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Ключові слова: Глобальне потепління, загроза, природні катастрофи, міжнародне співробітництво, забруднення.

Ключевые слова: Глобальное потепление, угроза, природные катастрофы, международное сотрудничество, загрязнение.

Key words: Global warming, threat, natural disasters, international cooperation, pollution.

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UNILATERAL ACTS AS A FORM OF EXPRESSION OF THE PRINCIPLE OF ESTOPPEL IN INTERNATIONAL LAW

The principle of estoppel in the aspect of the legal consequences of unilateral legal acts raises a number of interesting theoretical and practical issues.

Unilateral act of states should be understood as one-sided will, which expresses an intention to cause international legal consequences and is capable of generating such consequences according to the revealed will regardless of the interference of other wills. Unilateral act refers to an act in which only one party's will operates.

While drawing attention to the common features that are characteristic of both the principle of estoppel and unilateral acts, the idea of the possibility of their identification is expressed in the doctrine. So, Professor M. Byers says that «unilateral acts and estoppel in international law work in the same manner» [1, P. 107-108]. The principle estoppel means that the state assumes certain unilateral obligations which it is not entitled to refuse or challenge their legitimacy in the future [2, P. 475].

Professor Kalamkaryan R. A. says that in the case of a state proclaiming a unilateral act (statement), «there is a rule of observance of consistency in its behavior which the state declared through a unilateral statement and must show respect for the legal consequences caused by its position on a particular issue or fact». The principle of estoppel envisages that a state that has unilaterally assumed an international obligation does not have the right to refuse from a previously declared position. Thus, these two phenomena can cause, at first glance, the legal consequences are virtually identical. According to professor Kalamkaryan R.A., the principle of estoppel produces legal effects in the case when third parties who trusted the behavior of the

respective state suffered damage as a result of a change in his position. In other words, estoppel is related not only with the state refusal from the position it had previously adopted, but also with the fact of causing damage to other states as a result of such actions [3, P. 157].

Comparing the institution of unilateral acts and the principle of estoppel, Pekur-Gracia E. notes that these legal matters have a different legal nature since in the case of unilateral acts the main emphasis is placed on the intention of the state to assume a unilateral obligation. Jacquet J.P. holds the same position pointing out that the difference between these two phenomena is in the primary obligatory character of unilateral acts. In his view, their legal force comes directly from the intention of the actor state. But the legal consequences of the act and conduct that are considered in the context of the principle of estoppel are based on further actions of third states that have confided and suffered damage as a result of a changes in the position of the corresponding state. As indicated professor Butkevich V. G., in the case of the principle of estoppel, there is an ambiguous (with time) attitude to the existing norm of international law and not the law-making act itself, as it is in the case of unilateral acts of the state [4, P. 157].

Despite the presence of some common features, the principle estoppel can hardly be identified with the institution of unilateral acts. In the case of the latter, the state comes out with a clear intention to initiate a new legal relationship having unilaterally assumed international legal obligations. At the same time, in the case of estoppel, the state loses the opportunity to abandon its previous position, as a result of which rights from third parties arose. In fact, this principle is neither a unilateral nor a bilateral act, but represents a certain situation or consequences that have arisen under certain circumstances in the context of the implementation of treaty or customary norms and have affected the legal relations between the subjects of international law.

To justify the legal consequences that unilateral acts of states entail, some scholars turn to estoppel. Thus, the special rapporteur of the International Law Commission Cedeno R. on the topic of unilateral acts of states notes that there is no doubt that there is a connection between unilateral acts of states and the principle of estoppel. The French philosopher Manen F. emphasizes that estoppel can be invoked in almost all cases of unilateral obligations. English scientist Fitzmaurice J. believes that unilateral acts can create duties for the state, in particular, when other states supporting this act changed their position or relying on it took certain actions. In turn, the English lawyer Schwarzenberg J. believes that the principle estoppel is a typical minimal result of unilateral acts. This principle prohibits a subject of international law, to whom unilateral acts are attributed, to act contrary to stated intentions.

So, we can conclude that in some cases, if all the conditions are met, unilateral acts of states can indeed bring estoppel to the situation. But the application of this principle should be limited. The ability of unilateral acts to independently create international obligations, the need to comply with these obligations by virtue of the principle of good faith, regardless of the damage

suffered, the special role of will in establishing a legal obligation through a unilateral act makes appeal to estoppel to justify the legal force of such acts redundant. In our opinion, the principle estoppel has rather an indirect relationship to purely unilateral acts and can be considered within the framework of this topic as one of the manifestations of legal consequences caused by purely unilateral acts.

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Ключові слова: естопель, односторонні акти, зобов'язання, принцип добросовісності.

Ключевые слова: эстопель, односторонние акты, обязательства, принцип добросовестности.

Key words: estoppel, unilateral acts, obligations, the principle of good faith.

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THE VIOLATION OF THE HUMAN RIGHT OF THE FREEDOM OF RELIGION AND BELIEFS IN INTERNATIONAL LAW

Nowadays it is increasingly being focused on the role of the protection of human rights. One of the most important human rights is the right of the freedom of religion and beliefs which is always violated.

According to article 18, Universal Declaration of Human Rights everyone has the right to freedom of thought, conscience, and religion. This right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance.

None of the countries in the world has a perfect record on freedom of religion or belief, because it is a complex and, often, ambiguous and contested human right. Violations of freedom of religion or belief can take a variety of forms – at one end of the spectrum there is persecution, intimidation, and violence, but there are also violations relating to access to public services and civic life. Thus, what constitutes a violation of the right, and what is under-