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***Working session 8: Rule of law I.*****Right on self-determination, ethnic conflicts and „fight against terrorism” in a Black Sea region.**

Problem of ethnic conflicts, militarization of territories and so-called „fight against terrorism” is very actual for the population of a Black Sea region. Indeed, it is difficult to find other Eurasian region, probably except for Balkans, where on a small territory the quantity of unsolved local and intergovernmental conflicts was saved which are the real, potential or virtual landscapes of terrorism or war conflicts.

At the same time, great number of questions must be unsolved, in particular – about the rights of peaceful population in the areas of conflicts, about a role and status of military objects in an international and national law, about associate of rights and duties of individual, collectives and state in this sphere, about legal nature and consequences of the forced deportation of native population during the armed conflicts etc. We must to find out the veritable character of intercommunication between military actions, right on self-determination and ethnic separatism, it is an important aspect for a special researches, but they aren't not made until now, in spite of the permanent pointing in the presence of such communication in the publications.

Military tension in a region increases today. The European analysts are unanimous in opinion, that „greatest threats for North America and Europe go from the districts located farther in Eurasian continent, in particular case from the Large Near East. The crash of soviet block made a Black Sea region by a zone, where two various public systems border close, that pulls out the region from periphery to the spotlight the West where still aren't the whole rich strategy in content regard to this region

At the same time the a Black Sea region systems of co-operation, such as Black sea Economic Advice and GUAM, reflecting the growing sense of general economic and political interests of Black Sea countries are, on just opinion of experts, limited and scarcely to be able to provide regional safety independently. For opinion of independent experts, permanent conflicts and fragility of national institutes assume that years will pass, before the valuable functioning Black Sea region geopolitical system will appear. Involving of other multilateral institutes providing of rights of peaceful native population as Minsk group on approaches to the “hardening conflicts” in a Black Sea region, negotiations round the south flank of Contract on the conventional armaments in Europe on a formula “general regional issues, joint regional decisions”, unfortunately does not give tangible results. At the same time influential geopolitical structures are more actively in conflict areas as their direct participants which influence on a situation is weak.

By the principal reasons of splashing of the armed conflicts, and as a result, of the restrictions of rights of Black Sea region native population in a 80-90 years of XX century were:

- disparity of political and ethnocultural borders in the region

- presence of large number of native ethnic groups in the region ( such as Abkhaz, Gagauz, Crimean Tatars, Kurds etc), which formed own political nations in the XX century but were not able to create the national states;

- common liberalization of social and political life in a region (deislamization of Turkey, crash of totalitarian USSR and its satellites).

A modern international law sure puts principle of inviolability of boards and territorial integrity of the states higher than right of nations on external self-determination. History will show to us, is such axiological approach faithful or not, however, that exactly it pounded the great number of territories to the “trap of misrecognition”, when states, existing de facto, are not the subjects of international law. This factor limits the rights of persons resident on these territories, but the situation is even worse. The unrecognized states, even with a presence of will of their authorities, are unable to provide on the own territory the rights of native population instead of the following factors:

- impossibility of the official commercial contacts taking compels regional business fully to go away to shade and to become the basis of criminalization of society;

- an unfavorable economic situation draws the exceptionally low level of life of population, that is a major negative factor;

- separatists authorities spent major part of material resources on providing of foreign-policy status quo and maintenance of administrative vehicle, they can not put these resources to the fight against criminality;

- absence of legal financial resources provokes separatist authorities on participation in total contraband of goods, drugs, weapon, and people, as these are the most profitable types of international activity;

- unrecognized territories can not officially use the foreign and international aid;

- the indicated factors improve the concentration on separatist territories of criminal element from contiguous regions.

Thus, any unrecognized state of Black Sea region automatically becomes a territory which is dangerous for the residence of native population. Thus important to understand that separatism is primary, but it is not the same or a product of a criminalization of society, as it sometimes the states try to represent.

International association has no tools of influence on the unrecognized states –they are not the subjects of international legal relationships and don't carry any responsibility; their leaders, as a rule, do not accomplish the acts which international responsibility comes for; the population of these territories can not carry collective responsibility for support of illegal power as an international law in general does not contain the institute of collective responsibility or collective duties. Power solving of these problems is enough not simple – if on those territory is not accomplished the international crimes (genocide) the input of national and even international military powers can be acknowledged as violation of principle of peaceful permission of conflicts. Moreover, such conflict will be regulated by the norms of international humanitarian law, including Hague conventions and may entail the confession of separatist territory as a state.

The states found an original exit from this situation – they name separatism as a terrorism and its displays. According to the modern international law it is enough simple, especially as determination of terrorism in does not exist in this law, and its proper normative base gives to the state, fighting with terrorism, much more plenary powers in regard to a case of separatists. We see, that military operations in Chechnya, the fight of government of Turkey with Kurd separatists, and even situation in the Transnistrian region of Moldavia are named by the pointed governments just exactly as the fight against terrorism. Thus simultaneously that transnational criminality which has the proper separatist territory as a “port of postscript” is automatically considered as terrorist activities.

Thus,

- a) the separatism is the reason of concentration of transnational criminality;
- б) the victim states names this criminality as a terrorism for a legitimating of own fight with separatism.

Thank You