



Editorial



Photo by Valentyna Tkachenko

The year 2021 has been an uneasy one for the team of Kyiv-Mohyla Law and Politics Journal, as unfortunately the first Editor-in-Chief and main inspirer of this journal, the former President of the National University of Kyiv-Mohyla Academy (2014–2019) and long-time Dean of the Faculty of Law of our university (2005–2014) *Professor Andriy Meleshevych* has passed away on April 23, 2021. The editorial team of our journal consists of people personally attracted to this activity by *Prof. Meleshevych* who were inspired by the ambitious goals he has always set for himself and shared those goals with all of us. Some of the team members are his good friends and colleagues. Some, together with the author of these words, are his students whom he has provided numerous possibilities to discover this world both empirically and professionally, including those of his own example.

It was and will be uneasy to continue our journal without the managerial talent and high intellectual skills *Prof. Meleshevych* has always possessed, however the well-received quality and professional academic journal in the fields of law and political science, published by the National University of Kyiv-Mohyla Academy, has always been *Andriy Meleshevych's* aim and goal, and our team, headed by the new Editor-in-Chief *Professor Roman Petrov*, will continue our work on Kyiv-Mohyla Law and Politics Journal to make our first Editor-in-Chief's dreams come true.

This seventh issue of Kyiv-Mohyla Law and Politics Journal includes a wide selection of articles and reviews by Ukrainian and international scholars. The journal traditionally covers first the EU law issues in the article “Resilience in Context of the Implementation of the EU-Ukraine Association Agreement” by *Roman Petrov* and *Oksana Holovko-Havrysheva* where authors cover the wide topic of extent of the practice of resilience in the process of the implementation of the EU-Ukraine Association Agreement, focusing on two cases: the one on the launch of negotiations

on the EU-Ukraine Agreement on Conformity and Acceptance of Industrial Products, and the other being EU-Ukraine Trade Dispute on Export Woods Ban.

Our second article “Ukrainian Constitutional Court: Attacks and Backlash” authored by *Samuel Fonteles* provides a non-traditional view on Ukrainian Constitutional Court, its status, current cases and elaborates thoroughly on a system of comorbidities—particular conditions that weaken the court and render it vulnerable to attacks. The author also elaborates on the future of this Ukrainian institution. The article is highly recommended to our readers as it reflects a non-Ukrainian approach to the issue and may provide good grounds for research in comparative law.

The third article “Public Funding of Political Parties and Rada Members in Post-Electoral Period” by *Yulia Shaipova*, a recent brilliant graduate of the National University of Kyiv-Mohyla Academy Faculty of Law who has decided to share the findings of her master thesis with our readers in the form of academic article. Her work was supervised by *Prof. Andriy Meleshevych*, therefore she has devoted this article to him. Her research reflects on the issue of the efficiency of public funding mechanisms, namely the recently introduced amendments and their effect on the overall efficiency of public funding. The article also includes the findings coming from interviewing current Rada members.

The following two articles focus on the issues of arbitration. A quality practical point of view has been presented by *Kateryna Lazarchuk* and *Oksana Zadniprovskya* who are practicing lawyers in the field. Their article “Protection of Intellectual Property Rights in Investor-State Arbitration: Underlying Challenges and Perspectives” provides an analysis of existing international mechanisms for protecting intellectual property rights and concludes whether investment arbitration can be an effective forum for resolving intellectual property disputes. It also focuses on an examination of the scope of intellectual property rights protection by bilateral investment agreements, as well as the specifics of the investment dispute resolution procedure. Territoriality principle issues are also raised by the authors.

This article is followed by ““Publicity” and “Confidentiality in Arbitral Judiciary: Approaches to Understanding and Application” by *Anna Yanovytska* who deals with the issues of “publicity” and “confidentiality” in arbitration. The author elaborates extensively on the issue whether the principle of publicity will destroy the features of arbitration as such as well as on other issues.

The following article “Symbols in the Ukrainian Public Discourse (Analysis of Presidential Speeches on the Occasion of Constitution Day)” by *Solomiia Kryveshko* focuses on the issue of the understanding of symbols as a certain type of signs, the meaning of which is established by agreement or habit. The author has made a thorough comparative research of presidential speeches on Constitution Day and provides valuable conclusions both from the view of political science, law and semantics.

This issue of the journal concludes with two reflections both provided by young scholars on their way to bright academic future. The first reflection “Promotion of Renewable Energy in the EU and Ukraine” by *Olha Kaduk* touches upon an important environmental issue of legal regulation of renewable energy sources. She makes a good comparative analysis between the regulations in the EU and in Ukraine.

Finally, the reflection “Constitutionalism within Times of Change: Authority, Society and Democracy” by *Dzhustin Esiobu* makes an attempt to cover an issue of constitutionalism, with its adjacent phenomena of authority, society and democracy in their modern perception. The author takes a non-trivial approach to covering this highly debated issue.

We hope our readers will enjoy the materials selected for publication in this issue, and we also take our opportunity to invite all our readers who wish their quality academic research to be published on our pages to submit those to us.

Our team has always been keen on keeping the publications in our journal free of charge both for our authors and for our readers. This has always been the firm position of our first Editor-in-Chief *Prof. Andriy Meleshevych*, and we are keen on keeping this tradition further on. This would not, however, be possible without our sponsors whose financial contributions make all this happen.

We express our sincere gratitude to our long-time sponsor *Kyiv office of Baker McKenzie* who has been supporting our work for many years already. We would also wish to express our words of appreciation to *Mrs. Zoya Lytvyn* for supporting our journal this year. Big thanks go to our other long-time sponsor *Law firm “ANTE.”* Special thanks to *Mr. Volodymyr Lytvyn* for his support to our journal this year. We are also grateful to our continuous sponsor *Mr. Ihor Kohut* who has specifically devoted his support this year to the memory of *Andriy Meleshevych*. We also appreciate the input of our alumna *Antonina Cherevko* who has also supported the journal this year.

Kyiv-Mohyla Law and Politics Journal editorial team wishes to also express our thanks to our valued authors, reviewers, editors, readers, and everyone else who makes the existence of our journal worthy and possible.

We would like to once again pay tribute to our first Editor-in-Chief *Andriy Meleshevych* and promise to continue the project he has once inspired all of us to be part of. We will miss you, professor, but your ideas will always be with us...

Ievgen Zvieriev,
Managing Editor