

## CURRENT PROBLEMS OF NAVIGATION AND OFFSHORE INDUSTRY IN THE BLACK SEA REGION

**Marina CHESNOKOVA**  
**Oleksandr SHEMIKIN**

Odessa National Maritime Academy

**Abstract:** *The World Ocean ad initio mundi serves to a person as an endless waterway and a source of all sorts of resources. It is difficult to overestimate its influence on civilization development. At the end of XIX century the geographical theory of society development and the stages of civilization evolution were proved in terms of oceans, seas and rivers development in the works of Prof. Lozanskiy, a famous scientist of L.I. Mechnikov University (Illya Illich Mechnikov's brother, Odesa National University was named after him)*

**Key words:** offshore industry

### THE WORLD OCEAN AND SOCIETY

According to the UNO data, at the beginning of XXI century over half of the whole population of the Earth lived in the near-shore zone, which width was up to 100 km, and in compliance with the forecast its quota will increase up to 75% by 2015.

Over 90% of all transportation connected with international trade is accounted for maritime transport meanwhile 97-98% is accounted for insular and archipelagic states. The annual services volume, which is provided by merchant shipping, is about 150 milliard US dollars.

#### THE WORLD OCEAN ON THE WORLD MAP

If you look attentively at the World Map, you may see that light blue and dark blue colours prevail, which are typical for the World Ocean.

And it is hardly surprising because the area of the World Ocean is about 362 million km<sup>2</sup> or over 70% of the surface of the Earth.

Amount of water of the World Ocean exceeds 1,36 milliard cubic metres that is over 97% of all water reserves of the planet.

#### AMOUNT OF WATER IN THE WORLD OCEAN

In spite of this, share of water in the globe volume is small. If you collect all water that is on the surface of the Earth in one big sphere, its radius would be only about 700 km. So it isn't surprising that over the last decade the world community pays much attention to the problems of marine environment protection and safekeeping.

#### THE BLACK SEA AS A COMPONENT OF THE WORLD OCEAN

The Black Sea is only a small part of the World Ocean. Its area is only 420 thousand km<sup>2</sup> that is 0,12% of area of the World Ocean.

It has some oval shape, the dimension from East to West is 620 nautical miles, and from North to South is 313 nautical miles but in the area of Crimea peninsula is only 143 nautical miles.

#### THE CURRENT CONDITION OF SPACE DELIMITATION OF THE BLACK SEA

Due to small dimensions the whole Black Sea is delimited between the Black Sea states and it does not have such a classical category as an open sea.

The certain spaces such as internal waters and closed sea are included in the state territory of coastal states. In other spaces such as exclusive economic zone and continental shelf, coastal states either have sovereign rights on resources development or extend their jurisdiction on definite activities.

Such situation is presented on this slide. It existed at the end of 2013 and it was consolidated with corresponding bilateral agreements or other regulatory acts. Especially it is Ukraine as an example.

1) They are two bilateral agreements with Turkey dated 30 May 1994 regarding boundary delimitation of continental shelves and exclusive economic zones. They have actually confirmed the boundaries of continental shelves and exclusive economic zones of both states that were determined during the Soviet Union period.

2) The bilateral agreement with Romania concerning good-neighborliness relations and cooperation dated 2 June 1997 and as well as according to the decisions of the UNO

International Court of Justice of 3 February 2009 regarding boundaries delimitation of continental shelves and exclusive economic zones of two states.

3) The agreements between Ukraine and the Russian Federation concerning Ukrainian and Russian state boundary dated 28 January 2003 and cooperation in usage of the Azov Sea and Kerch Strait of 24 December 2003 which served as ground for further problems resolution regarding marine space delimitation between Ukraine and the Russian Federation in the Black and the Azov Seas and Kerch Strait.

But life has made its own amendments. Annexation of the Crimea on the part of the Russian Federation has raised definite problems in use of marine spaces of the Black and the Azov Seas, and of course Kerch Strait. If the topic of our today's meeting is devoted to the problems of shipping and offshore industry influence on the economy and ecology in the Black Sea region and ways of their solution, then we can't but speak about unstable situation that has appeared today due to annexation of the Crimea because it is directly connected with shipping and offshore industry in our region.

#### PROBLEMS CONNECTED WITH ANNEXATION OF THE CRIMEA

Further course of events connected with annexation of the Crimea regarding marine spaces redivision in the Black Sea region can be presented according to the example given in the next slide.

In accordance with the standards of international maritime law, in particular **United Nations Convention on the Law of the Sea**, 1982, any coastal state has its right to internal waters, territorial sea, exclusive economic zone and continental shelf. Hence, it should be expected that Russia will bid for marine space stated on slide with dark blue colour. Due to this space, demand of Russia will affect the interests neither of Romania, nor Turkey or any other Black Sea states. Everything will occur due to Ukraine. Marine spaces that will remain under sovereignty or jurisdiction of Ukraine will decrease significantly.

#### THE BLACK SEA

According to the sea bottom geology of the Black Sea that is presented on next slide, you can see that Ukraine is losing all its deep-water areas. But a lot of geologists think that the bottom of the Black Sea as well as the North Sea contains a great deal of oil and gas resources, especially in the deep-water part. In particular, according to data of doctor William B.F. Ryan, marine geologist from Lamont-Doherty Earth Observatory of Columbia, the deep-water areas gained by Russia can be "the best" Black Sea deep-water oil reserves. However, it should be noted that these resources are not totally investigated.

There appears a rhetorical question. Will offshore industry develop under such course of events in Ukraine?

As for navigation, there are also problems with annexation of the Crimea.

First of all, this is the problem of conflicts appearance due to disputable marine spaces. Let's recall Russian-Georgian naval clash between naval fleets of Russia and Georgia that happened on 10 August 2008 near Abkhazia coast. And we remember about the detention of Turkish vessel "Osman Hasretler" and its master by Georgia in January 2012 for illegal visit to Abkhazia in October 2011. Resul Kara, captain, citizen of Turkey was accused of breaking migration

regulations on the occupied territory that threatened him with up to 5 years' imprisonment. Unfortunately, we can give a lot of examples of such situations for the last years in the Black Sea.

The events connected with annexation of the Crimea are evident. Thus, this year on June 16-17 Turkish tanker Huseyn Javid made an effort to call to Odessa and then to Illichivsk from the Turkish port Diliskelesi, which was under shipping at Feodosia petroleum storage depot in the Crimea on June 2-4. On 17 June, public association "Rada of Public Security" appealed to Illychivsk Transport Prosecutor's Office requiring to open a criminal case on the stated fact and to bring guilty people to justice. In the petition to the Prosecutor's Office it was stated by the public association that the ship owner, captain and crew with the vessel call to Feodosia violated Article 332-1 of the Criminal Code of Ukraine, amended when adopting the Law on Providing civil rights and freedoms and the legal regime in the occupied territory of Ukraine. As a result on the 17 June in the evening the tanker Huseyn Javid left the Illichivsk port's *roadstead due to the fact of "the embarkation port change"* and switched off the AIC transmitter (automated identification system, indicating the tracking and heading of the vessel). Huseyn Javid switched on the AIC again at approximately 5:30 a.m. on the 18 June staying at the Sevastopol area (Crimea) and steering the course of Kerch.

A rhetorical question arose again. Will the present course of events contribute to the shipping industry and maritime trade development?

In our view, the main obstacle for the development of shipping and off-shore industry in the Black Sea region is its tendency to conflictogenity. At the same time regardless of a large number of different regional structures, actually neither of them can be responsible for the regional conflicts prevention and act as a guarantor of the Black Sea region safe development.

#### **ENCLOSED OR SEMI-ENCLOSED SEA**

Except for its not large surface area, the Black Sea has one more distinctive feature. According to the classification of the geographers, the Black Sea is the enclosed sea of the Atlantic Ocean, which is connected by the Turkish Straits with the Mediterranean Sea, which lead to the Atlantic Ocean through the Strait of Gibraltar.

According to the Regulations of *United Nations Convention on the Law of the Sea 1982* it is classified as a category of so-called "enclosed or semi-enclosed seas". According to Article 122 of the present UN Convention **"enclosed or semi-enclosed sea" means a gulf, basin or sea surrounded by two or more States and connected to another sea or the ocean by a narrow outlet or consisting entirely or primarily of the territorial seas and exclusive economic zones of two or more coastal States.**

The term "enclosed and semi-enclosed seas", which appeared for the first time on the international and contractual levels, was reflected exactly in the Convention of 1982. But it can't be said that this problem hasn't existed before. It was a characteristic of earlier period. Thus, as Gugo Grotsiy raised the question "doesn't the sea enclosed by the costs belong to the nation or nations, to whom belong the costs, as it isn't more than the sea water as compared to the land...?".

Certainly, one might argue what Gugo Grotsiy meant when stating "sea enclosed by the costs"? Is it necessary to look for the roots of the modern conception "enclosed and semi-enclosed seas" or the conception of historical internal seas? One cannot be argued with: he meant the interest of coastal states in waters "enclosed by its coasts". Thus, the modern conception of "enclosed and semi-enclosed seas" is based on the interest of the coastal states in the use of waters "enclosed by its coasts". Therefore, taking into account the specifics of the enclosed maritime spaces, Article 123 of the *United Nations Convention on the Law of the Sea*, which is also called the Ocean Constitution, stipulates that **States bordering an enclosed or semi-enclosed sea should cooperate with each other in the exercise of their rights and in the performance of their duties under this Convention.**

Let's recollect again the words of Gugo Grotsiy: "doesn't the sea enclosed by the coasts belong to the nation or nations, to whom belong the coasts...?". We suppose that they belong, as it's their home". Peace and right order at home depend on its hosts – nations of the states, which coasts are washed by the Black Sea – their ability to cooperate and understand each other. Every attempt to develop any sphere, including the shipping and offshore industries in the Black Sea Region, becomes senseless without cooperation and understanding.