

competition, and the second provides direct funding for state agencies and institutions. The share of competitive funding for research and innovation projects from the state budget is increasing mainly due to its influence on improving focus, value and quality of research, as well as positive effects on competitiveness and economic growth. Unfortunately, in Ukraine there are a lot of factors that affect the open competition and prevent it from growing and turning into a European model. For example, tax relief on priority areas of activity for the state violates the principle of equality between undertakings and competition. As a result of this policy of the government leads to corruption.

Thus, the dynamics of innovation financing for Ukraine is not comforting. In order to reverse this trend it is necessary, first, to fix the figure of the cost of R & D at a level of 1.0% of GDP and keep it no lower than the target within several years, and secondly, to provide such a tool implemented as the competitive funding that will encourage businesses to innovate and thirdly, to improve tax legislation, in particular to make available incentives to enterprises engaged in innovation funding in priority areas for the state, which would guarantee the inflow of foreign investment in the innovation sector and reduce the level of corruption in the country. It should start innovation financing mainly for small and medium enterprises that will boost innovation for improvements in the system and its effectiveness, and in the future will be more Ukrainian companies in the competitive position to even the global market.

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NATURE OF HUMAN RIGHTS AND FREEDOMS AS AN OBJECT OF LEGAL REGULATION

The current stage of Ukrainian state and society development can be described as transformational with a tendency of civil society creation and rights and freedoms maximum protection. In this regard the relevance of study of human rights is enhancing. Under requirements of international instruments it is important to select the relevant concept of human rights and substantiate basis in domestic law.

Human rights are one of the greatest philosophic accomplishments of the modern age. They unleashed, they have had a formative effect on the course of history in many different, lasting ways over the last 250 years and today they represent the only system of values that can lay rightful claim to universal validity. Not only are they effectively embodied as the supreme legal norms in the constitutions of all nations in this world, but by adopting – and to a varying extent – ratifying international human rights treaties, all nations have committed themselves under international law to respecting,

protecting and fulfilling these fundamental rights of human beings.

Human rights define certain minimum standards and rules of procedure to which those in power should or must adhere in their treatment of people. This primarily concerns state authorities such as governments, police or armed forces, but increasingly also those wielding non-governmental power, such as international organisations, business enterprises and/or the private sector in general as well as religious communities or individuals that exert power over other people. On the one hand, human rights set limits to the power exercised by government and nongovernmental entities and on the other they oblige these within their purview to lay the foundation for enabling people to actually exercise and enjoy their rights through affirmative measures.

Despite the ideological controversies between East and West, North and South, the United Nations (UN) did finally succeed in developing an extensive set of norms for the protection of human rights, which was drafted through consensus and can therefore be seen as a synthesis of these three different 'generations' or 'dimensions' of human rights. A typical outcome of this synthesis is the International Charter of Human Rights, which consists of the Universal Declaration of Human Rights of 1948 and the 1966 International Covenants on Civil and Political Rights on the one hand and Economic, Social and Cultural Rights on the other.

The Universal Declaration of Human Rights was adopted by the United Nations in 1948 and in its Preamble "it was proclaimed as a common standard of achievement for all peoples and all nations." The Universal Declaration outlines 30 basic rights for all human beings to achieve their full potential and to live a life free of fear and want. It was the first study on the reorganization of human rights at the international level and has had a remarkable influence on the improvement of national and international human rights law.

Besides the United Nations, various regional organisations have also developed the protection of human rights. Founded in 1949, the Council of Europe (CoE) has played a certain pioneering role. As early as 1950, the Western, civil-political human rights concept was established in the European Convention on Human Rights (ECHR), which entrusted the European Court of Human Rights in Strasbourg with international oversight. Economic, social and cultural rights (ESC rights) are laid down in the European Social Charter of 1961 (revised in 1996). The adoption of the European Convention for the Prevention of Torture by the Council of Europe in 1987 marked another important step towards extending human rights monitoring. After the end of the Cold War, the former Socialist states of Eastern and Central Europe gradually joined the Council of Europe, including the Russian Federation, with the exception of Belarus.

Human rights, like other legal rules are violated daily in various, even systematic ways, but a growing number of national and international courts and other oversight bodies monitor compliance with human rights.

Binding decisions under international law, particularly on complaints by

victims of human rights violations against the states in question, can only be taken by regional human rights courts. These courts have only been set up in pursuance of the three main regional human rights conventions in Europe, America and Africa.

The United Nations has, however, set up a number of ad-hoc criminal tribunals (for the former Yugoslavia, Rwanda, Sierra Leone or Cambodia) as well as a permanent International Criminal Court (ICC) in the Hague. They consist of independent, permanently appointed judges and their task is to call to prosecute and pass a sentence for those who have committed the most serious crimes under international law, such as war crimes, genocide and crimes against humanity. Crimes against humanity are the most grievous and systematic violations of human rights.

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LEGAL ISSUES OF LAND USE FOR EXPLORATION WORK

The use of subsoil and land plots are known to be tightly correlated with each other. In some cases subsoil user cannot use subsoil without settlement of issues upon the corresponding land plot. Land plot may be used by any subsoil user as spatial and territorial basis. Therefore there arises a problem of acquiring rights on land by the subject – potential subsoil user.

Land law analysis shows an opportunity of performing certain types of subsoil use at temporary occupied land plots.

Article 97 of the Land Code of Ukraine (Obligations of Enterprises, Institutions and Organizations which Perform Exploration Works) sets forth the terms of using the corresponding land plots. For example, enterprises, institutions and organizations which perform surveying, searching, geodesic and other exploration works may perform them on the grounds of agreement with land owner or with land user. It is clear that the term of performing such works may differ but it shall have its own limits. In each certain case such term shall be stipulated with the consent of land right holder and by special legal entity entitled to perform the corresponding works. The issue upon place of geological exploration shall be settled by similar way, on contractual basis. It shall be bound in the process of temporary occupation of land plot.

Use of temporary occupied land plots for the purpose of exploration works may be both free and payable. Moreover, enterprises, institutions and organizations which perform exploration works are obliged to compensate all damages (including lost income) to land owners and land users, as well as to return land plots to previous condition for their own expense. For example, the amount of such damages and the procedure of compensation thereof shall be determined by agreement made between land owners or