

Секція № 11. ПРАВОВІ ІННОВАЦІЇ

УДК: 341.225.5

INTERNATIONAL CODE FOR THE SECURITY OF SHIPS AND PORT FACILITIES ON MEASURES TO ENSURE THE SECURITY OF PORT FACILITIES

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Abstract. The system of ensuring the safety of seaports from illegal acts is considered, which is a complex of legal, organizational, administrative, operational, security, military, technical and other measures aimed at preventing, detecting, suppressing illegal actions that create the danger of death of people, causing significant property damage, or the onset of other socially dangerous consequences in seaports, minimizing their consequences, identifying and eliminating the causes and conditions conducive to the implementation of illegal activities.

Key words: Convention for the Suppression of Unlawful Acts, International Code for the Security of Ships and Port Facilities, International Convention for the Safety of Life at Sea, a system of measures to ensure the safety of life and health of passengers and crew members of sea-going ships.

The system of measures to ensure the security of Russian ports is created in accordance with the recommendations of the International Maritime Organization (IMO), the provisions of the 1998 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, and the International Code for the Security of Ships and Port Facilities, as well as current national legislation. Ukraine is a set of legal and organizational measures aimed at preventing and suppressing illegal acts in relation to the smooth operation of ports to ensure maritime navigation and transportation of goods.

The main task of the system of measures to ensure the safety of life and health of passengers, crew members of sea-going vessels, as well as the safety of port facilities intended for servicing sea-going vessels (hereinafter referred to as port facilities) and their personnel is to implement measures to protect against illegal acts that impede the normal operation of ports, as well as taking measures in the interests of creating the necessary conditions for the implementation of border, customs and other types of control in accordance with the Law of Ukraine "On the State Border". Thus, security is the state of protection of the vital interests of the port and its personnel.

The measures provided for by this system of measures are applied to sea-going vessels, as well as to port facilities and all persons and vehicles located on the territory of the port, with the exception of warships and government ships.

An illegal act directed against the safety of the seaport means an unlawful, violent act or threat of such an act on the part of persons, a group of persons in relation to a ship, passengers, crew members, port facilities and their personnel, as well as all persons and vehicles on the port areas that pose a threat to the security of the port, maritime navigation, life and health of people.

The development and implementation of a policy in the field of maritime security, measures to protect ports from illegal acts against their security are carried out by the Ministry of Infrastructure of Ukraine in cooperation with the Security Service of Ukraine, the Ministry of Internal Affairs of Ukraine, the State Customs Service of Ukraine, Naval Forces of the Armed Forces of Ukraine and detachments of the Maritime Guard of the State Border Guard Service of Ukraine, by the General Prosecutor's Office of Ukraine.

At the present stage, this work should be carried out in accordance with the International Code for the Security of Ships and Port Facilities, which entered into force on July 1, 2004.

The Code applies to port facilities serving the following types of ships on international voyages:

- 1 - passenger ships, including high-speed passenger craft;
- 2 - cargo vessels, including high-speed vessels, a capacity of 500 tonnes or more (ch.A, paragraph 3.1.).

The code is divided into two sections:

- section A is mandatory;
- Section B is advisory in nature.

Part A of the International Code for the Security of Ships and Port Facilities contains mandatory provisions to which reference is made in chapter X1-2 of the International Convention for the Safety of Life at Sea, 1974.

To achieve its goals, the Code combines a large number of functional requirements. These include, but are not limited to:

- collecting and assessing information regarding security threats and exchanging such information with the relevant Contracting Governments;
- the requirement to comply with communication protocols for ships and port facilities;
- prevention of unauthorized access to port facilities and their restricted areas;
- prevention of unauthorized access to port facilities;
- prevention of unauthorized access to port facilities of unresolved items (weapons, incendiary devices) or explosives;
- provision of means for giving warning signals in the event of an incident or threat of an incident;
- the requirement for port facility security plans based on security assessments;
- requirement for personnel training, drills and exercises to master security plans and procedures.

Section 5 of the Code requires contracting governments, after assessing the risk to people, property or the environment from ship / port interactions, to determine whether a Declaration of Security is required.

Requirements for the execution of a Declaration of Security issued in accordance with the provisions of section 5 by one party must be confirmed by the other party. The Declaration of Security shall be completed on behalf of the port facility by the port facility security officer or, if the Contracting Government decides otherwise, by any other shore-based security authority.

The subject of the Declaration of Security should be the security requirements that are shared between the port and the ship, as well as the area of responsibility of each party. Section 14 of the Code is dedicated to port facility security. At the same time, one of the main requirements of the Code is that security measures and procedures should be carried out at the port facility in such a way as to bring as little inconvenience as possible to passengers and ships, ship personnel and ship guests, so as not to interfere with cargo handling and service in order to avoid delays.

The government of each signatory country is responsible for conducting a three-step risk assessment for port facilities. First of all, it will be necessary to identify the key objects, damage or decommissioning of which can most detrimentally affect the safety of life, the economy or the environment. The next step is to identify the real risks to these key assets in order to prioritize security objectives. Finally, it is necessary to identify the specific weaknesses of each key object in terms of physical security, structural integrity, security systems, procedures, communications systems, transport infrastructure, etc., that could be the target of an attack.

The potential for loss of life, the economic importance of the port, the symbolic value, and the presence of government facilities should be considered when identifying and assessing critical assets and infrastructure that are prioritized to be protected.

Avoiding death or injury to people should be considered the main concern. It is also important to consider whether a port facility, structure or facility can continue to function in the absence of specific assets, and the extent to which normal operation can be quickly restored.

Once the risk assessment has been completed, countermeasures should be identified and prioritized to ensure that the most effective security measures are applied to reduce the vulnerability of the port facility or ship / port interface to potential threats.

The Code establishes three levels of protection.

Security level 1 means the level at which the minimum appropriate security measures are to be maintained at all times.

Security Level 2 refers to the level at which, due to the increased risk of occurrence, appropriate additional security measures for the port facility must be maintained over a period of time.

Security level 3 refers to the level at which, for a limited period of time, during which an occurrence is likely or imminent, further specific security measures must be maintained, although it is sometimes impossible to determine the specific target of the attack.

In addition, at security level 3, the port facility must comply with all security instructions issued by the Contracting Government in whose territory the port facility is located and notify it accordingly.

A port facility security assessment is an important and integral part of the process of developing and updating a port facility security plan and is carried out in accordance with Part A, Section 15.

A port facility security assessment is carried out by the Contracting Government in whose territory the port facility is located. A Contracting Government may authorize a RSO to assess a specific port facility located within its territory.

A port facility security assessment is fundamentally a risk analysis of all aspects of a port facility's operations to identify the most vulnerable areas of its operations and / or areas that could be the most likely to be attacked. Security risk is defined as a function of the threat of the attack as well as the consequences of the attack.

The port facility security assessments are periodically reviewed and brought up to date, taking into account the changing nature of threats and / or minor changes in the port facility; they must always be reviewed and kept up to date when significant changes occur in the port facility.

Upon completion of the port facility security assessment, a report should be prepared that includes a summary of how the assessment was conducted, a description of each vulnerability identified, and countermeasures that can be taken in relation to each vulnerability. The report must be protected from unauthorized access or disclosure.

Each port facility should have a port facility security plan that is adequate to the ship / port interface plan. It is designed and implemented based on a port facility security assessment.

The port facility security plan must be approved by the Contracting Government in whose territory the port facility is located.

The Port Facility Security Plan may be integrated with, or part of, or part of any other port emergency plan or plans for the port security plan or plans.

The plan must be protected from unauthorized access or disclosure.

Section 17 of the Code assigns a security officer to each port facility. He is responsible for the development, implementation and revision of the port facility security plan and for liaising with the ship security officers and company security officials. One person may be designated as the security officer for one or more port facilities. Clause 17.2 of the Code lists the duties and responsibilities of an officer responsible for the security of one or more port facilities.

The Port Facility Security Officer and associated security personnel should be knowledgeable and trained.

Port facility security personnel with specific security responsibilities should understand them and be responsible for port facility security as described in the port facility security plan. He must have sufficient knowledge and ability to carry out the prescribed duties.

To ensure the effective implementation of the port facility security plan, drills shall be conducted at appropriate intervals, taking into account the types of operations at the port facility. Personnel changes at the port facility, the type of vessel being served by the port facility, and other relevant circumstances.

Security measures and procedures should be implemented at the port facility in such a way as to bring as little inconvenience as possible to passengers and ships, ship personnel and guests of the ship, so as not to interfere with cargo handling and service in order to avoid delays.

Part B of the International Ship and Port Facility Security Code provides guidance on the provisions of chapter X1-2 of the Annex to the International Convention for the Safety of Life at Sea, 1974, as amended, and part A of this Code.

The introduction to Part B of the Code sets out, in general and concise form, the envisaged processes for the implementation of the measures and organizational approaches necessary to achieve and maintain compliance with the requirements of chapter X1-2 and part A of this Code, and also indicates the main issues for which recommendations are made.

Clause 1.7 stipulates that Contracting Governments, in order to fulfill their chapter X1-2 and part A of this Code, port facility security duties may appoint or establish “designated authorities” within the government apparatus, and also authorize recognized security organizations to carry out specified work in relation to port facilities, provided that the final decision on the acceptance and approval of such work remains with the Contracting Government or a designated authority.

The applicability of the port facility recommendations depends on the specific port facility, the types of ships using the specific port facility, the cargo and / or categories of passengers, and the nature of the voyages of the vessels visiting the port facility. The Appendix to Part B contains: the form for the Declaration of Protection; Port Facility Statement of Compliance Form.

International code for the security of ships and port facilities on measures to ensure the security of port facilities

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УДК 342.922

БЕЗОПЛАТНА ПРАВОВА ДОПОМОГА ЯК ГАРАНТОВАНЕ ДЕРЖАВОЮ ПРАВО ОСОБИ НА ЗАХИСТ

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Сучасне реформування правової системи України призвело до активного розвитку інституту правової допомоги як одного із практичних засобів реалізації прав та свобод особи, загальнодоступність якої обумовлюється можливістю безоплатного отримання для соціально вразливих верств населення. Безоплатна правова допомога фактично стала особливим соціальним правовим благом. Вона є важливим кроком у напрямі наближення нашої держави до європейських та світових стандартів щодо забезпечення права людини на захист.

Ключові слова: правова допомога, захист прав людини, безоплатність, доступність, законність, соціальна гарантія.