

Providing Physical Protection of the Vessel in the Event of an Attack at Sea and Ports

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ABSTRACT:

Modern seagoing vessels have innovative high-tech systems for safety and security, but the level of professionalism of the ship's crew as a whole should be taken into account. Integrated modern security and safety navigation systems cannot replace the human action of the individual seafarer, and in this connection, the issue of preparing the human factor to ensure the physical protection of the ship in the event of an attack during navigation and in ports is particularly relevant.

ARTICLE INFO:

RECEIVED: 18 MAY 2022

REVISED: 12 JULY 2022

ONLINE: 30 JULY 2022

KEYWORDS:

self-defense, crew training, providing physical protection



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Introduction

The security of the maritime business has deteriorated over the last 20 years with a sharp increase in pirate attacks on seagoing vessels, theft and robbery of goods from ships in port facilities, unauthorized access and intrusion aboard ships, offshore oil rigs, and installations, migrant and refugee flows, etc.

Regions not only in Southeast Asia but also the Gulf of Aden, the Somali Basin, and other areas were affected. Although the issue is attracting huge public attention in the maritime business, the direct economic security costs to shipowners are, in fact, relatively limited. The international community is

responding to piracy and threats to maritime security when the direct economic impact on shipowners is linked to a complex situation of regional insecurity.¹

In many cases, this relies on military action by a country's navy to address the security concerns of vessels, platforms, and port facilities. However, the practice of countering attacks on ships while underway or alongside (on the move and on the pier) only via purely military/operations proves that the causes of piracy and unauthorized intrusion cannot thus be eliminated. As the example of the Straits of Malacca shows, multilateral international efforts to resolve political conflicts and establish effective statehood are crucial.

Problem Analysis

The actions of pirates and terrorists are unpredictable as they operate outside the international legal framework governing the safety of vessels and port facilities.

Following the dramatic events of September 11, 2001, the Assembly of the International Maritime Organization decided unanimously, at its twenty-second session in November 2001, to develop new security measures for the protection of vessels and port facilities. On the basis of the International Convention for the Safety of Life at Sea, 1974, special measures were adopted in 2002 to enhance maritime safety and security enshrined in the International Security Code for Ships and Port Facilities.²

The newly established regulations represent an international framework through which ships and port facilities can cooperate in order to detect and prevent actions threatening maritime security. According to accepted international legal instruments, Contracting Governments shall establish a level of security applicable to ships and port facilities at one of the following three levels:

- the first level of security or 'normal' is the level at which the ship or port facility is in normal operation
- the second level of security, 'enhanced,' is the level applicable when there is an increased security risk, and
- the third level of security, 'exceptional,' is the level applicable for a period of time when the risk of an accident is probable or imminent.²

Recent Amendments to the International Ship and Port Facility Security Code (ISPS CODE) St. N. 2 from January 7, 2022, on special measures to enhance maritime safety and security, require ships, companies, and port facilities to comply with the relevant requirements of Part A of the International Ship and Port Facility Security Code (ISPS).

Acts of piracy threaten maritime security, threatening, in particular, the welfare of seafarers and the security of shipping and trade. These criminal acts can lead to loss of life, physical injury or hostage-taking of seafarers, significant disruption to trade and shipping, financial losses for ship owners, increased insurance premiums and security costs, increased costs for consumers and producers, and pose a danger to the marine environment.³

The ship can be viewed as a number of interconnected subsystems with a common purpose. The operation of the ship involves information processing, decision making, resource management etc., all done by people. Virtually all vessels can be considered a “human-machine” system. According to J. Bakalov, the training of seafarers is traditionally aimed at meeting the requirements for the situational type of reactions. The situations that crews encounter at sea are observable and accessible for assessment by people with an adequate level of readiness and experience to deal with them.⁴

This cannot be done in the case of pirate or terrorist attacks. Navigation of High-Risk Areas (HRA) endangers the lives of the seafarers, the safety and security of vessels. Attacks, unauthorized access, and intrusion of ships, offshore oil rigs, and installations put ship crews in extreme situations.

Issues to ensure the safety of ship’s crews, as well as to identify and prevent actions endangering the security of maritime transport, are reflected in special legal documents.

In response to the adopted International Security Code for Ships and Port Facilities in 2002, the Code of Merchant Shipping, which has been in force since 1971, was amended and updated. It governs regulates public relations in the Republic of Bulgaria, which arise in connection with merchant shipping and it’s control, the requirements for vessels under the Bulgarian flag, the requirements for shipping and transport documents, the rights and obligations of captains and crews, contracts for the carriage of goods, passengers and luggage, property rights over ships, contracts for ship rental, ship, and cargo insurance contracts, ship accidents, sea and river rescue and other relationships related to shipping and its safety.⁵

According to Art. 90 of the Merchant Shipping Code, when a crime under the Criminal Code of the Republic of Bulgaria has been committed while the ship is at sea, the master performs the functions of a body of inquiry, guided by the Code of Criminal Procedure and instructions for inquiry of ships sailing under a Bulgarian flag, approved by the Prosecutor General of the Republic of Bulgaria and the Minister of Transport, Information Technology and Communications. Pursuant to paragraph 2 of the same Article 90, the master has the right to detain the person suspected of committing a crime until his surrender to the relevant authorities in the first Bulgarian port where the ship arrives, and pursuant to paragraph 3, when a crime is committed aboard a ship in a Bulgarian port, the master is obliged to hand over the person who committed the crime to the relevant local authorities.

According to Article 39 of the additional provisions of the Code of Merchant Shipping of Seafarers in the Republic of Bulgaria, mandatory security certificates issued in accordance with the relevant conventions of the International Maritime Organization are required. Courses for “Ship Security Officer”, “Competence of seafarers performing duties related to ship security”, “Basic knowledge of ship security”, etc. are conducted by certified institutions in accordance with the National Standards for conducting security training with different categories of officials from ships, port facilities and companies.

The thematic programs of the above-described courses on security of the ship and port facilities do not include classes with specific theoretical knowledge and practical skills for the application of personal protection and physical self-defense techniques in the detention of suspects.

According to Art. 18 of the Ordinance on the competence of seafarers in the Republic of Bulgaria, the seaworthy persons of the seagoing ship's crew hold positions⁶ classified in the following levels of responsibility:

- Management level – for the positions of Master, Chief Officer, Chief Engineer, and Second Engineer;
- Operational level – for the positions of 2nd Mate, 2nd Engineer or Engineer on duty of an unattended engine room, Electrician or Radio Operator;
- Executive level – a level of responsibility at which assigned tasks or functions are performed under the guidance of a person holding a position at the managerial or operational level.

The activities related to the implementation of the security measures shall be carried out in accordance with the ship security plan and shall be implemented jointly with the other activities by all crew members who are potentially in danger of being attacked/assaulted.

In the professional activity of the seaworthy persons, the ship's crew is required to know the security and safety plan to prevent unauthorized access to the ship, port facilities, platforms, installations, etc. That is why the training, in the case of the individual seafarer as a unit of the crew, should include not only the handling of high-tech instruments and security systems of the ship but also the specialized knowledge and skills necessary for personal protection, as well as to prevent hostile actions; delaying the penetration of violators; as well as providing adequate response to unauthorized actions by applying personal protection techniques.

Actions in high-risk situations to apprehend an intruder require specific theoretical knowledge and practical skills to apply personal protection and physical self-defense techniques by the crew members responsible for the security of the ship.

Personal physical protection is the application of theoretical knowledge and specialized techniques for counteraction through physical and technical skills for self-defense in ship conditions or in port facilities and platforms.

Adapting these specialized self-defense techniques to the ship's conditions in high-risk situations would ensure the life and health of crew members.

In case of attacks and unauthorized intrusions on board the ship, the following situational models are possible: protective actions in case of an attack with a knife (sharp object), stick (bat, stick, bottle) as well as firearms, defensive actions and blocks in the event of hand and foot strikes; defense against locks, holds, grips, strangulation, etc.

The practical actions for self-defense are performed in the following sequence: blocking blows, avoiding the attack, preemptive actions through a

counterattack, taking down/control of the attacker, taking down with a lock, knocking down on the ground, and detaining the suspect in a specially designated and isolated space of the ship mentioned in the ship security plan.

Conclusions and Summary

As a result of the legal and regulatory analysis, we can summarize that in order to implement the physical protection of the ship, it is necessary to create a reliable system of physical protection, including a set of engineering and technical means and organizational measures for physical protection and personal theoretical and practical training of the personnel/crew. As a result, we would make the following recommendations:

- The courses for competencies of seafarers performing duties related to the security of the ship, regardless of the positions classified in the different levels of responsibility, include additional hours for gaining theoretical knowledge and acquiring practical skills for applying self-defense techniques for physical protection by crew members in the event of an attack and unauthorized intrusion of the ship while at sea or in port facilities;
- to designate in the security plan of the ship a separate isolated space for holding detained person/s, with adequate for the purpose security measures;
- specialized crew training of seafarers performing duties related to the security of the vessel must be conducted at least once every 12 months.

Acknowledgments

The author would like to acknowledge the employees at the Naval Academy for their assistance in working with the archives.

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