

4. <http://greenologia.ru/eko-problemy/goroda/ekologiya-kazani.html>

PROBLEMS OF THE SAFETY OF MARITIME NAVIGATION

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Abstract The article examines the problem of international legal regulation of the safety of Maritime navigation and studies maritime safety conventions.

Keywords: international law of the Sea, shipping, Conventions

Modern maritime navigation is inextricably linked to the legal support of its security. Currently, navigation is governed by the norms of international law.

The topic of this work is the international legal regulation of maritime navigation. In our world, the diversity and complexity of the marine environment means that all countries face a range of potential threats and challenges. Maritime safety issues in the transportation of passengers and cargo, including those that are ultra-hazardous for the environment, increased traffic on the sea routes, considerable dimensions of ships, their speed of movement, as well as the threats of criminal activities, raise the issue of maritime security as a matter of urgency. In order to achieve these objectives, the world community is taking steps to harmonize international standards, to enshrine international law in national legislation and to strengthen the requirements for technical facilities for navigation and crews for these facilities [2].

According to article 94, paragraph 3, of the United Nations Convention on the Law of the Sea, the security of navigation should be understood as “security at sea”, which implies: the vessel's suitability for swimming; manned and trained crew; use of communication means to prevent collision of vessels [9]. Thus, the security of navigation can be described as a stable state of the ship, free from dangers [1].

Despite the improvement of the navigation safety rules, in the opinion of Yu. Peskov, more than 200 large ships per year wreck on water expanses in the world, people die, loss of cargo comes up to millions of tonnes; besides, significant damage to the marine environment is being caused by oil products and chemicals [4].

Speaking about the existing problems of maritime security, we should note the following: improper operation when working a ship by responsible persons and low qualification of ship crew members; wear and breakage of vessel machinery and equipment; negligent attitude of ship-owners to safety issues at sea.

The following measures should be taken to address these problems: to initiate the level of legal responsibility for the crew in case of their violations in supporting the maritime navigation; to take more stringent measures of responsibility for ship-owners that neglect the safety of ships; to perform inspection in the presence of chemical, explosive, nuclear substances on the ship at a higher level [6].

The maritime security also has threats of criminal activities aimed at the support of terrorism. Criminal activities include actions such as theft of cargo, smuggling, extortion, robbery, drug trafficking, stolen goods, and weapons, violations of embargoes and customs regulations. Because of the lack of clear boundaries between crime and terrorism, any maritime-security programme or approach must be versatile enough to address both crime and threats to national security [5].

In 1958, the Intergovernmental Maritime Consultative Organization (IMCO) was established and later transformed into an International Maritime Organization (IMO). This supranational structure develops and adopts international conventions that regulate the safety of navigation. For IMO member countries, the above-mentioned legal acts are binding on any vessel of the IMO member countries. As of 2018, the members of IMO are 170 states from 193-ies. An important document that has become the basis for the establishment of an international legal

system for the safety of navigation should be considered the International Convention for the Protection of human Life at sea from January 20, 1914.

The Organization has broad technical and operational competence for setting international standards for maritime safety and security, including design and equipment of ships, safety of navigation, radio communication, search and rescue, training and certification of mariners, carriage of cargoes, flag state responsibilities, port state control measures, and facilitation of international maritime traffic. These rules are set forth in over 50 international conventions and protocols as well as over 800 codes, recommendations, and guidelines [7].

Its main role is to create a regulatory framework for the shipping industry that is fair and effective, universally adopted and universally implemented. In other words, its role is to create a level playing-field so that ship operators cannot address their financial issues by simply cutting corners and compromising on safety, security and environmental performance. This approach also encourages innovation and efficiency [8].

With regard to international legal instruments in the field of maritime security, the following documents should be mentioned: 1. SOLAS – International Convention for the Safety of Life at Sea; 2. MARPOL – International Convention for the Prevention of Pollution from Ships; 3. COLREG – International Regulations for Preventing Collisions at Sea [3]; 4. LOADLINE – International Convention on Cargo Water Lines; 5. ISPS – International Ship and Port Security Code; 6. STCW – International Convention on Standards of Training, Certification and Watchkeeping for Seafarers.

An important international instrument in the field of maritime security is the United Nations Convention on the Law of the Sea, in accordance with the established requirements of which, all countries are obliged to take effective measures to ensure safety at sea with regard to ships flying their flag. It should be noted that the UN Convention on the Law of the Sea emphasizes that any coastal state should facilitate the organisation, operation, and maintenance of an effective search and rescue service for maritime security, and also cooperate in this field. As of 2018, Russia has relevant bilateral agreements with Sweden, Denmark, Bulgaria and Finland, Norway, Japan, and North Korea.

Thus, international legal acts in the field of maritime security are universal instruments, which are intended to develop a unified approach to the international regulation of the maritime industry. Due to the generally accepted international rules, the numbers of incidents at sea, which affect the general safety of maritime navigation, are supposed to decline.

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РОЛЬ МОРСКОЙ ТОРГОВЛИ В ТЕОРИИ А.Т. МЭХЭНА

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Аннотация: Исследование раскрывает основные положения теории А. Т. Мэхэна относительно роли морской торговли и торгового флота. В статье анализируется концепция А. Т. Мэхэна, согласно которой сложная взаимосвязь торговли, общественных и международных отношений оказывает серьезное влияние на исторический процесс.

Ключевые слова: государственная политика, колониализм, международные отношения, морская торговля, морской торговый флот.

Доктрина «морской силы», разработанная в конце XIX в. офицером флота США и военно-морским теоретиком Альфредом Тайером Мэхэном (1840– 1914), является одной из самых известных концепций, посвященных «морской» теме во всемирной истории [4, с. 7]. Российские исследователи единодушно признают существенное влияние концепции Мэхэна на разработку новой внешнеполитической тактики США в начале XX в. [2, с. 5].

К вопросу о роли морского фактора в истории обращались и другие деятели рубежа XIX - XX вв., среди которых был и адмирал Ф. Х. Коломб в Англии. В 1881 г. была опубликована его работа «Морская война, ее основные принципы и опыт», в которой Коломб попытался на военно-историческом материале обосновать теорию «владения морем» [3, с. 191].

С 1883 по 1913 гг. Мэхэн издал свыше 20 трудов, насыщенных огромным фактическим материалом, призванным обосновать решающую роль морской мощи в истории. Основная работа А. Т. Мэхэна – «Влияние морской силы на историю 1660 – 1783» носит фундаментальный характер и позволяет проанализировать историко-теоретический компонент концепции маринизма [2, с. 5]. Цель указанного труда, по словам автора, заключается в исследовании общей истории Европы и Америки «со стороны влияния морской силы на ход этой истории» [1, с. 1]. Определяя составные части морского могущества наций, Мэхэн отмечает «глубокое влияние морской торговли на богатство и силу государств». В связи с этим, прежде чем раскрыть более подробно точку зрения автора по заявленному в названии статьи вопросу, необходимо пояснить, что роль торговли в историческом процессе раскрывается Мэхэном с двух позиций. Первая позиция заключается в анализе торговли как части «морской силы» государств. В данном случае автор отводит торговле второстепенное, прикладное значение, по сравнению с военным потенциалом. Данный подход обусловлен родом деятельности А. Т. Мэхэна, что подтверждают слова самого автора, что он исследовал проблему «как морской офицер». Вторая позиция включает изучение торговли как самостоятельной составляющей политики государства. Рассуждения автора в рамках данного подхода являются основным предметом исследования настоящей статьи.

Рассмотрим вопрос о роли торговли в контексте военной силы государств. Говоря о стратегии ведения морских сражений, автор считает необходимым прежде, чем начать