

SPECIFICS OF MODERN INTERNATIONAL PUBLIC LAW ON THE EXAMPLE OF THE EU COUNTRIES

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Abstract: The strengthening of the global instability processes, the emergence of threats, risks, and challenges of socio-political and economic-legal character cause the intensification of the reduction of the security level at the global, regional, and national levels. The specified tendencies are strengthened by conflicts and numerous military confrontations occurring in different countries. They testify to the necessity of efforts intensification with the aim of regulation of normative-legal provision of peace and security, promotion of sustainable development of the international community, which can be achieved through regulation of relations between states and other subjects of international law, as well as strengthening of the implementation of international legal obligations. This study aims to substantiate the theoretical and applied principles of studying the peculiarities of modern international public law on the example of EU countries. The study uses general scientific and unique methods of economic analysis, in particular: – analysis and synthesis; – analogy and comparison; – generalization and systematization; – grouping and cluster analysis based on the k-means way; – graphic and tabular methods. Regarding the results of the study on specifics of modern international public law in EU countries, it has been established that among the European Union countries, there are three groups characterized by joint and distinctive features: highly developed countries that provide high rates of implementation and enforcement of international public law, as shown by the lowest indexes of state instability (Austria (24–27), Belgium (27–31), Denmark (17–21), Ireland (20–22), Luxembourg (19–23), Netherlands (23–26), Germany (23–27), Portugal (24–27), Finland (15–18), Sweden (18–22) and Slovenia (26–32); countries with a sufficiently high level of sustainable development providing high rates of implementation and enforcement of international public law, however, in such countries the harmonization process of national and international legislation is incomplete and the state instability index is somewhat higher than in highly developed countries (Estonia (39–43), Spain (37–45), Italy (42–45), Latvia (42–45), Lithuania (37–40), Malta (34–37), Poland (41–43), France (31–33), Slovakia (38–43) and the Czech Republic (36–39), countries with a medium level of sustainable development, where the process of structural adjustment is not completed and ensuring high efficiency of implementation and enforcement of international public law requires revision, and the value of the instability index is relatively high (Bulgaria (49–53), Greece (52–56), Cyprus (56–60), Romania (47–1), Hungary (48–51) and Croatia (46–50).

Keywords: Rules of law, international public law, legal obligations, legal principles, interstate agreements.

1 Introduction

The establishment of interaction between sovereign states, non-governmental bodies, and transnational corporations at the present stage of socio-economic development is one of the priority tasks of the world community. Controversial provisions to ensure human rights and settle the basic principles of warfare are the focus of the subjects of international public law since the solution of problematic issues beyond the individual capacity of governments is a strategic task of each country. One of the regulators of international relations is international public law as a legal system of regulation of socio-political principles and legal norms observed by the state in establishing its concerns and ties with international organizations. Undoubtedly, the evolution of international public law has reached a stage where the decline of the country's stability causes challenges and threats to state sovereignty and territorial integrity. Increasingly, there is a situation in which some states are losing exclusive control over the decision-making process on a global scale and creating dangers for other states. Given the outlined trends, the problem of researching the specifics of modern international public law

and its impact on the processes of regulation of international legal relations in the context of ensuring the European Union countries' development becomes particularly acute.

2 Literature review

The current stage of the new world order formation gives due attention to the uncertainty processes, the support of a fair system, and the globalization of international legal relations. Furthermore, the desire to ensure the efficiency and legitimacy of international institutions increases the need to implement their coherent interaction. According to Bogdandy et al., it can be achieved by using soft and informal management tools of innovative mechanisms and informal institutions and networks. Under such conditions, the problem of sustainable development of international public law intensifies, which, according to Perfilova (2021), largely depends on the specifics of civilizational development and changes in the global environment due to globalization and mega-regionalization. At the same time, Boas (2012) notes that a positive effect can only be achieved through a precise adherence to the principles of the international legal system, in particular:

- sovereign equality of states;
- non-use or threat of force;
- preservation of territorial integrity;
- inviolability of state borders;
- peaceful resolution of international conflicts and disputes;
- non-interference in internal affairs of states;
- respect for human rights;
- self-determination of peoples and nations;
- cooperation and compliance with international obligations.

Shaw (2019) interprets international public law as a set of legal norms and standards, methods, and mechanisms applied by sovereign states and legally recognized international actors. The scholar focuses on the definition of international public law subjects, whose list of competencies includes war, peace and diplomacy, human rights, economic and trade issues, and international organizations. In this context, Stepanenko (2016) notes that a powerful subject of international public law is the European Union, and transparency of interstate borders of member states and ensuring peace and security is one of the contours of modern international public law. Therefore, Odermatt (2021) argues that the law of the European Union has a significant influence on the formation of the international public law principles, but, as Alshdaifat (2017) proves, countries of other regional associations and continents also make a significant contribution.

Instead, Holloway (2022) considers international public law as a particular legal body whose competence includes the interaction of sovereign states, non-governmental organizations, and transnational companies, and Pinheiro (2020) argues that the formation of national law is based on international law.

A similar position is held by Eggett (2019), who connects the elements of the international legal system with the systemic coherence of general principles and norms of law. This hypothesis is scientifically substantiated by Syroid et al. (2019). They developed a theory of the relationship between international public law and national law, within which the interaction of international and national law takes place following the ideas of monism and dualism. The theory of monism argues that international and national law are elements of one system, and the dualistic approach assumes their independence and individuality.

Nirmal & Singh (2019) emphasize the variability of international public law, which is manifested in its ability to respond to the challenges and problems of today, and Shongwe (2020) argues the inevitability of its fragmentation as an objective condition for

modern development. In addition, the formation of the European Union and the adoption of its legal norms require the harmonization of European law with international law, which necessitates their interaction. In this context, Ziegler (2016) notes that elements of international public law are present and reflected in European Union law, and Chuprina (2019), on the example of Germany and France, proved that the system of modern international public law of the European Union is closely linked to national rights and focused on the realization of common interstate interests. However, the scientist states that the modern legal systems of the European Union are readily amenable to typology but do not coincide completely.

At the same time, studying the features of modern German international public law, it should be noted that the country is making significant efforts to achieve peace and security in the world. To accomplish that, it actively cooperates with international institutions and structures such as the EU, NATO, UN, OSCE, G7, and G20 and takes responsibility for the security and resolution of crises and conflicts in countries such as Syria, Libya, and Ukraine (Germany's Foreign and European Policy Principles (2019); Stolleis (2019). Instead, Lee (2021) argues that France ensures modern public law connects with the peculiarities of building a sovereign state, and Sinclair (2017) proves the unquestionable participation of international organizations in this process.

As noted by Cai C. (2013), the predominant role in forming international public law is large and highly developed countries.

Consequently, the level of development significantly affects the structural transformation of international relations.

3 Research aims

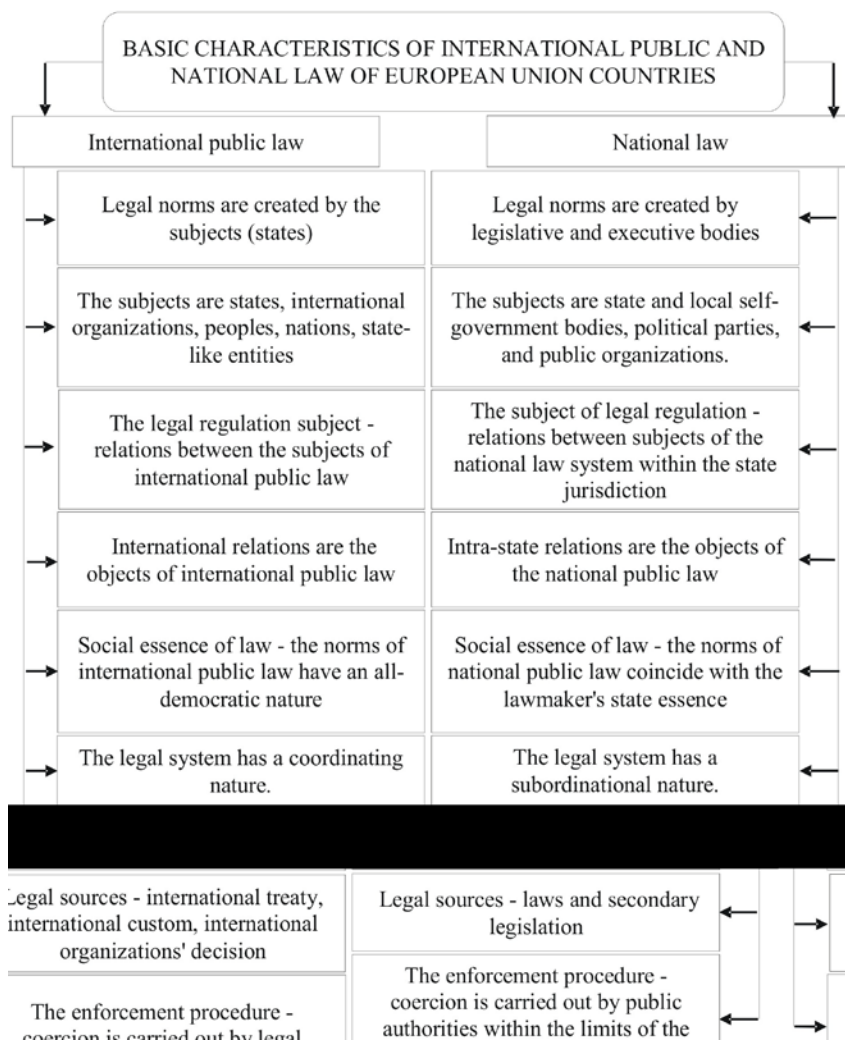
This study aims to ground the theoretical and practical principles of analyzing the specifics of modern international public law, using the example of the EU countries.

4 Methods and materials

The study uses general and unique methods of economic analysis, in particular:

- analysis and synthesis, to determine the essence of the scientific category of "international public law";
- analogy and comparison to conduct analytical assessments of the state and trends to ensure the implementation of the principles, norms, and principles of international public law in the European Union;
- generalization and systematization for the formulation of hypotheses and the formation of conclusions and results of research;
- grouping and cluster analysis based on the use of the k-means method to group the countries of the European Union according to the Fragile States Index;
- graphical and tabular methods for visualization of research results.

Figure 1: Basic characteristics of European Union international public and national laws.



European Union countries were chosen as the countries to conduct the study.

The information base of the study is based on the reports for 2018–2021: List of countries by Fragile States Index according to the Fragile States Index.

5 Results

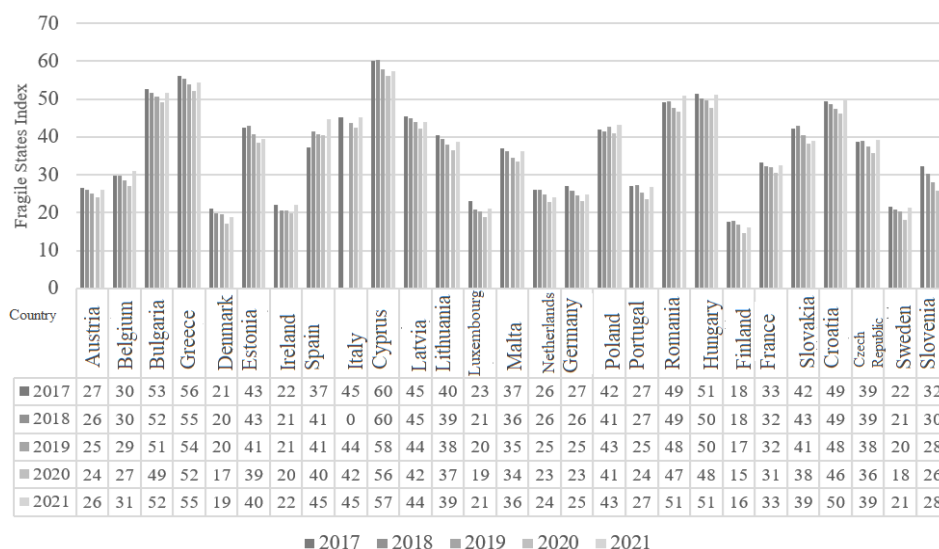
International public law is a particular legal system that combines a set of diverse elements, which during the European integration process have undergone significant structural changes within the European Union and determined the international legal relations in the global community. Modern international public law reflects the ideas of democracy, sovereignty, preservation of state territorial integrity, and progressive influence on national legal systems. Therefore, we consider it appropriate to systematize the main characteristics of

EU countries' international public law and their comparison with the national law specifics in Figure 1.

The ability of the European Union countries to control the territorial integrity and inviolability, socio-economic and socio-political situation at the international level is one of the priority state tasks, the effectiveness assessment of which is determined by the calculation of the State Instability Index (Fragile States Index), the positive value of which characteristically its growth indicates the state instability aggravation.

According to the Fragile States Index dynamic's research of the European Union in 2017–2021 (Figure 2), high values of this index are observed in such countries as Cyprus (56–60), Greece (52–6), and Bulgaria (49–53). It shows an insufficient level of legal provision in these countries and problems in the realization of international public law norms.

Figure 2: Fragile States Index dynamics in the European Union countries in 2017–2021.



Calculated by: Fragile States Index, 2021; List of countries by Fragile States Index, 2017–2021.

It should be noted that special attention is required to the value of the state instability index of Cyprus, which is one of the largest offshore zones in Europe, where the most significant number of offshore jurisdictions is registered. The regulatory framework is characterized by loyalty, particularly to the tax legislation, favorable fiscal and monetary, and financial. The European Union is characterized by a simplified business structure registration procedure, a high level of confidence in conducting transactions, and a high degree of banking and commercial secrecy protection.

Deepening the research of the European Union countries by the index of state instability is advisable in the context of the grouping of countries and determination of shared and distinctive features of the effectiveness of the implementation of international public law, which is advisable using the technologies of multifactor cluster analysis based on k-means method (Table 1).

Table 1: European Union countries grouped according to the Fragile States Index in 2019–2021

2019		2020		2021				
Country	Cluster number	Country	Cluster number	Country	Cluster number			
Austria	1	Austria	1	Austria	1			
Belgium								
Denmark								
Ireland								
Luxembourg								
Netherlands								
Germany								
Portugal								
Finland								
Sweden								
Slovenia								
Estonia		2		Estonia		2	Estonia	2
Spain								
Italy								
Latvia								
Latvia								

Lithuania		Lithuania		Poland	
Malta		Malta		France	
Poland		Poland		Slovakia	
France		France		Czech Republic	
Slovakia		Slovakia		Bulgaria	
Czech Republic		Czech Republic		Greece	
Bulgaria		Bulgaria		Spain	
Greece		Greece		Italy	
Cyprus	3	Cyprus	3	Cyprus	3
Romania		Romania		Romania	
Hungary		Hungary		Hungary	
Croatia		Croatia		Croatia	

Calculated by: Fragile States Index, 2021; List of countries by Fragile States Index, 2017–2021.

The results conclude that the EU countries were divided into three clusters according to the Fragile States Index from 2019 to 2021. In the first group in 2019–2020, such countries as Austria, Belgium, Denmark, Ireland, Luxembourg, the Netherlands, Germany, Portugal, Finland, Sweden, and Slovenia, are characterized as highly developed and capable of ensuring high standards of implementation of international public law norms, interact closely with other EU countries and provide legal assistance to those countries that record lower development rates, were stably included. Significant attention in these countries is paid to protecting territorial integrity and sovereignty, strengthening borders, ensuring internal security, and strengthening the legal norms of economic policy efficiency. At the end of 2021, Belgium moved from the first cluster to the second, weakening its position to ensure state stability.

The second cluster during 2019–2020 included Estonia, Spain, Italy, Latvia, Lithuania, Malta, Poland, France, Slovakia, and the Czech Republic. Note that Spain and Italy left this cluster in 2021, dropping into the third cluster, and Belgium joined this group. The countries of the second group are characterized as sufficiently developed in terms of socio-economic and socio-political indicators but position themselves as countries with an unstable legal and regulatory framework. Most of the countries in this group went through post-socialist transformation and reorientation to market conditions of functioning, which significantly affected the socio-political order, slowing down its development. It should be noted that Italy and Spain, being part of the European Union, are going the way of implementing and unification of norms of national legislation with the standards of European and simultaneously international public law, a feature of which is the establishment of supranational control over compliance with international conventions.

The third group during 2019–2020 includes Bulgaria, Greece, Cyprus, Romania, Hungary, and Croatia, in which the transformation processes are not completed, and ensuring state stability occurs under the influence of challenges, dangers, and threats to the sustainable development of the country. Accordingly, implementing the legal framework of international public law requires due attention. In addition, Cyprus is considered one of the most potent offshore zones, is characterized by loyal fiscal legislation, and is involved in the legalization (laundering) of shadow capital, which greatly exacerbates the problems of ensuring compliance with international public law.

Consequently, the conducted studies allow characterizing the effectiveness level of public administration, assessing the state's political stability, the effectiveness of public authorities in ensuring compliance with law and order, the quality of legislation, and the law supremacy.

6 Discussion

The research results of the specific features of modern international public law in the example of the European Union allow us to identify three groups of countries characterized by standard features of the enforcement and implementation of international public law.

Group 1. In highly developed countries, where a high level of implementation of international public law is ensured, there is unconditional compliance with the basic principles of protection of territorial integrity, sovereignty, strengthening of borders, guarantees of internal security, and norms of economic policy efficiency are provided (Austria, Belgium, Ireland, Luxembourg, Netherlands, Germany, Portugal, Finland, Sweden, and Slovenia).

Group 2. The countries with a relatively high level of sustainable development provide high indices of implementation and realization of norms of international public law. However, in such countries, unstable normative-legal support, because most of the countries of the mentioned group pass the way of implementation and unification of national legislation with the norms of European and international public law, establish an organizational mechanism of supranational control over observance of standards of international conventions and closely cooperate with the countries.

Group 3. Countries with a medium level of sustainable development, characterized as transitional countries, which have not completed the process of structural adjustment, need the support of highly developed countries, are subject to a significant destabilizing influence of destabilizing factors, challenges and dangers, and the mechanism of ensuring high performance of implementation and realization of norms of international public law requires revision and improvement (Bulgaria, Greece, Cyprus, Romania, Hungary, and Croatia).

In this context, we should note that certain EU countries are in close cooperation in the framework of the approved commonwealth and actively cooperate in the transatlantic partnership. In particular, support for democracy, freedom, and the rule of law are recognized as priority interests and goals for countries such as Germany and the United States, which have established effective socio-economic and political ties, thus realizing a high level of compliance with international public law.

7 Conclusions

The conducted research on the specifics of modern international public law by the example of the European Union countries allows us to assert that international public law is a system of normative legal rules created to regulate relations between subjects of international public law. International public law has been shown to interact closely with the EU national public law, ensuring the autonomy on the one hand and the interdependence of international and national legal orders on the other, and, equally importantly, does not combine them into global or transnational law. International public law has been found to provide an institutional framework. It protects the common interests of countries in the face of significant destabilizing changes in contemporary international relations, which, in turn, has a substantial impact on the development of international public law. Analysis of trends and features of modern international public law in the EU countries gives reasons to conclude that there are three main groups characterized by standard features of implementation and realization of international public law:

- 1) highly developed countries;
- 2) sufficiently high level of development;
- 3) countries with a medium level of development.

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