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## CONCEPT OF THE MARINE RESOURCES

### Summary

The article is devoted to the knowledge classification and the definition of the marine resources concept based on the analysis of the theoretical principles of the environmental law and key regulations of the international and national legislation of Ukraine.

**Key words:** marine environment, marine resources, marine ecosystem, water living resources.

**Formulation of the problem.** Great value for a full human life has a favorable natural environment. It as a whole and its individual objects are used to meet different needs, ranging from food resources and ending human needs rest and recovery. Mankind has long used the fish resources in the form of food, water surface of the sea to transport cargo and passengers, and the coast to the health and cultural purposes. So, all this activity is directly connected with the use of the marine environment, which consists of marine biological resources and marine waters. With the development of industrial fishing was clear that marine biological resources, although renewable, are not infinite, and they need management and protection.

On the one hand the problems of modern fisheries associated with the aggravation of the struggle for resources, which is caused by the deterioration of these resources and the intensity of their excessive use. On the other hand a significant negative impact on the marine environment and its biological resources does pollution of the seas through the organization and operation of shipping, leading to the death of fish reserves, contamination of harmful substances, the inevitable destruction and

And that's not all the problems associated with the marine environment. The priority issues of protection and restoration of the marine environment also include: Activities of States, businesses and individuals to develop the resources of the seabed and disposal of waste, reducing the quality of recreational resources, the intensification of negative geological processes and so on. All this leads to negative processes that eventually affect life and health.

Of course, to improve the efficiency of legal regulation in the field of protection and restoration of the marine environment, conservation and reproduction of marine resources, determining the legal regime of natural objects arises a need for the definition and classification of marine resources.

**Analysis of recent research and publications.** The issue of the legal status of water bodies, use and protection of marine resources and Rehabilitation of the seas in general has been the subject of analysis specialists in environmental and international maritime law, such as V.I. Andreytsev, G.I. Baluk, S.O. Bogolyubov, N.N. Brynchuk, M.I. Vasilieva, A.P. Getman, A.L. Dubovik, M.I. Erofeev, I.I. Karakash, A.S. Kolbasov, Y. Kolosov, V.M. Koretsky, N.R. Malyshev, V.L. Muntean, V.V. Petrov, V.K. Popov, A.V. Chornous, Ya.S. Shemshuchenko, M.V. Shulga and others. Immediately the use and protection of water resources and natural resources of the exclusive (maritime) economic zone of Ukraine were devoted to T.V. Grigorieva and I.V. Vitovsky. Along with this, it appears unresolved question of the definition and classification of marine resources based on theoretical studies and laws of Ukraine, which will contribute to the definition of the legal regime of natural objects.

**The purpose of this article** is to systematize knowledge, scientific opinions and analysis of national legislation of Ukraine taking into account the provisions of international maritime law regarding the definition of marine resources.

**Presenting main material.** From an environmental point of view, lawyer, V. Petrov said: "Any area of nature - natural complex, but specially protected category includes only those for which there was decision of the competent authorities of ... Individual acts of government set special protection of natural systems seas ... "[1, p.

59]. Under the current legislation of Ukraine waters is defined as: "body of water reservoirs or the sea, limited by natural, artificial or conventional borders" [2]. Sea fishery is defined as water bodies used for fisheries management purposes [3, p. 1; 4]. By fishery water bodies, according to Art. 26 of the Law of Ukraine "On Wildlife" from December 13, 2001 №2894-III [5], are all superficial, territorial and internal sea waters used (can be used) for industrial production, cultivation or breeding fish and other objects water fishing or relevant to their reserves of natural reproduction, and exclusive (maritime) economic zone waters and the continental shelf within Ukraine. Internal sea waters and territorial sea (with estuaries and estuaries), exclusive (maritime) economic zone of Ukraine belongs to the fishery water bodies of national importance, according to Art. 13 of the Law of Ukraine "On fisheries, commercial fisheries and protection of aquatic biological resources".

In general, given the characteristics defined I.I. Karakash objects on Environmental Law (natural origin, relationship with nature and the ecological system of the functions of life support) [6, p. 46], the marine environment and its natural resources are the objects of environmental law. And considering classifications of environmental legislation provided I.I. Karakash [6, p. 49], the marine environment can be defined natural complex within which operates several species of living and non-living natural resources.

The totality of living marine organisms and environment Sea, interact, defined in the current legislation of Ukraine as marine ecosystems [2]. The combination of aquatic organisms (fish, other aquatic animals and aquatic organisms) that continuously or at certain stages of development are in the water, while being in the wild, or semi-captive conditions, objects can be used within the state jurisdiction and for concise definition T.V. Grigorieva is water living resources [7, p. 11]. Given the limitations of this study the concept of the marine environment and its protection, attention will focus on marine resources, which is a kind of aquatic resources.

Marine biological resources can be defined as a necessary component of biological diversity of the Black and Azov Seas. In accordance with Para 2 of the

Preamble Conception biodiversity conservation Ukraine, approved by the Cabinet of Ministers of Ukraine from May 12, 1997 № 439 [8], this variety is the national wealth of Ukraine, providing the ecosystem and biosphere functions of living organisms and their environment groups and forms excreta. Marine resources are the property of the Ukrainian people [9, p. 13; 5, p. 4] and natural resources of national importance [5, p. 5].

Under the provisions of the UN Convention on Law of the Sea (1982) [10], marine resources are divided into two categories: 1) living resources, which includes objects of animal and plant world. In particular, the term "marine resources" is used in this article as the overall ecological and legal category of objects on animal and plant life marine ecosystems;

2) non-living resources, comprised of minerals and mineral resources. I.V. Vitovska said about this category of marine resources, "international law separates these concepts. Mineral resources - a "resources in place", ie the resources in place of their occurrence, and minerals - is removed from the place of occurrence of mineral resources " [11, p. 8].

T.V. Grigorieva has given more extensive classification of aquatic resources, according to which they can be divided into categories according to:

1. biological properties (incidentally, biological resources defined in the current legislation as "biological components of the biosphere that could be used to people and other material benefits" [2]) - the fish, cyclostomes (lampreys and hagfishes) aquatic invertebrates, sea mammals, higher aquatic plants and other algae [7, p. 4]. In terms of biological properties, we believe I. Vitovska provided more refined classification of: living and non-living resources (water (sea) living resources, fish resources, industrial resources, etc.) [11, p. 4, 8].

2. Environmental indications of the existence of the state of water resources on the environment - by the sea, coastal sea, lake, annual and other [7, p. 4].

In addition, the jurisprudence to distinguish between a territorial arrangement of those marine resources, living, in the waters covering the seabed, on the seabed and depths of the seabed. The classification of marine resources corresponding to two

categories of aquatic biological resources defined in Art. 12. Law of Ukraine "On fisheries, commercial fisheries and protection of aquatic biological resources": 1) water biological resources that are in conditions of natural freedom internal sea waters, territorial sea, continental shelf, exclusive (maritime) economic zone, transboundary waters and inland fisheries water bodies (parts) located in more than one area and in waters outside the jurisdiction of Ukraine; 2) water biological resources that are in the water bodies within protected areas of national significance and species listed in the Red Book of Ukraine [3, p. 12].

3. Goals of Use - resources for industrial, and amateur athletic use [7, p. 4].

Dan classification can also add recreational resources contained in Chapter I of the National Programme of Protection and Rehabilitation of the Azov and Black Seas, approved by the Law of Ukraine on March 22, 2001 № 2333-III are defined as objects and effects of natural and anthropogenic origin used for health, recreation and tourism [2].

**Conclusions.** Overall, understand the concept of marine resources is a prerequisite for subsequent research on the legal regime of these objects and classification of natural objects, according to V.K. Popov, helps determine the legal regime of each type of natural object [12, p. 15], which is important given the variety of marine biological resources and ecosystem relations between them in the marine environment. In practical terms, this classification is important given the fact that Ukraine is a country of origin anadromous species of fish - sturgeon, beluga, spine, Azov-Black Sea (Danube) herring vyrezuba, Atlantic salmon, Danube salmon and others [3, p. 18].

Pollution of the marine environment reduces food resources, fish stocks, and their contamination with harmful substances to humans. In the case of marine pollution damage is applied to the whole industrial / food chain: water pollution - loss of spawning grounds - the depletion of fish stocks, or otherwise water pollution - Fish disease - human disease. Thus, the Japanese faced with the spread of the disease "minomata": "... a substance that causes the disease, is considered an organic mercury ... This mercury poisoning fish, favorite food Japanese.

"[13, p. 48]. At the national level Ukraine in chast. 14 rozd. III National Programme of Protection and Rehabilitation of the Azov and Black Seas of 22 March 2001 referred to the adverse effects of economic imbalance that "led to a decrease in fodder, the number of spawning grounds, feeding grounds and places the existence of fish and other aquatic organisms. Improper extraction of fish and seafood, unsatisfactory performance measures to their reproduction, causing a decrease in their productivity and biological impoverishment in species composition. " Thus, human well-being depends on the state of the marine ecosystem in the economic, environmental and social aspects. Its protection is an important task of the state and the public at national and international levels.

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