

the recognition of new states, the international community has in fact not. Therefore, many states have to act "on the situation," for example, putting his protection is not quite as legitimate the new Member States, but not thinking about their official recognition. In turn, other states choose to ignore this duality in so far as a specific new state remains on the periphery of their interests.

The process of the emergence of unrecognized states is easily traced back to the typologically similar examples of Kosovo and Abkhazia. In both cases, it all began with a hasty and unjustified deprivation of both territories autonomy status in the "parent" states, respectively Yugoslavia and Georgia. In both cases, this led to the release of the second leg of nationalist emotions in the former autonomous regions. These emotions quickly escalated into ethnic separatism, who received the tacit support of neighboring states and causes a sharp rejection of a "parent" states. In both cases, the power of the "parent" of applied force against the rebellious autonomy, not stopping ethnic cleansing. Finally, in both cases, the States concerned, concerned about the fate of the inhabitants of autonomy, took them under his wing, while expressing support for the territorial integrity of the "parent" states.

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#### THE LEGAL BASIS OF BIODIVERSITY PROTECTION UNDER THE CONSTITUTION OF UKRAINE 1978 (historical aspect)

*The article deals with the legal protection of biodiversity as a key concept of harmonization between humanity and environment. The importance of the biodiversity protection is shown at the example of Constitution of the Ukrainian SSR in 1978.*

**Keywords:** biodiversity, legal protection, conservation, constitutional level, legal framework.

The biodiversity reduction is one of the global environmental challenges. Human impact on the environment has led to the decline thousands of species of plants and animals. Extinction rates have increased by several times compared to natural ones. Now, more and more people are aware of environmental problems such as the pollution of the air, the exhaust fumes and factory chimneys, global warming, the pollution of the ocean and many others. [1, p. 22] There is no necessity to specify and enumerate all factors that cause tremendous rates of biodiversity destruction all over the world. Biological diversity worldwide is expected to come under increasing stress on account of climate changes. But the major factor – is the interaction between man and nature, [2, p. 1] which need the securing at the legal level.

The issues of legal protection of biodiversity, especially at the constitutional level, were considered in researches of Ukrainian scientists N. Krasnov, V. Potapenko, A. Getman, V. Lozo, etc.

The current stage of the democratic countries development requires not only moral and ethical key to the problem, but also legal framework for cooperation between

human and nature. In the report of the Ukrainian scientists, at a conference in Kiev more than a dozen years ago, had been expressed the idea that «the consolidation of the legal trends to the international and national legislation is the basis of the intercommunion of the society and environment» [3, p.87]

The basic level of the legal regulation – is the constitutional one. Constitutions all over the world consist fundamental principles and main ways of the government activity in different life spheres. The Constitutions of Ukrainian SSR and other foreign countries were not an exception. Regardless of the fact that the Basic Laws of the USSR of 1929 and 1937 did not contain articles that have dealt with the biodiversity conservation or environment protection, this problem was secured later. At the constitutional level, the matter was established in the second half of the XX century, after the international Stockholm Conference in 1972 was held. This issue was further discussed at the United Nations Conference on Environment and Development in Rio de Janeiro, 3-4 June 1992, and the Conference in Johannesburg in 2002. The art. 18 of USSR Constitution in 1978 enshrined the principles of natural wealth and environmental improvement.

Under the Constitution of the Ukrainian SSR the duties of citizens were defined broadly and sufficiently interpreted. Art. 67 of this legal act referred to the duty of preserving nature and protection its welfare. The report of the soviet scientist professor of the “Military-Law Academy of the Soviet Army” N. Krasnov dealt with the improvement of legislation on environmental management and nature conservation by the Constitution of Ukrainian SSR 1978. Updating and improving the legislation on the protection of the nature preceded the adoption of the new Constitution of the USSR. Legislation on environmental management should be based not only on the social evaluation of natural objects, but also on the nature law. Ensuring the rational use and conservation of environment in the USSR had the dual nature – the sectoral management on the one hand and the integrated approach on the other. [4, p. 154 ]

Undoubtedly, the Basic law provides only fundamental guiding principles rather than a practical mechanism of the biodiversity protection. But its establishment at the constitutional level constructs the huge support for the legislator and determines the main route of political, economic, social and cultural activity in the state. The constitutional entrenchment of the main principles of the nature protection in Ukrainian SSR played the major role and had the great importance for the further adoption of laws concerning the biodiversity conservation in the USSR and in Ukraine after the proclamation of independence.

Without the power of the law to stave off biological impoverishment, only the power of reason is left. There, fortunately, enormous strength can be found. In “The Diversity of Life,” Edward O. Wilson writes: “In democratic societies people may think that their government is bound by an ecological version of the Hippocratic oath, to take no action that knowingly endangers biodiversity. But that is not enough. The commitment must be much deeper – to let no species knowingly die, to take all reasonable action to protect every species and race in perpetuity. ... The more that other forms of life are used and saved, the more productive and secure will our own species be.” [5, p.23] The author draws your attention to the extract «to take all reasonable action to protect every species». As it was already mentioned, one of these regulatory devices in modern world is the law. And it is the constant instrument of legal pressure, especially at the constitutional level.

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