

tics schemes, thus stimulating economic growth and human development; g ') improves productivity and access to new technologies, which in turn stimulate the economy; d) a manifestation of the internationalization of production and the economic interdependence of the economies of different countries; e) accompanied by the development and changes in economic and legal nature of contractual relationships; g) is accompanied by the expansion of the range of subjects that engaged in foreign economic activity.

Based on the fact that foreign trade mainly lies in the economy, the main actors for its implementation and realization are the economic entities, ie entities acting in public circulation on its behalf, to their advantage, based on profile law and carry out the relevant activities in the economy.

Key words: state, foreign economic function of the state, foreign economic activity, the subjects of foreign economic activity.

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Kharchuk Oleksandr

DEVELOPMENT OF INTERNATIONAL COOPERATION AS A GUARANTEE OF THE RIGHT TO DEVELOPMENT

The paper considers the problem of the right to development in international economic law in the context of international cooperation. Reviewed the regulatory component of the right to development. Analyzed the relationship of the right to development with the principles of the system of international economic law. Defined standard fastening elements of the right to development in international legal acts. Shows the application of the right to development in the practice of international organizations. In particular, attention is paid to the problems of development in practice UNCTAD, UNIDO, WTO etc. The article also discussed the role of the right to development in the restructuring of modern international economic relations on an equal and mutually beneficial basis.

Key words: the right to development, the principle of international economic law, international economic relations, international cooperation, international organizations.

© Kharchuk Oleksandr – PhD, Associate Professor of International Law Department, Kiev University of Law, Kiev, Ukraine.

Харчук О.О. РОЗВИТОК МІЖНАРОДНОГО СПІВРОБІТНИЦТВА ЯК ЗАПОРУКА РЕАЛІЗАЦІЇ ПРАВА НА РОЗВИТОК

Розглянуто проблему реалізації права на розвиток в міжнародному економічному праві в контексті розвитку міжнародної співпраці. Розглянута нормативна складова права на розвиток. Проаналізований зв'язок права на розвиток з системою принципів міжнародного економічного права. Визначено нормативне закріплення елементів права на розвиток в міжнародно-правових актах. Показано особливості реалізації права на розвиток в практиці міжнародних організацій. Зокрема, увага приділена проблемам розвитку в практиці ЮНКТАД, ЮНІДО, СОТ і ін. Також, в статті розглянуто роль права на розвиток в перебудові сучасних міжнародних економічних відносин на рівноправній і взаємовигідній основі.

Ключові слова: право на розвиток, принцип, міжнародне економічне право, міжнародні економічні відносини, міжнародна співпраця, міжнародні організації.

Харчук А.А. РАЗВИТИЕ МЕЖДУНАРОДНОГО СОТРУДНИЧЕСТВА КАК ЗАЛОГ РЕАЛИЗАЦИИ ПРАВА НА РАЗВИТИЕ

Рассмотрено проблему реализации права на развитие в международном экономическом праве в контексте развития международного сотрудничества. Рассмотрено нормативную составляющую права на развитие. Проанализировано связь права на развитие с системой принципов международного экономического права. Определено нормативное закрепление элементов права на развитие в международно-правовых актах. Показано применение права на развитие в практике международных организаций. В частности, внимание уделено проблемам развития в практике ЮНКТАД, ЮНИДО, ВТО и др. Рассмотрено роль права на развитие в перестройке современных международных экономических отношений на равноправной и взаимовыгодной основе.

Ключевые слова: право на развитие, принцип, международное экономическое право, международные экономические отношения, международное сотрудничество, международные организации.

The problem of development occupies a separate place in international economic law. It's emerged in the second half of the twentieth century was caused by the development of relevant international economic relations. Joint actions by developed countries and developing countries in the UN, WTO, UNCTAD and UNIDO and other international organizations allowed to take important documents such as the Principles to govern international trade relations and trade policies conducive to development, the Declaration and Programme of Action on the Establishment of a New International Economic Order, the Charter of Economic Rights and duties of States,

Lima Declaration and Plan of Action on industrial Development and Co-operation. It is important that these international instruments established system of universal mandatory rules which comprehensively regulates a significant part of international relations – international economic relations. Enshrined in them principles, form the basis of a new international law – international economic law. Compliance with these universal imperatives aims restructuring of modern international economic relations and securing the interests of all countries regardless of their level of development, social systems, political or geographical significance value.

So, the question of the right to development occupies a special place in relations with the developed countries and developing countries is the subject of our review.

The problem of development is of considerable scientific interest. Investigation of various aspects of this phenomenon is dedicated in the works of Ukrainian scientists B. Babin, V. Vasilenko, I. Lukashuk, N. Yanchuk, etc.

Also, a lot of attention was paid by foreign scientists to the right to development. So, the question is investigated by Bedjaoui M., K. Vasak, L. Entin, S. Maslov, Y. Kolosov, A. Rivera, H. Tunkinym and others.

The right to development closely and inextricably linked with the implementation by the various states of the principles of international economic law. For example, the principle of equitable economic cooperation, first gives us possibility to see that any implementation of this principle in international economic relations is directly linked with a such generally recognized principles of international economic law as the principle of cooperation among states and the principle of sovereign equality and the special principle of international economic law – the inadmissibility of economic discrimination. Analysis of existing international instruments allows to note that the main elements of the content of the principle were enshrined in the 1970 Declaration, the General Principles of UNCTAD 1 (Items 6, 7, 9, 10), the Declaration on the Establishment of the New International Economic Order (Item 4 "b"), Charter of Economic Rights and Duties of States (Articles 3, 4, 6, 8, 9-14, 17, 21, 23, 24, 26, 28, 31). "The new international economic order should

be founded on full respect for the following principles: ... b) The broadest co-operation of all the States members of the international community, based on equity, whereby the prevailing disparities in the world may be banished and prosperity secured for all"¹. Important elements of the content of the principle of equitable economic cooperation are: the right of each state regardless of its socio-economic system to engage in any form of economic cooperation based on equality and mutual benefit and without any forms of discrimination against third countries. The next element – is that cooperation can occur at any level: universal, regional, subregional – in the interests of third countries. Finally, each state must work through participation in international treaties or international organizations². Thus, the state should not shy away from taking part in international cooperation, and it should contribute to the economic progress of countries and peoples. In addition, every state should have the right to participate in decision-making to resolve the world's economic problems, through restructuring international economic relations and a new international economic order; developing states should get assistance in their economic development and the right to receive economic aid ("right to economic development")³.

However, the right to development has found a separate coverage in a number of international legal instruments. Thus, in 1961 the UN General Assembly adopts resolution on "International trade as an important tool for economic development"; in the 1974 United Nations Conference on Trade and Development (UNCTAD) adopts resolution "principles that international trade and trade policy that promotes development." Thus, principle 12 of the Rio Declaration on Environment and Development on June 14, 1992 revealed that states should cooperate to promote a supportive and open international economic system that would lead to economic growth and sustainable development in all countries. Measures of trade policy should not lead to arbitrary or unjustifiable discrimination or a disguised restriction in international trade. Principle 14 of the Rio Declaration on Environment and Development on June 14, 1992 obliged states to effective cooperation. The aim of the cooperation is to eliminate disparities between developed countries and developing countries, by consolidating recent unilateral advantages in relations with

the first countries and create conditions that promote economic development. In the 2012 on the thirteenth session of the United Nations Conference on Trade and Development which was held in the Qatar on the theme: "Globalization aimed at development: towards sustainable growth and development." As result of the conference, it was announced that crucial for sustainable economic growth plays a strengthening of productive capacity of the country. The latter depends on the implementation by states of their industrial policy. Therefore, states should enhance the role technical capacious production in industry and services. Thus, the introduction of technology creates new opportunities to improve the competitiveness of the country. Therefore, UNCTAD will enhance the role of technical assistance, encourage investment and promote qualitative changes of position to improve economic growth and development⁴.

Assistance for the development can be provided in various forms. Speaking of financial mechanisms, it can be attributed to grants, grace periods, loans, writing-off credit debts, the technical cooperation for development, implementation of technical assistance programs etc. Such assistance is characterized by socio-economic orientation and such assistance is assistance of privileged character for the state to which it provided. The nature of such assistance varies depending on the needs of the recipient.

The right to development can not be imagined without the institutional mechanisms of international economic law. One of them is the United Nations Conference on Trade and Development (UNCTAD). The latter carries out activities aimed at helping developing countries integrate into the global economic system and stands second in importance after the international organization World Trade Organization (WTO)⁵. Another such international mechanism is the United Nations Industrial Development Organization (UNIDO), which also devotes attention to the development. Suffice it to recall, the fact that 2-6 December 2013 it took place the fifteenth session of the General Conference of UNIDO, whose work has been devoted to the Lima Declaration as a means of achieving universal and sustainable industrial development. Following the discussion it was adopted a resolution GC.15 / Res.1, paragraph 2 due to which emphasizes that the driving force of industrialization in favor, while

separately emphasizes the need for industrial development to economic growth⁶.

Other international organizations also pay a lot of attention to the question of development. Thus, in Europe acts Organization for Economic Co-operation and Development (OECD), this in its activity covers not only Europe, but also involves cooperation among Asian and American continents, coordinating their activities in the field of development.

World Trade Organization, which replaced the GATT, and does not stay aside the development problems. Thus, the WTO confirmed the general system of preferences, on which are based trade relations between the EU and a large number of developing countries⁷.

It is clear that the activities of institutional agencies at the global, regional and subregional levels promote partnerships at the international level in order to achieve development. Cooperation of states at the institutional level affects the formation of modern international economic order and forces formation of important conceptual provisions of legal, economic and political nature and contributes to global development process.

Thus, we can talk about the formation in international economic law principle of the right to development, based on international legal norms. According to S. Maslova, the mandatory elements of the normative content of this principle include participation duty to cooperate; assistance to development; support the development of international, regional and national levels; recognition of the states the right to development and ensure its implementation; prohibition of actions that hinder development⁸.

Conclusions.

So, the right to development is a comprehensive economic, social, cultural and political process, which should be aimed at improving the welfare of the country. At the same time the right of development assigned on subjects of international economic relations duty not only directly involve in this process, but not prevent it and to create favorable conditions for development. Countries have the right to determine ways to ensure its development and implementation. In turn, of economic development implies the need to implement processes of industrialization and modernization of production

capacity, diversify trade relations. An important element of the right to development appears elaboration of effective mechanisms for international cooperation. Conversions in this area require coordination, mutual responsibility and accountability, commitment and efficiency. Thus increase transparency and accountability in the use of development aid will help create effective and mutually beneficial partnerships in this area.

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