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INTEGRATION OF UKRAINE INTO THE WORLD MARITIME COMPLEX

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*Odessa National Sea Academy, Odessa, Ukraine**Ярмолович Ю.Р., Ярмолович Д.Ю. Интеграция Украины в мировой морехозяйственный комплекс.*

Стаття присвячена аналізу сучасного стану світового морського господарського комплексу, вивченню шляхів підвищення ступеню інтегрованості України до міжнародної морської діяльності, можливим перспективам розвитку. Розглянуто особливості законодавчого регулювання морської діяльності провідними світовими гравцями (Об'єднаною Європою, США, Росією), оцінено вплив мирової кризи на економіку морських галузей України, проаналізовано динаміку змін. Висвітлені фактори, які стримують розвиток національного морського судноплавства та уповільнюють розвиток отрасли.

Ключові слова: морська політика, інститут морського права, транспортна логістика, кодекс торговельного мореплавства, торговельний флот, міжнародні перевезення

Ярмолович Ю.Р. Ярмолович Д.Ю. Интеграция Украины в мировой морехозяйственный комплекс.

Статья посвящена анализу современного состояния мирового морехозяйственного комплекса, путем повышения степени интегрированности Украины в международную морскую деятельность, возможным перспективам развития. Рассмотрены особенности законодательного регулирования морской деятельности ведущими мировыми игроками (ЕЭС, США, Россией), оценено влияние мирового кризиса на экономику морских отраслей Украины, проанализирована динамика изменений. Выделен ряд факторов, сдерживающих развитие национального морского судоходства и замедляющих развитие отрасли.

Ключевые слова: морская политика, институт морского права, транспортная логистика, кодекс торгового мореплавания, торговый флот, международные перевозки

Iarmolovych I.R. Iarmolovych D.I. Integration of Ukraine into the world maritime complex.

The article is analyzed maritime complex economy current situation, investigated the ways of integration of our country into the international maritime activities, possibility to growing up. The maritime low of the main world players (USA, EU, RF) were compared, the pressure of the world crisis to the Ukrainian economy was evaluated. The main factors which are obstructed national maritime shipping progress are eliminated.

Keywords: maritime policy, maritime law, transport logistics, merchant shipping, international shipping

Formulation of the problem – the global financial and economic crisis that began in 2008 and is currently unfolding, identified shortcomings of modern maritime activities. For Ukraine, its effect was compounded by the political events that led to the financial, legislative and political instability in the country. To find ways of stabilizing maritime complex in modern conditions is necessary to study international background, at which the crisis, identify the main directions of the mobilization of intellectual resources, to propose a strategy of development and interaction of the main branches of maritime activities of our state.

Analysis of recent research and publications

Analysis of recent research and publications considered a number of articles, laws and reports devoted to issues of maritime industries in countries with developed maritime economies, namely the report of the European Commission "Towards a future Maritime Policy of the Union. The European perspective on the seas and oceans", report "Complex Maritime Policy of the European Union", law USA "About marine resources and technological development", report "Turn towards the sea: oceanic future of USA", article of V.P. Sinitskogo "Maritime Doctrine of Russia: innovations".

The aim of this article is analysis of the situation re the use of marine resources in the country and the world, development of recommendations for the development of all components of the maritime complex, the consolidation of Ukraine's position as a maritime state.

The main part

Main material of the research – the basis of systemic crises, usually is inadequate to form an idea of the complex and rapidly changing heterogeneous system, which include maritime complex, the relationship of its individual elements. Frequently control system delayed with respect to the very rhythm of life, to the rate of change of reality. She does not have time to adequately respond to the events of economic, political and social life, to understand their specificity and to predict the possible consequences. As a consequence, undertaken to anti-crisis measures do not lead to the desired results because of the inertia of thinking, outdated dogmas, stereotypes and cliches. It is well known that any complex, integrated systems, which include maritime

activities, in the process of their life cycle phases take place several mandatory:

- there is an increase of contradictions and conflicts within the system;
- separate subsystems cease behaving like part of a whole, between them there is a "conflict of interest", the effectiveness of each of them, as well as the whole system begins to fall;
- float relics, again showing signs of relationship, previously repressed evolutionary (eg appear old-fashioned pirates, hijacking supertankers, utterly primitive principle of direct speculative yield begins to triumph over the more complex economic models of the effect in the long term, etc.);
- degradation of the system is accompanied by a decline in the diversity within it;
- system is marginalized: there is a destruction of higher, complex, control levels and their displacement primitive functioning of the control circuit.

With the coming of crisis problems such as the growth of conflicts between the types of maritime operations for the same water area and port area, legislative contradictions, lack of state control and the absence of government regulation is increasingly manifested in maritime activities. To reduce the negative effects of the leading countries are constantly working to protect their economic interests in the maritime domain.

In Marche 2005. The European Commission opened consultations on an integrated approach to marine and coastal policy, aimed at developing economic activities in the fields of fisheries, tourism, energy and transport. Basing on the necessity of joint solving of problems, from the field of maritime policy of the countries-members of the structure, The EU has set the task of developing a comprehensive policy for European marine and coastal areas. In 2005 chairman of Eurocommission, European Commissioner for fisheries and maritime affairs and presented the draft report entitled "For the future Maritime Policy of the Union. The European view of the seas and oceans". On the basis of a group of experts prepared and published in 2006. "Green book" about maritime policy of EU(entitled as a report titled).

By the end of 2007 was published 12 basic surveys on different directions and sides of the EU maritime activities (competitiveness of the EU in the marine business, employment, social aspects, training, exclusive economic zone, underwater resources, provision of information, monitoring and surveillance, infrastructure and tourism, security, climate change, research, marine biotechnology).

"Green book" entirely and completely is based in its content on the principles laid down in the framework of the Lisbon Strategy of the European Union, designed to find the right balance between economic, social and environmental protection.

The second basis of the "Green Book" is the reliance on the ecosystem approach, based on current scientific knowledge. As a substantiation the need of such document, the authors put forward idea that long

time carried the EU maritime policy sectoral dimension. It is understood that these types of uses of the oceans as marine transportation, commercial fishing, mining and transportation of hydrocarbons, marine scientific research, shipbuilding and others developed separately. Fragmentation of maritime activities often leads to conflicts, negative impact on the development of other uses of the oceans and the environment. Combining of separate directions of maritime activities, identification of interdependencies between functional areas of maritime policy, the formation of a new system of governance of the oceans – all this must boost maritime activity, strengthen the competitiveness of the EU maritime policy to exclude distortions, i.e. disproportionate in its development.

The European Union, which is the largest sea customer, develops such traditional sectors of the world economy as maritime transport, shipbuilding, oil and gas offshore, coastal tourism and recreation. In the nearest future a key role in ensuring competitiveness will be playing to new species and marine activities – aquaculture, renewable energy, submarine telecommunications, marine biotechnology, cruise transportation, the development of new port structures, etc.. Thus, for example, emphasizes that the development of tourism acts as a catalyst in shipbuilding: most cruise ships built in the shipyards of Europe. Development of renewable energy sources (wind energy ebb and flow etc.) creates new jobs in the regions. Fisheries development creates new jobs, not only in this area, but also in many related fields – in the production of packaging, transport of fish products, in the development of agriculture and manufacturing fishing gear, as well as other types of support maritime activity.

Notes the vital importance of competitiveness in the maritime sector of the European economy as having a predominantly export-oriented. For example, shipping and port industry – key components of supply chains, which are units of the total market. Their performance is crucial for European competitiveness in a globalizing world. European shipbuilding industry has to contend with competition from Asian and South Asian regions. In recent years, European shipbuilding has lost about a third of all orders. As a countermeasure the EU has focused its efforts on improving the shipbuilding production, specialization in the construction of more modern vessels. As a result, despite the tonnage advantage of Asian competitors, the European shipbuilding industry leader in these market segments in which the main role played by innovation and technological excellence. Introduction of new technologies that protect the environment, coupled with relevant laws, also creates export advantages. Focus on strengthening of port control rules, the creation of a reliable and effective system of administration of the courts, strengthening of the effectiveness of monitoring and surveillance of threats and risks associated with the sea, such as pollution from ships, criminal activity, trafficking of prohibited goods and terrorism. Registered international collaboration and

cooperation in this field with the United States in the framework of the Container Security Initiative (CSI), launched after the September 11, 2001. It is proposed to extend this approach to other States involved in maritime traffic within the EU.

The central coordinating authority on a global scale still is the UN, the special unit of the Oceans is the part of which. The important role for regulating the maritime activities should play the regional structures: HELCOM in the Baltic Sea, OSPAR in the north-east Atlantic, UN-MAP and the Barcelona process in the Mediterranean. Within the EU were organized the number of agencies dealing with: the maritime safety (EMSA), the control of borders (FRONTEX), the control of fishing. Member States to exercise control jointly.

In 2007 year the European Commission issued a message addressed to the highest authorities of the EU – "Integrated Maritime Policy for the European Union." The message was the result of the rapid development of the maritime activities and increased the conflicts, the deterioration of the marine environment, the challenges of globalization and the climate changes in the world. There were hailed such major tasks of the "Integrated Maritime Policy of the EU" as:

- to create optimal conditions for the sustainable use of the oceans and seas, makes it possible to increase the marine industry and coastal regions;
- creation of the science and innovation base for the maritime policy;
- to distribute the quality of the life for the coastal regions;
- providing leadership of Europe in the international maritime activities;
- to increase the public awareness of maritime activities, the creation of its positive image.

And thus there were formulated the priorities for the EU maritime policy in the five key areas – economic, scientific, social, and international information.

In turn, the United States believes that in the coming decades, the security of their country, its economy and the ability to provide the growing demand for food and other resources, as well as a dominant position on the world stage will be largely determined by how well the country will use the opportunities presented by the world's oceans. For achieving these goals in the United States in 1966 year it was formed the Presidential Commission for Oceanography and the development of the ocean resources (Commission Stratton), which recommendations of a program of integrated development of the ocean and its resources as well as structuring, planning, management, coordination and financing activities in the oceans laid the foundation for the implementation of the Law "On marine resources and technological development".

It is based on the principle of sectoral-sectoral approaches, which are fixed in the complex of the laws governing the maritime activities of the country; and are the harmonization of the laws and the regulations of the unification of the systems for

marine works at the federal, state, regional and local levels.

The step towards the development of maritime policy of the United States has become the national conference of oceans, held in Monterey in 1998. Among the more than 500 participants of the meeting were the representatives of government, industry, business, the military departments, public organizations, the regional, scientific and environmental centers.

In September 1999 the President requested to report "Turning to the sea: ocean future US", which identified the prospects of practicing of the US in the oceans in the main areas:

- to research and provide cost-effective use of its potential;
- maintaining global security;
- protection of the marine environment and resources.

National Strategy and tactics using of the oceans, which defines the objectives, establishes the legal and regulatory regime of the ocean, structures and directions of the process of harmonization of interests between all national parties – using of the ocean and its resources was approved in 2001 by the Law of oceans in the United States.

The fundamental component of the new approach was the US interpretation of the oceanic coastal spaces and their potential as the common heritage of US citizens. That determined the necessity for a comprehensive national strategy, which established a predictable legal and regulatory regimes development of the oceans. One of the fundamental components of this mode is to preserve for the future generations ability realize their needs in all areas of social and economic development, including the use of oceanic potential.

At the heart of the Maritime Doctrine of the Russian Federation for the period up to 2020 is a theoretical model of marine activities, satisfying not only peace, but war.

This model comes from the fact that, firstly, maritime activities, describing the whole state participation in the study, exploration and use of marine space and resources, always has a specific purpose in the various spheres of life.

Secondly, in different ocean basins maritime activities has significant differences associated with the specific physical-geographical, economical and geographic, political, geographical and military-geographical conditions.

Third, maritime activities in the oceans is carried out taking into the account the established international legal regimes relevant maritime areas. That is the maritime activities of a sovereign state, in view of its technological capabilities, limited only by spaces, state of ocean resources and the international legal regime formed under the influence of the leading maritime nations, for their use.

During the last year Russian port capacity was increased by 29,3 million. Cargo handling increased to 800 million. M. Will be developed infrastructure of ports: Murmansk, Vysotsk, Ust-Luga, Taman,

Novorossiysk, Sochi, Tuapse. The share of transshipment of Russian export-import cargoes in Russian seaports decreased to 82,9% from the 2010 level. Decreased to 5,5% and the market share of national foreign trade cargo vessels flying the flag of the Russian Federation. These circumstances are related to the ongoing transfer of shipping companies of their vessels under foreign flags. The total tonnage of the merchant fleet controlled by Russia at the beginning of 2012, amounted to 19,5 million. Tons, it is only about a quarter of the Russian flag.

The key problems of the industry are the high level of economic losses from the illegal exploitation, the implementation in the foreign ports the marine biological resources under Russia's jurisdiction and the insufficient number of researching vessels needed for the resource's researching and monitoring the aquatic biological resource of the state.

Study and development of the marine mineral and energy resources. In the 2011 year the growth of the forecast of hydrocarbon resources on the continental shelf of the Russian Federation amounted to the 2,7 billion tons of oil in the equivalent.

Formation of the state maritime policy in Ukraine should be accompanied by the development and implementation of the relevant national projects and the other programs.

Given peculiarities of the current stage of the development of the state, the charitable organization "Sea Charity Fund" proposed an alternative innovative idea for mobilizing specialists of the maritime complex for implementing the tasks of the Ukrainian marine policy.

In 2014, in Kiev, the presentation of the concept of a charity project "Integrated program for improving the efficiency of development and using the marine potential of Ukraine", organized by the charity organization "Marine Charitable Foundation" with the support of the State Institution, Department of Marine Geology and Sedimentary Ore, the Institute for Market Economics – environmental research NAS Inspections on the preparation and certification of the seafarers, as well as the Public Council under the State Inspectorate of Ukraine on safety at sea and river transport.

The implementation of the Maritime Doctrine of Ukraine should contribute to the sustainable development of Ukraine as a maritime state, to protect and promote its national interests and security in the Azov, Black Sea and other areas of the oceans, raising the international prestige, as well as the challenges of the state (national) maritime policy.

The National Maritime Policy is the definition of the state and society objectives, goals, directions and means to achieve the national interests of Ukraine on the coast, inland waters, territorial sea, exclusive economic zone, on the continental shelf of Ukraine and the open sea.

The purpose of the National Marine Policy is to determine the interests of Ukraine's foreign and domestic policies in the Azov, Black Sea and other areas of the oceans, the definition of principles, objectives, ways and means to implement the

National Marine Policy, as well as to protect the interests of Ukraine in the World Ocean, the strengthening of Ukraine's position among the maritime countries.

The decree of the President of Ukraine "On the solution of the National Security and Defense Council on May 16, 2008" On Measures for the Development of Ukraine as a maritime state "on May 20, 2008 №463/2008" notes, that the National Security and Defense Council of Ukraine consider the complex problems associated with the development of Ukraine as a maritime state, indicated the presence of threatening events and systemic deficiencies in the area of development of Ukraine as a maritime state. Unfortunately, those steps were essentially carried out and did not have any practical effect.

The Council of Ukraine of the National Security and Defense decided (№3,14 solutions NSDC) to propose to the Cabinet of Ministers of Ukraine to develop the National research program and the use of the resources of the Azov-Black Sea basin and the other regions of the World Ocean in the 2009-2034 years (at the April 2014 year the program was not designed).

However, as already noted, scientists, engineers and lawyers of international law charitable organization "Marine Charitable Foundation" in 2014 developed a charity project "Marine potential of Ukraine." But at the same time the results of the national research programs were taken into account and the use of the resources of the Azov-Black Sea Basin and other regions of the World Ocean for the period until 2000 approved by the Presidential Decree of the December 16, 1993 №595/92.

The proposed charity project "Marine potential of Ukraine" scale in nature. It should facilitate for the progress in the complex researching the problems of the formation and development in the maritime complex, accumulating this country's scientific potential, mobilizing the producing structures for achieving the goals and objectives of practicing, intensifying the use of the resources of the seas and oceans for the benefit of the economy and defense of Ukraine.

The project should also include a set of measures aimed at the ensuring an adequate response to the current threats for the national security of Ukraine, related to the maritime activities.

Conclusions

Ukraine is a coastal state, for which the maritime complex plays an important economic role. The economical development of the maritime complex is impossible without the organization of the interaction of all its links. The present level of the development of the legal framework of Ukraine does not reflect today's situation in protecting the interests of the country and should be seriously modified.

Finalization of the legislative framework should be carried out taking the experience and legislative initiatives of the neighboring countries, primarily the European Union.

The government support in technologically modern maritime activities requires the Ukraine movement to the level of the developed maritime nations.

It is necessary to achieve the Permanent Mission of Ukraine to the International Maritime Organization for influencing at the regulative activities.

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