



Regional Cooperation of States on the Issue of Protection of the World Ocean Ecosystems from Pollution

Ksenia B. Valiullina^{1*}, Salwan Jaber Hashim², Gennadiy I. Kurdyukov¹

¹ Faculty of Law, Kazan Federal University, Kazan, Russia

² Al-nahrain University. College of Law, Republic of Iraq

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Abstract

The problem of pollution of the World Ocean is a source of serious concern, in view of the emergence of new methods and means of influence on its area and resources. At the same time, the need to ensure its preservation and protection is not taking into account. As a result, the balance of the World Ocean ecosystem is disrupted; its biological diversity, favorable habitats of marine biological resources, fish stocks and a lot more are reduced. Being aware of the integrity of the World Ocean system, which can be considered only in the aggregate of its components, the legal regulation of the issues of ensuring its preservation and protection should be carried out from a comprehensive perspective at all levels. The actions for the provision of international cooperation in the field of environmental research, the adoption of optimal strategy for preservation and protection of the World Ocean from pollution, the development and application of new technical means, in order to improve the quality of the environment in the interests of mankind, are of paramount importance. According to the provisions of the United Nations Convention on the Law of the Sea (1982), all states are interested in close cooperation on the issues of ensuring the preservation and protection of the World Ocean at all levels, both global and regional. At the same time, it is emphasized the importance of regional conventions on the protection of waters and living resources of certain seas from pollution, which complement, develop and strengthen global agreements. Regional cooperation ensures the development and implementation of its own internal standards, applicable to the given region, and mechanisms for the protection of the environment, including the marine environment. At the same time, it can enhance the effectiveness of implementation of the universal conventions provisions, as well as promote the subregional and bilateral cooperation in the achievement of a single objective of ensuring the preservation and protection of the World Ocean from pollution.

Keywords: protection, preservation, pollution sources, conservation, cooperation, environmental safety.

1 Introduction

The World Ocean is the most important component of biosphere and hydrosphere of our Planet. It is a key supplier of oxygen to the Earth, the main climate-forming element of the natural environment, the largest reservoir, which provides humanity with valuable protein, living and non-living resources. Nevertheless, with all its significance, the World Ocean and its components are suffered from negative anthropogenic impact, to a greater extent than other components of the natural environment, namely: wasteful use of resources, pollution of surface waters and bottom of the seas and oceans with biorefractory substances, which cannot be decomposed and dissolved as a result of the unique ability of the World Ocean to process

all polluting substances (1).

Despite the adoption by the states of more than 500 multilateral, bilateral agreements (2) in the field of environmental protection, the process of rapid pollution of environment, including pollution of water and resources of the World Ocean, as the most important component of the Earth's hydrosphere, has not slowed down, but is growing in intensity. The threat of an environmental catastrophe is quite real, the consequences of which will be devastating, without the state borders (3). Jim Leape, Director General of the International Secretariat of the World Wildlife Fund (WWF), said in one of his speeches: "We live as if humanity would have another planet at its disposal. We pollute the environment, spend resources one and a half times more than our Earth can produce, and in the absence of decisive actions this value will continue to grow - by 2030, even two planets won't be enough for us" (4).

Long ago, the international community came to the understanding that the problem of ensuring the

Corresponding author: Ksenia B. Valiullina, Kazan Federal University. E-mail: valiullina.ksenia@mail.ru. Tel: 89179329750.

conservation of the World Ocean as an integral ecosystem cannot be solved by the efforts of one state or even a group of states. It is necessary to cooperate at all levels, both universal and regional, with the aim of implementation of the Convention's provisions, and creation of a system of actions, for the achievement of a common object. National law and international law are in constant interaction, especially regarding the issue of preservation of the Earth's natural resources. So, it's not enough just to be a party to the United Nations Convention on the Law of the Sea of 1982, it's necessary to ensure the appropriate conditions for bringing it into effect. As rightly pointed out by G.I. Kurdyukov, "it is important not only to create the norms of international law, but also to implement them consistently. It is incumbent upon the states to put in motion the mechanism of legal norms and to turn it into a permanent regulator of behavior" (5).

2 Methods

The method of systemic-structural analysis was used as a methodological basis of the study. It helps to reveal the importance of the issue of ensuring regional cooperation of states in protection of ecosystems of the World Ocean from pollution. For the purpose of the modern interpretation of conventional norms, the most promising methodology is a combination of methods of historical and political science, international and legal analysis. In addition to general scientific methods, specific scientific methods were used to solve the problems, underlying the study. The formal-logical method, the method of comparative law and legal modeling, as well as some logical techniques, such as induction and deduction, generalization and comparison, which contribute to a qualitative and detailed study of the proposed topic, were applied in the research.

3 Results and Discussion

It is important to note, that regional cooperation is an essential element of the global process of protection of the World Ocean from pollution. Despite the fact, that the regional agreements cover only a certain group of participants, they allow for more detailed elaboration of decisions, acceptable for the states, which are united not only by territory, but also by a similar attitude to the problem of protection of the World Ocean.

Regional agreements ensure the interconnection of environmental protection measures with the characteristics of a certain region, at the same time forming the effective protective measures, in particular for the protection and preservation of the marine environment. Taking into account and based on the provisions of the United Nations Convention on the Law of the Sea of 1982 (6), they establish practical, technical norms and rules for the prevention of pollution of the seas and oceans as a result of shipping.

So, there are several conventions on regional environmental protection, concerning the following seas: Mediterranean (Barcelona, 1976), Baltic (Helsinki, 1974-1992), Black (Bucharest, 1992), North (1983), and North-Eastern Atlantic (Paris, 1992). In our opinion, three prevailing models of regional legal regulation of the

protection of marine environment can be distinguished here.

One of them is a model of regional legal regulation of the protection of marine environment, developed by Western European states in relation to the region - the North Atlantic. The conclusion of regional conventions for the protection of marine environment of this region began after the first major accident, which entailed exceptional disasters for a relatively small region. It was the accident of the tanker "Torrey Canyon" in 1967, off the coast of England, as a result of which over 110 thousand tons of crude oil was spilled into the sea, forming a spot of 270 square miles (7).. In this regard, it is quite natural that the states, located on the coast of the North Sea, decided to join their efforts with the purpose of the protection of this marine area.

Within the framework of this model, a number of agreements, which are relatively separated, are used to prevent pollution of the marine environment in the region with the following pollutants: oil (Cooperation Agreement of 1969); waste disposal (Oslo Convention of 1972); pollutants from land-based sources (Paris Convention of 1974), other harmful substances than oil (Cooperation Agreement of 1983). The distinctive feature of this model is the existence of independent international legal act on a specific source of pollution or type of pollutants.

Another model was taken by the states, which in 1974 concluded the aforementioned Helsinki Convention for the Protection of the Marine Environment of the Baltic Sea Region. The specificity of this Convention is that it regulates almost all issues of marine pollution. It provides protection not only for water and the seabed, but also for living resources and other life forms in the sea. This document contains the rules, handling the relations for the prevention of pollution from ships, from land-based sources, as a result of exploration and development of the seabed mineral resources, as a result of burials, for the liability for damage caused by pollution, for the resolution of disputes, etc.

There was a need to revise the Convention of 1974 after radical political, economic and social changes, occurred in the Baltic region, as a result of which new sovereign states and new environmental technologies had appeared. So, the Convention on the Protection of the Marine Environment of the Baltic Sea Area was concluded in 1992. It extended its coverage to the internal waters of the Baltic States.

An extraordinary session of Helsinki Commission at the ministerial level took place in September 2001 in Copenhagen (Denmark) (HELCOM EXTRA 2001) after the accident of the tanker "Baltic Carrier" (in March 29, 2001) off the coast of Denmark. After intense discussions and consultations, the Declaration on the Safety of Navigation and Emergency Capacity in the Baltic Sea Area, the so-called HELCOM Copenhagen Declaration, was approved. The position of the delegation of the Russian Federation on the subject of exclusion of the article, regarding the establishment of mandatory pilotage in the Baltic approaches, as well as the inappropriateness of determining the Baltic Sea area as a particularly vulnerable area, and the extension of the 1992 Helsinki Convention to the onshore emergency response in the event of accidental

spills of oil, was adopted in the document.

The Caspian Sea can be the example of an enclosed reservoir. The physical and geographical characteristics of the Caspian Sea are not covered by the UN Convention. Therefore, the concept of an open, semi-enclosed or enclosed sea cannot be applied to the Caspian Sea, which is located thousands of kilometers away from the World Ocean. Complete isolation of the Caspian Sea has led to the fact that its level is below the absolute level of the World Ocean by an average of 27 m. Therefore, in both geographical and legal terms, the Caspian Sea is not a sea.

The Convention on the legal status of the Caspian Sea dated August 12, 2018 was signed during the summit in Aktau. This international treaty covers the interests of such states as Russia, Azerbaijan, Kazakhstan, Turkmenistan, and Iran. It contains the most important issues of the legal status of the Caspian Sea, its use, and the Caspian Sea is defined as a body of water, surrounded by land territories of the Caspian states (8). Taking into account the fact, that the Caspian Sea is the world's largest enclosed drainless water body, which does not have access to the World Ocean, and is connected with it only through the Volga-Don Shipping Canal, leading to the Sea of Azov, the provisions of the UN Convention on the Law of the Sea do not apply to it. Thus, the protection of the Caspian Sea from pollution is ensured through the implementation of provisions of the treaties and agreements, concluded between coastal states, namely: Framework Convention for the Protection of the Marine Environment of the Caspian Sea dated November 4, 2003, and its protocols, namely: Protocol on Land-Based Sources of Pollution; Protocol Concerning Regional Cooperation in Case of Emergency; Protocol on Environmental Impact Assessment (EIA) in a Transboundary Context; Protocol on Protection of the Caspian Biodiversity; Protocol Concerning Regional Preparedness, Response and Cooperation in Combating Oil Pollution Incidents of August 12, 2011 (9); Protocol for the Protection of the Caspian Sea against Pollution from Land-based Sources and Activities of December 12, 2012 (10).

The third model was the result of implementation of the Regional Seas Program, adopted by UNEP in 1974. Currently, the Program covers 11 regions (the Mediterranean Sea, the Red Sea and the Gulf of Aden, the Persian and Oman Gulfs, the Caribbean Sea area, etc.). The most vivid example of this model is the cooperation of the Mediterranean states. Thus, the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) was created. In addition, the following protocols were developed: on waste burial (1976); on cooperation in combating pollution by oil and other harmful substances, in cases of emergency (1976); on protection against pollution from land-based sources (1980), etc.

4 Summary

Giving preference to the norms of international law, and becoming the parties to international agreements of universal and regional nature, the subjects of international law made a commitment to observe their provisions strictly.

According to the provisions of the United Nations Convention on the Law of the Sea (1982), all states are

interested in close cooperation on the issues of ensuring the preservation and protection of the World Ocean at all levels, both global and regional. At the same time, it is emphasized the importance of regional conventions on the protection of waters and living resources of certain seas from pollution, which complement, develop and strengthen global agreements. According to the Convention (Article 122), such international agreements are concluded with regard to enclosed or semi-enclosed seas - bays, basins or seas, surrounded by two or more states, and connecting with other seas or oceans through a narrow passage, or consisting entirely of territorial seas or exclusive economic zones of two or more coastal states.

Regional cooperation not only ensures the development and implementation of its own internal standards, applicable to the given region, and mechanisms for the protection of the environment, including the marine environment, but can also enhance the effectiveness of implementation of the universal conventions provisions, as well as promote the subregional and bilateral cooperation in the achievement of a single objective of ensuring the preservation and protection of the World Ocean from pollution.

The Convention provides for the obligation of cooperation of such states in the execution of their rights and duties, owing to the coinciding interests of a group of states, in relation to water bodies, located on their territory, and the need to ensure their preservation and protection against pollution. Among other issues, the current regional agreements consider the cooperation of states, with the purpose to ensure the safety of the World Ocean. These agreements contain the states commitments to protect marine ecosystems from pollution, and at the same time, to one degree or another, they extend their coverage to all sources of pollution. Regional agreements, being an intermediate link between universal treaties and bilateral agreements, are able to resolve a number of major regional and subregional problems successfully, taking into account the pronounced regional specificity of environmental problems, the presence of certain spatial limits for the localization of vulnerable water areas, the interest of states in ensuring the protection of a common natural object, and the absence of difficulties in the definition of a convention region and the participants in regional agreements.

The norms of regional conventions fill the gaps, existing in universal international agreements, stimulate joint activities, promote the strengthening of cooperation and achieving the understanding in regards to the establishment of control over the actions, which could cause the pollution of the World Ocean. They also facilitate the transition of mechanisms for resolving of existing problems in this area from national to regional level, that can provide the increase in quality and in speed of its resolution.

5 Conclusions

In June 1992, the United Nations Conference on Environment and Development (UNCED) was held in Rio de Janeiro. During this Conference, it was decided to change the course of development of the world community from an unstable path, with crises and catastrophes,

towards sustainable development, where the opportunities for harmonious existence of society and nature can be opened up (11,14,20).

At the same time, at the present stage of development, we have to admit that in many parts of the World Ocean there is a situation, which clearly indicates the imbalance of its ecosystem. The fact of the need for a detailed and comprehensive study of possible environmental problems, such as the irrational use of waters and resources of the World Ocean and many others, where the lack of timely measures for their prevention can lead to an environmental crisis, becomes quite obvious. It is possible to solve the indicated problem primarily on the basis of the formation of a completely new environmental consciousness. The academician D. S. Likhachev considered ecology as not just interdisciplinary science, but as the problem of human culture: "Ecology studies the world as a whole, with the purpose of providing assistance, its "treatment" and ascertaining the safety of changes, bringing by human. The world is created as a single whole, with diverse internal connections, which mustn't be broken. All biological, physical, and other connections, the entire plan of the world exist for the world's living, while preserving the human existence in it" (12,13,18,19). The problems of destruction of the most important ecological systems, as well as the cultural values of a person, are the same, and they lie in the level of moral culture of society. No laws and regulations can operate in society, devoid of moral culture. If the level of cultural development does not increase, then the situation with ecology will not improve, because it is not possible to change the attitude to nature on the basis of the orders and prescriptions (15-17, 21-22).

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