

¹ Див.: Доклад Юридического подкомитета Комитета ООН по использованию космического пространства в мирных целях о работе его 59-й сессии, проведенной в Вене 6–15 июня 2012 г. – Документ ООН A/67/20. – <http://www.oosa.unvienn.org>.

² *Шемшученко Ю. С.* Космічне право: Підручник. – К.: Вид-во «Юридична думка», 2012. – С. 8.

Резюме

Семеняка В. В. Формування кадрового потенціалу в галузі космічного права – нагальна проблема сьогодення.

У статті окреслено сучасну потребу фахової підготовки спеціалістів-правознавців у галузі космічного права для роботи у сфері міжнародних та національних космічно-правових відносин, проведення науково-дослідної роботи з проблем розвитку міжнародного й національного космічного права. Доводиться доцільність запровадження в Київському університеті права НАН України нової навчальної дисципліни «Космічне право», визначається її мета та завдання. Аналізуються змістовна частина вивчення спеціального курсу «Космічне право» та результати його впровадження.

Ключові слова: космічна діяльність, міжнародне та національне космічне право, викладання, спецкурс, навчальна дисципліна.

Резюме

Семеняка В. В. Формирование кадрового потенциала в области космического права – насущная проблема современности.

В статье обозначена потребность профессиональной подготовки специалистов-правоведов в области космического права для работы в сфере международных и национальных космически-правовых отношений, осуществления научно-исследовательской работы по проблемам развития международного и национального космического права. Обосновывается целесообразность введения в Киевском университете права НАН Украины новой учебной дисциплины «Космическое право», определяются ее цели и задачи. Анализируется содержательная часть специального курса «Космическое право» и результаты его внедрения.

Ключевые слова: космическая деятельность, международное и национальное космическое право, преподавание, спецкурс, учебная дисциплина.

Summary

Semenyaka V. Capacity Building in the Area of Space Law Human Resources as an Urgent Contemporary Issue.

The paper outlines the current needs in professional training of jurists in the field of space law to work in international and national space law relations and to conduct research on the development of international and national space law. The article examines the need to train space law experts. The expediency to introduce the new course «Space Law» into the curriculum of the Kyiv University of Law of Ukrainian National Academy of Sciences is considered. The goals and objectives of this special course are discussed. The possible content of the course, as well as potential outcomes of its introduction are analyzed.

Key words: space activities, international and national space law, teaching, special course, academic course.

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RED LISTS AND CONSERVATION OF NATURE (on the example of Ukraine)

Introduction

Epoch of conservation of wildlife species started with implementation of a number international treaties and conventions. Some of them have been devoted to the protection of definite species like the Convention for the Protection of Birds Useful to Agriculture (March 19, 1902), the North Pacific Fur Seal Convention (July 7, 1911). Others are supposed to function at the regional level. For example, the Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki, April 9, 1992), the Convention for the Protection of the Marine Environment of the North-East Atlantic (known as the «OSPAR Convention», Paris, September 22, 1992). And the following assume to be worked at the global scale: the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Washington, 1973), the Bern Convention on the Conservation of European Wildlife and Natural Habitats (1979), The Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 1979) etc. The most significant among them is the Convention on Biological Diversity (June 5, 1992)¹. In whole, it establishes a global strategy for sustainable development and comprises three main objectives: the conservation of biodiversity; the sustainable use of its components; the fair and equitable sharing of benefits arising from the use of its genetic resources. All of them have been put in the foundation of modern environmental policy.

International Union for Conservation of Nature and Natural Resources Red List of Threatened Species

To unify information about the status of wild species the International Union for Conservation of Nature and Natural Resources founded the Red List of Threatened Species (also known as the IUCN Red List or Red Data List) in 1963. It fixes conservation status of rare and endangered species on a global scale and draws attention of international community to the biological diversity loss.

The IUCN Red List is produced and managed by the IUCN Global Species Programme and the Species Survival Commission (SSC). The list of major species assessors for the IUCN Red List includes BirdLife International, the Institute of Zoology (the research division of the Zoological Society of London), the World Conservation Monitoring Centre, and many Specialist Groups within the IUCN Species Survival Commission².

The IUCN Red List is recognized as a tool providing determination of the extinction risk of species that is globally applied. It has been formed in the set of standards for species listing and conservation assessment efforts. Besides, in condition of increasing demand for a procedure to apply the IUCN system at the regional level, IUCN published appropriate guidelines to assess the conservation status of species in 2003.

The IUCN Red List Categories and Criteria includes such quantitative criteria for assessment the threatened status of species as population size and trends, distribution, habitat, ecology, threats and conservation measures. The most important requirement to the successful and accurate categorization system of such species is its stability. Reliable data of biological diversity trends could be applied at the all levels of establishment of Red List. Thus, the data from Red List indicates «how life on Earth is faring, how little is known, and how urgent the need is to assess more species. In this way, The IUCN Red List is becoming The Barometer of Life»³.

The IUCN Red List of Threatened Species is widely recognized as the most comprehensive, objective global approach for evaluating the conservation status of plant and animal species. From its small beginning, the IUCN Red List has grown in size and complexity and now plays an increasingly prominent role in guiding conservation activities of governments, NGOs and scientific institutions⁴. Moreover, it is available only as an electronic version on the Internet. Easy access to the information and faster updating of data (at least every two years) provide a wider audience, precise data and reducing of costs for publishing and managing the Red List. Consequently, the overall aim of the Red List is to convey the urgency and scale of the environmental conservation issues to the public and policy makers, and to motivate the international community to cooperate in order to reduce species extinctions; to provide information and analyses on the status, trends and threats to species in order to initiate actions for biological diversity conservation.

One of the important features of Red List is recognition of the link between wild species and their livelihood. Specifically, the regional and national levels of implementation of Red List stipulate also preserving of habitats of such species.

Regional Red Lists

Nowadays Regional and National Red Lists have been developed by more than 100 countries and regions. The need for more accurate assessing system of wildlife species for use at the national and regional level became obvious. In the issue, the First World Conservation Congress in Montreal in 1996 adopted a resolution calling for the development of coherent guidelines on the application of Red List Categories at regional levels, which refers to any subglobal area such as continent, country, state, or province⁵.

Good example of Regional Red List is the European Red List. *The European Red List* is a review of the conservation status of c. 6,000 European species (mammals, reptiles, amphibians, freshwater fishes, butterflies, dragonflies, and selected groups of beetles, molluscs, and vascular plants) according to IUCN regional Red Listing guidelines. It identifies those species that are threatened with extinction at the European level – so that appropriate conservation action can be taken to improve their status⁶.

In whole, the main task of Regional List is to provide an assessing of species status and transmission of this information into national policies with effective solutions in practical means. Particularly, it includes using appropriate information for conservation planning and priority setting; ensuring the highest standards of documentation, information management, and scientific credibility; contribution to scientific discovery and to environmental policies at all levels.

National Red Lists

National Red List is an official state document that is not included in the IUCN Red List. It is a source of knowledge on threatened species for everyone with a role in society and the general public. It helps to draw attention to threatened species not only at a national level, but also among regional and local authorities, different sectors of society and NGOs. The aim is to make sure species do not disappear from the country and to maintain viable and healthy plant and animal communities⁷.

Thus, National Red List is rather a tool for management as well as action plans on the conservation of biological diversity. It helps to ensure a long-term planning of different measures about environmental protection of rare and endangered species and their habitats. National Red List provides *measuring progress* of countries in environmental conservation cases; *trend information* on how the status of biological diversity in a country or region is changing throughout the time; and *helps policy makers, workers of state bodies and representatives of NGO's* to assess the status of biological diversity and fulfillment of obligations on environmental conservation.

For example, the Red List of Ukraine (known as the Red Book of Ukraine) is a central information source in organizing studies and monitoring programs on rare and endangered species and their habitats. Depending on its data, special measures are developed and implemented for the protection and rehabilitation of species from this book and conservation of its habitats.

The Red Book of Ukraine is an official state document established for definition the rare and endangered species of animals, plants and fungi, as well as some local subspecies that exist within the territory of Ukraine and its continental shelf and marine economic zone⁸. The rare and endangered species of animals, plants, and fungi that are listed in the Red Book are unique, inimitable, unrenewable resources. They are significant site of nature⁹ because of that characteristics. In whole, the Red Book is recognized as one of the cadastre of natural objects that is operated in Ukraine¹⁰.

Appropriate data about wildlife species listed in the Red List is subject to be published in mass media and to inform public and private entities about them. For example, state action «Primula 2012» is carrying out in Kiev from 1st February to 31 May 2012. There is a popular social action with advertisement claiming «do not buy» snowdrops, prairie anemone, crocuses and another spring flowers which are listed in the Red Book of Ukraine: «when we pick one stalk with three flowers we destroy 45–60 seeds. It is necessary 7–8 years for growing, for example, blooming lily of the valley»¹¹. At the same time, some *preventive measures* are stipulated in the legislation for some cases: do not let publish the data about precise habitats of wild species from the Red Book and another data if it leads to the degradation of conditions of conservation and reproduction of such species (Article 12 of Law On the Red Book of Ukraine).

All species are divided into the following groups in the Red Book of Ukraine: 1- probably extinct; 2- endangered; 3 – decreasing number; 4 – rare; 5 – uncertain status; 6 – rehabilitated and rehabilitating. All wildlife species are subject to the special preservation on the all territory of Ukraine regardless of their group in the Red Book. *Absolute prohibition for any kind of their using* (collection, stocking, hunting, catching and others) or to change the conditions of their habitat is also noted in the legislation. Consequently, objects from the Red Book of Ukraine have a special legal status that is grounded, first of all, on their protection by the state.

Discussion

The first Red Book of Soviet Ukrainian Republic was published in 1980. It contained a description of 85 species (subspecies) of animals. 2nd edition of the Red Book of Ukraine was published in 2 stages: 1994 – Volume «Fauna», 1996 – Volume «Flora». 3rd and last edition of the Red Book of Ukraine has been made in 2009. There are listed 542 species of animals. According to the data from the last edition, the quantity of animals increased by 160 species by comparison with the list in 2nd edition. The number of species from 2nd edition increased by 297 species comparatively to 1st edition of Red Book of Ukraine.

3rd edition of the Red Book of Ukraine contains also 826 species of plants and fungi. The number of plants' species enlarged by 285 species relatively to the number listed in 2nd edition. The number of plant's species from 2nd edition increased by 390 species comparatively to 1st edition of the Red Book of Ukraine¹².

There are approximately the equal period of time between publishing of editions of the Red Book of Ukraine. Though the object of publishing the Red Book of Ukraine is to ensure and provide conservation of rare and endangered species constant increase of their numbers is observed there. Thus, some factors are obstacle for reaching success in the environmental conservation case in Ukraine during last 30 years.

Firstly, decline in the population numbers of some species occurs as a result of climate change. Changing weather patterns and rising sea levels are also affecting species globally with some regions affected more by climate change than others. The response of a species to these changes depends on its life history, ecology, behavior, physiology and genetic makeup and some are more susceptible than others. It has been estimated that 35 % of bird species, 52 % of amphibians and 71 % of reef-building corals will be particularly vulnerable to the effects of climate change¹³. Such trends in the life of biological diversity are typical for all countries in the world.

Secondly, there is a list of major threats to biological diversity. They include the development of infrastructure and urbanization, pollution, over exploitation of natural resources and extinction of wild species, fragmentation and destruction of landscapes as a result of agricultural activities, introduction of alien biological species (genetically modified organisms) and genetic pollution, and others.

Thirdly, there should be good performance of natural resource management related to rare and endangered species in Ukraine. So, *maintenance of the Red Book of Ukraine* is provided by central executive authority on conservation of environment. Its methodological ensuring is realized through using information from the state cadastres of animals, plants, and wildlife preservations of Ukraine, chronicles of natural reserves and national parks, and from other informational systems (Article 15 Law On the Red Book of Ukraine). By the way, Ukraine has 7,243 protected areas of the Nature Conservation Fund, the total extent of which is 2,916,158.5 ha (4.8 % of the territory of Ukraine). Among those are: Nature reserves – 17; Biosphere Reserves – 4; Nature National Parks – 15; Game Reserves – 2,693, including 303 of national importance and 2,390 of local importance; Regional Landscape Parks – 46; Protected Sites – 793; Monuments of Nature – 3,057, including 132 of national importance and 2,925 of local importance; Botanical Gardens – 25; Zoological Gardens – 12; Dendroparks – 42; Parks-Monuments of garden and artificial parks – 539¹⁴.

National Commission of the Red Book of Ukraine provides scientific maintenance of the Red Book of Ukraine and organization of appropriate scientific researches. It also offers including/excluding species in/out of the Red Book, develops measures for protection of such species, and provides inspection of their implementation. Coordinates appropriate activities of state government bodies and non-governmental organizations is a function of the National Commission of the Red Book of Ukraine too. It is established by the Cabinet of Ministers of Ukraine and consists of scholars from the National Academy of Sciences of Ukraine, another scientific organizations, specialists from central executive authorities regarding environmental conservation, forest management, game management, and fish industry. Statutes of such organizations should specify activity on protection of wildlife species (Article 15 Law On the Red Book of Ukraine).

Therefore, organization of protection of these species and improvement of their habitat is the obligation of Ukrainian government, Congress\Council of People's Deputies, State Administrations, executive boards of municipal government, Ministry of Ecology and Natural Resources of Ukraine, and other state bodies.

Besides the government authorities there are scientific organizations, state and non-governmental organizations, some experts and scholars *in the row of actors who can make an offer* about including species to the Red Book of Ukraine (article 14 Law On the Red Book of Ukraine). Analysis and generalization of such offers are carried out by the National Commission of the Red Book of Ukraine.

Protection of species from the Red Book of Ukraine is ensured with application of the next measures: establishment of special legal regime of rare and endangered species conservation, prohibition or limitation of their using with business and/or military purposes; implementation of requirements about environmental conservation in the legislation activity and law enforcement; systematical detection of the habitats, regular monitoring of the conditions of their population; foreground establishment of nature reserves and environmental net on the places where rare and endangered species live and on their migration routes; establishment of centers and banks for preservation of gene pool of such species; breeding and cultivation of species from Red Book of Ukraine in the specially made conditions (zoological parks, botanical parks, dendrological parks etc.).

In addition, including of flora and fauna species to the Red Book of Ukraine means fixing of moral and social obligation of natural resources users in legal way to provide a special protection of these species, to adhere the prohibitions to use them in definite cases, and to take responsibility by means of criminal penalty, administrative fine and/or refund of caused harm. Some of above mentioned points about protection of threatened species in Ukraine corresponding to the five core elements of the «protectionist paradigm» identified by Wilshusen et al. (2002): protected areas require strict protection; biodiversity conservation is a moral imperative; conservation linked to development does not protect biodiversity; harmonious, ecologically friendly local communities are myths; and emergency situations require extreme measures¹⁵.

Conservation and rehabilitation of species from the Red Book of Ukraine is provided with: appropriate researches in this area; statement of heightened administrative, civil and criminal responsibility for destruction or damage of species from the Red Book of Ukraine, and for causing harm to their habitats; education of population and environmental activities of non-governmental organizations.

Consequently, *environmental conservation measures can be divided in two groups*: 1 – aimed at preservation of species from the Red Book; 2 – aimed at protection of their habitat and their migration routes. This is one of the most effective ways for preservation of the rare and endangered species. Conservation of habitats in Ukraine is regulated by Ukraine's National EcoNetwork Formation Programme for the years 2000–2015¹⁶. The principal objective of the Programme is to increase the country's area under natural landscapes to a level sufficient for the preservation of their diversity close to their initial natural condition and the development of the territorially-integrated system. This system is being built to ensure the possibility for species of plants and animals to use natural migration and propagation, which will ensure the preservation of natural ecosystems, species and populations of flora and fauna. During the first Phase of the Programme the following steps have been done: the schemes of the Polissky, Halytsko-Slobozhansky and Dnistrovsky ecocorridors as well as the recommendations for the formation of regional eco-networks were developed. A few more Protected Areas were established (National Nature Parks: «Hutsulshchyna» (2002), «Ichnyanskiy» (2004), «Halytskiy» (2004), «Homilshanski Lis» (2004), «Velykiy Lug» (2006), «Mezynski» (2006), «Druzhkivski Kamyani Lis» (2006) and elements of incentives measures elaborated¹⁷.

Moreover, there are clearly seen integrated approach to the conservation of wildlife and improvement of ecosystem in Ukraine. Tools that are different in legal nature, form and means of implementation, as well as economic, organizational (institutional) and juridical tools are applied equally in this case. Finally, these all essential components of natural resources management in Ukraine are developed in the organization of specially protected natural sites.

Peculiarity of species from the Red Book of Ukraine consists in providing of their conservation independently location of their habitat. For example, stocks can live both in wildlife and on the roof of some house in village. Though law defends them from any kind of disturbance, people also have some traditions in this sphere. They believe that the family from such house is lucky and will have one more child very soon. In opposite, man who will destroy a nest of stock will be unhappy all his life. In this case the opinion of Dan Brockington et al. about cash value of natural resource management cannot be applied: «Closely related is the assumption that people will only conserve natural resources if they value them, and they will only value them if they have a cash value»¹⁸. Moral rules are helpful in the case of natural resource management in Ukraine.

Moreover, they developed under influence of European culture. Such rules are easy understandable for the rest of the world on the contrary to the African culture. The cultural values and practices associated with hunting by Africans seemed to offend the moral scruples of Europeans, who held fast to their own values and myths concerning wildlife¹⁹. In the package with another various regulations and issues (economic, social, ecological) the moral rules play significant role in the management and conservation of wildlife.

Conclusion

Though community based natural resources management is not popular with its clear definition in Ukraine, we can find its separate elements, like re-introduction of traditional fertilization systems; development of rural green tourism; involvement of local communities in development of national parks and tourism activities; restoration of traditional farming practices; including territories under traditional management in the national ecological networks and developing incentive mechanisms for traditional nature management. Unfortunately, one of the main obstacle

to develop these measures is corruption and political instability in Ukraine. Thus, above mentioned moral values of common people about natural resources play a role of “lifeboat” in the natural resources management in the country. Development of innovative and beneficial co-management arrangements would improve performance of biodiversity conservation and would raise welfare of population in Ukraine.

¹ Convention on Biological Diversity (Earth Summit in Rio de Janeiro, June 5, 1982). Available on web-site: <http://www.cbd.int/convention/text/default.shtml>

² The IUCN Red List. Official web site of the International Union for Conservation of Nature and Natural Resources: <http://cms.iucn.org/>

³ The IUCN Red List...

⁴ Red List Overview. Official web site “The IUCN Red List of Threatened Species”: <http://www.iucnredlist.org/>

⁵ Guidelines for Application of IUCN Red List Criteria at Regional Levels. In: The IUCN Red List. Official web site of the International Union for Conservation of Nature and Natural Resources: <http://cms.iucn.org/>

⁶ European Red List. Official web site “European Red List”: http://ec.europa.eu/environment/index_en.htm

⁷ National Red List. Official web site: <http://www.nationalredlist.org/site.aspx>

⁸ *Look more here*: Law of Ukraine “On the Red Book of Ukraine” № 30555-III of February 2, 2002 // *Golos Ukraini* № 48, March 14, 2002.

⁹ *Петров В. В.* Экологическое право России. Учебник для вузов. – М.: Издательство БЕК, 1995. – С. 482. (Petrov V. V. Environmental Law of Russia. – Moscow, 1995; in Russian, p. 482).

¹⁰ *Малишева Н. П.* Види тварин і рослин, занесені до Червоної книги України // Екологічне право України. Академічний курс: Підручник / За заг. ред. Ю. С. Шемшученка. – К.: ТОВ «Видавництво «Юридична думка», 2005. – С. 667. (*Malysheva N. R.* Species of animals and plants from the Red Book of Ukraine. – Kyiv, 2005; in Ukrainian, p. 667).

¹¹ Residents of Kyiv asked do not buy snowdrops. Newspaper “Stolica” from February 7, 2012. Official web-site: <http://stolitsa.glavred.info/archive/2012/02/07/174818-4.html>

¹² For example, look here: State Cadastre for Animal Wildlife of Ukraine: <http://www.biomon.org/en/cadastre/>. Web site “Animal Info – Indangered Animals”: <http://www.animalinfo.org/country/norway.htm>. Червона книга України, сайт Вікіпедія: <http://uk.wikipedia.org/wiki> (Red Book of Ukraine. Web-site Wikipedia: <http://uk.wikipedia.org/wiki>; in Ukrainian). Червона книга України, сайт Мінприроди України: <http://mail.menr.gov.ua/publ/redbook/redbook.php> (Red Book of Ukraine. Web-site of the Ministry of Ecology and Natural Resources of Ukraine: <http://mail.menr.gov.ua/publ/redbook/redbook.php>; in Ukrainian).

¹³ Climate Change&Spicies. Official web site of the International Union for Conservation of Nature and Natural Resources: <http://iucn.org/>

¹⁴ Fourth National Report of Ukraine, Kyiv 2010. Official web site of Convention on Biological Diversity: <http://www.cbd.int/countries/?country=ua>

¹⁵ *Wilshusen, P.R. S.R. Brechin, C.L. Fortwangler and P.C. West*, 2002, ‘Reinventing a Square Wheel: Critique of a Resurgent “Protection Paradigm” in International Biodiversity Conservation’, *Society and Natural Resources*, Vol. 15, p.p. 17–40. Look in: *Jon Hutton, William M. Adams and James C. Murombedzi*. Back to the Barriers? Changing Narratives in Biodiversity Conservation. *Forum For Development Studies*. № 2. – 2005. NUPI, December, 2005. – P. 347.

¹⁶ State Program of Formation of Ecological (Environmental) Net of Ukraine for 2000–2015 // *Vidomosti Verhovnoi Radi Ukraini* of November 24, 2000. – 2000. – № 47. – St. 405. Look also: Law of Ukraine “On Ecological (Environmental) Net of Ukraine” № 1864-IV of June 24, 2004 // *Golos Ukraini* № 142 of August 3, 2004.

¹⁷ Fourth National Report of Ukraine, Kyiv 2010. Official web site of Convention on Biological Diversity: <http://www.cbd.int/countries/?country=ua>

¹⁸ *Dan Brockington, Rosaleen Duffy and Jim Igoe*. Nature Unbound. Conservation, Capitalism and the Future of Protected Areas. – Earthscan, London, Sterling, VA.

¹⁹ *Jafari R. Kideghesho*. Wildlife Conservation in Tanzania: Whose Interests Matter? / In: Emmanuel J. Gereta and Eivin Roskaft (editors). *Conservation of Natural Resources. Some African & Asian Examples*. – Tapir Academic Press, Trondheim, 2010. – P. 89.

Резюме

Чорноус О. Червоні Списки та охорона природи (на прикладі України).

Метою цього дослідження є визначення, яким чином ідея про Червону книгу вплинула на розвиток відповідних заходів у природоресурсному менеджменті та, зокрема, у природоресурсному менеджменті, що застосовується у відношенні до об’єктів права комунальної власності. У статті аналізується правове регулювання Червоних Списків Міжнародного Союзу Охорони Природи на різних рівнях – глобальному, регіональному та національному рівнях, а також заходи, що були застосовані для захисту рідких та зникаючих видів тварин та рослин в Україні. Актуальність даного дослідження обумовлена визнанням цінності природних ресурсів для існування людства та тяжких наслідків втрати біологічного різноманіття для теперішнього та майбутнього поколінь.

Ключові слова: Червоний Список, Червона книга України, охорона природи, природоресурсний менеджмент, рідкісні види тварин та рослин, зникаючі види тварин та рослин.

Резюме

Чорноус А. Красные Списки и охрана природы (на примере Украины).

Целью данного исследования является определение, каким образом идея о Красной книге повлияла на развитие соответствующих мероприятий в природоресурсном менеджменте и, в том числе, в природоресурсном менеджменте, который применяется по отношению к объектам права коммунальной собственности. В статье анализируется правовое регулирование Красных Списков Международного Союза Охрана Природы на разных уровнях – на глобальном, региональном и националь-

ном уровнях, а также мероприятия, которые были применены для защиты редких и исчезающих видов растений и животных в Украине. Актуальность данного исследования обусловлена ценностью природных ресурсов для существования человечества и серьезными последствиями потери биологического разнообразия для настоящего и будущего поколений.

Ключевые слова: Красный Список, Красная книга Украины, охрана природы, природоресурсный менеджмент, редкие виды животных и растений, исчезающие виды животных и растений.

Summary

Chornous O. Red Lists and Conservation of Nature (on the example of Ukraine).

The aim of the research is to reveal how the idea of Red List influenced on the development of appropriate measures in natural resources management and, particularly, common based resource natural management. The article provides an analysis of regulation of Red List on the different levels – global, regional and national, and measures that have been applied for conservation of threatened species in Ukraine. The urgency of the research is specified by the value of natural resources for human beings and grave consequences of biological diversity loss both for present and future generations.

Key words: Red List, Red Book of Ukraine, Conservation, Natural Resource Management, Threatened Species.

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СТАНОВЛЕННЯ І РОЗВИТОК КОНСТИТУЦІЙНИХ ЗАСАД ЕКОЛОГІЧНОГО ПРАВА В УСРР–УРСР (1917–1977 РР.)

Метою роботи є історичний аналіз та проведення періодизації історії конституційних основ екологічного права, а також з'ясування особливостей конституційного регулювання екологічних відносин в УСРР–УРСР до прийняття Конституції УРСР 1978 року.

Перш за все зауважимо, що конституційне регулювання екологічних відносин розуміються нами у широкому сенсі слова. Адже його виникнення пов'язано з появою в УСРР–УРСР актів конституційного характеру, як за формою (єдиний письмовий акт, іменованій «Конституцією»), так і за змістом. Тобто актів, які регулюють окремі основні питання устрою суспільства і держави, але які не є у повному розумінні конституційними законами і не являють у сукупності єдиного письмового акта – Конституції держави. Адже не можна зводити конституційний розвиток «лише до появи актів, формально іменованих конституціями»¹.

З урахуванням цього можна говорити про існування конституційного регулювання (або його початків) в Україні в усі періоди її історії – монархічного (перебування у складі Московської, а згодом – Російської імперії)², часу УНР та Гетьманату, соціалістичного і сучасного (іменованій нині дослідниками постсоціалістичним).

Однак зазначимо, що у монархічний період української історії, а також за часів УНР та Гетьманату*, не здійснювалося конституційне регулювання відносин з охорони природи та раціонального використання і охорони природних ресурсів, оскільки, по-перше, не існувало таких актів, як Конституція, а, по-друге, в актах конституційного значення даного періоду були відсутні норми, що регламентували зазначені відносини. Отже, регулювання відносин з охорони природи й природокористування вперше стало здійснюватися в актах конституційного значення тільки в соціалістичний період вітчизняної історії.

На наш погляд, періодизацію історії конституційних основ екологічного права можна провести насамперед за наступними критеріями. По-перше, залежно від форми державного ладу історія конституційного регулювання екологічних відносин включає два періоди: соціалістичний – з 1918 р. по 1991 р. і сучасний (постсоціалістичний), який можна розділити на два підперіоди: з 1991 р. до 1996 (прийняття Конституції незалежної України), і з 1996 р. до теперішнього часу. У свою чергу, соціалістичний період включає в себе певні етапи, пов'язані з фактом прийняття актів конституційного значення і Конституцій у державі: 1) 1919–1929 рр.; 2) 1929–1937 рр.; 3) 1937–1978 рр.; 4) 1978–1996 рр.

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* Конституція Пилипа Орлика (Договори і Постановлення Прав і вольностей Війська Запорозького між Ясновельможним паном Пилипом Орликом, новообраним гетьманом Війська Запорозького, і між генеральною старшиною, полковниками, а також названим Військом Запорозьким, що за давнім звичаєм і за військовими правилами утверджені обома сторонами вільним голосуванням і Ясновельможного гетьмана урочистою присягою підтверджені року від Різдва Христового 1710, Квітня 5, в Бендерах) та Конституція УНР (Статут про державний устрій, права і вільності УНР) та «Законои про тимчасовий державний устрій України» (від 29 квітня 1919 р.) у часи правління гетьмана П. Скоропадського не містять норм, присвячених захисту навколишнього середовища чи екології.