

Европейское Соглашение о запрещении использования некоторых веществ в моющих и чистящих средствах 1968 г.

Однако особенностью этой отрасли права является ее декларативность. Рекомендательные документы являются вспомогательным источником международного права. Они оказывают хотя и ограниченное, но позитивное воздействие на сферу международных отношений.

Международно-правовые акты, регулирующие защиту морской среды от загрязнения, в связи с увеличением эксплуатации Мирового океана нуждаются в совершенствовании. Необходимо усилить меры уголовной ответственности за загрязнение морской среды, максимально увеличить штраф за нарушение закона по охране морской среды от загрязнения, также государства всего мира должны принимать активное участие в усовершенствовании международных законов и контроля соблюдения их для предотвращения загрязнения Мирового океана.

Следует создать такие условия, при которых субъектам международного права будет выгодно заботиться об окружающей морской среде, а также предпринять более строгие меры наказания при нарушении целостности экосистемы в целях сохранения ее для будущих поколений. Только при таком подходе человечество избежит глобальной катастрофы, вызванной небрежным отношением к морской среде нашей планеты.

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THE ROLE OF NGO IN THE PROTECTION OF BLACK SEA

Ukraine is a country which frontiers are washed by two seas: Black Sea and Sea of Azov. It should be noted, that Black Sea is a strategic water resource shared with other border countries. Taking into account the development of right to safe environment and mutual cooperation between border countries, their control for reduction of pollution of Black Sea, intensifying of seaborne trade brought to set up the following nongovernmental organizations: Organization of the Black Sea Economic Cooperation, Black Sea Trade and Development Bank, Black Sea NGO Network, The Community of Democratic Choice, Black Sea Forum for Partnership and Dialogue, The Commission on the Protection of the Black Sea Against Pollution.

This topic is not developed in the scientific literature and deserves the deep research. The aims of the article is to mark out purposes of aforementioned organizations, perspectives of their activity and propose the concept of possible new NGO contributing to further the development of trade and protection of Black Sea.

Organization of the Black Sea Economic Cooperation was founded on 25 June 1992, when the Heads of State and Government of eleven countries had signed in Istanbul the Summit Declaration and the Bosphorus Statement giving birth to the Black Sea Economic Cooperation (BSEC). It came into existence as a unique and promising model of multilateral political and economic initiative aimed at fostering interaction and harmony among the Member States, as well as to ensure peace, stability and prosperity encouraging friendly and good-neighbourly relations in the Black Sea region.

The BSEC Headquarters — the *Permanent International Secretariat of the Organization of the Black Sea Economic Cooperation* (BSEC PERMIS) — was established in March 1994 in Istanbul.

With the entry into force of its Charter on 1 May 1999, BSEC acquired international legal identity and was transformed into a full-fledged regional economic organization: Organization of the Black Sea Economic Cooperation. With the accession of Serbia and Montenegro in April 2004, the Organization's Member States increased to twelve. The BSEC is also related to the *Black Sea Trade and Development Bank*, an international financial institution based in Thessaloniki. *Founding members are:* Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Moldova, Romania, Russia, Turkey, Ukraine. *Later members:* Serbia. *Applicant states:* Cyprus, Montenegro. Cyprus and Montenegro applied to join, but were denied for now due to rivalry between Greece and Turkey, who vetoed Montenegro and Cyprus respectively. *Observer nations are the following:* Belarus, Croatia, Czech Republic, France, Germany, Israel, Italy, Poland, Slovakia, Tunisia, United States. *Later observers:* Austria, Egypt. *Observer organizations are the:* International Black Sea Club, Energy Charter Secretariat, Black Sea Commission, European Commission. The chairmanship is currently held by Turkey (May 2007 — January 2008).

Black Sea Trade and Development Bank (BSTDB) is an international financial institution established by Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Moldova, Romania, Russia, Turkey, and Ukraine. With an authorized capital of SDR 1 billion, the Bank supports economic development and regional cooperation by providing trade and project financing, guarantees, and equity for development projects supporting both public and private enterprises in its member countries.

While continuing to seek acceptable financial intermediaries for short and medium term trade finance products, the Bank will also look for direct financing transactions, not involving financial intermediaries. In addition to marketing structured trade finance capabilities directly to companies, the Bank will seek co-financing and risk-sharing opportunities with existing financial intermediaries, leading international commercial banks, international financial institutions, and export credit agencies.

BSTDB, in accordance with its mandate, aims to play a catalytic role in the greater Black Sea region for both public and private sector operations consistent with its dual mandate. The main value added is in filling key

niches which promote regional economic activity, but which are not adequately covered by other institutions at present — either governments, international organizations, or private banks and enterprises.

The primary focus of BSTDB is on financing projects and trade activities which demonstrate positive economic impact and which promote regional economic cooperation. In this context, the Bank witnessed an increased demand for financing SMEs, as these are the backbone of the domestic private sector in most member countries. Therefore, the Bank augmented its operational exposure to an estimated 30% of its total portfolio, and included SMEs financing as a priority in its Country Strategies

Black Sea NGO Network (BSNN) established in 1998 and registered in 1999, is a regional association of NGOs from all Black Sea countries. The BSNN members, currently over 60, are brought together by the common concern for the decreasing environmental quality of the Black Sea and the need for the adoption of democratic values and practices in the Black Sea countries that follow the ideals of sustainability.

BSNN is an independent, non-political, non-governmental, non-profit voluntary association of NGOs from the six Black Sea countries: Bulgaria, Georgia, Romania, Russia, Turkey and Ukraine, the goal of which is the facilitation of the free flow and exchange of information, resources and experience for the accomplishment of its mission that is: to contribute to the protection and rehabilitation of the Black Sea, including the Azov Sea, and to the sustainable development of the Black Sea countries through increased participation of NGOs, governments, businesses and other institutions, as well as the general public.

The Community of Democratic Choice (CDG) is an international organization established on December 2, 2005 by nine states of Eastern Europe in Kiev. It was mainly signed by countries from the region between the Baltic, Black Sea and Caspian Sea («The three Seas»). Its main task is to promote democracy, human rights and the rule of law in that region. *Founding member states:* Estonia, Georgia, Lithuania, Latvia, Republic of Macedonia, Moldova, Romania, Slovenia, Ukraine. *Observer countries/organizations:* Azerbaijan, Bulgaria, Czech Republic, Hungary, Poland United States, European Union, OSCE.

The creation of the Community itself was foreshadowed by the Borjomi Declaration of August 2005, a joint statement signed by the Presidents of Georgia and Ukraine, Mikheil Saakashvili and Viktor Yushchenko. The Community of Democratic Choice was then created in Kiev during a two-day forum aimed at promoting democracy and human rights in the wider region of the Baltic-Black-Caspian Seas.

The Community has no clear shape. The Ukrainian Foreign Minister Borys Tarasyuk, for example, said that the community is not a project against anybody, but rather a project in favor of democracy, stability and prosperity. Temuri Yakobashvili, the vice-president of the Georgian Foundation for Strategic and International Studies said that he saw the Community of Democratic Choice

as something in between the two main «poles of attraction» in the region (the EU and the Shanghai Cooperation Organization), saying that «the idea of creating a Community of Democratic Choice may appeal to those countries that are caught between those two blocs, but lean toward democracy and the West.» Besides the question of its character the membership of the community is still not clear.

Black Sea Forum for Partnership and Dialogue — the inaugural session of the Black Sea Forum for Partnership and Dialogue (BSF) was held on June 4-6, 2006 in Bucharest. The Forum is a Romanian initiative, initially meant to hold annual presidential-level summits (the venues rotating among participant countries) and thematic or sectoral-cooperation meeting during those annual intervals. The Forum is not meant to create new regional institutions, but rather to turn into a regular consultative process among countries of the extended Black Sea region (defined as including the South Caucasus to the Caspian Sea) and between this group of countries and international organizations such as the European Union. After the inaugural summit, no other summits were planned. After Romania and Bulgaria joined the EU the Forum may become an EU initiative for cooperation with the Black and Caspian Sea states similar to the Northern Dimension initiative for the Nordic countries and Baltic Sea states. *Members:* Armenia, Azerbaijan, Georgia, Moldova, Romania, Ukraine. *Observers:* Bulgaria, Turkey, United States.

The Commission on the Protection of the Black Sea Against Pollution acting on the mandate of the Black Sea countries (Bulgaria, Georgia, Romania, Russian Federation, Turkey and Ukraine) which on the 21-04-1992, signed and shortly thereafter ratified the Convention on the Protection of the Black Sea Against Pollution, the Commission on the Protection of the Black Sea Against Pollution (the Black Sea Commission) implements the provisions of the Convention and the Black Sea Strategic Action Plan. Main Challenges are combating Pollution from land-based sources and maritime transport; achieving sustainable management of marine living resources and pursuing sustainable human development.

The aim of the Forum is to create an overarching platform of engagement within and with the region, in order to forge a regional vision and a common mind-set and to shape coordinating structures based on that common vision. The ultimate aim is to transform the entire region into a zone of secure sovereign countries, sharing viable market economies, enjoying open and responsive systems of government, and to maintain strong links and interdependencies with the Euro-Atlantic community, with the prospect of further extending and consolidating the area of freedom, security and stability on the whole shore of the Black Sea and beyond.

It should be noted that Joint Declaration of the Black Sea Forum for Dialogue and Partnership — Adopted at the Bucharest Summit, 5th June 2006. Agree that, in order to achieve the objectives of the Forum, the following areas of cooperation will be given priority:

a) Fostering greater synergy among international and regional organisations

b) Promoting good governance, strengthening of tolerance and non-discrimination, civil society capacity-building, empowerment of the youth through provision of better education and research opportunities, with a view to creating a regional environment conducive to the promotion of democracy and fundamental rights and freedoms;

c) Identifying regional means and capabilities that can be mobilised to ensure sustainable development;

d) Encouraging regional cooperation by pooling relevant national experiences and best practices, putting regional priorities in conjunction with European and Euro-Atlantic developments in these areas.

Taking into account the aforementioned, it should be proposed the concept of new NGO aimed at protection of Black Sea. The headquarters of this organization should be set up in two cities of Ukraine: Kyiv and Odessa. The possible members of organization will be the countries bounded with Black Sea. The name — **Black Sea Environmental Union (BSEU)**.

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ВЗАЄМОЗВ'ЯЗОК ОХОРОНИ ЗДОРОВ'Я ТА ЄВРОПЕЙСЬКОГО ПРАВА ПРАВ ЛЮДИНИ: ДИСКУСІЙНІ ПИТАННЯ

Протягом другої половини ХХ століття було прийнято низку надзвичайно важливих документів із захисту прав людини, прав дитини, прав літніх людей, документів, стосовно захисту «вразливих» шарів населення на міжнародному та європейському рівні. Окрім глобалізації та активної законотворчої діяльності щодо визначення прав людини, в цей час активно розвивається наука, зокрема біологія та медицина, ставлячи перед людством все нові і нові питання. **Актуальність** обраної теми полягає у необхідності оцінювати питання, що виникають в процесі медичної діяльності, з точки зору захисту прав людини.

У керівництві ЄС планується доповнення Лісабонського договору від 13.12.2007 р. Люблянською хартією щодо реформування охорони здоров'я (1996р.) та Європейською хартією прав пацієнта (Рим, 2002 р.), що має уніфікувати системи охорони здоров'я країн ЄС щодо рішення дискусійних питань сучасного медичного права. **Мета роботи** — виявити та описати дискусійні питання, які виникають у медичному праві під час аналізу прав людини та прав пацієнта визначених у документах ЄС, та їхній взаємозв'язок і відобразити його графічно. **Джерела:** Хартія Європейського союзу з прав