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JEL: 351/354(477)

SYSTEMATIC ORGANIZATION OF INTERNATIONAL LEGAL DOCUMENTS ON EDUCATION AS AN EFFECTIVE MEANS FOR THE IMPLEMENTATION OF EDUCATIONAL POLICY IN UKRAINE

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The article proves the necessity of international legal acts systematization defining the legal regime in education. The criteria are proposed and the benefits of this systematization are determined.

Keywords: *system of international legal acts, educational sphere, educational policy, public administration in education.*

In the context of globalization, when significant political, social, cultural, scientific, and technological transformations of a civilizational scope are taking place, many spheres of society's life are reduced to general patterns of international legal documents adopted by international organizations, which today act as an effective regulator of international relations. Education is not an exception; in the modern world it plays a leading role as a social institution, namely: contributes to the socialization of younger generations, disseminates scientific knowledge among all strata of population, develops the culture of society, promotes scientific and technological progress, forms the elite and leaders of the country, provides knowledge of the general laws of social life, promotes a deeper understanding of social processes, changes the structure, politics, system of government, etc. [7, p. 18]. Education enables the possibilities for modernization of all spheres of public life, increases rates of economic growth and population life quality standards, guarantees national and international security of the country. Note that the educational sphere itself is undergoing significant changes, due not only to the objective requirements of time, but also to the state of education itself. For nearly a hundred years, the world has been looking for a new, more quality educational model, since the future of the state largely depends on the state of the education system, its adaptation to new socio-economic relations, and the proper legal framework. We emphasize that since independence Ukraine has sought to modernize its national education system and educational legislation in accordance with the norms of international law. For this, those international regulations that are legally binding are ratified at the state level.

It should be noted that the main international documents, which define the right of the person to education, are declarations, conventions, and recommendations. They define the rules regulating the status of educational institutions, their material and technical status, documents on education, the status of participants in the educational process, the conditions for international cooperation and the integration of national education into the international educational space. Today, a prevailing block of international legal acts in the field of education currently counts about one hundred documents, which include those that regulate exclusively educational relations and those that directly or indirectly touch, along with others, education. The existence of a large number of documents complicates both the process of developing sector policy in the state, as well as the process of this industry management. Therefore, for the proper clarification and application of the norms of educational law by the state authorities, as well as for the purpose of ensuring the accessibility of educational legal norms for society, it is necessary to systematize them, organize them, and bring them into a complete internal coherent system. Due to the systematization, the contradictions between the norms of law are overcome; the revisions to the current ones are canceled, amended, or replaced by new acts that meet the needs of public life.

Unfortunately, the problem of registering international legal acts that determine the legal regime in education, the need and advantages of their systematization, is not the subject of research of Ukrainian scientists. There are several scientific works devoted to the study of only some aspects of this subject. Thus, E. Krasnyakov examines the impact of international legal

acts on the formation of the state policy of Ukraine in the field of education [1], I. Myschak examines the normative activities of the United Nations on the provision of human rights in education and the implementation of these norms in Ukraine [2]. V. Filippova raises the problem of systematization and codification of Ukrainian legislation in the field of education in her scientific work, arguing that this problem is being developed at the crossroads of the sciences of public administration, law and pedagogy and for a long time has been the subject of discussions between scientists and practitioners [9]. Taking the side of those scholars who advocate the codification of the Ukrainian educational legislation, the author believes that at first it is necessary to systematize the normative-legal array in the educational sphere by the levels and the main subjects of education and to prepare the relevant collections of documents (for example, on general education, on issues of higher and postgraduate education, etc.). We support the opinion of V. Filippova, and believe that the existing array of legal documents in education needs to be regulated first of all with the aim of facilitating their registration, which serves as an integral part of the process of systematization. In addition, this process will allow to bring the legal acts to their unity by internal and external processing of their content. We propose to start systematizing the existing array of legal documents from international legal documents, which in one way or another influence the development of education in Ukraine.

It is worth noting that during systematization, legal acts are grouped according to certain system features. The literature on international law states that there is neither universally accepted typology of international organizations, nor the classification of international legal instruments. However, the most commonly used is the distribution of international documents according to the following criteria:

- the number of participants (one-sided (notification, recognition, protest, refusal), bilateral, multilateral);
- sphere and force of action (universal (general), regional, subregional (local));
- the degree of openness (open, closed);
- the subject of the contract (interstate, intergovernmental, interdepartmental);
- the form of the contract (written, oral);
- term of validity (terminal, unlimited);
- the object of regulation (political, economic, special issues agreements) [3; 8].
- International documents can also be classified by:
 - the nature of the issues being solved (obligatory, recommendatory);
 - the international body issuing the acts;
 - the addressness, that is, whom the decision of international organizations is aimed at (member states of the organization, all states, a group of states, one state, bodies of international organizations, the population of a certain territory, etc.) [4; 5; 10].

Taking into account the above mentioned criteria and on the basis of the study of the content of international legal acts concerning education, it is expedient to consider systematizing existing documents by sphere and force of action and by the international authority that issues them. Thus, according to the sphere and force of action to universal (general) documents, we will refer international legal documents concerning the protection of human rights for education and issued by international organizations (the United Nations and its specialized agencies - on education, science and culture (UNESCO), on labor issues (ILO). Among the declarations - documents that proclaim the fundamental principles in the protection of human rights for education are:

- Universal Declaration of Human Rights, 1948 (the right to free (at least in relation to primary and general) and compulsory (primary) education to each person is guaranteed; it is determined that technical and vocational education should be publicly available and higher education should be equally accessible for everybody according to their abilities; it is indicated that education should be aimed at the full development of the human person and increase respect for human rights and fundamental freedoms, and should promote mutual understanding, tolerance and friendship among all peoples, racial and religious groups and should contribute to the UN peacekeeping activities);
- Declaration of the Rights of the Child, 1959 (the right of the child to education, the development of his/her talents, mental and physical abilities in the fullest extent is guaranteed);
- The World Declaration "Education for All", 1990 (the guarantee of universal access to education for all persons is provided; educational development of the person is defined as a central goal; all people are provided with opportunities to receive education to satisfy basic educational needs);
- The Deli Declaration, 1993 (the elimination of gaps in access to basic education arising from reasons of gender, age, social, family, cultural, ethnic and linguistic differences, as well as the geographical remoteness);
- The Salamanca Declaration on Principles, Policy and Practical Activity in the Sphere of Education for Persons with Special Needs, 1994 (proves expediency for inclusive education);
- The Declaration and Integrated Framework of Action on Education for Peace, Human Rights and Democracy, 1995 (the respect for the rights of individuals belonging to national or ethnic, religious and linguistic minorities, as well as to indigenous peoples is proclaimed);
- The Hamburg Declaration on Adult Education, 1997 (proclaims the state's responsibility to ensure the right to education for everybody, especially the most vulnerable groups of society, such as minorities and indigenous peoples);
- The Dakar Declaration, 2000; The Beijing Declaration of the Group of Nine Multinational Countries (O-9), 2001; The United Nations Declaration on the Rights of Indigenous Peoples, 2007 (taking into account the educational needs of vulnerable groups of people, indigenous peoples);
- The Universal Declaration on Cultural Diversity, 2005 (preserving respect for the mother tongue at all levels of education), etc.

The list of general international legal acts that influence the development of education is not comprehensive - it only contains declarations in which the norms and principles reflecting the main direction of the development of education in the modern world are set forth. Also, universal documents include conventions and recommendations defining the basic principles in the field of education to combat any form of discrimination, to protect economic, social, cultural, political and civil rights of various categories of people who find themselves in special conditions, etc.

Regional international legal acts include documents adopted by regional international organizations such as the Council of Europe and the Commonwealth of Independent States (hereinafter referred to as the CIS). Among the legal acts adopted by the Council of Europe in relation to education, there is The Convention for the Protection of Human Rights and Fundamental Freedoms (1950), The European Cultural Convention (1954), as well as a number of recommendations on education, upbringing, condition and status of teachers and lecturers, health care in educational institutions, additional training opportunities, gender equality, etc.

It is worth noting that The European Cultural Convention, which emphasized the need to encourage the citizens of all countries to study the languages, history and culture of other countries and the common culture for them, gave impetus to structural reforms of higher education in the European space. This process has involved state institutions, leading European universities, intergovernmental

and non-governmental organizations related to higher education. Its key founding documents are The Great Charter of Universities (1988), The Convention on the Recognition of Qualifications concerning Higher Education in the European Region (Lisbon Convention, 1997) and The Joint Declaration on Harmonisation of the Architecture of the European Higher Education System (Sorbonne Declaration, 1998). The ultimate goal of the process, called Bologna process, is to create a unified educational and scientific space in Europe. In 1999, at the conference, the Ministers of Education of European countries adopted the Bologna Declaration, which defined the common requirements, criteria and standards for national higher education systems. This conference established regular meetings of European ministers, where program documents, communiqués, recommendations, reports have been adopted. The provisions of these documents relate to the structure and system of education, educational documents, the quality control of education, the mobility of students and teachers, the employment of graduates, the competitiveness of higher education institutions, etc. [7, p. 204-212].

Issues of education are also considered in the regional international organization - the CIS. One of the areas of cooperation between the member states of this organization is the humanitarian sphere, which is part of education and science. The states signed a series of agreements and adopted relevant decisions that define the legal regime in cooperation between CIS countries in the educational sphere. They also agreed on the creation of a universal (general) educational space in the CIS, defined its legal norms and standards. Key documents defining the conceptual provisions for the formation of this space provide the development of a number of model legislative acts in education, one of such laws is the Model Law "On Education" (1999). In 2006, the Model Education Code was approved, which defined the main norms, rules and principles of the functioning of the educational systems of the CIS countries.

Subregional or local international legal documents are agreements within a certain group of states, as well as between two or more states. Usually, this is an agreement on cooperation between countries in the educational sphere. These agreements allow to take into account the specifics of the national education system.

Thus, Ukraine has accumulated a considerable body of legal acts in the educational sphere. Their complex determines the state educational policy. The special influence on the formation of this policy and on the functioning and development of the national education system are international legal documents, where world educational tendencies are established by legal norms. Among the world educational trends Ukrainian scientists define the following:

- expanding the scope of population coverage with education;
- providing access to life-long education;
- ensuring equal access to quality education;
- strengthening the role of the state in ensuring access equity to education;
- ensuring efficient and effective use of education expenditures;
- humanization and democratization of education;
- updating the content, forms, methods and means of training;
- developing professional competence of teachers;
- making of government-public education management;
- disseminating information on the quality of educational services (transparency of education systems) [6, p. 24].

The generally accepted norms on education issues, which reflect the world educational trends and are enshrined in international legal documents, make up the basis of the educational legislation of Ukraine.

Consequently, our study proposes an approach to systematization of international legal documents defining the legal regime in the educational sphere. This approach is based on the detachment of international documents into a separate system in order to regulate them, that is, to organize them by incorporation - the unification of acts by sphere of their application, force of action, and by the international authority that issues them. Such an approach to systematization will ensure the convenience of the search and use of legal acts in the formation of a national legislative framework or bringing domestic normative legal acts in line with international standards. At the same time, while systematizing international legal documents, it is advisable to use a chronological approach (to systematize according to the year of publication of an act), which will speed up the search for a document.

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