

Джерела:

1. Організація економічного співробітництва й розвитку (OECD). Basic elements of a Law on Concession Agreements. URL: <https://ppp.worldbank.org/public-private-partnership/library/oecd-basic-elements-law-concession-agreements>.
2. Комісія ООН з права міжнародної торгівлі (UNCITRAL). Model Legislative Provisions on Privately Financed Infrastructure Projects. URL: https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/03-90621_ebook.pdf.
3. Європейський банк розвитку та реконструкції (EBRD). Core principals for a modern concession law. URL: <https://ppp.worldbank.org/public-private-partnership/sites/ppp.worldbank.org/files/documents/Core%20Principels%20-%20selection%20and%20justification%20of%20principles.pdf>.
4. Про концесію: Закон України від 03.10.2019 р. № 155-IX Відомості Верховної Ради, 2019, № 48, ст.325.
5. Тимченко Л. М., Бордюг О. Особливості правового регулювання концесійного договору за законодавством України. URL: <http://visnyk-pravo.uzhnu.edu.ua/article/view/249846/247184> (дата звернення 08.11.2022р.)
Науковий керівник: Сурілова Олена Олексіївна д.ю.н, професор кафедри міжнародного та європейського права Національного університету «Одеська юридична академія».

Hrebeniuk Dmytro

*assistant of the department of International and European law
National University «Odesa Law Academy»*

DIPLOMACY FOR THE HUMAN RIGHTS:

THE POLITICAL AND LEGAL ROLE OF TURKEY

Nowadays, we very often face the problem of violation of the norms of

international law, the agreements between the subjects move to the background, and not only in the agreement of national interests, but also in the interests of certain international groups. And although everyone recognized the priority of norms of international law and consider their role in various directions, as a result, we get that the value of international postulates is not absolute. Today, we receive a multi-vector system, which has already formed the basis of the legal consciousness of mankind.

Now foreign policy is losing its past status, in the conditions of the globalizing world, we are losing the line between foreign and domestic policy. Difficulties that were previously considered an internal matter of the country often find their solution only through the lens of international law.

In the era of globalization, the world community faces many challenges that cover various areas, such as economy, culture, medicine, education and world politics. All these directions have their positive and negative features. An example of this can be the creation of new ways of communication between subjects of international law or the integration of some countries into the economic field of another country or the union into a union and thereby creating favorable and competitive conditions, but there is another side, the process of globalization does not spread evenly and while highly developed countries get the maximum benefit, others lose potential partners. In education, this is the joint use on a global scale of knowledge, skills and intellectual resources necessary for diverse development at different levels, and on the other hand, it is an increase in the technological gap and the creation of a «digital barrier». In the formation of world politics, there are also certain points that must be paid attention to, namely, the protection of human rights and freedoms. The world was able to achieve significant success in the process of forming effective protection mechanisms, but during globalization there are many factors that affect this process. In the formation of the state's internal or foreign policy to create favorable conditions in various spheres, the most important thing is often forgotten - the person. Without taking priority into account, it is very easy to create conditions where human rights and freedoms can be violated. Every country's policy, and even more so its foreign policy, needs to find a Solomonic solution,

where the main assistant of this process is diplomacy. It should be taken into account that the focus of this scientific study is also directed at the process of protecting human rights and freedoms in Turkey itself. The action plan of this country is filled with determination for changes and reforms in this area, which is based on the concept of Free individual, strong society, more democratic «Turkey».

Diplomacy has become one of the most important tools for the implementation of «soft power». It is worth noting that this direction of foreign policy activity has become widespread in the conditions of tectonic changes in the world legal order. This tool allows one subject to influence another and thereby ensures the crystallization of «state-society» and «society-society» connections. The famous professor of Harvard University named after John F. Kennedy, Joseph Nye, argued that: «it is this system of connections that presupposes the creation of long-term relationships that will provide favorable conditions for a multi-vector public policy» [1]. In view of the above, the object of this study is legal relations regulated by diplomacy in the process of protecting human rights and freedoms, and the subject of the study is Turkey's political activity and legal position during the period of use and introduction of new protection mechanisms.

Turkey is the subject of international law that tries to actively use diplomacy in its foreign policy, the purpose of which is to promote national interests and implement a plan in the formation of a regional leader and a global player. It is worth noting that Ankara uses this mechanism effectively enough and as a result the country has improved its international image and opened a space for itself in world politics. Let's pay attention to the fact that foreign policy should be based on a principled approach to human rights, and time has repeatedly proven this. Some countries take an active position in their foreign affairs, while others may take a more cautious position regarding the protection of human rights. In my opinion, the country is a signatory of fundamental legal acts in this area, among which the convention on the protection of human rights and fundamental freedoms occupies an important place, must irrevocably follow the declared values and not forget such a principle as «pacta sunt servanda» [2].

It is characteristic that the responsibility for the protection of human rights and freedoms is not only national, but also international in nature, and although the activity of human rights protection began thanks to international mechanisms and organizations, the governments of countries increasingly raise the issue of human rights in bilateral or multilateral platforms. The formation of such hubs indicates to us that there are good reasons and at the same time the goal is to improve the protection of human rights or to create more effective mechanisms. It is obvious that peace-loving states are interested in stability and peace not only within their sovereignty, but also on the territory of their neighbors. Time has repeatedly proven that suppression and violation of human rights often lead to unrest, sometimes even to armed conflict, which in turn can affect a sufficiently large territory and, as a result, lead to large flows of refugees.

On the one hand, Turkey has been subjected to international pressure from the United Nations (hereinafter UN) for a long enough time. Where the UN report strictly indicates large-scale violations of human rights during a long state of emergency, although the report is not an exhaustive description of the situation, but characteristically demonstrates patterns violations of rights in the country [3]. It should be noted that the solution to this situation was Turkey's successful communication with international institutions. Which formed a powerful impulse in overcoming the crisis situation in the middle country. The action plan includes significant changes to the legal framework and the formation of new principles that will be aimed at raising standards in the field of strengthening the institution of human rights.

On the other hand, Turkey takes a special place in the cessation of armed aggression against Ukraine. It is worth noting that the use of diplomatic mechanisms turns our partner not only into a mediator, but also into a powerful facilitator. The Black Sea initiative, which is aimed at stabilizing the world market and preventing the food crisis, plays an important role. Based on the Secretary General's statement, it is possible to find out that this mechanism is aimed at providing critical assistance to the most vulnerable people and countries affected by an unprecedented crisis [4].

The conclusion is preliminary, and it is certain that this issue needs further research, but we are already seeing fundamental changes and the introduction of new ways of communication, which provide a powerful impetus for the protection of human rights and freedoms. It should be noted that the power of leadership begins with diplomacy. Nothing is possible without partners and allies. This case suggests the conclusion that a country that has regional authority, but has sectoral concerns, can get a mandate to solve a crisis situation in a period of turbulence. When studying the issue of human rights protection, it is impossible not to mention Eleanor Roosevelt's question, «Where do human rights begin?» It is very close to us, where we live, in those places that cannot be seen on any map of the world.

References:

1. Nye J. Public Diplomacy and Soft Power [Electronic resource] / Joseph Nye // Harvard Library - 2008. - Resource access mode: <https://dash.harvard.edu/handle/1/11738397> .
2. Convention on the Protection of Human Rights and Fundamental Freedoms [Electronic resource] // Official web portal of the Parliament of Ukraine.. – 1950. – Resource access mode : https://zakon.rada.gov.ua/laws/show/995_004#Text
3. Report on the impact of the state of emergency on human rights in Turkey , including an update on the South-East [Electronic resource] // Office of the United Nations High Commissioner for Human Rights . – 2018. – Mode of access to the resource: https://www.ohchr.org/sites/default/files/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf .
4. Note that corresponds to today's agreements [Electronic resource] // webpage United Nations. – 2022. – Mode of access to the resource: <https://www.un.org/sg/en/content/the-role-of-the-secretary-general> .

Науковий керівник: Бехруз Хаширатулла Набієвич д.ю.н., професор, завідувач кафедри міжнародного та європейського права Національного університету «Одеська юридична академія».