

Vasylieva Liudmila,
student

National University «Odessa Law Academy»

THE IMPACT OF GLOBALISATION ON INTERNATIONAL LAW AND HUMAN RIGHTS

Globalization is a phenomenon whose amplitude, implications and nature are contested. At the most general level, it can be described as the name that has been

given to a multi-faceted process of expansion of human activities to the entire globe and assorted cognitive frames of reference. There is thus presumably both a «real» and an «ideational» dimension to the phenomenon, it being understood that the two influence each other mutually. The idea of globalization, moreover, is normatively charged, so that with the perception of a phenomenon comes a variety of views about its desirability, sustainability, and the extent to which it should/ can be regulated.

The term «globalization» means an objective process of formatting, functioning and development of new worldwide system of relationships between states, nations based on correlation and interdependency in different sphere of activity. This term also uses for emphasize of process and results of global tendencies and in recent years it is graphic evidence of modern world.

Globalization has a strong influence on law, especially international law. It poses interdisciplinary challenges, and interdisciplinarity in law and globalization is still surprisingly lacking. On the one hand, many of the conceptual and theoretical discussions of globalization ignore or downplay the law as an important factors (beyond an occasional nod to international law). A widespread understanding of globalization distinguishes three aspects: economics, culture, politics. Law, in the words, is absent. In legal thinking, on the other hand, globalization is often either purely absent (where discussions are purely doctrinal) or appears as a simple idea of internationalization that somehow influences the law.

Globalization is changing the nature of social relations, at the national and at the «global» levels, and paving the way for global community, and for global justice, even on stringent communitarian terms. This change has a fundamental impact on the possibilities open to international law.

There are a lot of discussions about globalization, but because of multidimensional, disputable and discrepant character of this phenomena, complexity of processes and problems of development of modern state and law it is still urgent and actual.

Globalisation challenges many of the traditional assumptions about International law, its relationship to domestic law, the ways in which it is created and the methods of its enforcement. The Law Department is engaged in cutting edge research and study of the normative and institutional implications of this challenge and of its theoretical and practical ramifications in a variety of fields ranging from the regulation of trade and investments, the protection of human rights and the international criminal responsibility of individuals, security and environmental governance, and the safeguarding of the diversity of cultural heritage.

Human rights law has always had central role in the international law profile of the EUI. In recent years and currently this involves areas such as cultural rights, environmental rights, indigenous and minority rights, privacy and data protection, human rights while countering terrorism, access to justice, international mechanisms for the protection of human rights, and the interface between human rights law and international humanitarian law, particularly in the context of the changing nature of armed conflicts. Increasingly, issues of international criminal law are integrated into the research conducted. The impact of new technologies upon the enjoyment of human rights receives careful attention, including biotechnologies and detection and surveillance technologies.

In recent time, several tendencies stands out: internationalization; supplanting away national state from the sphere of human right and replacement it by international institutes.

Other areas of international law where are active research engagements include international environmental law, the law of international adjudication, art and heritage law, international organizations law, international economic law, the law of treaties, the law of armed conflict and the history of international law.

We must recall, however, that the progression towards globalization is not inevitable or linear, nor is the achievement of a just globalization. The task of international legal theory, or global legal theory as we now might call it, is to draw upon both traditional domestic political theory, and innovative studies of our new global social reality, to design the next generation of global institutions and doctrines capable of delivering global justice for a global community.

When it comes to international law, globalization operates both as a challenge and a promise. A promise because the sheer volume and significance of human activity unleashed by globalization can be interpreted as requiring a significant normative effort, and international law seems well placed to provide this. A challenge, however, because globalization is not so much a phenomenon waiting to be regulated by international law as a phenomenon which actively affects the subjects, objects, and very nature of international law.

International law's great legacy to a hypothetical global legal order might be a series of answers, however imperfect, to how law might emerge in the absence of a central authority, a hypothesis that seems likely to remain in the world to come. *Vis-à-vis* globalization, international law remains, even though its own functioning has hardly been unproblematic, a symbol of the ideal of a global public good, and the need to establish a common normative language between incommensurable and at least to a degree irreducible entities. As such, international law can be a bulwark against the temptation of Empire (where effectivity is arguably won at the expense of justice and respect) or the nastiest sort of free for all that might arise in a world where law was reduced to the simplest expression of competing private interests.