

Основні шляхи вирішення проблем державної підтримки суб'єктів земельних відносин:

- пряма держпідтримка малих та середніх фермерів, а не агрохолдингів;
- підтримка дрібних виробників, які можуть створювати продукти з доданою вартістю та нові робочі місця;
- стабільність результатів підтримки.

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THE PROBLEM OF RELATIONSHIP BETWEEN INTERNATIONAL INVESTMENT LAW AND INTERNATIONAL HUMAN RIGHTS LAW

Nowadays investments and the creation of proper investment climate have become some of the top priority missions for many countries. Investment climate means the economic, financial, and socio-political situation of the country, which has a great influence on the individuals, banks, and institutions willing to invest. For Ukraine, the creation of conditions for such climate is not just important, but rather essential and urgent, because of crucial need in economic improvement, especially after the long-term quarantine measures undertaken according to the spread of coronavirus. But if there is a need in a stable socio-political situation, then there is a need in strong human rights protection, as a part of the successful establishment of such favorable conditions for investments. So, it is vital to clarify how strong the tie

between International Investment Law (IIL) and International Human Rights Law (IHRL) is, and whether it exists at all.

Essentially, in the broad sense, IIL is the embodiment and realization of property rights, which at the same time is widely considered as a part of rights protected by IHRL. But let's look at IIL and IHRL more detailed. First of all, they have much in common at their origin. After the ancient period, when a trip to a foreign state meant the danger of being deprived of the possessions the one was traveling with and being discriminated based on nationality, the necessity of aliens protection had occurred. Thus, the customary rule, according to which aliens cannot be unlawfully expropriated of their property, and in case of such expropriation, effective compensation must be provided for them had been created. Later the ideas of fair and equitable treatment, protection and security, responsibility for injuries to aliens were embodied in the international law. Even if IIL and IHRL were developing like separate branches of international law, above mentioned customs and ideas affected both of them. And the provisions connected with aliens' treatment were established in different international treaties. To be more specific the laws of IIL included the obligations of the host state to not to expropriate property, not to discriminate against the investor, and to provide fair and equitable treatment to the investor, the protection of the right to property was provided in IHRL, respectively.

Apart from the historical background, today the interaction of these branches can be seen in cases when investors violating human rights when investor's human rights are violated by the State. Also, the State might interfere in investors' property rights by measures based on the need for human rights protection, etc. As an example of such interference, *Glamis Gold Ltd. v United States of America* claim can be provided: «Glamis Gold, Ltd., a Canadian company, that certain federal and state regulatory measures expropriated its mineral rights to mine gold in southeastern California, and that Glamis was denied “fair and equitable treatment” in its attempt to utilize those rights, in violation of United States’ obligations under NAFTA. The proposed mining project was controversial due to its location in an area sacred to Native American tribes, and the possible environmental and cultural impact of the mining project.»[1] Nevertheless, approaches to the relationship between IIL and IHRL vary widely, so there is still no one unified view on it. Under the first position, IHRL and IIL are completely unrelated international law spheres; the second one stresses, that even these branches are separated, IIL can strongly impact on human rights implementation, because its provisions help in the establishment of a developed economic system. The third approach states that IIL can be considered as part of human rights protection.

For a better understanding of the real connection between IHRL and IIL it is crucial to observe their distinctions and similarities. The most obvious difference is in the subject of rights enjoying. While the IHRL extends on every single person, IIL requires the one to be a foreign investor. Thus, to enjoy the rights given by IIL the subject must pursue a specific activity, and nationality of such subject also matters. Also, another distinction is the aim of the field creation. Concerning human rights law, it is quite obvious, that the main motivation of its creation is the promotion and protection of human dignity at the international and domestic levels when IIL had

been created to stimulate economic growth by the means of foreign investments. Even despite their different aims of creation, international human rights and investment law have similarities. «Bilateral Investment Treaties contain material rights of the investor against the host State, including the right to be compensated for expropriation, to be treated equitably and fairly, to be afforded physical security and in many cases not to be discriminated against on grounds of nationality. Human rights, on the other hand, are similarly rights of individuals that protect individuals against infringements by States» [2].

The distinct positions on IHRL and IIL relationship can be noticed not only between academics and scientists, but also between different judges and arbitrators, but if the first arguing about the correlation of these two law fields as a whole, the second deciding whether the norms of IHRL is applicable during investment's disputes settlement. On the one hand, it is considered that IHRL impact has to be limited: «In the absence of express language in the treaty, investment treaty tribunals shall presume that investment treaties were intended to limit the influence of human rights law in investment treaty arbitration. According to this view, an investment treaty is organically disconnected from human rights law» [3]. On the other hand, it is believed that investment law should not be considered as isolated from environmental, human rights and social development contexts. Such disagreements are the result of the absence of references to human rights law, and even where such references appear, they stipulated in preamble and tend to be abstract. For instance, the Preamble of the North American Free Trade Agreement, where the social welfare of investors is proclaimed as a value. Even nowadays there is a positive tendency in the creation of links between IIL and IHRL by referring to human rights or specific human rights in many new investment agreements preambles (e.g. Economic Partnership Agreement between the CARIFORUM States, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, 2019; the EU-Vietnam IPA, 2019), but the imperative role of these provisions is still minimal.

In conformity with above mentioned, the main problem is not really in the determination of the one unified approach to the issue of IHRL and IIL correlation, but in the quality of protection, which can be obtained by the particular person or investor. IHRL and IIL claims are not mutually exclusive, they may exist in parallel, and I would rather say in cooperation. Human and his or her dignity is the top priority, not depending on law specialization, so giving to foreign investors a wider specter of rights, everyone is entitled to under human rights law is a positive step, which in turn can effect investment climate improvement. In my opinion, the tie between these two law branches is pretty visible, because proper application of one's norms leads to the proper application of the other. The better investor protected, the more potential economic growth can be achieved by the host country, as a result of stronger investor's confidence in one's security.

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ПАРТІЙНА СИСТЕМА КИТАЮ ТА УКРАЇНИ: ПОРІВНЯЛЬНИЙ АНАЛІЗ

Протягом становлення незалежності України, керівництво нашої держави неодноразово залежало від правлячих партій. Політичні партії задають курс та спрямовують вектор своїх дій на найбільш необхідні суспільні проблеми. Загалом партійна система будь-якої країни являє собою сукупність найбільш важливих політичних інститутів та політичних відносин.

Актуальність нашої теми полягає у постійних змінах партійної системи світу. Важливим питанням є визначення правлячих партій у найбільш прогресивних державах світу, аби зрозуміти їхній вплив на події сьогодення, зокрема курс міжнародної торгівлі, підтримка сторін у військово-політичних конфліктах, а також фінансування міжнародної економіки.