and non-government organizations; the International Red Cross Committee was demonstrated to have privileges and immunities to the extent characteristic of international intergovernmental organizations; the International Red Cross Committee was ascertained to be the only international organization having immunity for its personnel against giving evidence in international criminal courts *ad hoc* and the International Criminal Court; the author defined the terms «general and particular features of principles of territorial integrity and inviolability of borders»; a special type of annexation, political annexation (modified form of military annexation), was elaborated; the idea of developing of generally-recognized international legal criteria for the realization of a nation's right to secession was substantiated; members of the European Union when implementing respective international legal acts on the national level act asynchronously and differ considerably in choosing priorities and strategies; there are no time limits in the international legal acts of the EU organs in the sphere of protecting refugee rights (for example, their labour rights in the receiving State), but there are some restrictions in the practice of some EU members; the international legal regulation of nuclear materials is implemented on the basis of international legal norms in the sphere of peaceful use of nuclear power which regulate the safety in States with regard to the use and transportation of nuclear materials under certain unified requirements on physical protection; the physical protection of nuclear materials taking into consideration the principle of peaceful uses of nuclear power and the existence of a connection between the guarantee system of the IAEA and nuclear export must be considered as one component of the international regime extending to nuclear weapons; it was learned that member-States have different interpretations (absence of criminalization) of Article 7 of the Convention on Liability for Crimes of the Illegal Extraction and Use of Nuclear Materials.

Two dissertations were defended in 2009: «International Legal Cooperation of States within the European Commission "For Democracy through Law"» by T. Svyda (supervised by Prof. V. Repetskyi); and «The Legal Status of International Financial Organizations» by O. Dunas (supervised by Associate Professor T. Levytskyi).

The scholarly contributions of the dissertations defended in 2009 was as follows: the complex analysis was undertaken of the structure, ways of initiating, tendencies, and prospects for international legal influence on strengthening active democracy in the European States; the modern general European pluralistic conception of democracy was supplemented, its distinctive features were set out, and the conditions for its successful development were defined; it was proved that Venice Commission is a inter-regional open intergovernmental organization with insufficient legal personality; it was substantiated that Venice Commission recommendations by their legal nature are acts of «soft» international law; the distinctive legal nature of acts of international financial organization as international treaties *sui generis* was defined; it was ascertained that membership in an international financial organization for a State-candidate has certain procedural restrictions, as well as being dependent on the State being a member in Bretton-Woods system; it was substantiated that the absence of special requirements

in the constitutive acts of an international financial organization for States to join gives the ruling organ the possibility of creating different ad hoc criteria for a State seeking membership that may be only tangentially relevant to the objectives of the organizations; it was learned that constitutive acts of international financial organizations, although formally excluding other than full types of membership, the internal rules of these organizations allow partial and associated membership; it was determined that international financial organizations may possess supranational features.

The following dissertations were defended in 2010: «Criminal Procedure Guarantees of Participants of International Armed Conflicts (International Legal Aspect)» by V. Hutnyk (supervised by Prof. V. Repetskyi); «Criminal Responsibility of Persons for Violating of Norms of International Humanitarian Law» by I. Kolotukha (supervised by Prof. V. Repetskyi); «International Legal Protection and Regulation of Sustainable Development of Mountainous Regions (The Alps and Carpathian Mountain Conventions)» by P. Sukhorolskyi (supervised by Prof. V. Repetskyi); «International Mechanisms for the Implementation of International Legal Norms in the Sphere of Trafficking in Women» by A. Shumilenko (supervised by Associate Professor T. Levytskyi).

The scholarly importance of these dissertations is as follows: a scientific concept of criminal procedure guarantees of participants in international armed conflicts was formulated and the features thereof were defined; the correlation between criminal procedure guarantees of participants in international armed conflicts and criminal procedure guarantees of other persons (being under criminal prosecution for crimes committed in peacetime and not connected with armed conflicts; and criminal procedure guarantees of participants in non-international armed conflicts) was clarified; the author's classification of criminal procedure guarantees of international armed conflict participants was presented; historical rules for the development of the criminal responsibility of natural persons for violations of international humanitarian law were identified; the concept of criminal responsibility of natural persons for violating international humanitarian law was formulated; it was proved that there is a norm in international law under which a person is liable for giving and obeying illegal orders; the legal nature of criminal responsibility in international humanitarian law was defined and researched; it was proved that judicial bodies, as well as agencies facilitating judicial prosecution, play an important role in the prevention of violations of international humanitarian law; universal, regional, and sub-regional levels of international legal regulation of the protection and sustainable development of mountainous regions and possible forms of regulation were distinguished; State relations concerning protection and the sustainable development of trans border mountainous regions as a separate object of international legal regulation were distinguished; content agreement quality, existence and effectiveness of realization mechanism, legal factors in the effectiveness of the conventions on the protection and sustainable development of mountainous regions included agreement on the existence and efficiency of mechanisms for quality control and dispute resolution; certain shortcomings of the Alps and Carpathian Mountain conventions reduced their effectiveness (poor quality of drafting, inadequacy of rules providing for realization, absence of rules concerning obligations to react to violations) were identified; the principal legal ways of implementing international legal norms in the sphere of trafficking in women trade were determined which are used in bilateral relations between States and in multilateral international interstate relations; the evolution of international

legal norms in the sphere of trafficking in women was discussed; the classification of international organizations and agencies within the framework of international institutional mechanisms for the implementation of international legal norms in the sphere of trafficking in women was undertaken; the principal forms of international control in the sphere of trafficking in women and distinctive features of international control by international intergovernmental organizations and specially-formed bodies were determined.

The following dissertations were defended in 2011: «The Legal Nature of Parliamentary Organs of European International Organizations» by V. Lesiuk (supervised by Prof. V. Repetskyi); and «The International Legal Status of the Organization for Security and Cooperation in Europe» by S. Kubiievych (supervised by Prof. V. Repetskyi).

The importance of the defended dissertations for international legal doctrine is as follows: the periodization of the formation and evolution of European international organizations was determined; the representativeness of parliamentary organs of European delegations sent by members as a new form of collective diplomacy on international level was substantiated; common features of European international organization were identified; the parliamentary organ of an international organization was defined; a classification of the forms of international legal activity of parliamentary organs of European international organizations was developed; it was stated that the decisions taken by organs of an organization (in OSCE practice decisions on privileges and immunities are worked out by the Ministerial Council) are one way to secure privileges and immunities of an international organization; the statement that the OSCE is a quasi-international organization because it does not meet certain criteria of the definition of an international organization for the existence of international legal personality, privileges and immunities, or constitutive act, but at the same time it possesses an active extensive system of organs, membership, budget, and the like.

The members of the Chair were active in writing textbooks and manuals. Since 2006 the following books and manuals have been published: V. M. Repetskyi, *Дипломатичне і консульське право: підручник* [Diplomatic and Consular Law. Textbook] (2d rev. ed.). — Kyiv: Znannia, 2006. — 372 p.; V. M. Repetskyi, V. M. Lysuk, *Міжнародне гуманітарне право: підручник* [International Humanitarian Law. Textbook] — Kyiv: Znannia, 2007. — 467 p.; V. M. Repetskyi (ed.), *Міжнародне публічне право: підручник* [International Public Law. Textbook]. — Kyiv: Znannia, 2011. — 437 p.; H. S. Fedyniak, L. S. Fedyniak, *Міжнародне приватне право: підручник* [International Private Law: Textbook] (4th rev. ed.) — Kyiv: Atika, — 500 p.; L. V. Pastuhova, *Європейський механізм забезпечення прав людини: навч. посіб.* [European Human Rights Mechanism: Manual]. — Simferopol: Tavriia. — 224 p.

The Department is participating in planned scientific research on the topic: «Problems of Codification and Progressive Development of International Law» (Registration #0109U004336). The following problems were researched in 2012: international law as a social value; the problem of international legal personality of the individual; problems of the fragmentation of international humanitarian law; universal and regional mechanisms for counteracting violations of international law; the right of defence in criminal cases (theory and practice of international courts); the formation and development of international legal science at Ivan Franko National University of Lviv.