ODESSA SCHOOL OF INTERNATIONAL LAW

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The modern school of international law has been developing since 1997, when the State Legal Academy was established in Odessa. The formation of the Odessa school of international law has a long history. The starting point dates back to the unveiling in 1865 of the Imperial Novorossiysk University in Odessa, with the international law professorship being included in the Law Department, although its predecessors in specialized education for students majoring in public law disciplines at the law department of the Novorossiysk University had been the cameral and legal section of the Richelieu Lyceum. The following prominent national legal scholars taught at the Novorossiysk University: M. Vasyliev, M. Kantakuzin, I. Ivanovskyi, P. Kazanskyi, among others.

The formation of the Odessa school of international law was a meaningful and momentous event not only for Southern Ukraine. Along with the other schools of international law, it served as the theoretical basis and foundation of the foreign policy of Ukraine aimed at the development and strengthening of the international legal personality of Ukraine. Academician Serhii Kivalov, President of the National University «Odessa Law Academy», who is devoting great efforts to the further development of international law, has brought together a team of dedicated scholars committed to international law. This collective can rightly be identified as the «Odessa School of International Law».

In the capacity of the head of the Justice Committee of the Verkhovna Rada (Parliament of Ukraine), Kivalov is looking into issues of the international legal standards of justice in the national legal system and of the development of international criminal law (Актуальні проблеми судового захисту прав людини в Україні і міжнародні стандарти [Urgent Topics of Judicial Protection of Human Rights in Ukraine and International Standards] // Актуальні проблеми політики. — 2002. — Вип. 13–14; Реформа судової системи Україні в контексті міжнародно-правових стандартів правосуддя [Reform of the Judicial System in Ukraine in the Context of International-Legal Standards of Justice] // Боротьба зі злочинністю та права людини. — О., 2006; Міжнародне правосуддя: від Нюрнберзького військового трибуналу до Міжнародного кримінального // Альманах международного права [International Justice: from the Nuremberg Military Tribunal to the International Criminal Court // Almanac of International Law]. — О., 2009; Вплив міжнародного кримінального правосуддя на світовий правопорядок [Impact of International Criminal Justice on the Global Legal Order] // Актуальні проблеми держави і права. — 2011. — Вип. 57; Гармонизация уголовного права в Европе и украинское законодательство [Harmonization of Criminal Law in Europe and the Ukrainian Legislation] // Актуальні проблеми держави і права. — 2002. — Вип. 14; Боротьба з тероризмом: міжнародно-правові принципи // Тероризм і боротьба з ним: аналітичні розробки, пропозиції наукових та практичних працівників: Президенту України, Верховній Раді України, органам центральної та місцевої виконавчої влади [Combating terrorism: International Legal Principles // Terrorism and the Struggle against It: Analytical Research and Proposals by Scholars and Practitioners: For the President of Ukraine, Verkhovna Rada of Ukraine, and the agencies of central and local executive power]. — К., 2000. — Т. 19).

The chair of international law and international relations was established at the Academy in 1997. This chair was a new structural division which had no predecessors in the post-World War II history of legal education in Odessa. In 2004 the Academy saw the establishment of a chair of European Union law and comparative jurisprudence (the head was Professor O. Vyshniakov), one of the first in Ukraine, which, in addition to the chair of international law and international relations, operates within the framework of the Department of International Relations and Legal Journalism of the National University.

Studies in the sphere of international law, European law, and international private law are currently carried out at the chair of maritime and customs law (headed by Professor Ye. Dodin), in the sphere of international customs law (Professors Ye. Dodin, B. Kormych), international maritime law and international private maritime law (Associate Professors S. Kuznetsov, V. Serafimov, T. Averochkina, L. Pashkovska), at the chair of civil law (headed by Professor E. Kharytonov), and at some other chairs of the National University «Odessa Law Academy».

A specialized academic board D 41.086.04 acts at the National University «Odessa Law Academy» (dealing with dissertations in speciality 12.00.11 — «International law»).

The National University «Odessa Law Academy» has initiated the following scientific conferences and seminars in international law: the scientific conference «International law after 11 September 2001» (2004); the international scientific conference «A Free Trade Zone: Ukraine — the EU» (May 2007); seminars and workshops «International law in the age of globalization of crime and international

criminology» (2010); «International law in the age of globalization: challenges of the modern period» (2010); international symposium «From Nuremburg to Rome: International justice after the Great Victory» (2010); annual international readings dedicated to the memory of P. Kazanskyi, Professor of the Imperial Novorossiysk University (2010, 2011); the international conference «Development of a democratic society after the Nuremburg Tribunal» (2010); and a methodological seminar «New approaches to the periodization of the history of international law» (2011).

The faculty of international law and international relations has been pursuing studies in accordance with research plans under the theme «Progressive development of international law in an environment of legal space globalization» (since 2011).

The staff of this chair, postgraduates, and degree candidates are actively pursuing academic studies. There have been a number of successful oral dissertation defenses, including one Doctor of Law dissertation (N. Zelinska) and nine Candidate of Law dissertations (by S. T. S. Amdjan, R. Herasimova, N. Driomina-Voloc, T. Kivalova, T. Korotkyi, S. Nesterenko, N. Sevostianova, A. Smitiukh, O. Troianovskyi, and N. Yakubovska). Today there are two doctoral candidates and more than a dozen postgraduates and degree candidates whose dissertations are devoted to the protection of information human rights; protection of human rights in international criminal proceedings; international legal regulation of the labor of mariners in international private law; international legal unification of norms regarding civil liability for harm caused by extrahazardous activity, and others.

A number of monographs have been published by the faculty and staff. Special note should be made of monographs on the legal regulation of operations on the Internet» by M. Cherkes; jurisdiction of international criminal courts and tribunals by N. Dryomina; political crimes in the system of international crime by N. Zelinska; international legal protection of the marine environment against vessel-source pollution, by T. Korotkyi; philosophical foundations of the evolution of international law by Yu. Chaikovskyi; and international legal protection of human rights in the course of extradition by S. Nesterenko. In addition, the faculty published a textbook and a manual on international law, several selected collections of international law acts, and about 300 academic articles and publications.

The Chair of the Law of the European Union and Comparative Jurisprudence is doing research on legislative support for integration processes and the activities of international associations and unions, of special significance being the World Trade Organization, the European Union, and the Council of Europe. In particular, at one stage of research on the theoretical foundations of the convergence of legal systems in the contemporary world, the chair research staff accorded primary attention to the comparative law aspects.

In accordance with the research work plans of this chair, several monographs have been published by the faculty and staff, such as «Comparative advokatura studies» by M. Arakelian; «Comparative legal science in Ukraine: Theoretical and methodological traditions (in the 19th and the early 20th centuries)» by M. Damirli; «Integration Law» by O. Vyshniakov // Fundamentals of Ukrainian Law / edited by Academician S. Kivalov, Professor Yu. Oborotov, Professor V. Tuliakov [О. Вишняков. «Правове забезпечення зовнішньоекономічної інтеграції України»]; «Islamic traditions of law» by Kh. Bekhruz; and «International legal collaboration of Black Sea States: Current status and development prospects» by T. Antsupova.

A new form of academic relations and collaboration of this chair has become the Odessa regional office and the EU law section of the Ukrainian Association of European Studies (UAES), which have been operating at the chair for almost five years. These efforts resulted in the organization of scientific conferences, the publication of teaching manuals and other projects, as well as the publication of the electronic bulletin entitled «European studies and law», its founder being UAES Association and the University (managing editor O. Vyshniakov).

The first head of the chair of international law and international relations was Marko Yukhymovych Cherkes (1930–2010), the author of numerous studies on international public and international private law, and constitutional law of foreign countries. Cherkes wrote the textbook on international law that has had six editions in Russian and in Ukrainian. At the initiative of Cherkes, the Odessa National Law Academy hosted on 23 April 2004 one of the first conferences dedicated to an overview and interpretation of ongoing changes in international law («International law following 11 September 2001»).

Cherkes and his students and followers have been addressing topical issues of the theory and philosophy of international law; the law of war; international criminal law, law of the sea and ecology law; the implementation of the human rights standards; international-legal counteraction against terrorism; issues of legal personality and operations of transnational corporations, as well as international private law issues.

Analyzing the interrelationship of international and national law, Cherkes raised the issue of a conflict between national legislation and an international treaty in terms of their hierarchical ordering and comes up with several original and significant conclusions regarding such matters as follows: extra-receptive implementation takes place through referral or recognition, more often than not through a judicial procedure, of the quality of national law in conformity with an international law norm; in the course of extra-receptive transformation, an international legal norm does not become a norm of national law so this kind of transformation is not a law-making act; assigning the status of national law to an international legal norm is equivalent to the assignation to this norm of a certain degree of independence from the international legal act that became its source; international legal norms prevail over the national law of Ukraine due to their universal recognition as generally-accepted norms rather than merely because they are specified in international treaties concluded by Ukraine.

Cherkes was one of the first in Ukrainian legal doctrine to have undertaken a comprehensive study of the public and private law aspects of the functioning of the Internet. He reviewed the issue of the impact of the Internet on the implementation of human rights and freedoms; international legal regulation of the protection of intellectual property rights and neighboring rights; freedom of information and restriction of its dissemination through the net; and the interrelationship of the Internet and the mass media, as well as those of the Internet and political democracy.

Studying the relationship of maritime law and international law of the sea, Cherkes pointed out that the proximity of the content of these branches is due to the fact that national law is in accordance with international law, and the overwhelming majority of maritime law provisions have been documented by the State as a result of the fact that those provisions are based on international maritime law, and only a small number of the national law provisions are of independent nature.

Professor Cherkes put forward his own arguments to substantiate a change in the essence of contemporary international law and proposed to use the events of 11 September 2001 as the starting date of this change. In his words, «naturally, the notion of «contemporariness» itself runs counter to stagnation, every time it designates a link to some new legal order of the world, which comes about as the legal order established for a contemporary generation, always true to its time. Well, if a new criterion or a new countdown is required for the current legal order in the world, generation, the most suitable seems to be the tragic date of 11 September».[1] He had noted certain negative trends in international law: «Contemporary international law stands on the brink of going back as a result of being under the destructive and ruinous impact of international terrorism».[2] In his opinion, it is necessary to renounce a number of postulates and provisions of international law, which, in an environment of international terrorism, are inefficient and undermine the foundations of the global legal order. He concluded that the resolution on the recognition of acts of international terrorism could be passed by the U.N. General Assembly pursuant to Article 11(2) of the United Nations Charter or by the Security Council pursuant to Article 39 of the Charter; he also came to a conclusion about the right to a preventive war against States that provide support to international terrorist organizations.

Looking into the use of force in international relations, Cherkes emphasized that international legal development had been accompanied by a constant increase in strengthening the principle of prohibition against the use of force, with the simultaneous liberalization of the practice of its application, an expansion of the scope of what is considered acceptable in the sphere of the use of force. He studied the genesis of the normative fixation of the principle of the prohibition of the use of force in international law; analyzed the prohibition against the use of force as provided for in the U. N. Charter, and the role of the United Nations in the implementation of this principle; characterized the terms as lawful use of force; and, of special interest, researched the issues of self-defense as a form of combating terrorism.

For instance, in connection with the 11 September terrorist attacks, Cherkes analyzed interpretations of the right to self-defense, in particular, whether a State is entitled to self-defense if a terrorist act has been committed by a terrorist organization, and not by a State, and taking into account the level of intensity of the terrorist act, which justifies the use of force by the victim State (Международное и внутригосударственное право: проблемы взаимодействия // Актуальні проблеми держави і права [International and national law: Interrelationships issues // Topical Problems of State and Law]. — 1999. — Вып. 6, ч. 1; Трансграничные проблемы интренета и Украина (возможности адаптации) // Проблеми входження України до європейського правового простору: монографія [Trans-Border Problems of the Internet and Ukraine (Possibilities of Adaptation) // Problems of Ukraine's Accession to European Legal Space: Monograph]. — О., 1999; О соотношении морского права и международного морского права // Торговое мореплавание [On the Correlation of Maritime Law and the International Law of the Sea // Merchant Shipping]. — 1999. — № 1; О соотношении международного и внутригосударственного права // Актуальні проблеми політики [On the Correlation of International and Municipal

[1] *M. I. Cherkes,* Международное право после 11 сентября 2001 года: сб. науч. ст. [International Law after September 11, 2001: Collection of Scientific articles] / ed. by M. F. Orzikh and M. E. Cherkas (Odessa: Fenix, 2004), pp. 5–6.
[2] Ibid.

Law // Topical Problems of Policy]. — 1999. — Вип. 6–7; Суверенитет государства и охрана морских пространств // Торговое мореплавание [State Sovereignty and Protection of Sea Spaces // Merchant Shipping]. — 2000. — no 1; Международно-правовое регулирование труда в Интернете // Актуальні проблеми держави і права [International Legal Regulation of Labor on the Internet // Topical Problems of State and Law]. — 2000. — Вып. 9; Интернет и политическая демократия // Актуальні проблеми політики [Internet and Political Democracy // Topical Problems of Policy]. — 2001. — Вип. 10–11; Международное право после 11 сентября 2001 года // Международное право после 11 сентября 2001 года [International Law after 11 September 2001 // International Law after 11 September 2001]. — О.: Феникс, 2004; Международно-правовое обеспечение борьбы с терроризмом: информационная составляющая терроризма // Соціально-правові аспекти тероризму: монографія [International law support of the fight against terrorism: Information component of terrorism // Social and Legal Aspects of Terrorism: Monograph]. — О.: Феникс, 2003; О понятии «современное международное право» // Митна справа [On the Concept of «Contemporary International Law» // Customs Affairs]. — 2005. — № 6; Міжнародний договір в системі права Німеччини і Польщі // Взаємодія міжнародного права з внутрішнім правом України [The International Treaty in the Legal Systems of Germany and Poland // Interaction of International Law with the Domestic Law of Ukraine]. — К.: Юстініан, 2006; Использование силы в международных отношениях // Альманах международного права [The Use of Force in International Relations // Almanac of International Law]. — 2009. — Вып. 1.)

Research and studies in the sphere of the theory and practice of international law are performed by the faculty of the chair of international law and international relations, N. Zelinska, T. Korotkyi, Yu. Chaikovskyi, O. Troianovskyi, and lecturers at the Chair of the Law of the European Union and Comparative Jurisprudence, T. Antsupova, O. Delinskyi and N. Dryomina-Voloc.

In his research, T. Korotkyi undertook a structural and systemic analysis of the system of international law. He was the first in Ukraine to have analyzed characteristics inherent in the international legal system as a whole at the current stage of development: humanization, democratization, ecological consciousness, and the establishment of the rule of law principle, with a comprehensive analysis of the above phenomena. Korotkyi also studied the fixation in international law of principles and norms containing liberal and democratic values; the development of the international legal mechanisms underlying the emergence, support, and development of democratic institutes in States and preventing the emergence of non-democratic regimes; democratization of the procedures of international law making and exercising of rights; in addition, Korotkyi proposed the concept of *«Jus inter civilisatione»* («Співвідношення понять «правова система» та «система права» щодо міжнародного права» // Актуальні проблеми держави і права [Correlation of the Concepts «legal system» and «system of law» // Topical Problems of State and Law]. — 2007. — Вип. 36; Гуманізация международного права // Наукові праці Одеської національної юридичної академії [Humanization of International Law // Scientific works of the Odessa National Law Academy]. — 2008. — Т. 7; Принцип панування права серед принципів сучасного міжнародного правопорядку // Актуальні проблеми політики [Principle of the rule of law among the principles of modern international legal order]. — 2008. — Вип. 35; От *«Jus inter gentes»* к *«Jus inter civilisatione»* // Альманах международного права [From *«Jus inter gentes»* to

«*Jus inter civilisatione*» // Almanac of International Law]. — 2010; Демократизация международного права // Наукові праці Національного університету «Одеська юридична академія» [Democratization of international law // Scientific Works of the National University «Odessa Law Academy»]. — 2010. — Т. 9.

T. Antsupova studies the genesis and development (complex periodization) of international public procedural law. She proposes to break down conditionally the history of the development of international public procedural law into four major periods: (1) the epoch of the origin of international public procedural law (from the 4th century BC through the 13th century AD); (2) from the 13th century AD through 1899, the year of establishment of the Permanent Court of International Arbitration; (3) from 1899 through the creation of the League of Nations and of the Permanent Court of International Justice (1922); and 4) the modern history of the formation of international public procedural law, including two stages: from the establishment of the League of Nations and of the Permanent Court of International Justice (1922) through the establishment of the United Nations and the International Court of Justice (1945); and from the creation of the United Nations until today (this was the period of creation of international intergovernmental organizations of the universal and regional levels on the basis of the uniform principles of human society, the principles of international public procedural law, which underlay the development of such institutes of international public procedural law as international law making, the international monitoring process, procedural aspects of the activities of international organizations (the method of admittance and expulsion from the organization, the procedural rules of the statutory bodies of international organizations etc.). A characteristic feature of this period has been the separation of the system of international public procedural law norms into a separate branch of law (Періодизація історії міжнародного процесуального права // Наукові праці Національного університету «Одеська юридична академія» [Periodization of the history of international public procedural law // Scientific works of the National University «Odessa Law Academy»]. — 2010. — Т. 9).

O. Delinskyi studies the conceptual approaches to the definition and understanding of international legal personality, as well as the principal trends of its development. He has discovered that in accordance with the contemporary treatment of the regulation of subjects of international law, it seems that closer to reality is the identification of a subject of international law as a participant of international relations who has certain rights and obligations directly assumed or assigned to him in accordance with international legal norms. Moreover, the traditional delineation of subjects into primary and secondary needs to be complemented by their breakdown into subjects granted a norm-creation function and subjects that possess no such function (Міжнародна правосуб'єктність транснаціональних корпорацій // Актуальні проблеми держави і права. — International juridical personality of transnational corporations // Topical problems of state and law]. — 2006. — Вип. 25; Проблеми правосуб'єктності індивіда в міжнародному праві // Актуальні проблеми держави і права [Problem issues juridical personality of an individual // Topical problems of state and law]. — 2011. — Вип. 62).

Yu. Chaikovskyi, who defended in 2009 his candidate of legal sciences dissertation «The development of international law: A philosophical legal research» studies the evolution of international law and the international legal order in the global community. Among his personal achievements, one can single out the fact that his research

on the evolution of international law in line with a philosophical and anthropological dimension led him to a conclusion about the genesis of the idea of international law taking root in the philosophy of stoics. He proved that a stable general trend in the development of international law is its humanization and proposes in the capacity of a «benchmark» of compliance with international legal ideas of natural law an idea of natural human rights as the most universal category encompassing all legal systems of the modern age without exceptions. The international legal order in the global community differs greatly from the law that had existed during the period of «contemporary international law», international law of the UN Charter, due to which he came up with a suggestion to isolate the new period of international law development starting from 2001 (Філософські засади становлення міжнародного права: монографія [Philosophical foundations of the evolution of international law: A monograph]. — О., 2010; Філософсько-правовий погляд на еволюцію феномена суверенітету як внутрішнього моменту становлення міжнародного права // Актуальні проблеми держави і права [Philosophy-of-law view of the evolution of the phenomenon of sovereignty as an internal factor in the evolution of international law // Topical problems of state and law]. — 2009. — Вип. 46; Международное право как фактор перехода человечества от биосферы к ноосфере // Актуальні проблеми політики [International law as a factor in the transition of humanity from biosphere to noosphere // Topical problems of policy]. — 2008. — Вип. 33; Гуманітарний вимір післявоєнного міжнародного права // Розбудова демократичного суспільства після Нюрнберзького трибуналу [A humanitarian dimension of post-war international law // Almanac of International Law]. — 2010; Эволюция сущности международного права // Альманах международного права [Evolution of the essence of international law]. — 2010. — Вып. 2).

N. Driomina-Voloc studies the «imperativization» of international law, the shaping and development of the norms of jus cogens. In her opinion a feature of the contemporary international legal order is the increased significance of jus cogens norms in the mechanism of international law regulation, which is an indication of international legal «imperativization». It is not about total «imperativization», but about a trend to increase legal guarantees of compliance with certain norms of international law, to not permit conduct that has been recognized by the global community as the most dangerous for the international legal order. The trends toward imperativization of the sphere of counteracting crime and criminal persecution illustrate graphically, on one hand, jurisdictional components of this process — the establishment and special features of exercising international criminal jurisdiction along with the expansion of the application of the universal jurisdiction of States, and, on the other hand, material law components (imperativization of criminal law prohibitions — the development of the concept jus cogens crimes and an expansion of the circle of actions whose prohibition is of an imperative nature): «Імперативізація» міжнародного права // Актуальні проблеми держави і права: зб. наук. пр. [«Imperativization» of international law // Topical problems of state and law: a collection of scientific works]. — 2009. — Вип. 50; Дрьоміна-Волок Н. В. Норми jus cogens — сучасне jus gentium intra se // Юридична наука [Dryomina-Voloc N. V. Norms jus cogens as contemporary jus gentium intra se // Legal science]. — 2011. — № 1 (1); Міжнародна кримінальна юрисдикція і злочини jus cogens у контексті імперативізації міжнародного права [International criminal jurisdiction and jus cogens crimes in the context of international law imperativization] // Право України. — 2011. — № 9.

O. Troianovskyi studies the sources of international law. Emphasizing the increased significance of international law sources in a contemporary environment, he points out the need to revive the importance of doctrine in international law, which in his opinion, is called for, among other things, by the fact that the active development of many branches of international law has resulted in a situation when the status of international law sources is assigned to forms that are not sources of international law. Among the issues researched by Troianovskyi are the issues of relationships between an international treaty and an international custom, the place of treaties within the legal system of Ukraine, a problem of vitiating international treaties entered into with abuse of authority when signing them, and the legal regime of unilateral acts of States. Troianovsky emphasizes that one of the most difficult problems of the relations of international and national law — the validity of an international treaty if entered into contrary to the provisions of the national law — remains unresolved and acquires more urgency in connection with an expansion of the group of agencies authorized to act on behalf of the government and to sign binding acts committing the State to international obligations. In his opinion violations of national legislation by governmental agencies when drawing up a treaty may result in a significant distortion of the will of the State constituting the content of the treaty and, accordingly, this may be the cause of vitiating such a treaty (Современные взгляды на систему источников международного права // Марку Ефимовичу Черкесу — 80: статьи учеников и коллег [Modern views on the system of sources of international law // On the 80th anniversary of Marco Yukhymovych Cherkes: Articles of his students and colleagues]. — О., 2010; Международный обычай в XXI веке: старые и новые проблемы // Актуальні проблеми держави і права [International custom in the 21st century: Old and new problems]. — Вип. 62. — О., 2011).

Research on the international law protection of human rights is undertaken by Professor N. Zelinska, Associate Professors O. Troianovskyi and N. Sevostianova, assistant lecturer P. Voitovych, and Associate Professors T. Antsupova and N. Driomina-Voloc.

Zelinska studies international law human rights standards in criminal justice, paying special attention to the system of legal protection created by the 1950 Convention on the protection of human rights and fundamental freedoms and the exercise by the accused of their right of access to legal remedies in international and transnational criminal law. A significant place in Zelenska's studies is occupied by the functioning of the international law mechanism for protecting the rights and lawful interests of individuals accused of political crimes.

Zelinska analyzes the relationship of the concepts of «political crimes» and «political reprisals». Specially emphasized is the fact that solidarity in counteracting crime should not grow into the facilitation of political reprisals. (Права людини як об'єкт порівняльного правознавства // Україна: становлення незалежності [Human rights as an object of comparative jurisprudence // Ukraine: origin of independence]. — О., 1993 (in co-authorship); Международно-правовые стандарты прав человека в сфере уголовной юстиции: понятие и виды // Юридический вестник [International legal human rights standards in criminal justice: concepts and types // Juridical bulletin]. — 1998. — № 4; Права человека в сфере уголовного правосудия: международно-правовые аспекты // Юридический вестник [Human rights in criminal justice: International legal aspects // Juridical bulletin]. — 1999. — № 1; Международно-правовые обязательства Украины по договорам о выдаче

осужденных лиц и предполагаемых преступников в контексте защиты прав человека // Актуальні проблеми держави і права: зб. наук. пр. [International law obligations of Ukraine under treaties on the extradition of convicted and alleged criminals in the context of defending human rights // Topical problems of state and law: a collection of scientific works]. — О.: Астропринт, 1999. — Вип. 6, ч. 1; Право на захист в екстрадиційному процесі // Вісник Одеського інституту внутрішніх справ [The right to protection in the process of extradition // Bulletin of the Odessa Institute of Internal Affairs]. — 2000. — № 3; Международное уголовное правосудие и проблемы прав человека // Актуальні проблеми політики: зб. наук. пр. [International criminal justice // Topical problems of policy: a collection of scientific works]. — О.: Юрид. літ., 2002. — Вип. 13–14; Политические репрессии и политические преступления: историко-правовое эссе // Наукові праці Одеської національної юридичної академії [Political reprisals and political crimes: Historical-legal essay // Scientific works of the Odessa National Academy of Law]. — О.: Юрид. літ., 2009. — Т. 8).

T. Antsupova identified some conflicts in the legislation of Ukraine with regard to the enforcement of decisions of the European Court on Human Rights. She has come up with the definition of the terms «European court on human rights' case-law», «European court on human rights' judgment», and «European court on human rights' resolution» (Контрольный механизм к Европейской конвенции о защите прав человека и основных свобод: проблемы совершенствования // Європейські студії і право [Control mechanism to the European Convention on protection of human rights and fundamental freedoms: Problems of improvement // European studies and law]. — 2010. — № 1; Колізії у законодавстві України щодо виконання рішень та застосування практики Європейського суду з прав людини // Європейські студії і право [Conflicts in legislation of Ukraine with regard to the enforcement of the European court on human rights' judgments // European studies and law]. — 2010. — № 2).

E. Diomina-Voloc focused her studies on the development of international anti-discrimination law. In the most general terms, international anti-discrimination law is viewed as a conceptually integrated international legal normative complex regulating international collaboration in counteraction to discrimination and in ensuring the fair equality of individuals and of social groups. Special attention is paid to international law aspects of counteracting racial discrimination. She studies the evolution of perceptions of equality and justice, the natural law origins of the prohibition of racial discrimination as a jus cogens norm, and analyzes various forms of ethnic stereotypes, which are defined as 'proto-racism', and contemporary forms of racial discrimination, as well as provides a definition in terms of international law. Diomina-Voloc reviews the distribution paradigm of international anti-discrimination law and studies the European Court on Human Rights case-law which testifies to the existence of trends toward a transformation of the mechanisms of proving a violation of the ban against discrimination. She pays great attention to a transfer of the burden of proof and to the formation of a «presumption of discrimination» that means in certain situations, in the presence of prima facie evidence, substantiating the charges formulated, the burden of proof of the absence of discrimination may be shifted to the respondent State; this improves significantly the effectiveness of human rights protection (Международно-правовая концепция антидискриминационного права // Актуальні проблеми держави і права [International law concept of anti-discrim-

ination law // Topical problems of state and law]. — 1999. — Вип. 7; Становлення концепції міжнародного антидискримінаційного права // Актуальні проблеми політики [The shaping of a concept of anti-discrimination law // Topical problems of policy]. — 2010. — № 39; К вопросу об историографии международного антидискриминационного права: равенство, справедливость и прото-расизм в философии Древней Греции // Актуальні проблеми держави і права [On the issue of historiography of international anti-discrimination law: Equality, justice, and proto-racism in the philosophy of Ancient Greece // Topical problems of state and law]. — 2011. — Вип. 60).

O. Troianovskyi studies legal issues of human rights and prosecution of those guilty of human rights violations (Міжнародна кримінальна юрисликція в механізмі захисту прав людини // Актуальні проблеми держави і права [International criminal jurisdiction in the mechanism of human rights protection // Topical problems of state and law]. — 2011. — Вип. 61; Універсальна юрисдикція в механізмі захисту прав людини // Міжнародні наукові читання, присвячені пам'яті В. М. Корецького [Universal jurisdiction in the mechanism of human rights protection // International scientific readings dedicated to the commemoration of V. M. Koretsky]. — К., 2011).

N. Sevostianova studies special features of exercising the right to an individual application to the European Court on Human Rights. In 2011 Sevosianova defended her candidate of legal sciences dissertation «An Application to the European Court on Human Rights as Exercising the Right to a Fair Trial». She has introduced in academic use the concept of an international legal mechanism of access to the European Court on Human Rights (ECHR) as a triad of components connected by structural and functional links, compliance with which is a precondition of exercising the right to apply to ECHR: the jurisdiction of ECHR; the subsidiary nature of ECHR and the terms of admissibility of individual applications. Sevostianova also proved the existence of a trend towards strengthening the constitunalization of ECHR under the influence of the practice of prioritizing individual applications: Десять помилок при зверненні до Європейського суду з прав людини [Ten errors when applying to the European Court of Human Rights] // Юстиніан. — 2010. — № 9 (87); Виконання рішень Європейського суду з прав людини як форма імплементаційних процесів // Актуальні проблеми держави і права [Enforcement of Decisions of the European Court of Human Rights // Topical problems of state and law]. — 2010. — Вип. 52.

P. Voitovych studies issues pertaining to the protection of informational human rights in international law. He developed a concept of global information space as a universal value and international legal mechanisms for its protection and has studied the system of international law means of protecting informational human rights. Voitovych has concluded that the restriction of a human right to information in global information space may be introduced by States exclusively for purposes envisioned by international law and in conformity with its principles (Міжнародні стандарти права на інформацію // Актуальні проблеми держави і права [International standards of the right to information // Topical problems of state and law]. — 2010. — Вип. 61; Концепція інформаційних прав людини в доктрині сучасного міжнародного права // Актуальні проблеми держави і права [Concept of human rights to information in the Doctrine of Contemporary International Law // Topical problems of state and law]. — 2010. — Вип. 62).

The issues of international collaboration in fighting crime and human rights guarantees have been the object of research by M. Pashkovskyi and S. Nesterenko. Yu. Chaikovskyi studies international standards in the sphere of migration and asylum. The postgraduate student of the chair, O. Shaporda, is involved in studies of the role of the International Court of Justice regarding guarantees of human rights and freedoms.

Research on international humanitarian law is pursued by T. Korotkyi, S. Protsun, M. Hrushko, D. Koval, and K. Hromovenko.

In his research Korotkyi studies the genesis of the notion and the status of participants of armed conflicts regarding contemporary types of conflicts; the matter of singling out the illegitimate combatants 'category in international humanitarian law; and justification of the need to recognize their special status (К вопросу о правомерности применения термина «законный комбатант» // Альманах международного права. [On the matter of legal validity of the use of the term «legitimate combatant» // Almanac of international law]. — 2009; Генезис понятия и статуса участников вооруженных конфликтов // Российский ежегодник международного права [Genesis of the notion and the status of participants of armed conflicts // Russian Yearbook of International Law]. — 2009–2010. — Спец. вып. [Special issue]).

S. Protsun studies the legal status of individuals apprehended by the United States during armed conflicts from 2001 to 2010. He has undertaken a historical analysis of the evolution in the legal status of individuals taking part in armed conflicts, did research on the special features of an armed conflict involving a non-government actor, and characterized the legal status of individuals captured during such an armed conflict, as well as identified the characteristics of armed forces and the notion of a combatant. He has analyzed the legal grounds for the creation and operations of the military commissions in the United States, and came up with a legal characteristic of the functioning of the U.S. Navy prison located at Guantanamo Bay (Правовые аспекты деятельности администрации президента США по ликвидации тюрьмы в Гуантанамо Бей // Альманах международного права [Legal aspects of Activities of the Administration of the President of the United States in the Liquidation of the Guantanamo Bay Prison // Almanac of international law]. — 2009. — Вып. № 1; Міжнародно-правовий статус осіб, затриманих в Гуантанамо Бей, у світлі поняття «незаконний комбатант» // Митна справа [International legal status of persons kept in custody at Guantanamo Bay in light of the notion of an «illegitimate combatant»]. — 2010. — № 5 (71). — Ч. 2).

M. Hrushko studies issues of the legal regime of prisoners of war. He formulated his own definition of the notion of an institute of military imprisonment, identified the stages of its development, and concluded that the genesis of the institute of military imprisonment testifies to an expansion of the «prisoners of war» notion in view of the new types of military conflicts flaring up. Hrushko has also identified special features of international-law regime of women POWs and of child participants of military operations and hostilities (Захист прав жінок-військовополонених в умовах збройного конфлікту // Часопис Київського університету права [Protection of the rights of women POWs during an armed conflict // Bulletin of the Kyiv Law University]. — 2010. — № 3; Співвідношення міжнародно-правових механізмів захисту дітей як учасників бойових дій в міжнародному праві захисту прав людини та міжнародному гуманітарному праві // Актуальні проблеми держави

і права [The Correlation of international legal mechanisms of protection of children as participants of hostilities in human rights protection international law and in international humanitarian law // Topical problems of state and law]. — 2011. — Вип. 62).

D. Koval studies the protection of cultural valuables during armed conflicts. This postgraduate student did research on the historical aspects of the shaping and development of the international legal status of the protection of cultural valuables and drew conclusions regarding the main stages and key factors impacting the formation of this institute of international humanitarian law (Розвиток міжнародно-правового захисту культурних цінностей під час збройного конфлікту до 1815 року // Марку Ефимовичу Черкесу — 80: статьи учеников и коллег [Development of the international law status of cultural valuables protection during armed conflicts prior to 1815 // To the 80th anniversary of Marco Yukhymovych Cherkes: Articles of his students and colleagues]. — O., 2010).

K. Hromovenko studies the international legal regulation of private military and security companies. In his opinion it is necessary to adopt an international treaty that would regulate the activities and the accountability of employees of private military and security companies operating during armed conflicts or in a post-conflict period on the territory of foreign States.

Under the leadership of Professor Natalia Anatoliivna Zelinska, a school of international criminal law has developed at the National University «Odessa Law Academy».

In 2007 Zelinska defended her doctoral thesis «International legal concept of international crime». Zelinska has been working on the development of the concept of international criminal law and international criminology. She singles out the following sub-branches of international criminal law (international criminal law stricto sensu and transnational criminal law) and has created an integral international legal concept of international crimes in the context of counteracting international criminality. In Zelinska's interpretation, the concept of international crimes in the broad sense is based on recognition of the need to provide criminal law protection to the principal pan-human values and encompasses all crimes that are subject to joint and several criminal prosecution by States or by the entire global community. Her theory is based on an approach, according to which the essence of the contemporary notion of an international crime lies in its relative autonomy of the criteria of the criminal and of the punishable as reflected in national law. This autonomy may find expression in non-recognition of the criminal nature of actions criminalized by national law, on one hand, and the international law criminalization of actions that are not recognized by national law as being criminal, on the other hand. Zelinska has developed a classification of international crimes founded on two formal parameters: the character of the jurisdiction under which a legal violation falls, and the source of its criminalization.

Zelinska was the first in Ukraine to have formulated in her studies the concept of transnational criminal law and considered its material-law, procedural-organizational, and prevention aspects; she has also substantiated the notion of «transnational criminalization» and defined the notion of a «transnational crime» as an act recognized as being criminal by at least two States under whose jurisdiction it falls. In her works international legal standards have been systematized for the criminalization of international crimes. Zelinska has analyzed the further development of the notion of international crimes as grounds for international-law responsibility of an individual and proof the existence of its modifications: (1) a «Nuremberg» type crime based on

the Nuremberg and Tokyo Tribunals precedent; (2) a «post-Nuremberg» type crime that took shape in the post-Nuremberg period under the influence of the national judiciary practices and international law development; (3) a «Hague» type crime whose genesis is linked to the creation and operations of the international Hague and Aruche Tribunals; and (4) a «Rome» type crime specified by the Rome Charter of the International Criminal Court.

Zelinska has made a significant contribution to the development of the concept of criminal crimes as an international legal and political criminology category and published studies of political and criminological aspects of terrorism and its international law characteristics, addressing the problem of the delineation of the notions «political crime» and «political reprisals». Special attention in the studies of Zelinska has been paid to issues of international legal protection of human rights in criminal justice. She lays special emphasis on the fact that solidarity in counteracting crime should not become the facilitation of political reprisals. The contemporary concept of international criminal law is supposed to address, on one hand, the need for international cooperation of States in the criminal prosecution of individuals who have committed criminal felonies, and, on the other, to guarantee protection to individuals who are subjected to political persecutions. Zelinska studies the process of the «Europeanization» of criminal law and the strengthened impact of the European Union on the development of criminal law in its member states.

Zelinska has written over 120 works. Her major studies include: Политические преступления в системе международной преступности: монография [Political crimes in the international crime system: A monograph]. — O., 2003; Международные преступления и международная преступность: монография [International crimes and international criminality: A monograph]. — O., 2006; Проблемы вхождения Украины в европейское правовое пространство: монография (раздел «Европейская конвенция о выдаче правонарушителей и национальное законодательство Украины в контексте защиты прав человека») [Problems of Ukraine's joining the European legal space: A monograph (the section on the «European Convention on the extradition of criminals and the national legislation of Ukraine in the context of human rights protection»)]. — O., 1999; Социально-правовые аспекты терроризма: монография (раздел «Международно-правовое определение терроризма») [Social and legal aspects of terrorism: A monograph (the section on «International law definition of terrorism»)]. — O., 2003; Тероризм і проблеми екстрадиції [Terrorism and problems of extradition] // Право України. — 2000. — № 8; Транснациональное преступление и транснациональное право // Актуальні проблеми політики [Transnational crime and transnational law // Topical problems of policy]. — 2002. — Вип. 15; Международное преступление как основание международной уголовной ответственности индивидов // Український часопис міжнародного права [International crime as grounds for international criminal liability of individuals // Ukrainian bulletin of international law]. — 2003. — № 4; Транснаціональний злочин і транснаціональне кримінальне право // Актуальні проблеми політики [Transnational crime and transnational criminal law // Topical problems of policy]. — 2007. — Вип. 30; Международное уголовное право в условиях глобализации преступности // Альманах международного права [International criminal law in an environment of globalization of criminality // An anthology of international law]. — O., 2009; Політична злочинність і політична кримінологія: концептуальні підходи [Political crimes

and political criminology] // Право України. — 2009. — № 7; Правовий спадок Нюрнбергу: до 65-річчя з дня оголошення вироку Міжнародного воєнного трибуналу [Legal heritage of Nuremberg: On the 65th anniversary of the verdict of the International military tribunal] // Право України. — 2011. — № 10.

Mykola Pashkovskyi studies the shaping of international criminal procedure. He has identified certain trends regarding the genesis of international criminal law: (a) the growing complexity of the object of legal regulation of international criminal law and structuralization of the latter; (b) the institutionalization of international criminal law via the establishment of specialized international organizations and international criminal judicial institutions. Pashkovskyi substantiates the isolation of norms of international criminal procedure law, in which he includes a portion of international legal norms regulating jurisdictional activities of international criminal justice organs, and draws conclusions about their systemic unity and the existence of structural relations, both among them and with the other norms of international criminal law (Проблемні питання імплементації окремих міжнародних стандартів, передбачених Коневнцією про захист прав людини і основних свобод, у кримінально-процесуальне право // Правове життя сучасної України [Problem of the implementation of certain international standards envisioned by the Convention on the protection of human rights and fundamental freedoms in criminal procedural law]. — 2011. — Т. 1; Международное уголовно-процессуальное право в системе международного права // Міжнародні читання, присвячені пам'яті професора Імператорського Новоросійського університету П. Є. Казанського [International criminal procedure law in the system of international law: International readings dedicated to the commemoration of P. E. Kazanskyi, Professor of the Imperial Novorossiiskyi University]. — O., 2011). Special features of proceedings in international criminal courts are the object of research of the candidate of legal sciences dissertations prepared by postgraduate students of the chair, O. Holovko, A. Ziukina, and O. Lutsenko.

In 2005 N. Driomina-Voloc (under the supervision of Professor Marco Cherkes) defended her candidate of legal sciences dissertation «Jurisdiction of international criminal courts and tribunals». This dissertation is devoted to the study of the genesis, doctrinal foundations, legal nature, content, and conditions of administering the jurisdiction of international criminal courts and tribunals; to the identification of the principal trends and an optimal mechanism of its development. It treats the jurisdiction of the Nuremberg and Tokyo Tribunals, the international tribunals on the Former Yugoslavia and Rwanda, the Special court on Sierra-Leone, and the permanent International Criminal Court. The notion has been formulated of the jurisdictional regime and its principles, with a special emphasis of the requirements as to its legitimacy, completeness, and integrity. Continuing her studies on international criminal law, Driomina-Voloc analyzes the problems involved in the identification of the notion of «jurisdiction» of a State as a category of international law; puts forward arguments to substantiate her standpoint that in the international law context, the establishment and performance by a State of its criminal jurisdiction constitute not only the State's legal power, but also its international law commitments proceeding from an international treaty or an international-legal custom. She paid special attention to the universal criminal jurisdiction of States, as well as the concept of hate crimes (Дрьоміна Н. В. Юрисдикція міжнародних кримінальних судів і трибуналів: монографія [Driomina N. V. Jurisdiction of international criminal courts and tri-

bunals: A monograph]. — O., 2006; Дрёмина Н. В. Международный уголовный суд: Проблемы юрисдикции // Український часопис міжнародного права [Driomina N. V. International criminal court: Problems of jurisdiction // Ukrainian bulletin of international law. — K., 2003. — № 4; Driomina-Voloc N. Criminal Law Mechanism of Hate Crime Response and Counteraction // Актуальні проблеми держави і права [Topical problems of state and law]. — 2010. — № 55; Міжнародна кримінальна юрисдикція відносно дискримінаційного насилля як злочину jus cogens // Актуальні проблеми держави і права [International criminal jurisdiction regarding discrimination violence as a jus cogens crime // Topical problems of state and law]. — 2011. — Вип. 60).

The international law mechanism of the protection of human rights and fundamental freedoms of individuals in the process of extradition is the main area of research undertaken by S. Nesterenko, who defended her candidate of law dissertation in 2007 (speciality 12.00.11 — International law) entitled «International legal protection of human rights during extradition». He characterized the international legal protection system of the extradition, which is composed of two relatively independent components: (1) the norms of international law ensuring the presence of grounds for and humanity of passing a judgment on extradition in the petitioned State (that is, a set of international legal norms establishing the grounds for a refusal of extradition if this may lead to human rights violations); (2) international legal norms providing for compliance with international legal standards of human rights in the course of extradition (that is, a set of international law norms establishing the proper legal procedure in extradition proceedings) (Міжнародно-правовий захист прав людини при здійсненні екстрадиції: монографія [International law protection of human rights in the process of extradition: A monograph]. — O., 2011; Судовий розгляд справ in absentia та захист прав особи в механізмі екстрадиції // Юридична Україна [Adjudication of cases in absentia and protection of the rights of an individual in the mechanism of extradition]. — 2009. — № 10).

Special features of certain elements of corpus delicti of international crimes (crimes under the jurisdiction of international criminal courts) are the object of research of the postgraduate students M. Popov and O. Volochko.

T. Antsupova undertakes research on the law of international organizations. In 2003 the Antsupova defended her candidate of legal sciences dissertation on «International legal cooperation of Black Sea States».

Antsupova has identified the specific features of international collaboration of States in the Black Sea region. She has drawn up a classification of the main forms, directions and levels of international legal collaboration of States in modern world. She has also defined the notion of «international legal collaboration of the Black Sea States». Working on her doctoral thesis, Antsupova is studying the procedural law of the Council of Europe (Міжнародно-правове співробітництво Причорноморських держав: сучасний стан та перспективи розвитку: монографія (у співавторстві) [International law collaboration of the Black Sea states: Current status and development prospects: A monograph (in co-authorship)]. — O., 2005; Механизм правотворчества в рамках формирования правопорядка Совета Европы // Актуальні проблеми держави і права [The mechanism of law-making within the framework of formation of the Council of Europe legal order]. — 2009. — Вип. № 49; Новый этап в истории развития процессуального права Совета Европы // Наукові праці ОНЮА [A new stage in the history of development of the Council

of Europe procedural law // Scientific papers of the Odessa National Academy of Law]. — 2009. — T. 8; Колізії у законродавстві України щодо виконання рішень та застосування практики Європейського суду з прав людини // Європейські студії і право [Conflicts in legislation of Ukraine regarding the enforcement of judgments and application of case-law of the European Court of Human Rights // European studies and law]. — 2010. — № 2; Структурні наслідки у правовій системі України у контексті практики Європейського суду з прав людини // Актуальні проблеми держави і права [Structural consequences in the legal system of Ukraine in the context of the case-law of the European Court of Human Rights // Topical problems of state and law]. — 2011. — Вип. № 62).

Problems of international law of the sea are studied by Zelinska and Korotkyi.

Zelinska is studying the international legal mechanism for counteracting transnational maritime crime. In her opinion, piracy is traditionally viewed as a classical international *jure gentium* crime, which is covered by universal jurisdiction of in accordance with customary international law. For universal jurisdiction to apply to all acts of capturing vessels on the high seas, including those that have political motives or a political context, it is necessary to have a certain high level of unity among the global community in condemning such acts and the willingness to prosecute them. This level is unreachable in the current environment. The evolution of the *jure gentium* legal concept of piracy has not been completed: its application, in line with the modern realities, to politically motivated actions expands the opportunities for international collaboration in combating armed captures of sea vessels, and, as such, is desirable and historically grounded. In the opinion of Zelinska, it is expedient to adopt, without delay, an international convention that would combine the concept of piracy as the basis of the universal jurisdiction as inherent in international legal customs and, to a certain extent, is reflected in the 1958 Geneva Convention on the High Seas and the 1982 U.N. Convention on the Law of the Sea, with the potential of international treaties on fighting crime. This convention would formulate the concept of piracy and armed robbery as regards sea vessels as an international law standard of their criminalization, resolve jurisdictional matters, including the obligation of the universal jurisdiction and a set method of interaction of States in bringing to account officials guilty of committing crimes, and in preventing criminal violence at sea (Морское пиратство как конвенционное преступление // Актуальні проблеми держави і права [Sea piracy in the system of international crime // Topical problems of state and law]. — 2011. — Вип. 59; Пиратство в системе международной преступности: рестроспективный анализ // Міжнародна кримінологія — проблемне поле міждисциплінарних досліджень [Piracy in the system of international crime: A retrospective analysis // international criminology — a problem area in interdisciplinary research]. — 2011. — Вип. 2).

T. Korotkyi is studying the legal status and regime of maritime space, security of shipping, and protection of the marine environment. He analyzes certain aspects of the delimitation of the Black Sea continental shelf; the legal status and regime of the Sea of Azov and the problems of its delimitation; criminological aspects of piracy in the Somali region, and the international legal means fighting it; and international law instruments to ensure security of shipping (Про делімітацію континентального шельфу в між Україною та Румунією (у співавторстві) [On delimitation of the continental shelf between Ukraine and Romania] // Право України. — 1998. — № 9; Международно-правовые аспекты безопасности мореплавания (в

соавторстве): монография [International law aspects of security of shipping]. — О., 2001; Глава 12. Правовой статус Азовского моря и проблемы нормативно-правового обеспечения сотрудничества Украины и Российской Федерации в сфере охраны и использования ресурсов Азовского моря // Экономико-экологические проблемы Азовского моря: монография [Chapter 12. Legal status of the Sea of Azov and the problems of regulatory support of the collaboration of Ukraine and the Russian Federation in the sphere of protection and utilization of the resources of the Sea of Azov: A monograph]. — О., 2009; (Криминологический анализ современного пиратства // Библиотека криминалиста: научный журнал [A criminological analysis of contemporary piracy // The library of a criminologist: A scientific journal]. — 2011. — № 1).

The problems of international economic law are studied by N. Yakubovska and postgraduate students D. Chibisov and O. Nikolaienko.

In 2006, N. Yakubovska defended her candidate dissertation «Legal regulation of the operations of multinational companies». The principal area of research of Yakubovska is international collaboration in the regulation of global mismatches in the global economy. She is performing a complex study of the system of international law collaboration in an environment of growing economic mismatches, trying to identify causes of global economic mismatches in terms of law; she has studied the problems and gaps in the mechanism of international legal regulation of the financial sphere of State interactions which caused the global economic mismatches, the shortcomings and innovations in international treaties in force in the international legal order (Взаємодія економічних та політичних суб'єктів у рамках міжнародного світового правового порядку: історичний огляд // Актуальні проблеми держави і права [Interaction of economic and political subjects in the framework of international global legal order // Topical problems of state and law]. — 2010. — Вип. 53; Негосударственные акторы как участники международного правотворческого процесса // Альманах международного права [Non-governmental actors as participants of the international law making process // Almanac of international law]. — 2010. — Вып. 1; Международное сотрудничество в регулировании глобальных дисбалансов: неудачный опыт Бреттон-Вудских учреждений // Актуальні проблеми держави і права [International collaboration in the regulation of global mismatches: The negative practice of the Bretton-Wood institutions // Topical problems of state and law]. — 2011. — Вип. 62).

D. Chibisov is examining the mechanism of protecting intellectual property rights in conformity with the Treaty on Commercial Aspects of Intellectual Property Rights.

Studies in the area of international security law and of peaceful settlement of international disputes are being performed by O. Delinskyi, O. Troianovskyi, and O. Hladenko.

In 2003 Delinskyi defended his candidate of legal sciences dissertation «The European System of Security: International Legal Aspects of Genesis and Development». Delinskyi has studied topical issues arising in international legal relations in the development of the European security system and legal studies of States as the main subjects of international public law in world community and international organizations and in the area of building up the European system of security. He has studied the processes of the development of international legal mechanisms of international security and Ukraine's participation therein (Система

международной безопасности и международное право (The system of international security and international law) // Юридический вестник. — 2001. — № 2; Проблеми безпеки української держави в сучасному конституціоналізмі // Сучасний конституціоналізм та конституційна юстиція [Problems of security of the Ukrainian State in contemporary constitutionalism // Contemporary constitutionalism and constitutional justice]. — О., 2001; Концептуальні аспекти становлення сучасної системи міжнародної безпеки // Актуальні проблеми держави і права [Conceptual aspects of building up the contemporary system of international security // Topical problems of state and law]. — 2001. — Вип. 11; Взаимоотношения НАТО и ЕС в сфере безопасности, в условиях обострения невоенных угроз // Международное право после 11 сентября 2001 года [Interrelations of NATO and the EU in the security area in an environment of intensification of non-military threats // International law after September 11, 2001]. — О., 2004; Міжнародно-правові аспекти становлення та розвитку Європейської системи безпеки на порозі XXI століття: монографія [International law aspects of the establishment and development of the European security system on the threshold of the 21st century: A monograph]. — О., 2004).

O. Troianovskyi is studying the law of the peaceful resolution of international disputes (Трояновський О. В. Поняття і види міжнародних спорів та засоби їх вирішення [Concept and types of international disputes and means of their resolution] // Людина і закон: публічно-правовий вимір: матеріали Міжнар. наук.-практ. конф. «VII Прибузькі юридичні читання», 2011).

International natural environment law is an interest of T. Korotkyi, who studied general issues of the ecologization of international law and the international ecological legal order, as well as special issues of the marine environmental protection.

Korotkyi was the first in Ukraine to substantiate the objective nature of the ecologization of the international legal system. He proved that the resolution of certain global problems (ecological issues and, in particular, the protection of the global ocean as a portion of the entire globe) should be considered from the angle of global management (the regulation of cooperation) so as to ensure the proper and effective legal order in the global ocean as a component of the international legal order on the whole. He developed the notion of «marine environmental protection», which, in the broad sense, may be defined as the totality of the means of a legal, organizational, and controlling nature on the national and international levels seeking to prevent and minimize pollution of the marine environment and to liquidate its consequences, including measures of compensation for pollution caused. Also developed further have been views regarding the existence of marine environmental protection law as a comprehensive sub-section that emerged at the edge of three branches — international law of the natural environment, international law of the sea, and, with certain restrictions, international private maritime law. Korotkyi substantiated the international-legal nature of the norms contained in resolutions approved pursuant to or in direct compliance with international conventions. He has updated the classification of resolutions of the International Maritime Organization (IMO) on the basis of the criterion of their binding force, including recommendatory norms, those that contain recommendatory and binding norms. Korotkyi has studied the implementation mechanisms of international-legal norms on the protection of the marine environment and formulated proposals to improve this (Международно-правовая охрана морской среды от загрязнения с судов: монография [International legal protec-

tion of the marine environment against vessel-source pollution: Monograph]. — O., 2002; Глава V. Комплексный анализ международно-правового механизма охраны морской среды от загрязнения с судов; Глава VI. Проблемы возмещения ущерба при загрязнении морской среды с судов // Экономико-экологическая безопасность морехозяйственной деятельности: монография [Chapter V. A comprehensive analysis of the international-law mechanism of marine environment protection against pollution from sea-going vessels; Chapter VI. Problems of compensation for the damage caused by the maritime environment pollution from sea vessels // Economic and ecological security of merchant shipping activities: A monograph]. — O., 2008; Глава XXVI. Нормативно-правовое обеспечение сотрудничества Украины и Российской Федерации в сфере охраны и использования ресурсов Азовского моря // Интегрированное управление ресурсами и безопасностью в бассейне Азовского моря: монография [Chapter XXVI. Regulatory and legislative support of the collaboration of Ukraine and the Russian Federation in the sphere of protection and security in the Sea of Azov basin: Monograph]. — O., 2010; Догматично-правовий аналіз змісту поняття «охорона» та «захист» морського середовища в теорії і практиці // Актуальні проблеми держави і права [A legal-dogma analysis of the contents of the notion «safety» and «protection» of the maritime environment in theory and practice // Topical problems of state and law]. — 2011. — Вип. 62; Природа норм рекомендацій міжнародних міжурядових організацій (на прикладі рекомендацій IMO у сфері охорони морського середовища) // Актуальні проблеми держави і права [The nature of the norms of the guidelines of international intergovernmental organizations (taking as an example the IMO recommendations in the maritime environment protection sphere]. — 2011. — Вип. 61).

The object of studies undertaken by O. Vyshniakov and T. Antsupova, O. Delinskyi, and O. Hladenko is European Union law. Vyshniakov studies the economic and legal aspects of the development of integration associations and defended his doctoral thesis «Legal support of civil property relations in Ukraine drawing closer to the conditions of the internal market of the European Union».

Vyshniakov is one of the first in Ukraine to look into the theoretical functioning of the Ukrainian State in joint legal space with other States. He established that this space serves as a scale for integration processes, whereas the level of external legal integration is a substantive feature in the assessment of the economic legal order in a modern rule-of-law State. The special feature of the process of «internationalization» and «universalization» of Ukrainian law is that, once Ukraine gained independence, it was combined with a special vector of self-identification of the State, «nationalization» and restoration of Ukrainian law, and the process of «Europeanization» of Ukraine's law is «pioneering», that is, it does not always accord with the real-life relations, especially economic relations, with the latter «drawing closer» artificially to European and global legal models. He pointed out that the objective of the Euro integration economic processes is to ensure the absence of discrimination of nonresidents in the Ukrainian legal field, which, in turn, is a pre-condition of the nondiscrimination of Ukrainian subjects in EU legal space and, ultimately, of the positive economic effect as a result of speeding up of circulation and, subsequently, of the free movement of goods, services, intellectual property rights, capital and labor within the EU — Ukraine legal space. He also came up with the hypothesis that the practical isolation of priority branches of law is the manifestation of a trend of the acceleration of the process of the implementation of economic liberalism as a component part of

the Ukrainian national idea, whereas the artificial nature of the acceleration reflects the marginal character of the current model of the Ukrainian economy.

Vyshniakov has developed a concept of «cosmopolitical» branches of law of Ukraine that seem to be more open to global and regional harmonization and unification, together with a respective concept of identification of the 'integration-prone' section of law in the legal system of Ukraine serving as a basis for selective, non-frontal nature of Ukraine's integration into the supra-national legal order of the EU. Civil and entrepreneurial laws are considered to be integration-prone branches of Ukrainian legislation that regulate directly or indirectly the property relations of a commodity nature and possess sufficiently suitable integrative quality, being the most «cosmopolitical». Subject to integration is not the entire branch simultaneously, but its separate parts, sub-sections, units and certain norms, which accords with the mode of a gradual and fragmentary nature of integration of national legislation within the European Union. He put forward a thesis that in the process of integration with the internal EU market, supra-national acts of EU legislation, including of the EU Court, are to be used in Ukraine irrespective of its accession to EU membership as a source of law in the context of the process of approximation to EU law. The harmonized legal regimes of collaboration of economic subjects within the framework of «Euro regions» in which Ukraine participates are noted. Convergence of legislation has been separated from its adaptation and «alignment», which imply a unilateral voluntary customization of the national legislation of the country to foreign legislation, whereas convergence is a transition of legislation from the original, preparatory stage to a higher, more advanced level — to the stage of legal integration proper — towards harmonization and unification, from voluntary unilateral «approximation» of national legislation in accordance with a transnational «sample» to the stage of a mutual «merger» of the legislation of different countries based on a common «sample» in conformity with the agreed procedure and assisted by supra-national governing entities.

Vyshniakov substantiated the thesis that foreign economic relations belong, in the broad sense, to international private law and international entrepreneurship law, whereas the norms regulating these relations are intended to ensure fair competition of private law subjects and protection of their interests in international commodity markets. He has formulated a conditional-theoretical supra-national model for an improvement of the public-law support of private property relations, which is formulated as «universal» (or «universal-regional») business law, and specified its object and system. In addition, the general characteristics have been proposed of the integration legislation of Ukraine regulating property relations as an object of regional and global integration legal regulation (Правове забезпечення зовнішньоекономічної інтеграції України: монографія [Legal Provision for the foreign economic integration of Ukraine]. — О., 2007; Європейська політика сусідства як алгоритм правової інтеграції для України [The European policy of neighborliness as an algorithm of legal integration for Ukraine] // Агора. Україна — 15 років незалежності. — 2005. — Вип. 2 (Woodrow Wilson International Center for Scholars, Kennan Institute); Правові передумови та наслідки приєднання України до Світової організації торгівлі [Legal preconditions and consequences of Ukraine's accession to the World Trade Organization// Правові й економічні аспекти вступу України до Світової організації торгівлі. — 2006; Режим генералізованих тарифних преференцій ЄС [The regime of generalized tariff preferences of the EU] // Право України. — 2006. — № 10; Створення зони вільної

торгівлі з ЄС: питання правового забезпечення [Creation of a free trade zone with the EU] // Митна справа. — 2001. — № 1; Перспективи входження України до внутрішнього ринку Європейського Союзу та інтеграційне правове регулювання [The prospects of Ukraine's access to the internal market of the European Union and the integration legal regulation] // Актуальні проблеми держави і права. — 2001. — Вип. 60).

Antsupova is studying the problems «European law», having identified the key approaches to the concept of «European law». She has offered arguments to support the idea that identifying the notion of «the European Union law» with the notion of «European law» is not expedient, since they relate to each other at the present stage of their development as a part and the whole, respectively. At the same time, European Union law, as well as the unified norms of European law in the human rights protection area, are special elements of a system that make it possible to differentiate it from the system of international regional law (К проблеме опрпеделения понятия «европейское право» [On the problem of the definition of the «European law» notion] // Актуальні проблеми держави і права. — 2005. — Вип. 24).

Delinskyi studies banking law in the European Union. In his opinion, EU banking law is a branch of the European Union law that has been taking shape in the process of law making activities of its member states and of the organization of supra-national integration (that is, institutes, bodies and institutions of the EU). European Union banking law constitutes a unique legal phenomenon that is in a state of continued development (Unit 7. Banking law // EU Economic law. — Odessa: Yurydychna literature, 2011).

Hladenko is working on matters pertaining to the foreign policy and security policy of the European Union. In 2010 Hladenko defended his candidate of law dissertation «International-legal collaboration of Ukraine with the European Union in the sphere of mutual foreign policy and security policy». In the author's opinion, the legal regulation of supra-national integration processes includes a system of mechanisms originating in the newly-created supra-national law and, to a greater extent, in national and international legal regulation. This fact accounts for the procedures, subjects and effects of supra-national integration. Hladenko has developed the concept of various-pace integration in terms of the accession of new members to the integration associations already created. A practical example of scientific results in this area is the current status of Ukraine in the process of European integration, where coming to the forefront is not the general (or total) integration, but a sector-specific integration, which, if successful, creates grounds for its further elaboration and application to new collaboration spheres. (Громадянство Європейського Союзу в контексті питань безпеки // Науковий вісник Академії муніципального управління [The European Union citizenship in the context of security issues // Scientific bulletin of the Municipal Administration Academy]. Серія: Право. — 2009. — № 2; Правові основи зовнішньополітичної діяльності ЄС за Лісабонським договором: український контекст // Науковий вісник Академії муніципального управління [Legal foundations of the EU foreign policy activities under the Lisbon treaty: the Ukrainian context // Scientific bulletin of the Municipal Administration Academy. Серія: Право. — 2010. — № 1).

Studies in the area of international health protection law are being conducted by Korotkyi, N. Sazhienko, and O. Pasechnyk.

Korotkyi and Sazhienko have developed a concept of international health protection law. They note that international health protection law is to be understood in

the broad and narrow sense. In the broad sense, international health protection law includes separate international-legal regimes of international health protection law, international ecological law, international humanitarian law, international commercial law, international labor law, intellectual property right law, and international security law, which, one way or another, are related the public health protection and the right to life and health. They have studied the Framework Convention of the World Health Organization (WHO) on counteracting tobacco smoking (Современная концепция международного здравоохранительного права // Актуальные проблемы современного международного права [Modern concept of international health protection law // Topical problems of contemporary international law]. — 2011; Международное сотрудничество в сфере здравоохранения в эпоху глобализации // Медичне право України: законодавче забезпечення царини охорони здоров'я (генезис, міжнародні стандарти, тенденції розвитку й удосконалення) [International cooperation in the health protection sphere in the globalization age // Medical law of Ukraine: Legislative support of the health protection sphere (genesis, international standards, and trends for development and improvement]. — 2011).

Sazhienko is examining the international-legal regulation of the collaboration of States in health protection. She has analyzed the development of international-legal regulation of the collaboration of States in health protection and identified special features of international-legal regulation of the collaboration of states in health protection in the age of globalization (Правові форми співробітництва держав у сфері санітарно-епідеміологічного благополуччя // Актуальні проблеми політики [Legal forms of states' cooperation in the sphere of sanitary and epidemiological well-being // Topical problems of policy]. — 2001. — Вип. 43. — 2011; Международное здравоохранительное сотрудничество в эпоху глобализации // Альманах международного права [International health protection collaboration in the age of globalization // An anthology of international law]. — 2010. — Вып. 2).

O. Pasechnyk is studying the international-legal regulation of pharmaceutical substances. He has analyzed international-legal cooperation of States in this sphere and the international-legal regulation of trade in pharmaceutical substances, specifically the regulation of pharmaceutical substance turnover within the framework of WHO law, the standards of the European Union and of the Commonwealth of Independent States related to the circulation of pharmaceutical substances. Pasechnyk has also identified the characteristics of the international legal support for the safe utilization of medical substances (Международно-правовое регулирование проведения клинических испытаний на человеке // Медичне право України: законодавче забезпечення царини охорони здоров'я (генезис, міжнародні стандарти, тенденції розвитку й удосконалення) [International-law regulation of performing clinical tests on human beings // Medical law of Ukraine: Legislative support of the health protection sphere (genesis, international standards, and trends for development and improvement], 2011; Международно-правовая регламентация права доступа к лекарственным средствам: міжнародні читання, присвячені пам'яті професора Імператорського Новоросійського університету П. Є. Казанського [International-legal regulation of the right of access to medical substances: International readings commemorating P. E. Kazanskyi, Professor of the Imperial Novorossiysk University]. — О., 2011).