

UKRAINE AND THE WORLD

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LAWMAKING IN THE CONTEXT OF INTERNATIONAL LAW SOURCES

The article is dedicated to some lawmaking aspects in the context of international law sources. The biggest problem of such a study is the absence of a clear and precise notion of international law source. There are two traditionally recognized international law sources – international treaty and international usage. The author tried to describe some characteristics of the international lawmaking in connection with them. In this process it was cleared that there is no unique understanding of the international lawmaking concept as long as it can be comprehend in the broader and in the stricter senses. Obviously there are different characteristics of the lawmaking in this case. Considering it, the analysis of stages and subjects of international treaty and usage lawmaking is done. The sovereign state remains the main subject of international lawmaking but in many cases there are other international law subjects to participate in the international lawmaking process. The role of the international governmental organizations is notably increased. However, the process of extension of the range of international lawmaking subjects is going

on. There are some signs of the process in the case of the international usage making.

In the paper, the author emphasized the difference of the international treaty lawmaking stages and the international treaty conclusion stages as long as generally there are two principal stages of the international lawmaking and there can be many different stages of the international treaty conclusion.

The author also paid attention to the issues of the untypical international law sources formation. There are many theories that consider different juridical concepts of controversial nature as the international law sources. Among them there is soft law, unilateral state acts, juridical practice, international courts' decisions and even so called "diplomatic law-talk", "layered cooperation" and hybrid public-private arrangements etc. Adding all or some of these constructions to the range of international law sources we are at risk of erosion of the international law source concept that can lead us to the growth of international disputes. To avoid it the deeper international lawmaking researches are needed.