

STATE COOPERATION IN MATTERS OF ENSURING PROTECTION AND PRESERVATION OF THE WORLD OCEAN

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ABSTRACT

Within the framework of global environmental safety, protection and preservation of the World ocean is one of the priorities, which the international community is faced with. It is hard to overestimate its role and importance in the life of all mankind. Ocean is the largest supplier of oxygen, an inexhaustible source of minerals, food supply. Nevertheless, of all the natural objects, the Ocean is the most adversely affected. The million years ability of the World Ocean to natural purification weakens in connection with the emergence of new means of influencing its environment, the development of chemical compounds, plastics and synthetic products that are non-biodegradable in time. Leading maritime nations are interested in the development of new technical means to better and efficiently implement the activities in the Ocean, but the consequences of such effects are irreversible. The data obtained in the course of scientific researches on the condition of waters of the World Ocean dramatically confirm the need for taking urgent measures on the basis of close collaboration between the states when all members of the international community combine their efforts at the universal, regional, sub-regional and national levels to preserve the Ocean – an object of universal heritage. The provided material gives the description of step-by-step development of the international cooperation of the states concerning the protection of the World Ocean. Based on the analysis of these modern scientific researches, the major causes of uncontrollable pollution of the Ocean and direct dependence of this process on interaction of all countries of the world at all levels have been exposed. The need for improving the quality of ecological joint managing – the World Ocean development activities by governments, regional associations, business, industry, nongovernmental organizations and other concerned parties has been determined.

Keywords: *the World Ocean, cooperation among states, protection and preservation, ensuring protection, pollution.*

INTRODUCTION

The World Ocean is the main and most important component of the biosphere of our planet, the major power supplier, the source that produces an incredible supply of mineral and biological resources. “Thermal conditions necessary for the existence of the Earth - mentions Professor V. Kh. Buinitsky in his writings, - emerged largely due to the unique properties of the Ocean” [1. P.118]. Nevertheless, all the benefits that are provided by the World Ocean to humanity entail at the same time its pollution.

For a long time the rules of international law had touched only upon the issues concerning the prevention of pollution of fresh water bodies. Meanwhile, since the middle of XX century, the World Ocean has rightly become the main object of international regulation. This is primarily due to the fact that the waters of the World Ocean cover more than one country, and damage caused to its environment is rapidly spreading over the vast territories. A striking example is the spill of radioactive water after the accident at the “Fukushima-1” plant 1.

The World Ocean is a closed reservoir, in which every day from different sources gets an incredible amount by volume of chemical, radioactive and biological substances, petroleum and oil products, sewage, the products of processing of the objects of industry, ballast water, which are the source of spreading the pathogenic strange microorganisms. Only a small quantum of these substances is decomposed or recycled, the rest either settles at the bottom or is swallowed up by fish and mammals, causing diseases and mutations, or covers the water with a dense film, preventing the penetration of sunlight being essential for the life of the Ocean and its inhabitants. In the world there is almost no rivers the water of which is safe to drink, they would disappear long ago, but for wastewater discharged into them. All these toxic wastes from the rivers fall into the Ocean and are in constant motion, spreading to vast areas.

The tons of toxic substances such as acid and industrial wastes, explosives have been dumped in containers to the bottom of the Ocean for decades for the reason that they are dangerous to be stored on the land, and the Ocean was supposed to be able to keep them from spreading. Thus, the USA and other countries have plunged incredible amount of toxic substances to the bottom of the Atlantic Ocean, including nuclear waste, justifying their actions by the fact that the exceptional load is placed in special canisters. But we know many cases when the currents move and deform the containers, releasing hazardous substances, poisoning the Ocean and all its inhabitants with them. As far back as the beginning of the last century in a rather shallow Baltic Sea there were dropped the containers containing 7000 tons of arsenic. They became depressurized long ago, and there is enough poison in them to kill the entire population of the terrestrial globe [2, P. 4].

MATERIALS AND METHODS :

The use of general scientific methods of research allows to determine the impact of the World Ocean water on the ecosystem of the planet. Special legal techniques allow to investigate the practical aspects of the problems under study. The use of special comparative and legal methods makes it possible to carry out external processing of legal material. A formal approach helps to generalize and classify the sources of law.

RESULTS:

It is known that the question of the necessity to resolve the problem of the protection and preservation of the World Ocean on the basis of international agreements was raised as far back as 1926. The experts of the leading maritime nations assembled in Washington to discuss the problem of prevention of marine pollution with oil. However, a constructive decision had not been made. And only many years later, in 1948, the United Nations Organization established the Intergovernmental Maritime Consultative Organization (IMCO), which was renamed in compliance with the Assembly Resolution as of May 22, 1982 into the International Maritime Organization (IMO). The main purpose of the organization is to ensure cooperation between the states, namely, exchange of information, discussion of legal issues concerning navigation, pollution, and, above all, the marine environment from the ships [3].

It should be stressed, however, that it is hardly possible to talk about active actions of the states in relation to protecting the World Ocean in this period of time. During this period, the marine environment becomes a place of disposal of all types of wastes, including radioactive (obsolescent nuclear sites, spent fuel), chemicals substances , oil products. Thus, over a period of time from 1949 to 1982:

England spent 34 burials of SRW in fifteen areas of the North Atlantic, English Channel, Bay of Biscay, the Irish Sea in the area of the Canary Islands. The weight of buried containers makes 74052 tons. Belgium jointly with England made 15 SRW burials, for the most part, of 23100 tons in the North Atlantic and the Bay of Biscay. Holland made fourteen waste disposals weighing 19162 tons in the North

Atlantic. The United States made SRW burial in the Atlantic in the quantitative terms of 560261 containers (weight is unknown). Russia had dumped LRW in the Far Eastern until 1991. The largest quantity was buried off the shore of Kamchatka and the Sea of Japan. [4, P. 481].

The problem of disposal of nuclear matters during this period naturally overlapped all other possible sources of contamination, though they certainly took place. (So, as a result of the collapse of the large Tanker Torrey Canyon in Great Britain in 1967, about 106 thousand tons of oil fell in the waters of the World Ocean) [5].

Thus, immediate adoption of urgent measures to resolve the issue of cooperation among the countries in ensuring protection and preservation of the World Ocean from destruction was inevitable. Since the second half of the twentieth century, in a short time, a number of major international conventions on protection of the World Ocean has been developed and come into force. Among them particularly important are: the International convention concerning the intervention on the high seas in cases of accidents leading to oil pollution of 29 November, 1969, the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters 1972 (the London Convention on dumping)². However, it admits the burial of radioactive waste of low and medium activity outside the continental shelf at a depth of not less than 4000 m[6].

In 1972, the fundamental principles of international cooperation in the field of environmental protection were enshrined in the Declaration of the Stockholm Conference of the United Nations Organization, which were later supplemented by the World Charter for Nature, adopted by the General Assembly of the UNO in 1988.

The final stage of intensive work of the states on establishment of the integrated system of codified universal norms regarding the protection of the World Ocean was the adoption of the UN Convention on the Law of the Sea of 1982. "The Development of the Law of the Sea - as stated in the Preamble of the Convention on the Law of the Sea 1982 - serves as the main guarantor in the process of strengthening peace, friendly relations and cooperation among all the states in solving global, generally valid questions" [7].

Nevertheless, the events of the recent years, major accidents at nuclear power plants, oil spills, massive pollution of the Ocean with household rubbish, plastic, uncontrolled discharge of ballast water clearly indicates the following: the awareness of the importance of the problem of protecting and preserving the World Ocean and the urgent need for adopting prompt actions to prevent further contamination has not sufficiently developed so far. The same factors explain to a large extent the long drawn-out process of signing the major international conventions.

One of such examples is the International Convention for the Control and Management of ships' ballast water and sediment, adopted by the International Maritime Organization (IMO) in 2004 [8]. Despite the urgency of the problem and active actions of a number of countries in this field, the Convention has not entered into force yet. (As of 2016 47 maritime states have acceded to the Convention (Morocco, Ghana and Indonesia were the latter to have signed the Convention in November 2015).

From our point of view, this is due to: firstly, the unstable economic situation in some developing countries, in particular the lack of financial ability to procure and fit out the ships and ports with the latest quality equipment for water treatment and waste utilization. Secondly, the scale of the objectives pursued by the developed countries, while the signing of various agreements represents certain limits, sometimes unfavorable, of possible actions in the Ocean.

In 1992, at the UN Conference on Environment and Development, the plan of action was adopted - Agenda for the twenty-first century. Chapter 17 of this document deals with the protection of the oceans and all seas. This chapter points to the principle of common but differentiated the responsibilities of the countries for the damage caused to the World Ocean [9]. That is, the developed countries must make a greater contribution to the common task of ensuring the protection and preservation of the World Ocean and give every possible assistance to the developing countries. However, later the same demands have begun to be made for all countries, and the support from the developed countries has not been waited so far. At the United Nations Conference on Sustainable Development "Rio+20" in 2012 and no dramatic and constructive decisions regarding cooperation have not been made.

We would also like to emphasize the fact that the scientific research carried out in the World Ocean at present using advanced monitoring systems allow us to conclude that only on the basis of provisions of the Convention adopted earlier it is no longer possible to cope with the process of the rapid water pollution. The rules to be considered previously realizable without serious ecological damage now can be hardly applied. The task facing the states is to form a global plan on the World Ocean pollution control.

SUMMARY :

It becomes obvious that to resolve the ecological problem through only multilateral agreements is not practically feasible. The states, being even the members of a particular Convention, often hush up the accidents or the commission of various violations of the established standards.

Thus, according to the report of the Russian Ministry of Natural Resources, as of the end of 2015 in Russia, the area of soil and water contaminated with oil products exceeded 1 ths ha. According to the Head of the Russian Ministry of Natural Resources Sergei Donskoy, urgent amendments to the federal legislation that strengthen penalties for concealment and distortion of information about the petroleum spill are essential. And only in Russia, according to the data of "Rospirodnadzor", the environment gets petroleum up to 10 ths tons per year [10].

The big company Shell in the delta of the Niger is one of the leaders on the oil spill in the world. Here, on the average, leaks happen ten times a week. And the number of accidents is increasing every year: if in 80s Shell had spilled nearly 30 thousand barrels of oil as a result of the pipes being outworn, then for five years in the 2000s - nearly 300 thousand barrels. Notwithstanding the provisions put forward in 2011 by the UN Environment Programme (UNEP), no treatment measures have been taken [11].

One cannot ignore the issue of ballast change in tankers. So, as a temporary measure, pending the entry of the International Convention on Ships Ballast Water and Sediments Control and Management (Ballast Water Management Convention 2004) into force, from 2009 to 2019, until the time all States will have equipped their vessels with the cleaning systems, it is instructed to change ballast water in the open sea at a distance of not less than 200 nautical miles from the nearest land to a depth of at least 200m, which reduces but does not exclude the risk of transferring alien aquatic organisms and pathogens [8].

It is adequate just to mention the problem of polluting the World Ocean with plastic that is pressing today. Thus, according to research in 2014 in the World Oceans there is 5, 25 billion of all kinds of plastic waste, which over time break down into minute particles, settle to the bottom and are perceived by all sea creatures like plankton [12]. The problem, in our opinion, is caused not so much by the gaps in multilateral treaties as by the lack of a clear national legislation that would solve not only the problem of dumping of plastic waste both from the shore and vessels, but also the requirements for the forming of appropriate services to take measures on cleaning up water bodies. After all, there is no need to prove that preserving the water body within its territory, the state take care of the World Ocean on the whole.

Therefore, the joint efforts on creation of a complete all-round system to ensure safe use of the supply of the World Ocean will minimize the damage done on its environment.

CONCLUSION:

Summarizing all the above stated, having conducted the analysis based on the data from Russian and foreign sources, one may single out the following possible lines that define an increasing level of cooperation among the states in ensuring the protection and preservation of the World Ocean:

1. The main objective of the international community in improving the condition of the ocean is need for joint ocean management. What joint management on the World Ocean exploration activities by international organizations, governments, regional communities, non-governmental organizations and other persons concerned implies;
2. Effective cooperation among the states is not possible without active participation of international organizations that provide both costly monitoring of the state of the Ocean and the event on vast water areas ;
3. Protection and preservation of the World Ocean is the task of universal significance. Contamination of one area will certainly spread over neighboring territories. Thus, for the benefit of all States, particularly of matters relating to waste discharge at the bottom, and disposal of hazardous substances, the diplomatic approach and an alternative to the adoption of the Conventions seem not relevant;
4. Implementation of the organized state actions on prevention, reduction and elimination of the consequences of pollution. At the same time a clear time frame for the elimination of pollution, in order to prevent its spread must be established.
5. To ensure the joint activity on the protection and preservation of the World Ocean, it seems necessary to support the developing countries in relation to providing them with new environmentally-friendly equipment;
6. Implementation, based on the scientific evidence, all-round ecological monitoring and assessment of the World Ocean environment. Ensuring the exchange of data between states on the condition of individual water bodies;
7. Increasing the level of environmental education.

Protection and preservation of the World Ocean is a complex task that requires both regulatory reinforcement and formation of the correct public awareness about its value for the humanity. For the first time, the society has got the opportunity of consolidation and close collaboration in matters of global security of civilization on a democratic basis.

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