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**TÍTULO:** Garantizar la seguridad del envío al inicio del siglo XX.

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**RESUMEN:** El presente artículo está dedicado al estudio del período clave en la formación del sistema mundial para garantizar la seguridad de la navegación comercial. Dentro de los estados, la implementación de convenios y acuerdos internacionalmente aceptados es responsabilidad de los servicios especiales diseñados para garantizar la seguridad de la navegación. Se ha establecido, que en los aspectos de la regulación legal, la organización y el funcionamiento del servicio para garantizar la seguridad de la navegación en varios estados difería en muchos aspectos, pero al mismo tiempo, se triplicaron estrictamente en el marco de las normas y obligaciones internacionales. Surgiendo de ellos.

**PALABRAS CLAVES:** Reglamentación legal, seguridad de la marina mercante, embarcación marítima, acto legal reglamentario, derecho internacional.

**TITLE:** Ensuring shipping safety at the beginning of the 20th century.

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**ABSTRACT:** The present article is devoted to the study of the key period in the formation of the world system for ensuring the safety of merchant shipping. Within states, the implementation of internationally accepted conventions and agreements is the responsibility of the special services designed to ensure the safety of navigation. It has been established that in the matters of legal regulation, organization, and functioning of service to ensure the safety of navigation in various states differed in many aspects, but at the same time, they were tripled strictly within the framework of international norms and obligations arising from them.

**KEY WORDS**: legal regulation, safety of merchant shipping, sea vessel, regulatory legal act, international law.

**INTRODUCTION.**

The first half of the twentieth century can rightly be considered as the key period in the formation of a modern system for ensuring the safety of merchant shipping in the world.

The technical progress in shipbuilding, and improvement and consolidation of sea vessels made it possible to sharply intensify sea transportation, which had a positive effect on the development of international maritime trade and freedom of movement of people, but it also revealed many security

problems. It was during this period that the world was shaken by the largest shipwrecks with hundreds of casualties, including the English passenger steamer Kamort, with over six-hundred casualties (1902), the passenger wheeled steamer General Slokam in the USA, with more than a thousand casualties (1904). In the same year, the Norwegian passenger ship "Norier", with more than six hundred dead, in 1914 the Canadian passenger liner "Empress of Ireland", with at least a thousand victims, in 1916 in the port of Arkhangelsk transport "Baron Drizen" died, with more than eight hundred people in 1917, the well-known British transatlantic steamship Titanic, with about one and a half thousand sunken ones, and many other examples.

Most of the victims could have been saved in many cases if ships were equipped with the simplest means of rescue and if elementary safety rules were observed. It was necessary to introduce new standards for safety, quality of construction and operation of ships, the use of rescue equipment, unify and consolidate legislation of the leading countries of the world in this field, abandon the previously adopted outdated and scattered interstate treaties, conventions and agreements and promote the legal regulation in the field of maritime safety in the world to a new, not previously available level.

The success of this activity largely depended on the effectiveness of implementation of the adopted interstate treaties, conventions and agreements at the domestic level, through the means of implementing comprehensive measures of legal regulation and development of services designed to ensure the safety of navigation.

This study was based on a dialectical approach to study the legal phenomena and processes using both general scientific, special and particular scientific methods. Among the latter are formal legal, and comparative legal methods that are cumulatively used to study the texts of the Convention combining some of the rules regarding the provision of assistance and rescue at sea in 1910, the 1929 International Convention for the Safety of Life at Sea, the International Convention on 1930, as well as conventions of the international radio telegraph conferences to justify the thesis that unification

carried out in different areas contributed into the higher quality merchant shipping. Initially, the focus group mainly consisted of European states, due to their prevailing participation in this process.

**DEVELOPMENT.**

Foundations of the modern system of ensuring the safety of navigation in the world at the beginning of the twentieth century were laid by leading states of the world, among which was the Russian Empire, and later the Soviet state.

At the international level, many significant industry-specific conventions, rules, and agreements have been adopted that have made a great contribution to the safety of navigation. Among them, the Convention should be singled out separately for combining some of the rules on assistance and rescue at sea in 1910 (they are similar in content to the International Rules for Preventing Collisions at Sea, which were adopted at Washington Conference of 1897), the International Convention on protection of human life at sea (SOLAS), the International Convention on Load Lines of 1930, and conventions of international radiotelegraph conferences held since 1903, etc.

Ensuring safety of navigation at the domestic level was carried out through the implementation of accepted international standards, legal regulation measures, as well as the development of special services designed to ensure the safety of navigation within the state.

Despite the fact that in Russia, the foundations of legal regulation of such services were laid even before the Bolsheviks seized power at the very beginning of the twentieth century, the main burden of legal regulation of their activities fell on the post-revolutionary period, coinciding the time of the most intensive development of navigation in the whole world.

In Russia, as well as around the world, such services were pilot, lighthouse, hydro-meteorological services, and also communication services responsible for the operation of radio communications, which, according to an international convention, were intended only to maintain the safety of navigation and save human life on the seas.

The main tasks of pilotage service included escorting ships, fencing fairways, tracking the fulfillment of regulations of navigation act in entrusted areas, and providing assistance to ships in distress whenever possible. Despite the similar tasks, principles, and norms of international law that underlie activities of the pilotage service both in USSR and abroad, there were still significant differences.

In the USSR, pilotage service was more centralized and fully controlled by the state; in European countries, pilotage services were not always under the jurisdiction of the state, although they were controlled by it. Such states with a corporate-type pilotage service included England, France, Germany and some other states. In addition, in many capitalist countries, there were pilots engaged in pilotage individually on the basis of state permission, not being in any association.

Activities of pilots in different states differed in the matters related of vessel escort. There were several types of posting - optional, mandatory and forced. With optional wiring, it was not necessary to use services of pilots, and in the case of acceptance of the pilot, his advice to captain was not binding. In case of compulsory pilotage, two options were possible, in some cases of taking the pilot to the ship, in others only paying the pilotage dues, and using services of the pilot is not necessary. In this case, following the advice of the pilot was not mandatory for the captain.

When compulsory piloting, use of the pilot's services was mandatory, pilot has given the state some supervisory functions (in relation to customs, health, police and other regulations), and his instructions were binding (Maksimandzhi, 1964).

If a mandatory type of ship escort was used in the USSR, then, for example, both mandatory and optional escorts were carried out in England and forced on the Panama Canal and Philippine Islands. At the same time, as M. I. Maximandzhi noted, the type of wiring in England, in most cases, was not justified from a navigation point of view and was explained either by tradition or by the presence of purely local interests (Maksimandzhi, 1964).

The responsibility of pilots for the damage caused when escorting ships was foreseen differently in various countries. For the optional pilotage, pilot has the personal property responsibility, and with mandatory wiring, either personal property, like in Germany, or both England and France within a certain amount, or like in Belgium, there was no property liability. When compulsory, in view of vesting the pilot with broad powers, responsibility was borne by the organization on whose behalf the pilot acted (on the Panama Canal and the Philippine Islands) (Maksimandzhi, 1964).

An important means of ensuring the safety of navigation during the period under review was the use of various beacons to determine the position of ships and safe sea navigation. The need to improve lighthouse network and the use of radio beacons and ship radio direction finders, directly proceeded from international legal agreements aimed at ensuring the safety of merchant shipping, the most important of which was SOLAS International Convention for the Safety of Life at Sea.

Another international agreement “On protected floating lighthouses located outside their usual posts” provided for a set of measures aimed at unifying signals that protected the floating beacons outside their usual posts. Such a situation could arise if the lighthouse was torn down from the anchor or was on its way to its post or harbor. In this case, the agreement provided for a set of measures and supply of unified signals to the surrounding ships.

The basis of the organization of lighthouse service in the USSR and abroad, as well as the pilotage service should also be noted to have significant differences.

In USSR, the lighthouse service was subordinated directly to the state and was endowed with broad powers typical for the lighthouse services of that period, including directing coastal and floating beacons, rescue stations and warning signs of the maritime department, observing the proper maintenance, timely and correct lighting of lighthouses and warning signs located on shores of the sea; monitoring correctness of lighting devices and placement of milestones and other navigation

signs; monitoring activities of pilotage institutions; managing correctional institutions for navigational and hydrographic equipment; construction work, etc.

At the same time, in advanced navy of that time in England, with rich historical traditions in the field of navigation, lighthouses, and land under them were owned by corporations in most cases, not the state, and they were subordinate to the Council of Trade.

Financing of lighthouse business was carried out, according to common practice, at the expense of lighthouse collection. In England, funds received from lighthouse dues were exclusively used to build, install, maintain or improve lighthouses, buoys, and signs.

In USSR, the lighthouse dues were also modeled based on the model of England; however, it was not a law, but a separate Pilot and Lighthouse Assembly Decree adopted by the Council of People's Commissars in 1922. The amount of the lighthouse collection in England was determined by the decrees of Her Majesty or with her approval. The amount of the pilot and lighthouse dues for each port or area in the USSR was determined by Commissariat for Maritime Affairs through an agreement with the Commissariats of water transport, communications, and finance.

The global practice of concluding bilateral trade agreements between countries, for which a lighthouse dues tax envisaged, was widely spread. The USSR actively used this practice, and in 1920s, trade agreements and conventions were concluded with he Republic of Austria, Great Britain, Germany, Denmark, Italy, Norway, Sweden, Finland, etc. (Egor'ev, 1926).

An important role in improving the safety of merchant shipping in the period under review, both in Russia and around the world, was to ensure the wide dissemination and implementation of radio communications. The basis of this process was the international radiotelegraph conferences, of which Russia was an active participant.

Among such radio-telegraph conferences, the conferences in Berlin in 1903 and 1906, the conference in London in 1912, the first after World War I International Radio-Telegraph Conference in Washington in 1927, the Madrid conference in 1932 and the Cairo Radio Telegraph Conference of 1938 should be mentioned (Glushchenko, 2005).

Among other international conferences that influenced legal regulation of radio communications, including USSR, the International Conference on the Safety of Life at Sea held in London in 1929 should be noted that resulted in the adoption of the International Convention for the Safety of Life at Sea (SOLAS).

Despite the fact that the Convention was about a much wider range of issues, it devoted a whole chapter to the legal regulation of radio communications (Chapter IV. On Radio Telegraph). The Convention established provisions of the International Radiotelegraph Convention at that time (Washington 1927) and obligated all passenger and cargo (more than 1600 registered tons) vessels to install radiotelegraph equipment of the established sample (Article 28), and necessitated the presence of a qualified operator.

In international conventions, it was stipulated that radio communications were intended only to maintain the safety of navigation and save human life on the seas. To this end, coastal radio stations were obliged to receive and immediately rehearse the following radiograms to all radio stations of the corresponding region out of any queue:

- Distress signals transmitted by the cipher "SOS" from ships, whatever their origin.
- Storm warnings.
- Notification of floating mines, wreckage that may act as a threat to navigation, and the defective condition of signs that ensure the safety of navigation.

In addition, radio stations made regular auditory surveillance of the sea, transmitted and received all negotiations related to assistance to ships in distress, as well as reports of vessels on the state of ice, weather and fogs, oncoming ice and ships, daily weather reports, and newsletters and much more.

Certainly, many other services made direct contributions in the safety of navigation, and their direct responsibility was not to clearly ensure the safety of navigation. Among such support services were administratively economic, repair, rescue, sanitary, construction, etc (Maksimandzhi, 1964).

The work of national classification societies (USSR Register, Lloyd's Register, German Register, Bureau Veritas, American Bureau of Shipping, Italian Maritime Register, and others) was an important link in the standardization of ships, their accounting, and classification because the given situation ships inspection and, accordingly, their safety in the merchant navy was very acute.

An important condition for the effective functioning of both USSR register and classification societies of other states was compliance with international conventions and agreements regulating this sphere, as well as cooperation between them in the field of technical supervision of ships to ensure the safety of navigation.

**CONCLUSIONS.**

The early twentieth century was the period of the formation of a unified international system to ensure safety of navigation.

International conferences served as an effective negotiation platform for the coordination of the positions of interested states. On their basis, many international norms, rules, agreements and treaties were developed and adopted, which made an invaluable contribution to the issues of ensuring safety of navigation in the world.

New uniform standards were developed regarding safety, quality of construction and operation of ships and adopted for all participants. The use of rescue tools, and legislation in the field of safety of navigation was unified and consolidated.

In spite of the fact that there were different aspects in the issues of legal regulation, organization, and functioning of navigation safety service in various states, almost all of them acted on the basis of international norms and obligations arising from them.

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