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**HUMAN SECURITY IN THE CONTEXT OF  
GLOBALIZATION: MODERN LEGAL PARADIGM**

1

Monograph

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for intellectual, moral, social and spiritual development. Natural growth of the population constantly leads to emergence of problems in the field of preservation of the environment, and for their solution it is necessary to pursue the corresponding policy and to take the appropriate measures. The person constantly generalizes the accumulated experience and continues to make discoveries, to invent, create and try to obtain further progress. Today the ability of a person to transform the world around at its reasonable use can provide all people with the use of benefits of development and to increase the quality of life. If this ability is used incorrectly or thoughtlessly, it can cause immeasurable damage to the mankind and the environment. Therefore protection and improvement of the environment surrounding a person for present and future generations became the most important purpose of mankind; the purpose which has to be reached in common and according to established objectives of the world and the international economic and social development.

Thus, throughout the last century under the influence of such geopolitical factors, as: consequences of creation of ecologically dangerous branches, high rates of an expenditure of natural resources, growth of the population in the world is not followed by the corresponding increase in food production and providing necessary living conditions for people, inflation and population shift, an aggravation of ecological threats, climatic changes, food and water supply crises, etc. the system of ecological safety was gradually formed. Conditionally this process can be divided by several criteria: 1) time; 2) reorientation in the sphere of ecological values in connection with emergence of ecological threats; 3) activity of the international organizations, in particular the UN and its institutes dealing with issues of ecological safety. Considering global character of environmental problems and total reforming of a control system in Ukraine including the sphere of ecological safety, our country can use the international experience, harmonize the national legal system with the international standards and coordinate its own efforts with policy of the world community.

## 8.2. Air safety as a key category of ICAO standards

In modern globalized and high technology world, performance of any particular country considerably depends on its integration into international institutions that determine the policy of effective development of that or another industry and develop standards of functioning. Civil aviation is an important part of the international transport system. It provides an important market segment of international transportation, cargo and other transport services. One of the most urgent problems of modern aviation is to guarantee safety and effective management of the process, which provides for the development of policy and operational procedures to ensure safety, optimize the organizational structure, responsibilities between public authorities and business aviation.<sup>390</sup> The priority of this trend in the homeland aviation industry is determined by the relatively low rates of safety and significant loss of aviation accidents that were accounting for more than 160 mln. UAH in the last decade.

The basis for safe and regular international air traffic is international aviation standards that include requirements for physical characteristics and configuration of air tools, staff functional responsibilities, the basic rules of aircraft functioning. They define the rules of air traffic within particular countries, including an international scale. It caused the feasibility of establishing the UN specialized agency - Provisional International Civil Aviation Organization (PICAO) at Chicago conference in 1944. In 1947, it was renamed the ICAO (International Civil Aviation Organization).

The main aims and objectives of ICAO are defined by Art. 44 of the Chicago Convention. They include ensuring safe and orderly development of civil aviation at the international level; providing the organization and the coordination of international cooperation in various aspects of civil aviation; promoting design and operation of aircraft for peaceful purposes; encouraging the development of airways, airports and air navigation facilities for international civil aviation; meeting the needs of the world in a safe, regular, efficient and economical air transport; ensuring full respect for the rights of the contracting states and valid opportunities to use their

<sup>390</sup> Concept of the State Target Program of safety for the period up to 2015 [electronic resource]. - Access: [http://www.icao.int/publications/Documents/9975\\_ru.pdf](http://www.icao.int/publications/Documents/9975_ru.pdf).

airlines in the international air traffic for each Contracting State; promoting flight safety in international air navigation.

ICAO is a specialized agency that is organizing and coordinating international cooperation of all aspects of civil aviation. 52 states took its membership when it was established.

The importance of the problem of settlement of international aviation led to the foundation of other international organizations; in particular in 1959, the Agency for Air Navigation Safety in Africa and Madagascar (ASECNA) was established. The corresponding Convention was signed by the Prime Minister of France and 12 African heads of governments of member states of "the French community." The main objectives of this organization was to ensure regularity and safety of flights over the territories of member states on the African continent, providing flight, technical and traffic information, flight control, and air traffic control. In 1969, at the Conference of representatives of 32 African countries in Addis Ababa at the initiative of ICAO and Economic Commission, the African Commission of Civil Aviation (AFCAC) was founded. Its main purpose was to support the development of a common policy of the member States to improve the efficiency of the African air transport under the recommended ICAO guidelines.

European Organisation for the Safety of Air Navigation (EUROCONTROL) was established in Brussels in 1969 as an international regional intergovernmental organization which signed the Convention in Belgium, Great Britain, the Netherlands, Luxembourg, France and Germany. Ukraine joined Eurocontrol in 1999. The main objectives of this organization include securing the flights of civilian and military aircraft. In 1973, in Mexico, Latin Civil Aviation Commission (LACAC) was established. In 1991 in Minsk with the participation of CIS countries (Azerbaijan, Armenia, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine and Georgia), Interstate Council on Aviation and Use of Airspace (ICAUA) was founded. Its purpose is drafting regulations on the use of airspace of a single air traffic control, implementation of international regulations and standards on safety corresponding to the ICAO requirements.

Up to now, there are about 190 ICAO member states, including Ukraine, which is a part of the international organization since 1992 through

succession (the Soviet Union had been a member of ICAO since 10 November 1970). The priorities of the organization comprise technical, economic and legal support of cooperation in civil aviation. ICAO initiates legal acts that unify flight rules, staff requirements, rules on aircraft-life. These documents are systemized in such areas as "Standards", "Recommended Practice", "Procedures".

Since independence, work on the development of legal standards to ensure implementation of ICAO guidelines has been continuously performed. For twenty years, the legal base of civil aviation has been developed. In 1991, our country has acceded to the Agreement on Civil Aviation and the Use of Airspace, the Convention for the Unification of Certain Rules Relating to International Carriage by Air (1929) amended in 1955, the Convention on International Civil Aviation of 1944.

The accession of Ukraine to the ICAO marked the prioritization of the development of state Civil Aviation that is reflected in the Decree of the President of Ukraine "On measures to ensure the development of Civil Aviation of Ukraine" (1994), the Cabinet of Ministers of Ukraine "On the order of air traffic across the state border of Ukraine" (1995) and "On the support of the "PC" flight of the officials of Ukraine and foreign states" (1996). In 1999, the rules on mail transportation by aircraft were developed, and in 2002, the procedure and the rules of obligatory insurance of civil aviation as well as the regulations on use of the airspace of Ukraine were introduced.

An important step in the development of the legislation on aviation in Ukraine in 2003 was the adoption of the State program of civil aviation safety (the Law of Ukraine № 545-IV of 20.02.2003).<sup>391</sup> It was developed under the Conventions on the International Civil Aviation, preventing hijacking and illegal Acts that are against the Safety of Civil Aviation. The purpose of the program was the development of organizational and legal fundamentals on aviation safety and efficiency of the civil aircraft activity. Its main objectives are taking measures to ensure protection, safety and security of passengers, cabin crew, aviation staff, aircraft, airport facilities, etc. An important feature of the program is the fact that in general, its basic provisions proceeded with international standards. In particular, the

<sup>391</sup> On the State Program of Aviation Safety of Civil Aviation Law of Ukraine №545-IV of 20.02.2003 [electronic resource]. - Access: <http://zakon2.rada.gov.ua/laws/show/545-15/page2>.

program provided the international agreements on air services which were signed by Ukraine with other states and include the requirements of aviation security in accordance with the standards and recommendations of the International Civil Aviation Organization. One of the priorities of the authorized body for aviation safety of civil aviation is considered to be the cooperation with the International Civil Aviation Organization in such areas as participation in drafting international conventions and multilateral agreements in the aviation security area, the submission of proposals for improving international legislative acts relating to aviation security, development of proposals to improve aviation security, participation in the work of international civil aviation organizations that is aimed at aviation security, cooperation with the International Civil Aviation Organizations on a permanent or temporary basis.

The aim of enhanced cooperation with international organizations in the area of civil aviation is to bring the national legislation for aviation safety in line with the international standards. After the introduction of the Programme, important steps for legislative support of aviation security were made. The provisions on the use of air space of Ukraine (2003), Resolution of the Cabinet of Ministers of Ukraine "On the list of dangerous items and substances prohibited for carriage by air" (2007), the Air Code of Ukraine (2011) were adopted. Besides, the process of implementation of ICAO aviation safety standards was very long and challenging. Therefore, after making the decision on the European vector of development in Ukraine, standard-setting campaign on bringing technical standards in compliance with EU legislation was launched. In 2015-2016, about 15 thousand Soviet state standards were repealed, and more than 4,000 modern technical standards that were consistent with international and European requirements were adopted. In January 2015, the law on adaptation of Ukrainian legislation to EU standards in technical regulations and conformity assessment was adopted.

The logical step was the adoption of the draft law "On State Program of Civil Aviation Safety" by the Verkhovna Rada of Ukraine in January 17, 2017.<sup>392</sup> Its feature is the maximum consideration of the ICAO standards; in the short term, it will enable an agreement on mutual recognition of

<sup>392</sup> On the adoption of the draft law of Ukraine on the State program of civil aviation safety: Resolution of the Parliament of Ukraine [electronic resource]. - Access: <http://zakon2.rada.gov.ua/laws/show/1813-19.4>.

certificates of standardization between Ukraine and the European Union, and getting the aircraft of domestic enterprises certified that in its turn, will ensure the integration of the domestic aviation industry into the European and international transport space.

At present, ICAO is a major international organization, which defines the conceptual development policy on civil aviation and develops standards and guidelines that regulate the work of other intergovernmental organizations on air transport, as well as national air carriers.

In the air safety area, current priorities of ICAO are regarding issues related to risk management for aviation security and facilitation; the development of educational materials; assisting Member States in ensuring compliance with the ICAO on aviation security; creation of functional elements and methods of implementation of a global system of market measures to reduce aviation emissions; formulation of policies and standards to support reconciliation and efforts in the development of alternative types of fuel and environmental acceptance of more demanding standards on aircraft noise; development of new ICAO statistical programs and innovative strategies to attract and retain the next generation of aviation professionals.

ICAO activity is aimed at continuous improvement of high performance in civil aviation safety; it covers four main areas: policy and standardization, monitoring major trends and indicators in the safety area, safety analysis, implementation of safety programs.

In 2011, Manual Navigation (Doc 9613), the ICAO instructional materials was updated and published; it addresses issues concerning flight inspection technology-based schemes and qualification requirements for pilots. The ICAO strategy focuses on reducing the number of accidents by improving the coordination and harmonization of programs in the safety area. Other initiatives in the area of safety concern improving reporting procedures, which is a support for a regional system of safety management, the Global Roadmap of flight safety, general methods of upgrading aviation systems, global concept that considers the flight trajectory across the population and combines air, land and regulatory components of the global air navigation system into one single unit.<sup>393</sup>

<sup>393</sup> Annual Report of 2011. Documentation for the Session of the Assembly in 2013 [electronic resource]. - Access: [http://www.icao.int/publications/Documents/9975\\_ru.pdf](http://www.icao.int/publications/Documents/9975_ru.pdf).

State regulation in the civil aviation area of Ukraine is the State Aviation Administration of Ukraine, which is the authorized body for civil aviation and implements the national policies and strategies of the domestic aviation. This body takes comprehensive measures to ensure flight safety, aviation, environmental, economic and information security, ensuring conditions for the development of aviation; organizes the use of the airspace of Ukraine. State regulation on airspace use is provided on the basis of joint decisions of the authorized body on civil aviation and the Ministry of Defense of Ukraine.

In 2009, Ukraine adopted the Concept of the State Target Program of Aviation Safety, which provides for the development and the assumption of effective measures for the introduction of safety management as required by ICAO and Eurocontrol. An important area was identified to be the problem on solving air safety problems and enhancement of the attractiveness of Ukrainian air transport, the competitiveness of domestic aircraft operators. State Target Program of Aviation Safety provides for ensuring the proper level of safety for each subject of aviation, including aircraft operators and airports, organizations that specialize in aircraft maintenance, providers of air navigation services, civil aviation educational institutions, developers and manufacturers of aircraft. According to the requirements of ICAO and EEC, it provides for the introduction of modern approaches to safety management through the establishment of regular work to identify and eliminate risks that will ensure the safety during the operation of the aircraft, airports, certification of personnel, air traffic services, and maintenance of airworthiness.

A necessary condition for the introduction of a modern approach to safety management was determined to be the development of new regulatory acts, improvement of public policies on the regulation of air transport. Implementation of this program will increase the safety level up to 50%.

Improved air safety is ensured by implementing all subjects of aviation safety management system, gradual upgrade of civil aviation infrastructure, renewal of civil aircraft structures and their maintenance, strengthening control over compliance with the safety of aviation operations. According to the recommendations made by ICAO the optimal balance of the system of

state regulation on establishing requirements for aircraft operators, airports and companies providing aviation services will be ensured.

The leading role in the training of the professionals, who are going to carry out the implementation of safety management in accordance with the recommendations of the International Civil Aviation Organization, is played by a training center at the airport "Boryspil" and the ICAO Institute of the National Aviation University. In particular, training centre in Boryspil has lately trained a significant number of aviation safety experts for the CIS countries, Baltic States and Ukraine. The activities of this center were highly appreciated by the ICAO management. Cooperation between National Aviation University and ICAO began in the 80's of the XX century by participation in the programs of training specialists, military pilots training, development and translation of ICAO materials. Since 2000, the ICAO Institute of the NAU has trained and retrained more than 2800 employees of Aviation Administration, airlines, airports, aviation enterprises, flying clubs, aviation schools in Ukraine and 35 foreign countries. ICAO Institute has close contacts with aviation administrations and companies in many countries and cooperates with the ICAO Council, ICAO Aviation Safety Office, ICAO European and North Atlantic Regional Office. In Ukraine, the ICAO Institute at the National Aviation University, which is actively involved in the organization activities, functions.

In recent years, ICAO has made a significant contribution to a world system of aircraft support to ensure global security of passengers and commercial traffic. 39<sup>th</sup> session of the ICAO Assembly, held in Canada in 2016, dealt with topical issues relating to security, modernization of the management of air traffic, new technologies of air traffic management, aviation market liberalization of services and access to it.<sup>394</sup>

Facing the challenges of global problems, ICAO and its regional offices make efforts in developing and implementing regulatory, organizational support of the safety management system of air passenger transport on the basis of common and national interests of particular air traffic states.

<sup>394</sup> 39<sup>th</sup> Session of the ICAO Assembly [electronic resource]. - Access: [http://www.icao.int/Meetings/a39/Pages/RU/default\\_RU.aspx](http://www.icao.int/Meetings/a39/Pages/RU/default_RU.aspx).