

NATURAL TENDENCIES OF DEVELOPMENT OF LEGAL REGULATION OF THE RELATIONS IN THE SPHERE OF POWER SAFETY IN THE MODERN WORLD

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ABSTRACT

The power component becomes more and more powerful argument in a global geopolitical deal. It is necessary to achieve stability and safety for prevention of intensity in this sphere within the comprehensive and coordinated international approach. Recently it is possible to observe a certain change of accents in treatment of the concept of power safety. This article doesn't deal only the states suppliers, the states consumers, but also the transit states, and also multinational power corporations. Thereby representatives of all links of a power chain should answer for the share of a joint liability in cases of emergence any unforeseen situations, which sometimes lead to catastrophic consequences. However, as the author says, it is necessary to note that fact that this aspect isn't fixed in the international and national legislation.

Keywords: Power Safety, Western Nuclear Regulators Association, Nuclear Power, Association of Southeast Asian Nations, Energy Resources.

INTRODUCTION

Today the world of the XXI century became multipolar. This fact became the main precondition of a new international order. It is caused, first of all, by globalization process when the world becomes more and more interdependent and when the chosen course on the solution of problems of development of safety only at the expense of own resources is impractical.

The power component becomes more and more powerful argument in a global geopolitical deal. With a view of prevention of intensity it is necessary to achieve stability and safety in this sphere within the comprehensive and coordinated international approach.

The main objective of power-to provide stable functioning of economy of the state and normal activity of the population-can be carried out not fully owing to emergence of the destabilizing factors leading to violations in power supply of consumers (Elyubayev, 2009). First of all, it is failures, at different stations and objects of fuel and energy complex (further energy industry), bringing to negative consequences, both for the population and for ecology; also it is the shortage of energy resources breaking normal functioning of activity of society and the leader

to problems not only local character, but also global scale within economy and policy of the states.

In traditional understanding power safety was considered as a component of national security of the state and included stable production of energy resources, their necessary volume satisfying demand of the domestic energy markets, continuous work of national fuel and energy systems. However rapid development of industrially developed states limited in natural resources and fast rates increasing power consumption, forced them to carry out the international purchases of energy resources, having a little changed traditional understanding of power safety.

Historical Development of Power Safety

The history of formation of modern understanding of essence of “power safety” is short. For the first time this problem was lifted by Winston Churchill when translating sea vessels of Armed forces of Great Britain from coal on oil (Manchester, 1984). In 1960 decrease in the world prices of oil stimulated the main export states-Saudi Arabia, Venezuela, Kuwait, Iraq and Iran to unite in the oil cartel which has received the name of OPEC (Sorkhabi, 2010). Obviously, during this period power safety of the state’s consumers and the states suppliers in the international aspect started to be differentiated (Gripes of and goldvin, 2004).

In 1973 the subject of power safety is again the problem of today because the OPEC raised the world prices for oil, and then entered against the USA and Israel oil embargo (Amuzegar, 1999). During creation in 1977 in the USA of a Department of Energy the main problems of power supply and power safety were defined (Evans, 1986). And in 1981 there was “A project of national power policy” where the certain head was devoted to power safety (United States Energy). The European Commission in 1990 gave expanded interpretation of safety of deliveries which means, “That essentially necessary energy needs will be satisfied as at the expense of use of the adequate internal resources developed in economically expedient way or supported in a quality of a strategic reserve” (Ergin, 2011; Ergin, 1999).

Now the condition and the tendencies which have developed in recent years of development of world power branch with a support on production, transportation and burning of fossil hydrocarbon fuel-oil and gas, not quite answer modern calls and facing mankind to tasks (Chaplin, 2009).

LITERATURE REVIEW

As “The international power security” Kokoshin notes in the work “the international power security is considered first of all from the point of view of leaders net-import of power raw materials (consumers), from positions of providing by their hydrocarbons on a stable basis and on rather reasonable prices (Tlembaeva, 2012). Thus from countries-net-export (producers) maintenance of considerable level of reserve capacities which would allow in the conditions of crisis with supply of oil to the world market at the expense of reduction of their deliveries from one country (region) is required to increase its production from others” (Kokoshin, 2006). It is obviously inadequate approach. Power safety from the point of view of the producer is connected with the considerable risks defined by need of maintenance of considerable reserve capacities in the conditions of strengthening of production of hydrocarbons (Bjureby, Britten, Cheng & Nandi, 2008).

Thus, power safety or a condition of security of the world community, constantly changing, evolves under the influence of external and internal factors and reaches a certain level of equation that is balance.

The Analysis of Possibility of Formation of Rules of Law on Creation of Regional Power Security

Power safety in international law is considered as: Global, regional, collective (confederative, corporate) and national. In separate international documents the regional security is considered as the independent category defining unity of power interests of the states of any region. So, on January 15, 2007, by results of the summit of East Asia which has taken place in Cebu of 10 member states ASEAN, the People's Republic of China, Japan, Korea, India, Australia and New Zealand signed the Declaration of power safety of East Asia in which specific goals and measures of power cooperation of East Asia are provided (Chairman's Statement, 2007). Besides, in this document the idea of collective power security of the region (The Second East Asia, 2007) was reflected also.

Formation of the unified international legal concept of global power safety reveals a number of serious problems (Kirillov, 2016). First, ensuring global power safety is impossible without recognition of a legal personality of all states of the world community, and their participation in the international relations, according to the international norms of the right, is especially voluntary. Secondly, the states have different economic development that doesn't allow them is high-grade to participate in the international energy markets that in turn leads to violations of obligations according to international treaties and non-compliance with international legal principles (Gongol, 2005).

In this regard it is expedient to consider possibility of formation of rules of law on creation of regional power security which is formed by a principle of a geopolitical community of the states and the power interests lying within the concrete region (GUAM, NAPHTHA, etc.) (Grosaru, 2012). Thus in regional power security and its concrete intrinsic contents can be interested not only the export states, the states-transit and the region import states, but also the state, whose power interests extend on this region (Russia Initiates Creation...). A basis for association of the participating states of regional system of power safety is their economic integration which is not allowing the partner states to destroy stability of the regional markets of hydrocarbons, depolarizing the last (World power politics, 2003).

Power Safety as Climatic Safety

Article 1 of the Law of the Republic of Kazakhstan "About national security of the Republic of Kazakhstan" defines 2012 national security of the Republic of Kazakhstan as a condition of security of national interests of the Republic of Kazakhstan from the real and potential threats, providing dynamic development of the person and the citizen, society and the state (The law of the Republic, 2012).

In the document "Power safety. Forum recommendations to the Group of Eight summit on July 3-4 2006 year (St. Petersburg)" concept "power safety" is considered in a bit different key. Power safety is understood as climatic safety, safety of oil and gas sector from the point of view of its impact on environment and safety of nuclear power ("Power safety", 2006).

The escalating role of ecological factors in decision-making on problems of power is noted in the work by "Power ecology" and Kokoshin (Kokoshin, 2006). In his opinion, the

power ecology, first, mentions a problem of harmful emissions from the power enterprises; secondly, damage drawing to environment when processing energy resources (especially a problem of oil plants); thirdly, a big consumption of fresh water-the power consumes 2/3 all of the fresh water going on needs of the industry (IPIECA Saving energy, 2013).

In concept “power safety”, participants of the Group of Eight summit, include safety of nuclear power which, being one of components of the international power safety causes the most debatable and often discussed questions (Foreign Ministers' Progress, 1997). Let's consider two opposite points of view.

ADVANTAGES OF NUCLEAR POWER

The nuclear power isn't capable to affect process of global climate change, increases risk of nuclear distribution and negative consequences of accumulation of a nuclear waste for future generations. Thus, there are economic and ecological preferable alternatives to nuclear power. What economic and ecological alternatives to nuclear power exist now? First of all, it is so-called alternative (nonconventional) power sources: Wind power, geothermal, solar energy, hydropower and biofuel (McDermott, 2008). It is known that today to 80 % of consumed energy it is developed from oil, gas and coal (Alekkett, 2007). Certainly, alternative power sources are non-polluting and, probably, economically more favourable and preferable sources, however the nuclear power is more available and acceptable way of obtaining energy (Wakeley, Griffin, Hendrickson, Scott & Asce, 2008). It is connected with that prime cost of the nuclear electric power is defined generally by investment investments in nuclear power plant construction, instead of fuel expenses, unlike oil, gas and coal (Spencer, 2007).

In the statement attempts of the analysis of causes of accident, despite lacking exhaustive information were undertaken, and preliminary conclusions the main thing from which is constant need for increase of level of safety are drawn: “We know that natural tendency of the person to self-complacency can lead to an erosion of a mode of nuclear safety, that is if we aren't engaged in safety increase constantly, level of safety decreases” (The statement concerning). It is necessary to treat safety of nuclear power plants critically (Muller-Dehn, 2014). For this purpose it is necessary to reveal and eliminate shortcomings of legal base, of construction projects of the nuclear power plant and their operation, not to suppress and not to hide such shortcomings, not to show already reached level, and constantly to aspire to improvement of an existing security status.

CONCLUSION

As already it was told above, the main requirement was the requirement “Safety of nuclear power is higher than national borders”, that is the question of nuclear safety isn't a problem of any separate member states “Nuclear club” or on the contrary the non-nuclear states. Nuclear safety should be considered by the world community on a global scale. As many experts note, as a result of failure it became clear that all international system of actions in case of serious nuclear plant accidents doesn't function how from it the reality of our time demand. However, now the definite answer on a question of the most preferable and effective measures in the sphere of further improvement of the rules of law directed on strengthening of the international mode of nuclear safety isn't present, but, in any case, it is necessary to solve this problem, i.e. to look for new decisions.

Thus, (as the component of national security) can define concept of power safety as a condition of legal, economic, social and technical security of citizens, societies, and national interests of the state from caused by internal and external factors of problems of deficiency in ensuring reasonable requirements with fuel and energy resources of acceptable quality in the conditions of normal functioning of activity of the state, and also “the real and potential threats, providing dynamic development of the person and the citizen, society and the state”.

REFERENCES

- Aleklett, K. (2007). *Reserve driven forecasts for oil, gas & coal and limits in carbon dioxide emissions*. Sweden: Uppsala University Uppsala.
- Amuzegar, J. (1999). *Managing the oil wealth: Opec's windfalls and pitfalls*. London: I.B. Tauris.
- Bjureby, E., Britten, M., Cheng, I. & Nandi, J. (2008). *The true cost of coal, how people and the planet are paying the price for the world's dirtiest fuel*. Canada: Greenpeace. Jiri Rezac.
- Chairman's Statement of the Second East Asia Summit Cebu (2007)*. Retrieved 2007, from http://asean.org/?static_post=chairman-s-statement-of-the-second-east-asia-summit-cebu-philippines-15-january-2007.
- Chaplin, R.A. (2009). *Thermal power plants*. Paris: EOLSS Publishers Co Ltd.
- Elyubayev, Z.S. (2009). *Subsoil use and law in the republic of Kazakhstan*. Almaty: Complex.
- Ergin, D.S. (1999). *Production: A world history of fight for oil, money and the power*. Moscow: Nauka.
- Ergin, D.S. (2011). *Aerosol science and technology: History and reviews*. Moscow: RTI Press.
- Evans, J. (1986). *OPEC: Its member states and the world energy market*. Detroit: Gale Research.
- Foreign Ministers' Progress Report (1997). *Released by Foreign ministers at the Denver summit of the eight*. Retrieved 1997, from <http://www.g8.utoronto.ca/summit/1997denver/formin.htm>.
- Gongol, B. (2005). *The self-delusion of contemporary economic development*. Retrieved 2005, from <http://www.gongol.com/research/economics/economicdevelopment/>
- Gripes of goldvin. (2004). *Power and safety: To new foreign policy strategy*. Moscow: Business.
- Grosaru, F.E. (2012). Florin Eduard the strategic importance and the actors of south-eastern Europe. *Journal of Defense Resources Management*, 3(1), 112-115.
- IPIECA Saving energy in the oil and gas industry* (2013). Retrieved 2013, from https://www.world-petroleum.org/docs/docs/socialres/saving_energy_6_feb_2013.pdf.
- Kirillov, N.P. (2016). Life safety as a mechanism for implementing the strategy of national security of the Russian Federation. *Materials of the Afanasiev Readings*, 4(17), 14-27.
- Kokoshin, A.A. (2006). *International power security*. Moscow: Europe.
- Manchester, W.R. (1984). *The last lion: Winston spencer Churchill, Visions of glory*. New York: Dell Publishing Company Incorporated.
- McDermott, M. (2008). *Ways geothermal power is heating up around the world*. Retrieved 2008, from <http://www.treehugger.com/renewable-energy/5-ways-geothermal-power-is-heating-up-around-the-world.html>.
- Muller-Dehn, C. (2014). *Safety requirements for nuclear power plants: Content, legal validity and execution*. Chicago: Atw-Dusseldorf.
- Power safety (2006). Forum recommendations to the group of eight summits to St. Petersburg*. Retrieved July 4, 2006, from http://www.civilg8.ru/forum0407_res/6123.php
- Russia Initiates Creation of Power Club SCO* (2017). Retrieved June 12, 2017, from <https://ria.ru/analytics/20060620/49791413.html>.
- Sorkhabi, R. (2010). *The road to OPEC 1960*. Retrieved 2010, from <http://www.geoexpro.com/articles/2010/05/the-road-to-ope-1960>.
- Spencer, J. (2007). *Competitive nuclear energy investment: Avoiding past policy mistakes*. Retrieved November, 2007, from <http://www.heritage.org/research/reports/2007/11/competitive-nuclear-energy-investment-avoiding-past-policy-mistakes>.
- The law of the Republic of Kazakhstan (2012). “*About national security*”. Retrieved 2012, from https://online.zakon.kz/Document/?doc_id=31106860.
- The Second East Asia Summit* (2017). *Cebu declaration on east Asian energy security*. Retrieved from http://www.dfat.gov.au/asean/eas/070115_cebu_declaration_eaes.html.

- The statement concerning failure on the nuclear power plant (2017). “*Fukushima-Daichi*” in Japan “*Never is More: The most important purpose of nuclear safety*”. Retrieved from <http://www.proatom.ru/modules.php?name=News&file=article&sid=2930>.
- Tlembaeva, Z.U. (2012). Legal expertise of the NAP as a means of ensuring the effectiveness of legislation. *Law and State, 1*, 41-45.
- United States Energy Usage and Efficiency (2016). *Measuring changes over time*. Retrieved from https://www.eia.gov/energyexplained/?page=us_energy_home.
- Wakeley, H.L., Asce, S.M., Griffin, W.M., Hendrickson, C., Asce, H.M. Scott, H.M. & Asce, A.M. (2008). Chris hendrickson alternative transportation fuels: Distribution infrastructure for hydrogen and ethanol in Iowa. *Journal of Infrastructure Systems, 14*(3), 262-271.
- World power politics* (2003). *Regional power security: Comparative analysis of EU and Northeast Asia*. Retrieved 2003, from <http://www.iai.it/sites/default/files/iaiw1704.pdf>.