

**INTERNATIONAL LAW AT V. M. KORETSKY
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Issues of international law and comparative jurisprudence have been a principal area of academic research since the formation of the Sector of State and Law at the Ukrainian SSR Academy of Sciences in 1949. Research in the sphere of international law and comparative jurisprudence was headed directly by the founder and the first Director of the Sector (Institute since 1969) of State and Law of the Academy of Sciences of the Ukrainian Soviet Socialist Republic, Academician Volodymyr M. Koretsky (1890–1984). Throughout its existence, the Section of International Law and Comparative Jurisprudence of this Institute, headed since 1984 by Professor V. Denysov, a former student of Academician Volodymyr M. Koretsky, has been transformed into a powerful center of international law and comparative law research recognized far beyond the borders of Ukraine.

As of 2013, staff members of the Section of International Law and Comparative Jurisprudence included Professor V. Denysov, head of the Sector, доктор юридических наук; Professor V. Akulenko, доктор юридических наук; senior research associates, кандидаты юридических наук Yu. Nyporko, O. Kresin, K. Savchuk, M. Tovt and O. Melnychuk; research associates, кандидаты юридических наук

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O. Pereverzeva and S. Melnyk; junior research associates I. Protsenko, M. Kurtynets, and S. Maksymova; and senior research assistant S. Rodina.

Traditionally, a significant place among the academic research areas of this Institute has included general theoretical issues of international law. The fundamental monograph on the interaction of international law with the national law of Ukraine was published in 2006 (edited by V. Denysov). This study was dedicated to theoretical and practical issues of the application and operation of the principles and norms on international law within the national legal order of Ukraine, including the principle of the rule of law in the legal order of Ukraine; the implementation of treaty obligations; the new directions of the implementation of human rights obligations, obligations in the sphere of international economic law, international energy law, international law of the sea, international air law, space law; the prevention of new types of transnational crime; compliance by Ukraine with international obligations in the protection cultural valuables; the forms and methods of adapting the legislation of Ukraine to European Union legislation; and comparative studies of the application of international legal rules in the national law of the Federal Republic of Germany, Poland, Canada, and Israel.

Denysov also studied international law problems related to the entry of the independent State of Ukraine into European and the global legal space, as well as the transformation of the United Nations fin order to enhance the role of the United Nations in the maintenance of international peace and security, in particular, legal aspects of reforming the U.N. Security Council. These issues were examined in the 2007 Ukrainian Yearbook of International Law and in volume 17 of Rule-of-Law State, an annual collection of scholarly articles.

In 2008 Denysov, Nyporko, Savchuk, and Protsenko published «International Legal Aspects of Contemporary European Security and Forms of Ukraine's Participation Therein». This report studied the entry of Ukraine into global and European legal space and analyzed the structure of European security in the environment following the end of the 'Cold War', including such elements as the North Atlantic Treaty Organization, the Organization of Security and Cooperation in Europe, the European Union, the Council of Europe, the Commonwealth of Independent States (CIS), and GUAM, the Organization for Democracy and Economic Development.

A wide range of theoretical and practical issues arising in connection with unilateral acts of States in modern international law has been studied by S. Melnyk in his monograph on unilateral acts of States in contemporary international law, published in 2011. It analyzed traditional types of unilateral acts: commitments, renunciations, recognition, and protests, outlined their special features, and offered definitions thereof. Based on the current State practices, the author reviewed issues of application of and compliance with unilateral acts. He analyzed in detail unilateral nuclear disarmament by Ukraine. He considered the process of shaping unilateral acts, identified the role and place of this institute within the system of international law, explored the legal substance of the notion of a «purely unilateral act of a State» (*stricto sensu*), and isolated key components. Special attention was given to an analysis of the International Law Commission with respect to the codification and progressive development of international law in the sphere of unilateral acts of States.

The Institute has traditionally paid attention to the history of the development of international law and legal doctrine. Denysov, together with K. Savchuk, prepared a general overview of the development of international law in Ukraine during the

nineteenth and first half of the twentieth centuries which was published in the 2008 Ukrainian Yearbook of International Law. Savchuk published a series of scholarly articles on the activities and views of such notable Ukrainian international lawyers as D. Kachenovskyi, A. Stoianov, V. Danevskyi, V. Nezabytovskyi, O. Eihelman, P. Kazanskyi, V. E. Hrabar, and others. Preparations are underway for the publication of a nineteenth-century manuscript of an international law textbook, the first of its kind in Russia. The third volume of selected works by Academician V. M. Koretsky, already recommended by the Academic Council of the Institute, is to be published. Kurtynets investigated the history of international law in Poland and published articles devoted to Polish international legal doctrine in medieval times and in the interwar period, as well as to the activities of M. Lachs, the former judge on the International Court of Justice.

Important research was undertaken with regard to the international protection of human rights, especially the rights of national minorities, including language rights. The results were set out in a number of publications by Tovt in foreign and Ukrainian publications discussing the implementation of international standards in the sphere of national minority rights in the legislation and practices of Ukraine, the implementation of the 1995 Framework Convention of the Council of Europe on the protection of national minorities, Ukrainian experience with national minorities' policies, and others.

The Section of International Law and Comparative Jurisprudence of the Institute has been developing a topic uniquely related to the post-Soviet republics: research on international legal protection of the cultural heritage. This new domain of research was initiated by Professor V. Akulenko in the early 1990s. The main legal issues within this sphere are the protection of cultural valuables during armed conflicts, their restitution, the formulation of the international legal position of Ukraine in this sphere, and other topical issues concerning the application of international law regarding the protection of cultural heritage in the legislation of Ukraine. On the basis of these studies, Akulenko substantiated the emergence of a new branch of international public law: the international law of the protection of cultural heritage. A result of his lengthy studies was a fundamental monograph on the international legal protection of cultural valuables and its implementation in the law of Ukraine, recommended by the Academic Council of the Institute to go to print. This monograph addresses, in particular, the inception and development of the international legal protection of cultural valuables, the restitution of cultural valuables, the application of international law in the area of the protection of cultural heritage in the law of Ukraine, as well as the interaction of norms of international law and of the legislation of Ukraine regarding the protection of cultural heritage.

In 2008 a monograph was published by O. Melnychuk on the international legal status of the global cultural and the natural and intangible cultural heritage. The book addressed international legal issues of safeguarding the global cultural and the natural and intangible cultural heritage. This study analyzes the legal nature of the global cultural heritage and trends in international law. It analyzes the international legal relations of member-states which participated in the 1972 UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage and its bodies, the General Assembly and the Intergovernmental Committee on the protection, utilization and popularization of objects of culture and nature included in the UNESCO List of World Heritage Objects. The author analyzed the implementa-

tion of international legal norms in the sphere of world heritage protection in national law, including Ukraine. He also reviewed international legal relations emerging in connection with the approval of the 2003 International UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (songs, legends, beliefs, rituals, traditions, handicrafts, and others).

The system of contemporary judicial administration and litigation has been an object of study by scholars in this Institute. In 2009 they published a study on international judicial proceedings by a team of authors headed by the Director of the Institute of State and Law, Yuriy Shemshuchenko, Academician of the National Academy of Sciences of Ukraine. It contains information about the history of the establishment, structure, competence, and key operating principles of the International Court of Justice, the Hague Permanent Court of Arbitration, the European Court of Human Rights, the Court of Justice of the European Union, the Court of Conciliation and Arbitration of the Organization of Security and Cooperation in Europe, the International Law of the Sea Tribunal, the International Criminal Court and the International Tribunal for Rwanda and former Yugoslavia, the CIS Economic Court, the International Center for the Settlement of Investment Disputes, the International Court of Arbitration attached to the International Chamber of Commerce, the London Court of International Arbitration, the Arbitration Institute of the Stockholm Chamber of Commerce, the International Court of Arbitration and the Maritime Arbitration Commission attached to the Chamber of Commerce and Industry of Ukraine, as well as the International Court of Sea and River Arbitration attached to the International Association of Black Sea Ship Owners. The authors of this study provided information about the system of dispute resolution within the World Trade Organization, which, although not being an international judicial body in the classical sense, is instrumental in resolving international disputes of an economic nature. Another significant feature of this study is the fact that its authors reviewed the legal status and the principal forms of operation not only of those international judicial bodies created on an inter-governmental basis, but also of international courts of commercial arbitration, whose core function is resolution of private law disputes.

One area of the Sector's research has been legal issues related to the operations of new international organizations created in post-Soviet space. For instance, in 2006, Institute researchers Savchuk, Protsenko and Melnyk wrote a pamphlet on the legal status and developmental prospects of GUAM. The study offered a detailed overview of the development of GUAM, its contemporary legal status and institutional structure, as well as key areas of cooperation among GUAM member States. It should be noted that the above publication includes the texts of fundamental international legal instruments regulating the activities of this association of States.

The results of the Institute's research on international private maritime law issues were embodied in an individual monograph of O. Pereverzeva devoted to international commercial arbitration in the sphere of merchant shipping, which is in press. This study offers a comprehensive analysis of objective regularities and special features in the proceedings of the international court of commercial arbitration in the merchant shipping sphere, taking into consideration recent trends in the development of this institute of international private maritime law, identifies the legal nature, functional peculiarities, and direction of the evolution of the international court of commercial arbitration regarding its operations in the merchant shipping sphere, as well as the

practices of applying the principles and norms of international private maritime law in arbitration awards.

Another direction of academic research of the Institute involves international economic and international private law. I. Protsenko is the author of several publications on the history of the establishment, legal status, and activities of the Hague Conference on international private law, the special principle of international economic law regarding «mutual economic benefits», and others.

Since the establishment of the Sector of State and Law of the National Academy of Sciences of Ukraine, one core research area has been State law in the countries of people's democracy. In 1969, following the Sector's transformation into the Institute of State and Law, studies of the development of the world socialist system and topical issues of comparative state jurisprudence became another principal direction of academic research.

Comparative law studies have been recognized as a priority area of Institute research. Research dealing with the general part of comparative jurisprudence have been undertaken by the division of international law and comparative jurisprudence (whose head is Professor Denysov) and by the division of the theory and history of State and law (whose head is Professor N. Onishchenko), while sectoral of all divisions and academic centers of the Institute. In 2001 the Institute saw the establishment of the Center for European Law and Comparative Jurisprudence (renamed in 2003 and re-established in 2010 as the Center for Comparative Jurisprudence under the stewardship of O. V. Kresin). In 2006, at the initiative of Institute scholars, the Ukrainian Association of Comparative Jurisprudence was founded, the first and only academic association of this kind in Ukraine and one of the only two associations of comparative jurisprudence existing in post-Soviet countries. The headquarters of this association is the Institute of State and Law; the President is Yu. Shemshuchenko, and the Learned Secretary is O. V. Kresin.

Since 2002, the V. M. Koretsky Institute of State and Law of the National Academy of Sciences of Ukraine on its own, and since 2006 in collaboration with the Ukrainian Association of Comparative Jurisprudence, has published a series of studies under the title «Encyclopedia of Comparative Jurisprudence». The purpose of this Encyclopedia is to generalize the classical heritage and the current state of comparative jurisprudence, to develop a conceptual vision of its place within the system of legal and social sciences, and to create a set of reference books, monographs, and anthologies for the purpose of raising the level of research. Five books have been published, including the following since 2006: «Порівняльне правознавство у системі юридичних наук: проблеми методології: монографія» [Comparative Jurisprudence in the System of Legal Sciences: Problems of Methodology: A Monograph] by O. V. Kresin (head of the authors' collective); L. A. Luts, O. O. Merezhko, et al (ed. by Yu. S. Shemshuchenko) (2006); «Видатні компаративісти: Творчий шлях, ідеї, праці» [Outstanding Scientists in Comparative Jurisprudence: Their Professional Careers, Ideas and Works] by O. V. Kresin (head of the authors' collective); V. N. Denysov and M. A. Damirli, et al (2007); «Порівняльне правознавство: Антологія української компаративістики XIX – XX століть» за ред. Кресіна О. В.: упорядники: О. В. Кресін (кер. кол.), К. О. Черниченко, О. В. Ткаченко [Comparative Jurisprudence: An anthology of Ukrainian Comparativists of the 19th – 20th centuries] ed. by O. V. Kresin; compiled by O. V. Kresin (head of the authors' collective), K. O. Chernichenko, O. V. Tkachenko] (2008). Each of these publications is unique,

with no precedents in Ukrainian, post-Soviet, and some even in international jurisprudence.

Since 2007, the V. M. Koretsky Institute of State and Law of the National Academy of Sciences of Ukraine and the Ukrainian Association of Comparative Jurisprudence, in collaboration with and support from other institutions and organizations, have been publishing a series of academic research and methodological works under the rubric «Academy of Comparative Jurisprudence». Its purpose is to facilitate improvements in teaching a course on comparative jurisprudence in Ukraine and in other post-Soviet States. This series includes publications of open lectures (master classes) by renowned scientists during annual international workshops «Comparative Jurisprudence: Contemporary Status and Prospects of Development». The executive editor of the series is O. Kresin. To date, 23 publications have been printed within this series.

Since 2005, the Institute has published the international scientific journal «Comparative Law Studies», in collaboration with the Mariupol State Humanitarian University, the departments of law of the Athens Capodistrias National University and of the Thrace Democritus University. This is the first journal issued on this subject in Ukraine. The editor in chief of this semiannual publication is Yu. S. Shemshuchenko; the executive editors are O. V. Kresin and Y. Voloshyn. The journal contains articles, critical reviews, academic chronicles in the sphere of comparative jurisprudence, and materials about unknown or little-known comparativists from the past. Finally, beginning in 2012, «Comparative Jurisprudence», appearing quarterly, began to be published, with Institute scholars taking an active part. The quarterly accords primary attention to theoretical and methodological issues of comparative jurisprudence, as well as to studies by contemporary foreign comparatists.

Annual international academic seminars under the general title «Comparative Jurisprudence: Current State and Prospects for Development», launched by the Institute in 2006, have been held at various times in collaboration with the Ukrainian Association of Comparative Jurisprudence, the Coordinator of OCSE projects in Europe, the Kyiv Taras Shevchenko National University, the Tauride V. I. Vernadsky National University, the Lviv State University of Internal Affairs, the American Bar Association, and the Kyiv University of law attached to the National Academy of Sciences of Ukraine. In their topics and form, these seminars have become events of unparalleled significance for Ukraine and for the other post-Soviet republics. The concept of academic seminars merges round tables, plenary and break-out sessions, open lectures, and slide presentations. Each event illuminates scholarly achievements and teaching practices and generates new ideas for discussion. Legal scholars from Ukraine, the Russian Federation, the United States, England, Turkey, Italy, Austria, Germany, Poland, Hungary, Ecuador, Israel, Moldova, Kazakhstan, Georgia, Belarus, and Uzbekistan have taken part. The chairman of the Organizing Committee has been Yu. S. Shemshuchenko and the Learned Secretary has been O. V. Kresin. The concept of annual academic seminars was enhanced from 2009. These seminars include events such international symposia as «Comparative Jurisprudence Days» and «Comparative Jurisprudence Readings». Examples are the international conference «European Law and Comparative Jurisprudence» (France, 2010) and the Round Table «Experience and Problems in Teaching Comparative Jurisprudence Courses in Post-Soviet Countries» (Kyiv, 2010), both organized by the Institute.

These events led to the publication of the following collections of studies: «Comparative Jurisprudence: Current State and Prospects for Development» (2006, 2009, 2010, 2011); «European Law and Comparative Jurisprudence» (2010); «Comparative Jurisprudence: Teaching Experience and Problems» (2011); «Issues of Comparative Jurisprudence» (2011); and «Problems of the Theory and History of State and Law» (2011). In addition, a draft speciality passport has been approved for the defense of candidate and doctoral theses on «Comparative Jurisprudence».

As a result of international collaboration by staff from the Institute in the domain of comparative jurisprudence, collections of articles entitled «Comparative Studies» have been published jointly with the Penza State University, Russia (2009, 2010, 2011, 2012, 2013); and a regular section on «Comparative Jurisprudence» in the Eurasian Legal Journal in Moscow (since 2011). For the first time in the history of Ukrainian legal science, an English language anthology of contemporary Ukrainian comparative legal studies «Foundations of Comparative Law: Methods and Typologies» was published in London (edited and translated by W. E. Butler, and co-edited by Yu. S. Shemshuchenko and O. V. Kresin) in 2011. In that same year a manual entitled «Comparative Jurisprudence» by O. Solomatin and O. V. Kresin was published, the first international (Russian – Ukrainian) work of its kind.

It is a pleasure to note that the research and the organizational and editorial efforts of the staff at the Institute have led to foreign scholars recognizing the contemporary Ukrainian school of comparative jurisprudence as being the leading school in the CIS countries and among the most dynamic and promising in the world. This recognition was reflected in the election in 2010 of two individuals from the Institute, Yu. Shemshuchenko and O. V. Kresin, as Corresponding Members of the International Academy of Comparative Law.

The priority task of the V. M. Koretsky Institute of State and Law of the National Academy of Sciences of Ukraine in the domain of international law is to prepare a three-volume encyclopedia of international law, which will be the first publication of its kind not only in Ukraine, but also in the entire post-Soviet space. The principal purpose of this project is to create a systematized body of knowledge about the contemporary theory and practice of international law and the place of Ukraine within the global legal order. The staff of the Institute has completed Volume 1 of this encyclopedia and is working on Volumes 2 and 3.