DIAMOND OF THE URALS IN THE CROWN OF INTERNATIONAL LEGAL SCIENCE

(Contribution of Professor H. V. Ihnatenko to the Development of Modern Science of International Law)

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«It is very important for the jurist not to be formal, not to think narrowly, it is very important to try and change the law, not limiting oneself only to its interpretation».

(A. Cassese, Five Masters of International Law. — Oxford, 2011)

The words in the epigraph were the life credo of a great international lawyer of the second half of the twentieth and early twenty-first century — Hennadii Volodymyrovych Ihnatenko. When it comes to his contribution to the development of the science of international law, this was not merely to Russian or Ukrainian legal science. Professor H. V. Ihnatenko was a legal scholar who will forever remain on the scrolls of the world science of international law as a scholar who tried to change this science and in many ways did so by making it more effective, more essential not only for States, as before, but also, especially important today, by individuals and legal entities.

He died a few months before his 85th birthday. Neither illness nor excessive workload could affect his vibrant, passionate activity in as a scholar or as a practitioner.

When it was decided to publish the journal International Law, the first impulse was to invite Professor Ihnatenko to become a member of the editorial board. This was not only a great honor for the journal, but great assistance in establishing the publication. There was only one doubt: whether Hennadii Volodymyrovych would agree. So many institutions of higher education, government agencies, journals, and associations already enjoyed his assistance or harbored hopes of securing it.

I called Professor Ihnatenko a week before he passed away. Hennadii Volodymyrovych was unwell. But when I asked him to assist in establishing the publication of the new Ukrainian journal International Law and give his consent to join

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the academic board, he agreed without hesitation. And he remarked: «Do not forget that my origins are from Ukraine (Ihnatenko's parents came from Prystromy Village (now the Kyiv Region. — V. B.)), and I always did what I could to help Ukrainians. I am glad that even now Ukrainian scholars and practitioners need me». We agreed that the content of the first issue of the journal would be sent to him for comments, but, unfortunately, on 19 January 2012 Hennadii Volodymyrovych died. His colleagues from Ural State Law Academy wrote: «Hennadii Volodymyrovych was a wonderful person and an outstanding scholar. He was a Teacher in the highest sense of this word. He was best known for his great expertise, novelty of judgments, originality of mind; he always was genuinely passionate about his work. He was a highly intelligent, sensitive man with an amazing zest for life and excellent sense of humor».

We can do no more than sadly conclude that the Russian science of international law has suffered an irreparable loss, and the world science of international law lost a prominent master. The word of a talented teacher, a sincere friend of students, who, like a father, always treated them well, will no longer be heard in the domain of education. He valued decency, intelligence, courtesy in people, since he possessed all of these traits. Professor Ihnatenko's Ural, Siberian and Far-Eastern school is mentioned often. But there is no less reason to speak about his Ukrainian school.

The school of H. V. Ihnatenko, to resort to the Ukrainian version of his name, is not merely geography or some institutions of higher education; the Ihnatenko School is an orientation in the modern science of international law, the future of this science, when the ideas and thoughts of the talented scholar and teacher would be developed by his colleagues, followers, and students.

Life of Professor Ihnatenko. The Ihnatenko family lived in the Prystromy Village, Pereiaslav District, of Poltava Province (in 1921 the district was merged into Kyiv Province). Difficult economic conditions in Ukraine in the late nineteenth and early twentieth centuries encouraged Ukrainian families to seek a better life in Canada, United States, and even Australia. The Ihnatenko family moved to the Russian Far East. On 27 November 1927, in Khabarovsk, Volodymyr Ihnatenko's son Hennadii was born. In the Ihnatenko family love and respect for the parental home, their ancestors and their dear motherland — Ukraine — were fostered in the minds of the children. And this love Hennadii would carry throughout his life. Hennadii's brother lived in Kyiv, which motivated him to visit Kyiv at the first opportunity. He was looking for any opportunity to travel to Pereiaslav-Khmelnytskyi.

I recall that in 1975 Hennadii came to Kyiv (of course, as always to act as an opponent for a thesis) and asked me if we could help him go to his father's homeland in the Pereiaslav-Khmelnytskyi district (Prystromy Village is situated on the picturesque and legendary Trubizh River, 20 km. from the district center). My wife and I accompanied him, together with Professor and Mrs. I. I. Lukashuk. We spent the entire day in the Pereiaslav-Khmelnytskyi region. In the evening, on our return to Kyiv, Hennadii said: «When we left this morning, my heart was even hurting a little with excitement, and now I feel so relieved, as though I have met my parents. My father always lived with a dream of his homeland».

Having completed his secondary education, Hennadii decided to study law at the most prestigious institution of higher education in the country — the Lomonosov Moscow State University. In 1952 he graduated with honors. The young professional had attracted attention of the Faculty of Law, especially the Chair of State Law. The

academic board of the faculty recommended H. V. Ihnatenko for postgraduate studies.

Aware of the abilities of the young scholar and his commitment to scientific research, the Chair understood that, in this case, academic supervision of his thesis would be reduced to formal duties. Associate Professor L. D. Voievodin, who himself had defended his thesis three years before Ihnatenko graduated, was appointed to be his supervisor (Hennadii would defend his doctoral thesis almost eight years before his academic supervisor).

A competition developed between the supervisor and his student. Associate Professor L. D. Voievodin, who had just returned from a trip to China where he designed a course entitled «State Law of the People's Republic of China», suggested that his postgraduate take something from Chinese State law as a research subject. Hennadii Volodymyrovych Ihnatenko, who was already fascinated with the problems of interaction between the State, society and the individual, would direct his supervisor's attention to the under-investigated issues of human rights and freedoms, legal status of citizens, and so on. Later these subjects would become fundamental in the scientific work of Voievodin.

They agreed that Ihnatenko would work on the topic: «The System of Representative Agencies of the People's Republic of China», which he brilliantly defended on 1 March 1956 at the special council of the Lomonosov Moscow State University.

At that time, writing postgraduate theses on such subjects was simple: one took the State constitution and certain laws, rewrote their provisions, compared them to the provisions of the constitutions and laws of other countries, particularly of the Soviet Union, quoted the classics of Marxism-Leninism, added an obligatory list of national scholars whom it was impossible not to quote or at least not to mention, drew conclusions, which in fact were often borrowed from other authors, and argued that, without this thesis, neither law nor legal practice could develop further.

In 1959, based on the research materials of his postgraduate thesis, Ihnatenko published his monograph «The System of Representative Agencies of the People's Republic of China» (211 p.) at the State Publishing House of Legal Literature. It is easy to determine that Hennadii did not take this path. Of course, there were references to the classics of Marxism-Leninism, to the national scholars — without that the thesis would not be accepted for defense. But that was, so to say, a form of tribute to the requirements of the Higher Attestation Commission of the USSR. However, attention to his work is attracted not by these details, but by the fact that the Ihnatenko did not join the scholasticism of Soviet legal studies. He submitted a work which urged that the law, State, lawmaking, and law enforcement should be viewed and researched in a different way than was customary.

Ihnatenko concluded that a static interpretation of the law is quite an easy task; even those who do not have knowledge of jurisprudence can master this. State, law, society, and human rights are to be explored in their dynamic, in reference to each other, with insight into the mechanisms of their creation, operation, and, if necessary, the termination of their operation.

It cannot be said that at the time the functioning of government in the People's Republic of China did not attract the attention of researchers. Works by L. I. Kask, O. A. Arturov, H. F. Kim, M. O. Shafir, H. M. Tavrov (H. I. Tunkin), M. H Sudarykov, and others had drawn attention to the particular nature of State agencies in the

People's Republic of China. They directed scientific thought to an analysis of the historical aspects of the creation of State agencies in China, to an interpretation or simple recounting of the constitutional or legislative texts related to these authorities, and the like. Ihnatenko, in turn, insisted on the need to study their dynamic interaction with each other, the new forming of Chinese society, and, most importantly, with mandatory expansion to the legal status of the individual, to rights and freedoms in the Chinese State. Constitutional and legislative texts were not sufficient for this approach, especially because they often modeled legal status in one way, whereas the legal regime operated in another way; consequently, the situation with civil rights was completely otherwise than might have been expected.

Ihnatenko viewed the State, society, and individual not as scholastic models, but, in the language of modern researchers, as living organisms, whose functions and interaction are not always the outcome of the constitutional or legal framework.

In 1955 the thesis was finished. It was submitted for defense, but Ihnatenko did not cease research on the nature of the formation and development of national statehood. Having considered this question by using the example of, as was once said, people's democracies, he turned to new subject: the transformation of political power structures from colonial regimes to the formation of national independent States.

Ihnatenko, however, had to resolve a more practical issue: how to earn his living and, therefore, where to find a job — a job that would allow him to pursue his interest in scholarship. Given the scholarly quality of his thesis, the University would retain him in Moscow, where the conditions were relatively decent. But the notorious «residence registration» denied him that opportunity. The solution was found in a compromise: upon his thesis defense Ihnatenko was employed at the All-Union Correspondence Juridical Institute with placement according to his residence registration — at the Khabarovsk branch. There was no need to «rack brains» over the «registration» issue; he would be able to come to Moscow frequently and use its library holdings.

After five years of work in accordance with his placement, in 1961 Ihnatenko was invited to work at the Sverdlovsk Juridical Institute (now the Ural State Law Academy), where he remained for more than 50 years, until his death. There he worked on the subject of his doctoral thesis «Basic Laws of State-Creation in the Course of National-Liberation Revolution (Legal Study)», which he successfully defended at the Leningrad State University on 11 April 1968.

At the Sverdlovsk Juridical Institute, Ihnatenko held all the positions of a scholar in higher education: lecturer, senior lecturer, associate professor, and professor. He was awarded the academic title of professor in October 1969. For 27 years (from 1971 to 1998) Professor H. V. Ihnatenko was the Head of the Chair of Foreign State and International Law, and from 1998 he worked as a professor at the Chair.

Having a good command of several foreign languages, Ihnatenko followed closely the publications of his foreign colleagues. Perhaps for the first time in the classrooms of the Sverdlovsk Juridical Institute a professor introduced students to the legal research of leading foreign scholars: the Bulgarian, P. Radoynov; from Poland, L. Antonovicz, from Czechoslovakia, V. Outrata; and from Germany, P. Steiniger, including scholars from the United States (P. Jessup, W. Friedmann, O. Schachter, R. Falk, and others), Canada (E. McWhinney, R. McDonald, and others), France (G. Scelle, S. Bastid, C. Rousseau, etc.), Belgium (C. de Visscher), Great Britain (R. Higgins, G. Fitzmaurice, H. Lauterpacht, A. McNair, etc.), Germany (H. Triepel,

W. Kaufman, H. Dahm, etc.), and legal scholars from Austria, Italy, Netherlands and other countries.

Today it is an elementary requirement for a lecturer to know and promote the development of legal science. At that time, it was considered to be the popularization of prohibited bourgeois ideology. It required remarkable courage from the lecturer, but such courage was appreciated by hundreds of graduates.

According to the students, his lectures covered complex theoretical problems on the relevant subject and numerous practical examples, all that he could find in the documents and court records, materials from law enforcement agencies, ministries and agencies of the country. He did not read a lecture; during lectures he debated: with students in the room, with his fellow scholars, often with himself, but always came to an end result which he planned to leave with those who wanted to understand the law in all of its forms. What he could not cover in his lectures due to lack of time according to the syllabus, he presented in his textbooks. His textbook International Law over a ten-year period went through five editions (from 1999 to 2009) and became an influential and respected textbook not only for students in Russia, but also in Ukraine and countries of (and even outside!) the former Soviet Union.

As proof of his authority among students, and his talent as a teacher and researcher, he was elected an honorary professor of institutions of higher education in Russia and Kazakhstan.

Ihnatenko paid considerable attention to the organization of scientific activity in the country. In 1964 he joined the Soviet, later Russian, Association of International Law; from 1969 he was a member of the Executive Committee of the Soviet Association of International Law; from 2000 — the Vice-President of the Russian Association of International Law; for many years he was a member of the International Association of International Law; he was repeatedly elected a member of the editorial board of the Soviet Yearbook of International Law. From 1993 to 2007, as an initiator of the «Russian Legal Journal», he worked as the chief editor, and in recent years as a member of the editorial board; he also was a member of the editorial board of «Legal Science», and a member of the editorial board of the Moscow Journal of International Law. He was a founder of the newsletter «The Council of Europe and Russia».

Ihnatenko was welcome in scientific and educational centers around the world; sometimes he received several invitations to one place. Because of his incredible workload, they had to wait for years, but they knew: he always had something to say and his research was notable for novelty, argumentativeness, and an unusual approach to the problems of the modern age. He was heard in classrooms, at international conferences, roundtables, and meetings in Almaty and Kyiv, Minsk and Kharkiv, Warsaw and Plovdiv, Delhi and Sofia, Moscow and New York, Hanoi and Chautauqua, Tbilisi and St. Petersburg, in Kazan, Sverdlovsk, Tyumen, Ufa, and other scientific and educational centers. Students and postgraduates of Kyiv, Latvia, Irkutsk, Tashkent, the Far East, and other universities listened to lectures by Ihnatenko.

The members of NATO Headquarters gratefully accepted the consent of Ihnatenko (in 1997) to participate in discussions at Brussels and Mons. I recall when, in 1998, the judges of the European Court of Human Rights (hereinafter referred to as the Court) learned that Ihnatenko was at the Court, they gladly shared this news with each other, for everyone wanted to listen to the famous scholar. He willingly shared with us his vision of the pressing modern problems of international law; in particular, international justice. The judges, like students, took notes of his ideas.

The scholar proudly demonstrated the achievements of the Russian science of international law to members of the Ukrainian, Indian, and other associations around the world.

Ihnatenko's knowledge of law was in demand by practitioners, organizations, and agencies. He was a permanent advisor of the Ministry of Foreign Affairs of the USSR, and later the Ministry of Foreign Affairs of the Russian Federation, the Ministry of Foreign Affairs of Ukraine, other ministries and agencies — once more demonstrating that science has no limits and borders. For many years he was a panel member of the Ministry of International and Foreign Economic Relations of the Sverdlovsk Region in Russia.

Ihnatenko devoted much effort and energy to the education of young researchers. He was a member of thesis boards at the Ural State Law Academy and Kazan State University, acted as a supervisor or opponent at special councils of institutions of higher education and academic centers in Russia, Ukraine and dozens of neighboring countries and beyond. He personally was the supervisor and consultant for more than 30 postgraduate and 7 doctoral theses that were successfully defended. In all Ihnatenko had several thousand students who now work in various institutions in dozens of countries around the world. Not every scholar and teacher can show such results. He left a part of himself in his students, and, thus, he will live forever. His students will continue passing on his ideas, decisions, and thoughts to their students.

His ideas and suggestions are reflected in a number of legislative acts: Federal Law on Citizenship of the Russian Federation, expert opinions on the Constitution of the Russian Federation, Federal Law on International Treaties of the Russian Federation, and other federal laws which were based on his drafts or opinions.

During his lengthy scientific and educational activities, Ihnatenko received awards from State, scientific, and educational organizations and associations. He was awarded the Order of Honor, the Order of People's Friendship, the Medal for Valorous Labor, the Medal «200 Years of the Ministry of Defense of the Russian Federation», A. F. Koni and H. I. Tunkin medals, F. F. Martens prize, and the Hugo Grotius prize; he was an Honored Scientific Worker of the RSFSR, Honorary Figure of Russian Higher Education; he was given the badge of honor for meritorious service to the Ural State Law Academy; and others. He was awarded the medal for Veteran of Labor by the State and the badge «Centennial of Khabarovsk City».

Principal contributions to scholarship by Professor Ihnatenko. It should be noted from the outset that to reveal in a single article the immense contributions by Ihnatenko to international law is impossible. He has worked in other fields: theory of State and law, State (constitutional) law, social administration, the political organization of communities, international private law, arbitral procedure, constitutional proceedings — this is far from a complete list of his preoccupations and interests. Even formally, the results of his research make an overwhelming impression: more than 250 scientific papers, including about 20 monographs, textbooks in several editions, tutorials, chapters and sections in textbooks, methods materials, reviews, and others.

The most popular within and beyond the Russian Federation were the following (by year of publication): The System of Representative Agencies of the People's Republic of China (M.: Hosurizdat, 1959). — 212 p.; From Colonial Regime to National Statehood (Legal Issues of Independent-State Formation in the Process of the National-Liberation Revolution) (M.: International Relations, 1966). — 160 p.;

Matters of Socialist State and Law (co-author). (Sverdlovsk: Sverdlovsk Juridical Institute, 1967). — 308 p.; State Law of Bourgeois Countries and Countries Liberated from Colonial Dependence (co-author) (M.: Higher School, 1968). — 390 p.; State Law of Foreign Socialist States (co-author) (Sverdlovsk: Sverdlovsk Juridical Institute, 1970). — 328 p.; International Legal Personality (co-author) (M.: Legal Literature, 1971). — 187 p.; International Law and Social Progress (1972). — 150 p.; International Law (co-author) (Sverdlovsk: Sverdlovsk Juridical Institute, 1974). — 408 p.; State Law of Foreign Socialist Countries (co-author) (M.: Higher School, 1976). — 270 p.; Detente and International Agreements (M.: International Relations, 1978). — 88 p.; International Cooperation in Crime Prevention (Sverdlovsk: Sverdlovsk Juridical Institute, 1980). — 74 p.; Cooperation of Domestic and International Government (Sverdlovsk: Sverdlovsk Juridical Institute, 1981). — 60 p.; State and Law in the System of Social Administration (co-author) (Sverdlovsk: Ural State University, 1981). — 124 p.; Questions of Improvement of Social and Legal Regulation (co-author) (Sverdlovsk: Sverdlovsk Juridical Institute, 1981). — 144 p.; Questions of State, Legal, and Social Regulation (co-author) (Sverdlovsk: Sverdlovsk Juridical Institute, 1983). — 172 p.; Performance of International Treaties of the USSR: Theoretical and Practical Matters (co-author) (Sverdlovsk: Sverdlovsk Juridical Institute, 1986). — 117 p.; New Trends in International Rule-Making (co-author) // Soviet Yearbook of International Law 1986 (M.: Science, 1987). — pp. 32–46; International Law (Education Schemes) (co-author) (Tyumen: Tyumen State University, 1988). — 53 p.; Problems of Enforcement of International Law (co-author) // Interacademy Collection of Scientific Papers (Sverdlovsk: Sverdlovsk Juridical Institute, 1989). — 243 p.; International Law Course: 7 volumes — Volume 2 (co-author). Fundamental Principles of International Law (M.: Science, 1989). — 239 p.; Legal Issues of Organized Crime Prevention (co-author) (Sverdlovsk: Sverdlovsk Juridical Institute, 1992). — 72 p.; Tax Policy. Avoidance of Double Taxation of Income and Property: International Agreements (Ekaterinburg: USLA, 1994). — Part 1. — 172 p.; Tax Policy. Avoidance of Double Taxation of Income and Property: International Agreements (Ekaterinburg: USLA, 1994) — Part 2. — 176 p.; Tax Policy. Avoidance of Double Taxation of Income and Property: International Agreements (Ekaterinburg: USLA, 1994). — Part 3. — 36 p.; Enforcement of International Law in the Russian Legal System // Legal Reforms in Russia: Theoretical and Practical Problems (Ekaterinburg: USLA, 1996). — pp. 36–41; Russian Legal System and International Law: Law of the Russian Federation on the Application of Generally Accepted Principles and Norms of International Law, International Treaties of the RF (Ekaterinburg: USLA, 1997). — 72 p.; International Law (co-author) (M.: Norma, 2000). — 584 p.; Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols (draftsman) (Ekaterinburg: Information Center of the Council of Europe in Ural Region, 2001). — 60 p.; International Law (Ekaterinburg: USLA, 2001) — 24 p.; European Conventions, Educational Standards (Ekaterinburg: USLA, 2002). — 72 p.; European Court of Human Rights: Individual Cases (draftsman) (Ekaterinburg: USLA, 2002). — 63 p.; European Conventions: Crime Prevention and Legal Assistance in Criminal Matters (draftsman) (Ekaterinburg: USLA: Infokon, 2002). — 127 p.; International Law (co-author) (M.: Norma, 2002). — 592 p.; Personal Legal Status: Correlation of Constitutional and Conventional Regulators // Constitutional Justice and International Legal Rules for Human Rights in Russia

(Nalchik: Poligraphservice and T., 2002). — pp. 43–48; International Law (co-author) (M.: Science, 2003). — 612 p.; Modern Aspects of Judicial Interpretation of International Acts // Application of International Treaties on Human Rights in the Legal System of the Russian Federation (Ekaterinburg: USLA, 2003). — pp. 23–24; International Law in Constitutional Justice: Traditional and Controversial Points // Constitutional Justice in the Russian Federation (Ekaterinburg: Charter Court of Sverdlovsk Region. — USLA, 2003). — pp. 118–132; International Legal Reflections on Certain Constitutional Provisions // 10 Years of the Russian Constitution: Experience of Implementation (Tyumen: Tyumen University, 2003). — pp. 149–154; Code of Arbitrazh Procedure of the Russian Federation from the Perspective of International Law: Achievements and Omissions (co-author) // Review of Russian Law, no. 7 (2003), pp. 20–28; International Legal Problems of Correlation of Material and Procedural Law of Russia: Theory and Practice (Ekaterinburg: USLA, 2004). — Part 1. — pp. 19–30; Russian Rule-Making within the Framework of Implementation of Humanitarian Law // Russian Law Review, no. 3 (2004), pp. 68–74; International Law (co-author) (M.: Norma, 2005). — 611 p.; Prohibition of Repeated Prosecution as a General Legal Principle. Genesis of the Rule «Not Twice for the Same» in the System of General Legal Rules // Russian Law Review, no. 1 (2005), pp. 75–87; International Law (co-author) (M.: Norma, 2006). — 705 p.; International Law: Collection of Documents (draftsman) (Ekaterinburg: USLA, 2006). — Issue 1. — 437 p.; Creativity in Science and Administration (co-author) // Russian Law Review, no. 1 (2006), pp. 19–26; International Law and Constitutional Jurisdiction (co-author) // Russian Law Review, no. 9 (2006), pp. 167–170; On the Origin and Evolution of the Conflicts Regulator of Interaction between National and International Legal Norms (co-author) // Russian Law Review, no. 2 (2007), pp. 57–61; International Law Orientation as a Practically Significant Component of Personnel Training for the Investigative Committee of the Procuracy of the RF (co-author) // Personnel Training for Procuracy Agencies in the Context of the Formation of the Investigative Committee of the Procuracy of the Russian Federation (Ekaterinburg: USLA, 2005), pp. 31–33; Judicial Application of International Legal Rules: Outline of Activity of the Supreme Court of RF // Russian Law Review, no. 1 (2008), pp. 96–105; International Law (co-author) (M.: Norma, 2010), and others.

The studies of Ihnatenko in greatest demand related to the national-liberation movement, legal nature of acts of international organizations, methods of the examination and teaching of international law, legal succession in international law, international legal personality of nations and peoples fighting for their independence, formation of national independence in decolonized countries under establishment of new principles and rules of international law, among others.

Many works are bibliographical rarities and it would be desirable that his Collected Works should be published.

In addition to the works mentioned above the following are of special importance: State Legal Aspects of National Liberation Movements // Soviet State and Law, no. 11 (1963), pp. 24–34; On the Legal Forms of the Expression of Will of Colonial Peoples in the Process of the Formation of Independent Nation-States // Collection of Scientific Papers of the Sverdlovsk Juridical Institute, issue 2 (1964), pp. 331–348; On the Methods of Legal Analysis of the Process of Formation of Independent Nation-States // Theses of Reports and Messages of the Inter-University Conference on Theoretical and Methodological Aspects of Legal Science (Kishinev, 1965),

pp. 70–72; Nationalization of Overseas Property in New Independent States (General-Theoretical and Legal Issues) // Results and Prospects of Social and Economic Development of New Independent States (Leningrad, 1965), pp. 44–47; Regularities of Formation of an Independent State in the Process of National-Liberation Revolution (Legal Aspects) // Materials of the Conference on Results of Scientific and Research Work of 1965 (Sverdlovsk: Sverdlovsk Juridical Institute (SLI), 1966), pp. 275–277; International Legal Personality of the Nation // Soviet State and Law, no. 10 (1966), pp. 75–82; Several Questions as to the International Legal Personality of the Nation // Collection of Scientific Papers of SLI, issue 6 (1966), pp. 165–179; Problems of Legal Succession in the Context of Formation of New Independent // Materials of Academic Conference (on Results of Scientific and Research Work of 1964) (Sverdlovsk: Sverdlovsk Juridical Institute, 1966) – pp. 19–42; The United Nations and the Development of Anti-Colonial Forms of Modern International Law // Legal Science, no. 4 (1967), pp. 56–65; Political Forms of Colonial Regime // Collection of Scientific Papers of SLI, issue 7 (1967), pp. 120–142; Review of the Book: Antonovych L. Liquidation of Colonialism in Terms of International Law (Warsaw, 1964) (in Polish) // Soviet Yearbook of International Law. 1966–1967 (M.: Science, 1968), pp. 301-303; On the Concept and Classification of Subjects of International Law // Materials of the Conference on Results of Scientific and Research Work of 1968 (Sverdlovsk: Sverdlovsk Juridical Institute, 1969), pp. 217–221; National Liberation Revolution and International Law // International Law in the Context of Combating Colonialism and Neocolonialism: Materials of Republic Scientific Conference (Kyiv, 1969), pp. 10–14; Global Revolutionary Process and Modern International Law (Research Methods) // Leninist Theory of Socialist State and Law and Modernity (Kazan, 1970), pp. 58–63; Developing Countries and International Law (co-author) (M.: Patrice Lumumba University of People's Friendship, 1971). – 152 p.; Final Act of the All-European Conference in Helsinki // Legal Science, no. 3 (1976), pp. 93–103; Soviet Foreign Policy and International Law (Theoretical Aspect) (co-author) // Legal Science, no. 5 (1977), pp. 125–134; Flexibility and Effectiveness of International Law as Interacting Categories (Sverdlovsk: Sverdlovsk Juridical Institute, 1981), pp. 3–16; International Law within the System of Legal Education (in the Context of the Correlation of International and Municipal Law) (co-author) // International and Municipal Law: Problems of Comparative Law (Sverdlovsk: Sverdlovsk Juridical Institute, 1984), pp. 3–12; International and Soviet Law: Problems of Correlation of Legal Systems // Soviet State and Law, no. 1 (1985), pp. 73–81; International Legal Status of Subjects in the Russian Federation // Russian Law Review, no. 11 (1989); Federal Law on International Treaties of the Russian Federation (co-author) // Russian Law Review, no. 11 (1989); Federal Law on International Treaties of the Russian Federation (co-author) // Russian Law Review, no. 4 (1995), pp. 23–26; Theory of State and Law (co-author) (M.: Norma, 2006), pp. 521–535; Internationally-Recognized Rights and Freedoms as Components of Personal Legal Status // Legal Science, no. 1 (2001); International Criminal Court as a Subject of International Law // Russian Yearbook of International Law 2003. Special Edition (St.-Petersburg.: Russia – Neva, 2003); New Codes of the Russian Federation: Experience of Overall International Legal Review // Russian Yearbook of International Law 2003. Special Edition (St.-Petersburg.: Russia – Neva, 2003). pp. 47–61; Decisions of the Plenum of the Supreme Court of the Russian Federation

of 10 October 2003, and International Legal Realia (co-author) // Bulletin of the Ministry of Justice of the Russian Federation, no. 4 (2004), and others.

The author's last monograph was: International Law and Municipal Law: Problems of Contingence and Correlation (M.: Norma, 2012). — 416 p. There he summarized the results of his research in just one field — international law. He shared his dream to do the same in the other orientations of his scientific activity over 60 years. But this was not to be. We hope that this will be done by his pupils and colleagues.

Research of Ihnatenko as irrefutable principles of contemporary legal science. The roles of a scholar may be various. Some are better known as the founders of a science, others produce basic ideas, some are reformers, yet others advocate scientific achievements, and so on. Ihnatenko performed each of these roles, and each sat well with him. It is difficult to write about such individuals because one must understand each of their talents and be able to represent and convey their outstanding achievements in an objective and comprehensive manner. That is why this article does not encompass the full range of his contributions to contemporary legal studies; it will focus on ex facto basic accomplishments, the absence of which would render the development of contemporary legal studies almost imaginable.

1. Contribution to development of contemporary theory of State and law. When the Soviet theory of State and law prevailed, developments in the science of international law and, in particular, the theory of international law were only the concern of experts in international law. Specialists in the theory of State and law did not know how to deal with international law.[1] Those who could not ignore it often expressed thoughts quite remote from the actual understanding of the nature of international law. For example, S. O. Holunskyi and M. S. Strohovych expressed the view that was readily comprehensible by anyone. On the one hand, they argued that «international law had a special place; it may be included in the system of law of any specific state[2] only on a provisional basis». However, afterwards they immediately claimed that «because international legal treaties of the USSR expressed the political principles that guide the USSR and that are underlying ones for the USSR, international law should be included into the system of Soviet law as a branch thereof».[3] Foreign policy principles of the State and the legal principles of international law, legal system and the branches of law, and so on are being confused here. And yet the authors believe that most treaties are not a part of international law for capitalist countries but the source of their «sword law», «fist law», dominated by the principle of «I act and I am quite convinced that later I will always find a professor of international law who would justify these actions».[4] Unfortunately, many contemporary studies of theory of State and law are «satiated» with ignorance of the nature of international law. That is why most theorists of law either conceal it, or remark upon it very epigrammatically, for example, as follows: «International law is an autonomous branch of law in the legal system of the Russian Federation. It is not included within the system of municipal law because it is not established by a separate State but by the consent of

[1] However, experts on the theory of State and law think otherwise: «The majority of scholars, said M. I. Abdulaiev and S. O. Komarov, particularly those who study international law, had been literally constructing a «Berlin wall» between national and international law» — (*M. I. Abdulaiev, S. O. Komarov,* Вопросы теории государства и права [Issues of the Theory of State and Law] — Saint Petersburg: PITER, 2003 — 546 p.)
[2] *S. A. Holunskyi, M. S. Strohovich,* Теория государства и права [Theory of State and Law] — Moscow: Yurizdat NJC USSR, 1940 — 301 p.
[3] Ibid.
[4] Ibid.

various States and regulates the relationships between these States and other subjects of international law»,[1] or «The recognition of international law should be noted as being a part of national law in the constitutions of other countries»[2] (before the question was about the Constitution of the Russian Federation), and so on. Russian scholars are no exception. The opinions of the Ukrainian scholars may be encountered such as «Along with the national law of a particular state, which regulates municipal relations, there is international law that does not belong to the system of national law of any country»[3] and also like: «Focusing on the uniqueness of international law as a distinct legal system, there is no reason to oppose it to the national legal system ... International law itself may be included with certain reservations in the common law system of the state to some extent»,[4] or it is possible to state without any justification: «International law is a part of the national law of every modern State»,[5]and so on.

Therein lays the polarity of opinions expressed at the level of characteristics of the system of law. When one proceeds to qualify its components or elements or categorical or conceptual framework, there will be more controversies than one study may encompass. The subject and the object of the source, principle, or rule of law, legal relations and legal consciousness — this is not an exhaustive list of those legal «abysses» that an expert on the theory of State and law seeks to avoid when it comes to international law, and vice versa. An exception is made only where it is clear that legal theory will be too lean and one-dimensional unless international law is included: human rights, or the relationship between international and national law, comprise almost all of these exceptions.

Perhaps because someone is trying today to recall ranting as old as the hills, like: «When it comes to historical (in terms of time) controversies on the matter and the diversity of the world perspectives hitherto, first one should mention the well-known fact that international law as such, and therefore its system, had not been recognized at all for a long time».[6] The author (Professor M. M. Marchenko) stated this opinion and thus, unfortunately, proved that he was not familiar with international law. International law had not been recognized only by a few authors who contributed little in terms of achievements to the science of law and, as a rule, were advocates of a totalitarian, fascist ideology. All these authors are known in the science of international law, and nobody paid them a lot of attention, not because they can be counted on the fingers of one hand, but by reason of the pettiness of their views. Those who treated international law as an external State law or as a moral and ethical regulator did not deny its existence, but had their own understanding of its legal nature. They, incidentally, also constituted quite a small group.

However, the abovementioned idea (apparently the other authors of this academic publication share it as well) was expressed primarily in order to demonstrate that its authors were the first to prepare a textbook taking into account the realities of international law. Indeed, its presentation and narrative are «saturated» with references to

[1] *V. M. Syrykh,* Теория государства и права [Theory of State and Law] — Moscow: Yustitsinform, 2004. — 248 p.
[2] *A. F. Cherdantsev,* Теория государства и права [Theory of State and Law] — Moscow: Yurait, 2000. — 423 p.
[3] *M. S. Kelman, O. H. Murashyn,* Общая теория права [General Theory of Law] — Kyiv: Kondor, 2002. — 106 p.
[4] *V. M. Marchuk, L. V. Nikolaieva,* Нариси з теорії права: навч. посіб. [Sketches on the Theory of Law, Textbook]. — Kyiv: Istyna, 2004. — 179 p.
[5] *K. G. Volynka,* Теория государства и права [Theory of State and Law]. — Kyiv: MAUP, 2003. — 142 p.
[6] *Общая* теория государства и права. Академический курс [General Theory of State and Law, Academic Course] (Moscow: Zertsalo, 2001), vol. 2. — 185 p.

this legal system, including the treatment of: natural law theory (M. M. Marchenko), the main criteria of the State (M. M. Marchenko), the concept, composition, and area of territorial sovereignty and territorial jurisdiction (S. M. Baburin), sovereignty (B. S. Krylov), the benefits of international law over national (M. M. Marchenko), the essence of human rights and freedoms (O. S. Mordovets), the concept and essence of law (M. M. Marchenko and O. E. Leist), and so on. Unfortunately, the general theory of State and law (in the sense of «filtered» and accumulated findings on a more aggregate level than that practiced in the theory of State and law and the theory of international law) had not been established. When it comes to international law, it either may not be organically integrated into the general context of presentation, or examples of international law in favor of confirming the conclusions of the theory of State and law are presented as «decorations for the Christmas tree». At best, the authors repeat certain international legal studies and thus the question arises: what does the general theory of State and law have to do with the matter when such a presentation of international law is difficult to attribute to its theory.

This would not have happened if the authors carefully familiarized themselves with the methodology of the study of the theory of State and law by Ihnatenko that was based on developments in the theory of international law. He was the first in the former Soviet Union (and, perhaps, in jurisprudence in general), who studied the nature of the theory of law based on the theory of international law. S. Yu. Marochkin cites as exceptional «probably the only example when theorists while preparing a textbook on the theory of law and State had involved an international lawyer ... the author of the chapter on international law as a special legal framework, H. V. Ihnatenko»[1]. However, Ihnatenko had applied this approach (based on developments in the theory of international law) in the 1960s while investigating the characteristics of statehood in colonial and dependent countries, the legal nature of the anti-colonial laws, and rights of legal identity of nations and political forms of the colonial system, features of State succession in the course of decolonization, and so on. In the said article he merely summarized the findings of his research on the theory of State and law based on developments in the theory of international law.

We shall outline a few concerns that he had drawn up in general terms for those who wish to explore the theory of State and law:

(1) «the perception and understanding of State and law may be complete and correspond to reality only if interstate relations, i.e. relations between States as independent communities, have been taken into account, as well as those legal forms that provide these relations and interactions with regularity and relative stability»;

(2) «when considering the traditional challenges of the theory of State and law, its categories, concepts, and institutions, one may not put aside one-dimensional categories, concepts, and institutions of the theory of international law»;

(3) «In principle, the theory of international law is secondary, derivative, because it has been established and developed on the basis of general attitudes and approaches to legal phenomena. The concept of international law, its category — the rules and sources of international law, subjects of international law, etc., its terminology have absorbed most essential attributes of law in general, and theory of law. However,

[1] *S. Yu. Marochkin,* Действия и реализация норм международного права в правовой системе Российской Федерации [Actions and Implementation of Rules of International Law in the Legal Framework of the Russian Federation] (Moscow: Norma, 2011). — 70 p.

international law with its own intrinsic nature and its relationship with national law is deemed to affect the law and legal theories».[1]

Following this method, he states quite clearly that: similarities and differences between international and national law, the peculiarities of their subject-matter and method of regulation; the essence of a unilateral and common expression of will, and the nature of the coordination of their places in the process of determining the content of the rules of the international community and in recognizing them as binding.

The principal shortcoming of contemporary textbooks on the theory of law is that their authors cannot identify the subject-matter of international law which should be included as a component of the theory of State and law. As a rule, they dwell on «international law and national legal systems», or as an option — «contemporary international law and municipal law» or «the relationship between international and national law», or simply «national and international law». Then each expresses his own preferences: pacta sunt servanda or an article of the constitution of any State, or the law on international treaties or a rather detailed list of international crimes, international delicts, hostile acts, disputes,[2] or at least a description of a specific international legal theory (which often has long since lost its apologists). In such cases one may get the impression that the authors chose the topic not because it is a component of the theory of State and law, but because they had an international legal article on the topic at hand.

Ihnatenko showed that such research topics on the theory of State and law and on international legal components should include: forms of the existence of norms, that is, sources of international law (international treaties, international custom, and their legal force, some decisions of intergovernmental organizations and conferences), the complex regulatory structure of international law (well-established, universal, local, and particular rules; principles, norms jus cogens, and the effectiveness of their impact on distinctive features of international law), especially the functioning of international legal frameworks of individual States, international law as a separate legal system, international legal mechanisms (conventional and institutional) engaging international sanctions and associated legal responsibility, international legal relations, subjects of international law, and the like. These inherent features of international law are not usually covered by the theory of State and law. Hence they should be examined within the framework of the general theory of State and law (the dispute among legal theorists as to what should be first: the theory of State and law, or vice versa, is not critical).

2. Studies of international legal personality. In pointing out the distinctive features of Ihnatenko's research, the Soviet Yearbook of International Law 1968 noted his comprehensive approach to the matter under investigation. «Certain problems are analyzed from the perspective of several legal disciplines simultaneously: international law, State law, general theory of State and law. In a number of cases it is this approach which enables the author to draw interesting conclusions and deductions».[3]

It should be also added that Ihnatenko always (regardless of which legal discipline he considered) distinguished between what is determinant and what is determined.

[1] *V. M. Karelskii, V. D. Perevalov* (eds.), Теория государства и права: учебник для вузов [Theory of State and Law, College Textbook] (2d ed.; Moscow, 2000), p. 9.

[2] See, for example: *M. S. Kelman, O. G. Murashyn, N. M. Khoma,* Загальна теорія держави і права [General Theory of State and Law] (Lviv: Novyi Svit, 2000; 2003), pp. 459–465.

[3] *Советский* ежегодник международного права 1968 [Soviet Yearbook of International Law 1968] (M.: Nauka, 1969). — 398 p.

In law he attributed certain relations to the first, and the results of his research did not always coincide with those working on short-term needs. Thus, with regard to the object of international legal regulation, he admitted that: «The concept of a subject of international law should be probably based on a general theoretical definition of a legal subject where it is a participant of relations regulated by legal rules and a bearer of rights and obligations established by such rules ...».

However, for a long time (notable even today) the «traditional vision of international law as a regulator of only international and, above all, inter-State relations caused only subjects of these relations to be bound. In other words, only participants of inter-State and other international relations could claim recognition of their status of a subject».[1]

Ihnatenko showed that this approach leads only to limiting the object of international legal regulation by inter-State relations (which are divided into three categories: relations between States, relations between States and intergovernmental organizations, and relations between intergovernmental organizations), and to the fact that the «ability to participate in relations regulated by international legal norms was not recognized the main feature of a legal subject».[2]

He suggested that judging subjectively (such were most postulates of the Soviet science of international law) only participants independent from each other of relations and those able to create international law can have legal personality. The practical objective of this thesis was quite prosaic: none of the international legal rules can be accepted without the USSR; nobody, not even the vast majority of participants, can make the Soviet Union act according to their rules.

But the practice of international relations is wider than suggested in this theory. Along with inter-State relations, there are international relations of a non-State nature (between legal entities and individuals of different States, between international economic associations and international nongovernmental organizations, between individuals and legal entities with foreign States, between governmental and international nongovernmental organizations, relations of certain members of international federations related to the protection of human rights and freedoms in international judicial institutions, among others). Having studied such international relations, Ihnatenko concluded that: «The list of relations of an international nature presented with participants having a different status makes it possible to voice a judgment on the great range and categories of subjects of international law. Accordingly, the widely shared thought that if individuals and legal entities, as well as some other establishments, are under the dominion and jurisdiction of the State, they cannot have their own international legal status and, as a result, they cannot be recognized as subjects of international law, is rejected».[3]

Following the theory of international law and taking into account criteria established in the theory of State and law, he attributes all the above-mentioned participants of international relations to the category of subjects of international law. More specifically, on the basis of criteria of the general theory of law, where there are subjects both law-making and law-enforcing and subjects only law-enforcing, he concluded that: «The first group includes independent States, inter-State associations

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[1] *V. M. Karelskii, V. D. Perevalov* (eds.), Теория государства и права: учебник для вузов [Theory of State and Law, College Textbook] (2d ed.; Moscow, 2000). — 525 p.
[2] Ibid.
[3] Ibid.

and, to some extent, subjects of federal States, whereas the second includes — nongovernmental organizations, legal entities, individuals — within a strictly established framework».[1]

Thus, Ihnatenko included the following among the subjects of international law: independent States and State-like establishments akin to them, intergovernmental and nongovernmental organizations fulfilling official functions, subjects of federal States implementing international cooperation according to the constitution, international economic associations, legal entities in the process of the realization of international relations, individuals having relations with inter-State agencies and institutions for the protection of human rights (committees, judges, tribunals, and so on). He defined independent States as primary subjects of international law and attributed the rest to secondary (or derivative) categories.

That is not to say that in the matter of international legal personality, especially relating to separate subjects, Ihnatenko was the first to declare one or another position. For example, other specialists in the theory and practice of international law (L. V. Speranska, M. A. Krutoholov, and others) referred to the international legal personality of a nation fighting for independence. But whereas the last only declared such a possibility, Ihnatenko provided a well-reasoned scientific explanation.

The same may be said of the international legal personality of individuals, which was advanced by Western international lawyers in postwar period. Russian doctrine began awkwardly to speak of this only in the late 1980s and early 1990s.[2] Innovators were resolutely repulsed by their colleagues, who blamed them for holding bourgeois views, pseudoscience, declarativity, superficiality, and the like. Only when Ihnatenko began to defend the international legal personality of the individual, did the flame of anger of his opponents weaken slightly. Either because they knew that he would not forgive impoliteness or they truly doubted the previous theories.

In the course of studying international legal personality, Ihnatenko obtained at least three fundamental results: first, he strongly proved that when disclosing the core of international law, we cannot ignore the achievements of the general theory of State and law without the risk of superficial argumentation. «In our view», — he wrote — «there are many reasons to apply the conception of legal subject, accepted in the general theory of law, to international law, that is, to identify the conception of the subject of international law with the legal possibility to participate in legal relations regulated by international legal rules and to obtain all rights and obligations necessary for this. In other words, to free the conception of the subject of international law from excessive conditions based on requirements for a special, totally independent international legal status and capacity for equal participation in formulation of rules for their independent execution, free from any jurisdiction».

If we, according to the modern interpretation of a subject of international legal regulation, accept the characteristics of subject of international law as an active or possible participant of relations, regulated by international legal rules, as a bearer of rights and obligations established by these rules, we will recognize the related real-

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[1] *V. M. Karelskii, V. D. Perevalov* (eds.), Теория государства и права: учебник для вузов [Theory of State and Law, College Textbook] (2d ed.; Moscow, 2000). — 525 p.

[2] See, for example, *N. V. Zakharova*, Индивид — субъект международного права [The Individual — Subject of International Law], in Советское государство и право [Soviet State and Law], no. 11 (1989), pp. 112–118; *H. V. Ihnatenko* (ed.), Международное право [International Law] (M., 1995), pp. 76–78.

ity of the entry of new participants — legal entities and individuals, international economic associations and nongovernmental organizations, as well as components of separate federal States, within the limits acceptable for inter-State constitutional and other legislation — to such relations».[1]

Ihnatenko was heard and soon his positions were supported by additional arguments such as: «The inclusion of exclusively those entities that create legal rules [in the category of] legal subjects will lead to the theory gaining a normativist accent, which is peculiar to theories isolated from the real life of a self-regulating normative system». [2] That is not to say that today all post-Soviet countries have accepted the view of Ihnatenko, but there are no doubts that progress has occurred.

Second, Ihnatenko studied the international legal personality of peoples (or nations) so thoroughly, reasonably, and comprehensively that his positions as such became classic in the modern science of international law. The following are the main principles of his theory of international legal personality of peoples (or nations): the categories «people» and «nation», which are synonyms in international law; the legal personality of a people (or nation), which by reason of independence is divided into: independence in the formation of national identity, independent existence of the State, free choice in the ways of development; the right to legal personality of a people (or nation) implies certain rights and obligations that lead to respective international legal relations; legal personality of a people (or nation) is a category which develops historically, depending on the situation, nation, state of development, and determines it main imperatives: whereas in the struggle against colonialism the main imperative was the right to an independent national identity, now the main imperative of such peoples is the determination of their external and internal political status without external interference; the right to determine at their own discretion its political, economic, social, legal, and cultural development, the right to legal personality of a people (or nation) cannot be realized because of violations of the lawful rights of other peoples (or nations), the right to legal personality of peoples (or nations) cannot be reduced to the requirement of obligatory territorial solitariness, and others.

Depending on what stage of the development of legal personality of a people (or nation), particular rights may operate in certain international relations. Ihnatenko defined the following rights that cannot be ignored:

(1) the right to expression of will, if necessary with coercion;

(2) the right to international protection and assistance from other subjects of international law;

(3) the right to official relations with subjects of international law;

(4) the right to participate in activities of inter-State organizations and intergovernmental conferences;

(5) the right to participate in the creation of international legal rules and the independent implementation of existing international legal rules.[3]

Third, the attitude of Ihnatenko to international legal personality was truly innovative, especially taking into consideration the countries of Eastern Europe. To appreciate how devoted he was to scholarship, how much he believed in those

[1] *H. V. Ihnatenko, O. I. Tiunov* (eds.), Международное право [International Law] (M.: Norma, 2006), pp. 51–52.

[2] *T. M. Neshataieva,* Международные организации и право. Новые тенденции в международно-правовом регулировании [International Organizations and Law. New Trends in International Legal Regulation] (M., 1998), p. 71.

[3] *Международная* правосубъектность (некоторые вопросы теории) [International Legal Personality (Some Theoretical Aspects)] (M.: Legal Literature, 1971), p. 65.

achievements, one should trace the genesis of his views with regard to the international legal personality of the individual. During the early 1980s, Ihnatenko took a dim view of recognition of the international legal personality of individual, but this was before he had undertaken a comprehensive study of the issue. Soviet international legal doctrine enforced an official taboo on declaring that an individual may be the subject of international law (individuals should not invoke their rights before the international community). International legal doctrine stated that (sometimes as believed, sometimes to please the authorities) in any case an individual could not be a subject of international law. The only difference was whose prohibition would be declared more strongly. There were virtually no exceptions from such unanimity during the Soviet era. Ye. B. Pashukanis wrote: «Any international norm — conventional or contractual gives rights and obligations only to the State, but not to individual citizens»;[1] H. I. Tunkin stated: «The Soviet science of international law recognizes unanimously that individuals are not subjects of international law. Any individual is dependent on the State on whose territory he is living; he should obey the legal order of this state»;[2] S. V. Chernichenko: «Under no circumstances are individuals or can they be subjects of international law»,[3] among others.

Even in special studies of possibility of individuals having international legal personality, the authors declared that this is impossible; for example: «Modern international law gives no grounds to the statements cited above of bourgeois scholars (referring to the recognition of international personality by G. Schwarzenberger, A. Verdross, G. Norgaard, P. Drost, G. Mangone, H. Lauterpacht, and others — *V. B.*) that this is likely to derogate from the classic concept of international law, gives no grounds to «predict» such a development of international law to enhance the role of individual».[4] However, this author will soon change her view.[5] But this is rather the exception for the Soviet science of international law than the rule. It remained more acceptable to consider that: «if international law has a regulatory impact on individuals and legal entities, this means such persons become its subjects or, speaking in the language of a philosopher of international law, its addressees ... But this is obviously nonsense».[6]

Due to such accusations and nonsense, Ihnatenko had to prove the international legal personality of the individual. He benefited much from the study of the nature of modern international relations. In general the following main aspects may be identified in Ihnatenko's theory of the international legal personality of the individual: (1) methodological; (2) those which emanate in modern international relations and modern international law; (3) those which constitute the core components of such legal personality.

Among the methodological aspects, we emphasize his request to treat more respectably the concepts of foreign authors, especially those who wrote on the possibility of granting certain rights to individuals under inter-State agreements, as

[1] *Ye. B. Pashukanis,* Очерки по международному праву [Outline of International Law] (M., 1956).
[2] *H. I. Tunkin,* Основы современного международного права [Fundamentals of International Law] (M., 1956).
[3] *S. V. Chernichenko,* Личность и международное право [Personality and International Law] (M.: International relations, 1974), p. 149.
[4] *N. V. Zakharova,* Под видом обеспечения прав человека [Under the Pretence of Human Rights Provision] (M.: Legal Literature, 1971), p. 86.
[5] *N. V. Zakharova*, Индивид — субъект международного права [The Individual — Subject of International Law], in Советское государство и право [Soviet State and Law], no. 11 (1989), pp. 112–118.
[6] *S. V. Chernichenko*, Очерки по философии и международному праву [Outlines on Philosophy and International Law] (M.: Scientific Book, 2009), p. 651.

well as international remedies for the protection of such rights and the need to note that the traditional view on the inapplicability of international legal personality to individuals does not correspond to current state of international and domestic legal regulation of real legal relations.[1]

Underlining changes in modern international relations and international law, the Ihnatenko declared the following: the number of international treaties oriented towards the individual is increasing in modern international law; they expressly include rules establishing human rights and obligations and contain legal provisions for the realization and protection of such rights (the right to legal protection). Among the most important international treaties are: the Geneva Conventions for the Protection of War Victims and Additional Protocols thereto, Optional Protocol to the International Covenant on Civil and Political Rights, International Convention on the Elimination of All Forms of Discrimination against Women, European Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter — 1950 Convention), and others. But the list is not confined to these; such agreements have been concluded in the field of civil, family, judicial and labor legal rights, in the sphere of legal assistance, education, taxation, social security, legal relations guaranteeing the protection of war victims in a period of armed conflict, and others.[2]

Changes that occurred and will occur in modern international law, according to Ihnatenko, had an impact on the extension of legal personality to the individual (he reasonably did not regard this as secondary, or derivative) in terms of: legal capacity to have rights and obligations and realize them autonomously with the help of national and international judicial and other mechanisms, «granting to the individual not only certain rights and privileges, but also the means of ensuring their enforcement and adherence, possibilities for the protection of those rights *sui juris*, without the interference of the State», enhancing the effectiveness of the protection of human rights in international courts, as well as bearing individual criminal responsibility before international tribunals, «the right of the individual to ask for the protection of rights and freedoms from inter-state organizations, to legal relations with such competent agencies that have international legal personality, the right of the individual to act *proprio nominee* and implement material and procedural powers unconditioned by the State jurisdiction within the realization of efficient legal means of protection»,[3] and so on.

Ihnatenko also paid attention to «the specific constituent elements of criminal responsibility of certain individuals according to international conventions for crimes against world peace and security, for transnational crimes. During such legal relations international criminal justice agencies, the individual as a subject of responsibility also realizes certain procedural rights provided by international law».[4]

However, such arguments of this scholar persuade one not to approve long obsolete dogma with persistence worthy of another application but to consider his opinion. Thereupon it may be said that: «May the global rule of law turn upside down, this writer shall never swallow his words printed at the dawn of embarking upon the science of international law».

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[1] *H. V. Ihnatenko, O. I. Tiunov* (eds.), Международное право [International Law] (M.: Norma, 2006), p. 93.
[2] *H. V. Ihnatenko, O. I. Tiunov* (eds.), Международное право [International Law] (M.: Norma, 2006), pp. 94-95.
[3] Ibid., p. 93.
[4] Ibid.

The doctrine of Ihnatenko on the international legal personality of the individual is built upon a consideration of modern international judicial practice.

In 1978 Professor S. V. Chernichenko spoke on the topic: «The admission of individuals to international courts and international legal personality»,[1] in which he drew this conclusion: «Individuals who obtain access to international judicial bodies could be considered to be subjects of international law, if only they were granted procedural rights and duties as a result of the direct application of norms of international law in such cases ... Individual rights and duties are provided expressly under the domestic law of States Parties to the respective agreement. Legal relations in the court are established not with the individual directly but with the State which undertook an international obligation to provide them with access to the Court by vesting in them the necessary rights and duties. The parties in a trial which is conducted by international authority as a matter of fact are the States».[2]

This artificial and inflexible positivist spirit was evident even then. According to the author, when Russian citizens brought suit at the European Court of Human Rights against Ukraine, Baltic, and other States, it was Russia, not those citizens, who sued the other States. But Russia, at best, could take part in such cases only as a third person. Who is wrong: the author of this opinion or Convention that gives the individual (and not the State) the right to sue the violator of his rights even if it is the State?

Forty years later Russia has become a party to the 1950 Convention on Human Rights and Fundamental Freedoms and been sued in this Court for violating the human rights of its citizens more than one hundred times, compensated the material damage, executed the Court decisions upon the applications of its citizens and foreigners; this means that situation developed not as the author had imagined in 1968. Almost everything has changed except the author's persistence: «In the case of granting the individuals, non-governmental organizations or associations of domestic character», he writes, «direct access to international mechanisms based on international treaties, they will not become the beneficiaries of international law and stakeholders in relations regulated by international law. This direct access is organizational rather than a legal (why, then, does the Convention provide for the legal responsibility of the State for obstructing such access? — *V. B.*). Their relations with international mechanisms are established through the States (i.e. — it is not me complaining about my country to an international court; it is the State, and it rats on the violation of my rights? — V. B.), which are a party to the respective treaty ... The Convention does not imply the right of individuals to appeal to the Court, but obliges States which are a party to the Convention to provide them such right».[3]

Only the right which is provided can be ensured. Thus, it is still provided for individuals. And yet Article 34 of the Convention speaks of a person (and therefore his or her right) which applies to violations of her rights and freedoms by the State, and the State's commitment «not to hinder the effective exercise of this right in any way». It does not matter how masterly the one would apply positivist scholasticism; it is clear that the European Court of Human Rights applies not the provisions on

[1] *Советский* ежегодник международного права 1989 [Soviet Yearbook of the International Law 1989] (M., Nauka, 1969), pp. 270–280.
[2] Ibid., pp. 277–278.
[3] *S. V. Chernichenko*, Очерки по философии и международному праву [Outlines on Philosophy and International Law] (M.: Scientific Book, 2009), p. 652.

the limited legal personality of the individual, but the principles of equality of the parties — the State and the person whose rights have been violated. However, it is possible that the reason for this is the fact that the «party and government» have not yet given appropriate instructions; as a result scholars will assert the opposite and begin to make new discoveries.

Our problem is that we see international law to be bilateral as it was in nineteenth and first half of the twentieth centuries. We are ready to talk about its regionality, at least for the sake of criticism; and to play with the declarations, when it is all about universal and global international law and to end in the United Nations. We have learned to drive with versatility within the procedural framework of bilateralism.

It is good that the International Court of Justice has helped us with this. I recall how in 1966 the ICJ threw a lifeline to all positivists (and not only) in the South West Africa cases (Ethiopia v. South Africa; Liberia v. South Africa).[1]

According to the ICJ, the plaintiffs went too far in their demands; they did not seek anything for themselves, but began to defend the interests of the world community and their legal interest in order to ascertain that «the sacred mission of civilization has not been violated by mandate via legal procedure». The International Court of Justice rejected the claim of Ethiopia and Liberia on the ground that «plaintiffs can not be regarded as such having proved the existence of a legal right or interest belonging to them on the merits of their claims».

I remember that the entire «progressive legal community of USSR was outraged by this decision», but we occupied actually the same position in the United Nations: prove to me via bilateral relations that you have a right or interest in me and do not hold forth on the interests of the international community. This case was considered the same time as the previous one (the case of Barcelona Company (Belgium v. Spain)[2]) when the ICJ had begun to diverge slowly from its principles, but we kept standing our ground. In this case the Court stated: «We need to see a significant difference between the obligations of the State toward the international community as a whole and obligations toward the other states under diplomatic protection. Due to their nature, the first type concerns all the States, owing to importance of rights arising from them, all States may be regarded as such having temporary interest in their protection; these obligations are called *erga omnes*. In modern international law, these obligations arise, for example, from prohibition of acts of aggression, genocide, and the principles and norms relating to fundamental human rights, including protection from slavery and racial discrimination. Some of the corresponding protection rights have already entered general international law ... the others are international acts of universal and quasi-universal character».[3]

Here our intellectual suffering begins — what shall we do so that our bilateral thinking (which quite often acquires a primitive implication: what would my State gain, meaning that the nation and every separate individual are not taken into account, they become derivative) fits into the general, universal or quasi-universal international law. However, there should be a completely different understanding

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[1] *South* West Africa *(Ethiopia v. South Africa; Liberia v. South Africa* (proceedings joined)*)*: Judgment of 21 December 1962 (Preliminary Objections), ICJ Reports (1962), p. 319; (Second Phase) Judgment of 18 July 1966, ICJ Reports (1962), p. 6.

[2] See *Barcelona* Traction Light and Power Company Limited *(Belgium v. Spain)*: Judgment of 24 July 1964 (Preliminary Objections), ICJ Reports (1964), p. 319; (New Application) Judgment of 5 February 1970, ICJ Reports (1970), p. 3.

[3] Ibid., p. 47.

of the law: obligations *erga omnes* do not give the right to choose the State you are obliged to — you have obligations to the whole international community and all the States (and each of them has a corresponding obligation, right and interest to ask you how do you fulfill yours); do not empower the State with a right to grant every separate entity (including a natural person) certain rights because they already have them; and you can not deprive them of these rights. Such commitment is best understood if they are considered as regarding not their personal interests, but the interests of the international community. Dividing them into bilateral legal relations means not to understand their nature and essence completely, as well as identifying with the customs or universal international law on the basis of which bilateral legal relations can be concluded. However, the statement that obligations *erga omnes* do not give the right to choose the State you are obliged to does not mean that you cannot break it with respect to some particular State: they are either performed or not performed regarding both international community as a whole and each separate individual of this community.

The tendency with which the positivists are unlikely to agree may be traced in the contemporary general international law: it is not the State who will determine which of the human rights recognized by the international community will be observed and guaranteed, but the international community which puts observance of human rights as a condition for admission of the country to their environment. When the countries of Eastern Europe decided to join the Council of Europe, they had some requirements to meet (in the Declaration «Directive on the recognition of new states in Eastern Europe and the Soviet Union» of 16 December 1991),[1] one of which is that the States-Parties of the European Community approved the common position on the procedure for the recognition of these new States, requiring to respect the provisions of the United Nations Charter and the commitments approved by the Helsinki Final Act and the Paris Charter, especially those related to the rule of law and human rights. The States were admitted to the Council of Europe only after undertaking obligations, and having passed the verification procedure for a willingness to protect, ensure, and adhere to human rights.

Of course, not every human right gives reason to cite obligations *erga omnes* (at least with respect to the right to life and prohibition against torture such doubts are unsubstantiated); there is a list of such rights concerning which the State may cite the «freedom of justice». No doubt the States must forget such principles as «I give what I consider to be necessary» or «no interest — no lawsuit» forever. The time when State sovereignty was considered to be the *inner sanctum*, and when any violation of human rights could be hidden behind State immunity, is long gone. We live in a different world now. Summarizing the results of the European Court of Human Rights practice, Wildhaber, former judge of the ECHR wrote: «Wherever the Convention is discussed, we continue to place an emphasis on the fact that the individual is at the center of the system and that recognition of the individual as a subject of international law by the Convention became a turning point, and international protection of rights of the individual should not diminish».[2]

Ihnatenko understood this and earnestly defended the international legal status of the individual. Unfortunately, most of his scholar-compatriots do not understand

[1] *European* Journal of International Law, vol. 4, no. 1 (1993), p. 72.
[2] *Audience* solonnelle de la Cour Europeenne des Troits de l'Homme a l'occasion de l'ouverture de l'annee judiciare. 23 janvier 2003, Discours de M. Luzius Wildhaber, President de la Cour (Strasbourg, 2003), p. 5.

this. There are a number of examples in the history of international law when the ideas of some scholar were ahead of their time. But I wish the followers ascertained the correctness of their teacher's doctrine and not just agreed with it, but continued its development. This would have been the best memorial to him.

3. Definition of social value of modern international law. Each time that the world community faces another challenge to the global order, attention is paid to international law. And each time the same opinions are expressed. One approach is that international law cannot help society overcome difficulties, another proposes various models of transformation (and often this involves suggestions to create another international law), the third claims that international law can conquer any challenge if one uses a rational approach to its normative base. In this world community the dynamics of development in the modern period — already given the appellation «globalization of the world» — is no exception. And here, as earlier, one approach appraises international law; another wishes to reform it; the third, without panicking, offers its own methods to improve international law and the legal regulation of the new co-existing issues of the world community.

Ihnatenko, who foresaw the modern issues coming, shared the third approach, although perhaps he did not always use the current terminology. But he never doubted the possibilities of modern international law, possibly because he studied the social value of this law more deeply and extensively than others. That is why in situations where other international lawyers predict an apocalyptic outcome, he addressed the ways and methods of surviving another challenge. He possessed a clear understanding of the difficulties existing in modern international law: «Modern international law combines contradictory tendencies — the tendency of upholding universal, generally-accepted principles of international legal order, among which are the principles of the sovereign unity of States, non-interference in the internal affairs of a State, nonuse or threat of force, as well as the tendency of juxtaposing the interests of the world community to the generally lucrative interests of certain States and groups of States.

Such a deformed legal order, which implies that certain States believe they are privileged, and claim a special status and leading role in global politics, is wrong and incompatible with generally-recognized imperative norms jus cogens, derogation from which is inadmissible, and leads to the international legal responsibility. Real order and social progress can be provided only by the adherence to the basis of international law».[1]

These are merely a few phrases, but how precisely the «legal diagnosis» has been made. All things, which others reduce to globalization chaos, have a clear and simple explanation according to him. Here is how to deal with the present situation, with most of the current issues: «Modern international law prohibits aggressive wars, violent solutions to international conflicts, qualifying such actions as a crime against the peace and security of the mankind. In international law quite effective mechanisms exist to achieve and implement consensual decisions, and mutually acceptable procedures for international conflict management by peaceful means are efficient».[2]

He imagined and determined the social value of international law without abstract, general characteristics (the phenomenon of international community cul-

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[1] *V. M. Karelskii, V. D. Perevalov* (eds.), Теория государства и права: учебник для вузов [Theory of State and Law, College Textbook] (2d ed.; Moscow, 2000), pp. 530-531.

[2] Ibid., p. 530.

ture, pre-condition of the functioning of subjects of this law, the specific spiritual sphere of the world community, eidetic, socio-cultural international legal values, and so on). He considered them in his studies, but in the context of its role and world-wide community improvement. That is why he considered international law to be a general settled and stable legal order in international relations, which thanks to its norms and principles achieving certainty and clarity, are evaluated as justifiable or illegal. The value of international law should not be reduced to the definition of lawfulness or legality in international relations because the designation of international law is not only to determine the unlawfulness of acts, but also a restoration of lawfulness through responsibility, sanctions, and enforcement measures. The value of international law lies also in the fact that its norms define the measure of freedom, the measure of justice. It is an efficient instrument for the formation and development of the world community and its legal order.

By defining each distinctive feature of the social value of international law, Ihnatenko saw these not abstractly, but as connected with the real functioning mechanisms of international legal regulation. The effectiveness of international law is, according to him, a complex dual social and juridical category,[1] which «is determined by the content of the normative regimentation»: (1) compliance by the said norms with the objective consistent patterns of social development; (2) compliance of the norms adopted by States to the imperative *jus cogens* norms of general international law, and to the main principles of international law; (3) timeliness of the development of norms based on an urgent need for international cooperation and the degree of implementation of rights and legal norms in the interests of harmonization; (4) certainty and clarity of normative regulation, which eliminates or minimizes the possibility of divergent interpretations and diverse actions; (5) interconnection and interdependence of legal rules as elements of the «legal system» and the «state of law»: (a) good-faith performance by States of their international obligations; (b) implementation of each legal norm in the context of major principles of international law and other related regulations; (c) implementation of legal norms in strict compliance with the goals of international legal regulation; (d) coordination of international law and domestic remedies for ensuring the implementation of international law; (e) an active position of States which guarantees optimum results of law enforcement, including a combination of legal and non-legal regulatory means».[2]

The social value of international law is revealed in the implementation of functions and social purpose, which Ihnatenko reduced to three basic approaches to legal regulation: (1) support and strengthening of international peace and security in the peaceful coexistence of States taking collective measures to prevent and suppress acts of aggression (and other forms of the unlawful use of force) and disarmament; (2) the implementation of inter-State economic cooperation (including the global division of labor), as well as in the social, scientific, and cultural spheres aiming to improve people's living conditions, promote human well-being; and (3) conducting international actions to eradicate colonialism in all its forms and manifestations, the

[1] For more details see: *H. V. Ihnatenko,* Универсальность и эффективность международного права как взаимодействующие категории // Вопросы универсальности и эффективности международного права [Universal Nature and Efficiency of International Law as Associated Categories // Issues of Universal Nature and Efficiency of International Law] (Sverdlovsk: UrSU, 1981), pp. 3–16.
[2] Ibid., p. 6–7.

elimination of racism, and other encroachments on the rights of peoples and human beings in general.[1]

The validity of defining the functions of international law is demonstrated by the fact that Ihnatenko could accurately predict the state of international law. Thus, in revealing the functions of international measures for the eradication of racism, he defined the creation of racist regimes in Southern Rhodesia and South Africa as an international crime and predicted the elimination of so-called quasi-States. Colleagues disagreed: «Sometimes it is just wishful thinking for him. We refer to Ihnatenko's attempt to refuse to recognize the national identity of Southern Rhodesia and the Republic of South Africa in particular».[2]

Time has shown that Ihnatenko was right. Under the influence of the international community and national patriotic forces, in less than ten years the racist regime in Southern Rhodesia was over; two decades later this happened in the South Africa.

4. International and municipal law: correlation, interaction, and implementation in legal systems. Since the studies of German publicists of the second half of the nineteenth century, and especially after the fundamental study of by Triepel on international law and municipal law (1899), the analysis of the interface between international and national law has passed through several stages:

(1) analysis of the correlation of the two systems of law and their legal constituents;

(2) the study of their interactions;

(3) studying problems of sources of harmonization, standards, sectoral, and subsystem movements;

(4) knowledge of the nature and essence of the operation and implementation of international law within the legal system of a particular State.

The first stage comprises the formation of a common understanding of the legal nature of international and municipal law as a system of law. Often the doctrines of these systems of law exist in the corresponding legal spheres. The basic idea of the second stage was to criticize the views of predecessors or contemporaries by finding a common basis for components and systems of law. The third stage concentrated on the detection of inconsistencies between municipal and international law and proposals of ways to overcome them. The fourth phase, which is continuing, focuses on the implementation of regulations (or standards) of international law in the domestic sphere.

Ihnatenko joined the dialogue on these issues during the second stage. He did this so well that one can now confidently speak about his own concept, which has gained credibility and trust among a large number of domestic and foreign scholars. Indeed, if we have in view the definition of a school of international law, we can say that he founded a distinctive school that accentuated cooperation between international and municipal law.

His first publication on this issue was entitled «The Interaction of Municipal and International Law», in which he immediately declared the possibility of research along a different perspective than had been pursued before him, in particular, to clarify the role of national law in the performance of international treaties and implementation of international law and to investigate the direct application of interna-

[1] *H. V. Ihnatenko*, Международное право и общественный прогресс [International Law and Social Progress] (M.: International Relations, 1972), p. 58.
[2] *Yu. Ya. Baskin*, Рецензия на кн.: Игнатенко Г. В. Международное право и общественный прогресс [Critical Review on the Book: H. V. Ihnatenko International Law and Social Progress] (M.: IMO, 1972). — 152 p.; Советский ежегодник международного права, 1973 [Soviet Yearbook of International Law, 1973] (M.: Nauka, 1975), p. 326.

tional legal norms and the mechanism for international legal regulation in the area of domestic relations. It was not enough, he said, for the doctrine and practice of international law to establish common ground between the two systems of law and the possibility of their agreement — life requires access to an analysis of the dynamics of these systems in the process of the creation of effective mechanisms for application of international legal norms in the domestic sphere.

He drew a conclusion about Soviet legislation that opened the possibility of applying international treaties in the municipal relations, but also obliged social organizations to be guided by international treaties and apply their rules. He distinguished specific areas of municipal relations where complex regulation is stipulated (joint application of municipal and international law). Such areas he relegated to the category of combined regulation. To avoid confusion when determining the applicable law, he recommended not to confuse the concepts «source of law» and «legal regulator». The concept of a combined object of regulation[1] developed by Ihnatenko was perceived by scholars as a one which might constructively resolve an important problem of international law in the domestic sphere; the said concept did not deny the basic tenets of the theory of law. As Ihnatenko correctly put it: «The theory develops arguments in favor of the concept of separation of the law created by the State and the law applicable by the State and in the State. The first set is created by the own rules of a given State, adopted by its authorities or by referendum (constitution, laws, decrees, regulations, and so on). The second set is broader and more complex, because along with its own State law the set encompasses those rules that are outside the law but are specifically designed for operation in the sphere of national jurisdiction, or may be used in the said field.

These include certain norms of international law, as well as some foreign law norms, the application of which is provided or permitted by laws and international treaties».[2]

In general, the concept of Ihnatenko on international and municipal law incorporates the results of all four phases of the doctrinal understanding of this issue. Analyzing the nature of and relations between international and municipal law, he drew fundamentally different conclusions on these issues compared to those of his colleagues. According to him, international law is a complex legal structure regulated by inter-State and other international relations, as well as by certain internal relations. Neither dualistic nor monistic doctrine recognized such a complex subject of regulation.

Studying the interaction of international and municipal law, he stressed the need to pay attention to two crucial points: the influence of external factors on such interaction, and the «internal» factors which directly operate on and adjust the said relationship. To the external factors he relegated an objective reflection of the relationship between domestic and foreign policy. To factors of an «internal» nature he relegated the methods and mechanisms of mutual coordination of these legal structures.

Ihnatenko was among the pioneers who believed that it would be dangerous to limit the study just to the interaction of the international and municipal law, because although this interaction enabled one to move from the static to the dynamic functioning of these legal structures, it did not comprehensively clarify the full range of mechanisms for resolving and regulating domestic relations by international legal

[1] *H. V. Ihnatenko*, Взаимодействие внутригосударственного и международного права [Interaction of Domestic and International Law] (Sverdlovsk: UrSU, 1984), pp. 25–31.
[2] *V. M. Karelskii, V. D. Perevalov* (eds.), Теория государства и права: учебник для вузов [Theory of State and Law, College Textbook] (2d ed.; Moscow: Norma-INFRA-M, 2000). — 532 p.

norms (nor, incidentally, international relations by national law norms) and their joint impact on the subject of legal regulation.

Among the fundamental principles of his concept, his conclusions of a general nature and those that can be applied to a particular national law «concerning general and individual regulation» may be highlighted.[1]

The following are among the general conclusions: (1) qualification of municipal law and international law as distinct legal categories, as regards methods of rule-making and forms of existence of any law or legal practice, and (2) the autonomy of the functioning of municipal and international law in relation to each other; active cooperation, including the use of international law in the area of domestic relations, often creates the illusion of rules in transition from one legal system to another, and (3) the illusion of rules in transition creates another illusion: the transformation of international law into national legal norms of international treaties in municipal law, where ratification, confirmation, or merely official publication of international treaties converts them (and related regulations) into internal laws (and related regulations). Ihnatenko provided three main reasons for the unacceptability of such conclusion: (a) transformation means the demise of an object or a phenomenon that transforms, but for international treaties this is not typical, and (b) if we take these judgments as reflecting the real situation, then we should recognize the nonexistent situation when on the law enforcement stage the cooperation of the two legal systems is replaced only by the action of the State legal system, which «absorbs» international norms, and (c) traditionally in a number of fields of national law the application of foreign law is allowed, but this does not suggest these rules are transformed into national law, among others.

The conclusions of a general nature are not divorced from actual practice or practice which does not apply to a particular municipal law. This relation or «transition» allows him to analyze inter-systemic processes and procedures which he made objective, not biased against one system of law or preferred doctrine. The author was against the inclusion of international treaties in categories of specific sources of domestic law (e.g. administrative law, labor law, criminal law, or procedural law), and he opposed the idea of the «reincarnation» of international treaties.

The logic of his statements was based on the consideration of various factors, from the conceptual apparatus to actual situations within the «inter-systemic sphere». He claimed that «the very nature of the conceptual framework conditions the 'attachment' of some legal categories to a certain legal complex. Each legal complex has its sources that have an ability to fulfill their relevant functions in the context of another legal complex, without turning into it, still 'residing' in the legal complex of its own».[2]

According to Ihnatenko, within the inter-systemic field regulatory complexes are unable to form their «own» institutions or domains of law because their regulatory compatibility cannot replace regularities and requirements for the formation of its «institutions» and «branches» inherent to each system of law. He believed that «attempts to design «inter-systemic domains» or «inter-systemic institutions» were artificial and ignored the fact that the rules which belonged to different legal systems are interacting as a regulatory complex (and not in a static state), but in the

[1] *H. V. Ihnatenko*, Акты о порядке исполнения международных договоров СССР в механизме реализации международно-правовых норм // Проблемы реализации норм международного права [Acts on the Order of Implementation of International Treaties of the USSR in the Mechanism of Realization of International Legal Norms // Problems of Implementation of International Legal Norms] (Sverdlovsk, 1989), p. 4.
[2] *H. V. Ihnatenko, O. I. Tiunov* (eds.), Международное право [International Law] (M.: Norma, 2006), p. 197.

law enforcement process, and with the goal of fulfilling specific tasks, specific legal resolution. Such groups of norms, which belong to various systems and are combined in certain situations, can be defined as law enforcement complexes».[1]

No less reasonable conclusions were drawn by Ihnatenko with regard to the interaction and sources of international law with Russian legislation. He stressed that the principles, norms, and international treaties not interfering in the internal regulatory complex in Russian legislation interact with it in legal relations, the law enforcement process, and the structure of the legal order.

In his opinion the legislation of the Russian Federation adopted the procedure for bringing its rules into conformity with international treaties that existed in Soviet law: adhering to the principle pacta sunt servanda and the provisions of authorizing or binding regulations. He distinguished between the independent application of international law (without national legislation), the joint use of «related» rules of two systems of law, and the priority application of international law in conflict situations.

In general, as has been noted, his approach has attracted followers and successors now following in the footsteps of their teacher. His concept can be rightly considered as a significant contribution to the modern science of the international law.

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A single article cannot do justice to the diverse talents of Ihnatenko. His influence on Russian and Ukrainian doctrine and on the development of international law in other countries is beyond doubt. This suggests that a more profound and comprehensive analysis of the contributions of Ihnatenko would enrich contemporary jurisprudence with new data. His ideas and thoughts, his outstanding talents would not disappear — they would serve future generations.

Butkevych V. Diamond of the Urals in the Crown of International Legal Science (Contribution of Professor H. V. Ihnatenko to the Development of Modern Science of International Law)

Abstract. The article investigates Professor H. V. Ignatenko's contribution to the contemporary science of international law. His life and main scientific achievements are analyzed. There is shown the contribution of Professor H. V. Ignatenko to the development of the general theory of law and state, study of the institute of international legal subjects, the social value of present-day international law, correlation between international and municipal legal systems.

Key words: international legal science, theory of international law, system of international law, contemporary international law, theory of law and state.

Буткевич В. Г. Уральський діамант у короні науки міжнародного права (внесок професора Г. В. Ігнатенка в розвиток сучасної науки міжнародного права)

Анотація. У статті аналізується внесок професора Г. В. Ігнатенка у розвиток сучасної науки міжнародного права. Досліджується його життєвий шлях та основні наукові досягнення; показано внесок Г. В. Ігнатенка у розвиток теорії держави та права, вивчення інституту міжнародної правосуб'єктності, визначення соціальної цінності сучасного міжнародного права, співвідношення міжнародного та внутрішньодержавного права.

Ключові слова: наука міжнародного права, теорія міжнародного права, система міжнародного права, сучасне міжнародне право, теорія держави та права.

Буткевич В. Г. Уральский бриллиант в короне науки международного права (вклад профессора Г. В. Игнатенко в развитие современной науки международного права)

Аннотация. В статье анализируется вклад профессора Г. В. Игнатенко в развитие современной науки международного права. Исследуется его жизненный путь и основные научные достижения; показан вклад Г. В. Игнатенко в развитие теории государства и права, изучение института международной правосубъектности, определение социальной ценности современного международного права, соотношения международного и внутригосударственного права.

Ключевые слова: наука международного права, теория международного права, система международного права, современное международное право, теория государства и права.

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[1] *H. V. Ihnatenko, O. I. Tiunov* (eds.), Международное право [International Law] (M.: Norma, 2006), p. 197.