

OPINION

by Prof. Gabriela Belova Belova-Ganeva, PhD, Head of International Law and International Relations Department at the Faculty of Law and History of the South-West University “Neofit Rilski” - Blagoevgrad, Member of the Scientific Jury in accordance with the order No P-33-3695 of 10.07.2019

Regarding: competition for the academic position ‘Associate Professor’ at Plovdiv University “Paisii Hilendarski” in the area of higher education 3. Social, Economic and Legal Sciences, professional field 3.6 Law (International Law and International Relations), published in SG, Issue 31/12.04.2019. By the judgment No 111498/04.11.2021 of the Supreme Administrative Court, decision of 15.07.2019 of the Eligibility Committee of Plovdiv University was repealed and subsequently by Protocol of 29.11.2021, the same Commission has ruled again.

1. Candidates admitted to the competition (in alphabetical order of personal names):

- Head Assistant Dr. Gergana Kostadinova Gozanska (born 21.12.1972; Master of Law; PhD in professional field 3.6 Law (International Law and International Relations));
- Dr. Stoyan Pantelev Memtsov (born 30.08.1985; Master of Law; PhD in professional field 3.6 Law (International Law and International Relations)).

I believe that all the requirements of the procedure have been complied with and candidates have submitted the necessary documents, in accordance with the Law on the Development of the Academic Staff in the Republic of Bulgaria (LDASRB) and the relevant normative and university acts.

2. Assessment of compliance with the minimum national requirements provided for in Art. 2b, par. 2 and 3 of the Law on the Development of Academic Staff in the Republic of Bulgaria

With regard to the groups of indicators provided for in the LDASRB for the academic position of Associate Professor, both candidates meet the minimum national requirements as a total number of points. The scientific indicators of the two participants in the competition meet the necessary requirements, demonstrate quality scientific production and skills for presenting scientific results in specialized forums.

To the best of my knowledge, there is currently no notice of plagiarism in the scientific papers presented by the two candidates.

3. Scientific and Research Activity

It is apparent from the documents and evidence submitted for participation in the competition that both candidates have acquired a PhD degree after successful defense of their dissertation papers in professional field 3.6 Law (International Law and International Relations).

Dr. Gozanska’s dissertation in 2014 was entitled “International Legal Status of the Child. Specific problems related to the international legal status of the child”, and Dr. Memtsov defended in 2017 a dissertation on the topic: “Current problems of Kosovo’s International Legal

Status”. In this sense, both candidates correspond to the indicators referred to in group ‘A’ of the minimum national requirements.

A monographic habilitation study entitled “Bulgaria and the Jurisprudence of the Permanent Court of International Justice and the International Court of Justice of the United Nations” was presented by Dr. Gozanska, and Dr. Memtsov’s work was on the topic: “Armed humanitarian intervention”. Accordingly, the monograph of Dr. Gozanska was published by the University Publishing House “P. Hilendarski” Plovdiv, ISBN 978-619-202-457-4, and the work of Dr. Memtsov was published by “Macros”, Plovdiv ISBN: 978-954-561-478-1, both in 2019. Thus, the two candidates meet the requirement under group C indicators. Both monographs deserve high marks. It should be noted that Dr. Gozanska’s development is dedicated to the almost unexplored jurisprudence of the Permanent Court of International Justice of the League of Nations and the International Court of Justice of the United Nations with regard to Bulgaria. In this sense, the very choice of the subject of research by Dr. Gozanska represents a contributing moment in Bulgarian international legal literature. Contributions are also found in the analysis of the Advisory Opinion of the PCIJ of 31.07.1930. on the Greek-Bulgarian ‘municipalities’, the Advisory Opinion of the PCIJ of 8.03.1932 on the interpretation of the Mollov-Kafandaris Agreement, the 1939 judgment in the case of the Electric Company of Sofia and Bulgaria (Belgium v. Bulgaria), and the only judgment given by the UN International Court of Justice in respect of Bulgaria, namely in the case of the air accident of 27 July 1955.

The habilitation work of Dr. Memtsov takes into account the existing research in the Bulgarian literature in relation to the use of force – those of Prof. Dr. Blagoy Vidin and Prof. Dr. Milan Milanov, both from 2009¹. However, I believe that, in terms of precision, earlier scientific works should also be mentioned, for example, by Ivan G. Genov, Slavi Pashovski and others². Contributions are found in the analysis of the ban on the use of force as the *jus cogens* norm in the international law, as well as in the critical analysis of the armed humanitarian intervention as the norm of customary international law.

With regard to group D indicators, both candidates have submitted scientific production covering group D indicators, namely articles and reports published in unreferenced journals with a scientific review or published in edited collective volumes. It is noticeable that the articles of Dr. G. Gozanska are in scientific editions of the Faculty of Law at Plovdiv University “Paisii Hilendarski”, Faculty of Law at Veliko Tarnovo University “St. St. Cyril and Methodius”, Faculty of Law and History of South-West University “Neofit Rilski”, Institute for Legal Studies at Bulgarian Academy of Sciences, European Higher School for Economics and Management, published in the period 2015-2019 after the defense of the doctoral thesis. Two of the

¹ Видин, Б. Международноправен режим на употребата на сила, С., Авангард прима, 2009. See also Миланов, М. От Вестфалия до Багдад. Суверенитетът и въоръжената хуманитарна интервенция в условията на новия световен ред. С., ГорексПрес, 2009.

² Генов, Иван Г. „Правото и силата в съвременните междудържавни отношения”, С., Наука и изкуство, 1988, also Пашовски Сл. „Международното хуманитарно право – граници на насилието във въоръжените конфликти”, УИ „Климент Охридски”, 1990.

publications are in the scientific collections: in memory of Prof. Dr. Rosen Tashev, (University Publishing House “Kliment Ohridski”) and on the occasion of the 90th anniversary of Prof. Dr. Ivan Vladimirov (Publishing complex of the University of National and World Economy).

Dr. Stoyan Memtsov has also presented publications (one in English) in authoritative scientific editions of the Faculty of Law at Plovdiv University “Paisii Hilendarski”, Institute for Legal Studies at Bulgarian Academy of Sciences, Faculty of Law and History of South-West University “Neofit Rilski”, Law Faculty of University “Kl. Ohridski” in Bitola, Republic North Macedonia, but five of the articles (Nos 6, 7, 9, 10 and 11) are published in two volumes of papers from the annual conferences of the National Military University in Veliko Tarnovo, held in 2018 and 2019.

Scientific and practical contributions can also be found in the materials presented by the candidates in the competition, and I would highlight Dr. Gozanska’s article “Dissenting opinions on the case of the air accident of 27 July 1955 (Israel v. Bulgaria)”, published in the volume of papers “The role and importance of international and supranational law in the contemporary world”, dedicated to the 90th anniversary of Prof. Dr. Ivan Vladimirov, Sofia, UNWE Publishing Complex, 2018, p. 521-530; as well as Dr. Memtsov’s article “Kosovo: *sui generis* case or ‘dangerous precedent’?” International Policy Journal, Blagoevgrad, 2018, No 1-2, p. 91-107.

Both candidates declared performance of group E indicators - citations or reviews in unreferenced journals with a scientific review. It should be noted that despite the total lower number of points, Dr. G. Gozanska presents citations of her works by five different authors, one citation is in the monograph study of Diana Kovacheva “The Individual in International Law”, and a total of three citations in publications of habilitated (by 2019) persons – Diana Kovacheva, Irena Ilieva, Hristo Paunov. All of the citations of Dr. St. Memtsov are in the articles of non-habilitated colleagues, namely Stanislav Stanev, Victor Serafimov and Militsa Tilyovska.

According to the indicators of Group E, only one candidate, Dr. Gozanska, submitted an official document from the ‘Scientific and project activity’ division at PU “Paisii Hilendarski” for participation in four national research projects.

4. Educational activity in the professional field

Since 2008 Dr. Gergana Gozanska has passed consecutively through an academic career of part-time lecturer, an assistant and a head assistant at the Department of Public Law Sciences (formerly the Department of International and Comparative Law) of Plovdiv University, and continues to work in the same academic unit at the moment. She was a part-time lecturer at “Paisii Hilendarski” University during the period May 2008 - March 2014, after that during the period March 2014 – November 2016 she held the academic position ‘assistant’, having conducted the seminars on “International Public Law” in front of the full-time and part-time students in Law. Subsequently, since November 2016, Dr. G. Gozanska has held the academic position of ‘Chief Assistant’. Currently, her professional commitments have been related to the preparation and conduct of lecture courses as follows:

- in the discipline “International Contract Law” – 30 academic hours of lectures with full-time Law students in 2017/2018;
- in the discipline “Diplomatic and Consular Law” – 18 academic hours of lectures with part-time Law students in 2017/2018;
- in the discipline “European Union law” – 12 academic hours of lectures with full-time Law students in 2018/2019;
- in the discipline “Family and Inheritance Law” - 22 academic hours of lectures in 2017/2018 and 13 hours in 2018/2019, in the ‘Rights of the child’ module;
- in the discipline “Intellectual Property Law” – 100 hours in 2018/2019.

As regards the educational discipline “International Public Law”, which determines the profile of this competition procedure, it is apparent from the evidence submitted that Dr. Gergana Gozanska has led the majority of seminars with full-time and part-time students, while also being given lectures. Her curricular academic hours in accordance with the labor contract was as follows:

- during the 2017/2018 school year – 390 hours of which 54 hours of part-time seminars, 30 hours of lectures and 180 hours of exercises in full-time training;
- during the 2018/2019 school year – 27 hours of part-time seminar sessions, 18 hours of lectures and 270 hours of seminary classes in full-time training.

In addition, Dr. Gozanska has held lectures in the master’s programs as follows: in the Master’s Program “International Relations” for 2017/2018 - 30 hours in the discipline “International Public Law” and in the Master’s Program “Public Administration” for 2018/2019 - of 60 hours in the discipline “Implementation of EU Law by the Bulgarian Administration”.

Dr. Stoyan Memtsov has a more modest experience as a lecturer in the period 24 October 2016 – 24 October 2018. According to an attached report for the 2016/2017 school year, Dr. Memtsov was assigned 180 hours of seminars on the discipline “Private International Law” and, in the following 2017/2018 - 36 hours of lectures on discipline “International Contract Law” and 150 hours of seminars on “Private International Law”.

In this sense, Dr. G. Gozanska has significantly more serious teaching experience in disciplines related to the professional scope and the theme of the competition, while the curricular academic hours of Dr. Stoyan Memtsov are mainly in the field of Private international law.

In terms of working with students, both candidates have been leaders of the students’ initiative group on International Law within the Department of International and Comparative Law.

5. Other professional, administrative and public activities

In his CV, the candidate Dr. Stoyan Memtsov points out that since July 23, 2013, he has been registered with the Plovdiv Bar Association and Dr. Gergana Gozanska has indicated that she is an arbitrator of the Arbitration Court at the Economic Association – Plovdiv, and a member of

the United Nations Society in Bulgaria, as well as a member of the Bulgarian Association of Comparative Law.

6. Personal impressions of the candidates

I know both candidates. I have been a member of the scientific jury for the acquisition of the ESD 'Doctor' by G. Gozanska, and I also have impressions of her as a member of the United Nations Society in Bulgaria. I know Dr. Stoyan Memtsov as a young scientist who participated in the 2015 international conference "UN: Historical Traditions and Contemporary Perspectives" at the Faculty of Law and History in Blagoevgrad, organized together with the Institute for Legal Studies at the Bulgarian Academy of Sciences.

7. Comparative examination of both applications

Both participants meet the requirements of Article 24, para 1 of the Law on the Development of the Academic Staff in the Republic of Bulgaria (LDASRB) and the criteria of Plovdiv University "Paisii Hilendarski" in the scope and scientific field applicable to the announced competition. The two candidates have acquired a master's degree and ESD 'Doctor' after defending their dissertations in PF 3.6 Law (International Law and International Relations). Dr. Gozanska's dissertation successfully defended in 2014 is devoted to "International Legal Status of the Child. Specific problems related to the international legal status of the child", and Dr. Memtsov defended in 2017 a dissertation on the topic: "Current problems of Kosovo's International Legal Status". Dr. Gozanska has presented a monographic study entitled "Bulgaria and the Jurisprudence of the Permanent Court of International Justice and the International Court of Justice of the United Nations", and Dr. Memtsov's habilitation book is on the topic: "Armed humanitarian intervention". Both books have been published in 2019, respectively by the University Publishing House "P. Hilendarski" Plovdiv, ISBN 978-619-202-457-4, and by "Macros", Plovdiv ISBN: 978-954-561-478-1.

With regard to both candidates, the other statutory requirements have been met: not less than two years to hold an academic position 'assistant', 'chief assistant', or have been lecturers, including part-time at the university; to comply with the minimum national requirements under Art. 2b, para. 2 and 3, respectively, with the requirements of Art. 2b, para. 5; and there is no notice about plagiarism in the presented scientific papers.

Applicants possess the necessary teaching skills, but it is apparent from the information provided that the advantage and the more serious teaching experience of Dr. G. Gozanska should be taken into account. Besides, it corresponds more precisely to the profile and scope of the announced competition.

The scientific indicators of both participants in the competition meet the necessary requirements and show high quality of scientific production.

With regard to participation in research projects, as well as skills for working in research teams, which are an important aspect of the scientific activity, Dr. Stoyan Memtsov has not submitted any documents, while for the other candidate Dr. Gergana Gozanska there is an official note for her participation in the following projects of Plovdiv University "Paisii Hilendarski":

- participation in research project FP 19-LF-003 “Property relations in law – development and prospects”, NI 2019/2020;
- participation in research project NoCF-18-LF-008/2018 “International Scientific Conference: Law and Cultural Values”, NI 2017/2018;
- participation in research project 17-LF-003 “The dynamics of Bulgarian law in the context of European legal systems”, NI 2017/2018;
- participation in Research Project 15-IF-014 “Soft Law and its Importance for Bulgarian Law”, NI 2015/2016.

The current competition has been announced for the needs of the Department of International and Comparative Law, currently ‘Public Law Sciences’ at the Faculty of Law of Plovdiv University “Paisii Hilendarski”, which implies combining research work in the described field with intensive teaching activity. In terms of research and publication activity, it is difficult to distinguish both candidates, with candidate Dr. Memtsov having some advantage on group D indicators (following his published dissertation and one publication more, with one of the publications being in English in a scientific edition in the Republic of North Macedonia), while Dr. Gozanska compensates with the indicators of group F, since only she presents evidence of participation in four scientific university projects.

Taking into account Art. 27, para 4, point 1, “a” and point 2 “a” of the LDASRB, when examining the educational and teaching activity, Dr. Gozanska demonstrates an advantage evident in consistent and continuous development in the university, significant teaching experience in conducting seminars, conducting courses (lectures) in Law as well as in the other master’s programs in the faculty. Her teaching commitments include a significant amount of lectures and seminars on the profile of the announced competition. At the same time, her research scope shows a broader area covering interest in the field of Public international law and other legal branches under PF 3.6. Her annual participation in the project activities of “Paisii Hilendarski” University, as well as her membership in the authoritative professional organizations should also be taken into account.

8. Conclusion

As my opinion has shown, my assessment of the overall activity of both candidates is positive. From a formal point of view, they both meet the minimum legal requirements for acquiring the academic position ‘associate professor’.

Taking into account the functions, place and role of the University as a higher education unit and research center, I find that the candidacy of Dr. Gergana Kostadinova Gozanska takes precedence over that of Dr. Stoyan Panteleev Memtsov, in so far as it covers significantly more the combination of research with teaching activity for the purposes of the department and the institution that announced this competition, as well as she has covered the subject matter of the competition profile more distinctly. I wish Dr. Stoyan Memtsov would not give up participating in other competitions after gaining more experience as a lecturer. After my examination of the

materials provided, and their critical analysis, I determine the order of ranking of the candidates in the competition as follows:

On the first place - Gergana Kostadinova Gozanska, PhD,

On the second place - Stoyan Panteleev Mementsov, PhD.

I express my opinion to the current scientific jury in support of the candidacy of **Dr. Gergana Kostadinova Gozanska** for the academic position of ‘Associate Professor’ at Plovdiv University “Paisii Hilendarski” in the area of higher education 3. Social, economic and legal sciences, professional field 3.6 Law (International Law and International Relations).

14.02.2022

Prof. G. Belova, PhD