

# МІЖНАРОДНЕ ПРАВО



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## THE INTERNATIONAL LEGAL COOPERATION BETWEEN UKRAINE AND THE EUROPEAN UNION IN BUILDING MODERN SYSTEM OF EUROPEAN SECURITY

*On the way to the EU integration, Ukraine faces substantial challenges in the area of security. Europe's number one security concern, of course, is Russian aggression in Ukraine. At the moment, the EU can be viewed rather as an informal collective security and defence organisation, but if Ukraine achieves further progress on the way to EU membership, then, in the future when the issue of Ukraine's membership may be considered, the security status of the EU could become formalised enough and Ukraine would obtain the security guarantees of full value; which the country lacks today.*

**Keywords:** European integration; security policy; foreign policy; Ukraine; European Union; NATO.

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**Международно-правовое сотрудничество Украины и Европейского Союза в строительстве современной системы европейской безопасности**

*На пути к европейской интеграции Украина сталкивается с серьезными проблемами в области безопасности. Российская агрессия в отношении Украины, безусловно, является ключевой проблемой обеспечения безопасности в Европе. На нынешнем этапе развития ЕС можно рассматривать скорее как неформальную организацию коллективной безопасности и обороны. Однако если Украина со временем достигнет существенного прогресса на пути вступления в ЕС, то тогда вопрос о ее членстве в Европейском Союзе может быть рассмотрен. В этом случае Украина сможет в полной мере получить гарантии своей безопасности.*

**Ключевые слова:** европейская интеграция; политика безопасности; внешняя политика; Украина; Европейский Союз; НАТО.

***Theme formulation and topic relevance.***

**The Impact of the Common Security and Defence Policy of the European Union on the reform of the security sector in the Eastern Partnership region**

Article 8 of The Treaty on the European Union emphasizes that the Union develops special relationships with the neighbouring countries with the aim of creating, on the foundation of the EU principles, the space of prosperity and good-neighbourliness, which is characterized by close and peaceful relations on the basis of cooperation. In order to fulfil the provisions of the article mentioned above in the area of Common Foreign and Security Policy, the EU decided to implement special forms of cooperation with the neighbouring states. That's why the Union established a new platform for deeper cooperation within the European Neighbourhood Policy – the Eastern Partnership, which determined the conditions for promoting proper reception of the EU standards and a clear framework for approximating the countries of the region to the EU [1, p. 49–51].

As the Commissioner for Enlargement and European Neighbourhood Policy Štefan Füle noted, the Eastern Partnership is the European Union's policy launched in 2009 and aimed at bringing Eastern neighbours closer to the Union. Its instruments are employed to assist the countries concerned with their transformation, the implementation of democratic, economic and other reforms, and thus, strengthen the stability in the region and expand the prosperity, which will bring direct benefits both to the citizens of the Eastern Partnership countries and the people of the EU.

The initiative proposed by Poland and Sweden in 2008 and approved by the Council on March 20<sup>th</sup>, 2009 entered into force in May of 2009. In the Presidency conclusions containing the Declaration by the European Council on the Eastern

Partnership issued on 19<sup>th</sup>-20<sup>th</sup> of March 2009, it was stated that «*the European Council commits, on the terms set out in the declaration, to a deeper bilateral engagement and to a new multilateral framework involving the EU, Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine, aiming at accelerating reforms, legislative approximation and further economic integration*» [2, p. 12].

The European Commission offered 4 thematic platforms or strategic areas for cooperation with the Eastern partners, which include the following:

- democracy, good governance and stability system (administrative reform, anti-corruption measures, training of managerial staff, civil society development, free media and others);

- economic integration and convergence with EU's sectoral economic policies, including the free trade agreements (as the successful development of trade and economic relations; harmonization of legislation with the EU legal framework);

- energy security (measures to ensure a reliable energy supply to Eastern Partnership countries and the EU, energy efficiency and development of renewable energy);

- people-to-people contact support (visa regime facilitation) [3, p. 5–6].

The security factor is gaining importance in EU's external activity with the need to extend the Union's role as a security provider in the world. Given the fact that the Eastern Partnership region is where the major security and instability issues concentrate, the Union understands that it has to address the security risks of partner states through the cooperation within the frameworks of the CSDP and peacekeeping activities in the Eastern Partnership states [4, p. 94].

The current development of the situation in the Eastern Partnership region has brought the security dimension to the foreground. The region has dramatically changed after the aggression of the Russian Federation against Ukraine. The EU reviewed and entered corrections to its policy regarding Russia, which, in light of recent events, is no longer considered a reliable partner.

In the Joint Conclusion Paper «Towards a New European Neighbourhood Policy» issued on March 4<sup>th</sup> 2015, the EU recognized that the situation in the neighbouring countries and the Eastern Partnership region in particular is less stable than it was ten years ago. It was expressed that the EU seeks to promote stability on its borders and that to address the security challenges arising in the neighbouring countries and within the EU, the Union has to draw on all its cooperation instruments, including the ones available within the Eastern Partnership initiative [5, p. 6].

On November 24<sup>th</sup> 2017 the participants of the Eastern Partnership Summit adopted the Declaration to conclude the agreements achieved during the event. The document included several references to the burning security issues shaping the current reality of the Eastern Partnership region and the need to deepen the countries' involvement in the CSDP. Most importantly, it made an emphasis on the "cooperation and EU support in security sector reform, implementation of integrated border management, disrupting organised crime, human trafficking and smuggling, addressing irregular migration, tackling hybrid threats, countering terrorism and vio-

lent extremism, including through inter-religious and intercultural dialogue, preventing radicalisation, enhancing cybersecurity and fighting cybercrime, strengthening disaster prevention, response and crisis management will improve partner countries' ability to withstand the pressures they face". In this Declaration, the participants also highlighted the importance of improving and strengthening the security cooperation in the spheres of CSDP [6, p. 7].

And even though the Eastern Partnership has come under frequent strong criticism, as it didn't manage to solve the political and economic problems in the region or at least significantly improve the political, economic and security situation in the region, which only deteriorated over the course of the initiative's existence, it's necessary to admit that the EU has achieved certain success when it comes to improving the security sectors of the Eastern Partnership states. The Union has also been assisting their governments in the matters related to the security reforms.

European Union Advisory Mission (EUAM) Ukraine began operations from its headquarters in Kyiv in December 2014, aiming to assist the Ukrainian authorities «towards a sustainable reform of the civilian security sector through strategic advice and hands-on support for specific reform measures based on EU standards and international principles of good governance and human rights».

The EUAM Ukraine activity is based on three pillars: strategic advice on civilian security sector reform, in particular the need to develop civilian security strategies; support for the implementation of reforms, through the delivery of hands-on advice, training and other projects; cooperation and coordination, to ensure that reform efforts are coordinated with Ukrainian and international actors [7, p. 10].

It's worth to note that the initial request from the Ukrainian authorities was for a mission of a larger scope, able to provide assistance when it comes to monitoring the administrative line of occupation between Ukraine and Crimea. However, the EU agreed on the establishment of a EU-CSDP mission with a narrower mandate and primarily consultative purpose. This was due to the lack of consensus among EU member states on the form of intervention and the mission's composition [8, p. 14].

The EUAM Ukraine has provided strategic advice on reforming concept papers and strategies, including the Strategy of the Reform of the Internal Affairs Agencies; National Police Reform Concept; Law of Ukraine on the National Police; draft Law on Freedom of Assembly, and National Human Rights Strategy. The EUAM Ukraine contributed to establishment of the National Police of Ukraine by carrying out numerous training programs and workshops, including on public order, rights of peaceful assembly, community policing, leadership, and strategic communication [7, p. 10].

Since the beginning of 2016, EUAM has expanded its mandate and added operational projects, and training activities to it with the aim to provide assistance to the Ukrainian government with the implementation of reforms.

According to the experts working for the Mission, there are numerous challenges that hinder reform of the civilian security sector. Those include the governmental institutions' unwillingness and resistance to change, gaps in legislation, insufficient

funding, unsatisfactory professional standards in different sectors of the national security, the lack of coordination between different agencies, and the prevalence of corruption.

However, with the support of the Mission, the Ukrainian government has taken some positive steps towards reform. When it comes to the security sector, the most important achievements of the Mission are the following:

1. Legislative support: Development of the Law on the National Police (in 2015) and amendments to the Law (2016) as well as support a number of other laws, including legislative frameworks for peaceful assembly and fighting financial and cybercrime.

2. Launch of quick-response teams and ‘Sambir police model’ in 2015, aimed at increasing public trust and responsiveness of police force by decreasing police response time to citizens’ requests; rollout of the project in 123 police stations in 5 regions.

3. Delivery of training programmes at the National Academy of Prosecutors.

4. Development and approval of the Ministry of Internal Affairs’ Strategy 2020, approved by the Minister of Internal Affairs in June 2017.

5. Assistance in drafting the Law on National Security of Ukraine, which is aimed at establishing clear delineation of responsibilities among all security sector agencies.

6. Support in developing a reform concept for the State Security Service, which foresees the transformation of the Service from a law-enforcement body into an intelligence-gathering agency. As of now, this has yet to be approved by the President of Ukraine.

7. Establishment of the Border Management Assistance Group platform for the border guard and donor community in Ukraine.

8. The set-up and delivery of human-resource management training for State Border Guard and State Fiscal Service HR managers from all across Ukraine.

9. The support provided to establish, improve and reform the governmental anti-corruption bodies and judicial system, since it’s a crucial part of the civilian security sector of any state [9].

On 20 November, the Council of the European Union adopted a decision to extend the mandate of the European Union Advisory Mission in Ukraine until 31 May 2019 and approved a budget of € 32 million for the next 18 months [10].

### **General objectives of Ukraine’s cooperation with the EU and NATO in the sphere of foreign policy**

Ukraine’s diplomatic relations with the European Union began back in 1991, when the President of the EU, the Minister of Foreign Affairs of the Netherlands, officially recognized Ukraine’s independence on behalf of the organization. Since that time, Ukraine’s relations with the Union in the area of foreign policy significantly improved. The deepening of the cooperation between the EU and Ukraine in the spheres of Common Foreign and Security Policy is still among the top priorities for both the Union and our state.

This assertion may be proved by the following facts:

1. Ukraine's aspirations to become a European state and join the union, which was confirmed during the Revolution of Dignity and Ukrainian laws governing the framework and objectives of the state's foreign policy<sup>1</sup>. One of the latest legislative acts proving Ukraine's intentions to build closer relations with the Union was adopted by our Parliament on the 13<sup>th</sup> of March 2014. It was the Resolution «On confirmation of Ukraine's course towards integration into the European Union and priority measures in this direction», declaring that the Ukraine's foreign policy course toward the integration with the EU is irreversible [13].

2. The signing of the Association Agreement between Ukraine, the EU and its member states, as well as the support the EU provides to our state when it comes to the implementation of this agreement and the strengthening of Ukraine's positions on the international arena.

Due to the last fact, the primary objective of cooperation between the EU and Ukraine in the sphere of foreign policy is the successful implementation of the Association Agreement, which should ultimately bring socio-economic benefits both to Ukraine and the Union.

The EU integration course of Ukraine for the fourth year in a row was marked by the unconditional consensus among all branches of the power. However, due to a number of the processes inside the union, the 2016 Analytical Report of the President's Annual Address to the Parliament said: "After the UK referendum regarding the EU membership, the EU membership as an ultimate goal of the European integration is losing its absolute value. Instead, instrumental aspects of cooperation between Ukraine and the EU to carry out internal reforms and modernization increase their importance to a significant degree" [14, p. 48].

Despite that fact, it's impossible to deny that the dialogue between the EU, its member states and Ukraine has strengthened and become more frequent. Due to the complications appearing on Ukraine's way toward integration with the EU, which include, but are not limited to Russia's continuous aggression in Eastern Ukraine and Crimea, the changes in EU-Russia relations caused by it and the need to restore peace in Europe.

The general objectives of cooperation between the EU and Ukraine are outlined in the Association Agreement between these parties. To begin with, the first article of the Agreement states that promoting gradual rapprochement between the EU, its member states and Ukraine, as well as preserving and strengthening peace and stability in regional and international dimensions are among the primary objectives of the Association.

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<sup>1</sup> There is no competition between the European and Euro-Atlantic dimensions of Ukraine's strategic course towards Europe, that is, as we move towards the choice of a Westernised civilisation as averse to historical Russian values [11]. Regional security will be shaped primarily by the regional security structures. In Europe such a structure could be developed on the basis of CSDP, which currently is significantly weaker than NATO, but in the future it is likely to assume full responsibility for regional security [12].

Further, Article 4 determines the scope and the aims of political dialogue:

(a) to deepen political association and increase political and security policy convergence and effectiveness;

(b) to promote international stability and security based on effective multilateralism;

(c) to strengthen cooperation and dialogue between the Parties on international security and crisis management, particularly in order to address global and regional challenges and key threats;

(d) to foster result-oriented and practical cooperation between the Parties for achieving peace, security and stability on the European continent;

(e) to strengthen respect for democratic principles, the rule of law and good governance, human rights and fundamental freedoms, including the rights of persons belonging to national minorities, non-discrimination of persons belonging to minorities and respect for diversity, and to contribute to consolidating domestic political reforms;

(f) to develop dialogue and to deepen cooperation between the Parties in the field of security and defence;

(g) to promote the principles of independence, sovereignty, territorial integrity and the inviolability of borders [15].

When it comes to the joint activities conducted by the EU or its member states and Ukraine on the international arena, it's worth to mention that resolving the conflict in Eastern Ukraine and improving region's security are currently the core elements of the foreign policy cooperation. Now, it's primarily aimed at establishing peace and restoring the territorial integrity of our state. The members of the EU (France and Germany) have been committed to providing mediation to the parties of the conflict within the Normandy contact group since the beginning of the process.

However, despite the fact that multiple rounds of negotiations were carried out and two agreements designed to restore peace in the region were signed by the parties able to ensure the implementation of the obligations those documents included, it's clear that the conflict wasn't resolved and the military actions are still being conducted. At the same time, the conflict has moved into the "frozen" stage with the outbursts of active military actions happening from time to time. It decreased the number of casualties and allowed to provide more assistance to the civilian population living along the so-called "grey zone". According to the experts, it will take a lot more time and the effort of major international powers to reach the full ceasefire, and establish peace in the region.

It's worth to mention that in to the illegal annexation of Crimea and deliberate destabilisation of a neighbouring sovereign country, the EU has imposed restrictive measures against the Russian Federation. EU's diplomatic restrictions against the Russia were first imposed at an extraordinary meeting of EU leaders on 6 March 2014. The EU gradually increased its restrictive measures, starting on 17 March 2014 with the targeted sanctions against persons responsible for actions against Ukraine's territorial integrity, sovereignty and independence. In view of Russia's actions

destabilising Eastern Ukraine, a first package of significant economic sanctions targeting cooperation and exchanges with Russia was announced on 29 July 2014.

A reinforced package of economic sanctions was announced in September 2014. At the same time, the EU participated directly in negotiating the Geneva Joint Statement of 17 April 2014. It welcomed the subsequent agreements for a ceasefire and further steps to stabilise the situation and achieve a political solution, reached in Minsk in September 2014 and in February 2015.

The duration of the EU's economic sanctions against the Russian Federation is clearly linked to the complete implementation of the Minsk agreements. As part of its efforts for a political solution, the EU has stepped up its assistance to the Organisation for Security and Co-operation in Europe (OSCE), conducted trilateral talks on trade and energy-related issues with Russia and supported political engagement including through discussions in the Normandy format (France; Germany; Ukraine; Russia) and the Trilateral Contact Group (OSCE; Ukraine; Russia) [16, p.7].

Additionally, as part of the EU's non-recognition policy of the illegal annexation of Crimea and Sevastopol, the EU has imposed substantial restrictions on economic exchanges with the territory. Among others, these include such important measures as the ban on imports of goods originating in Crimea or Sevastopol unless they have Ukrainian certificates and prohibition to invest in Crimea [17].

Another field of Ukraine's cooperation with the EU is the security sphere. Here, the top-priority directions are:

1) expanding political and military dialogue between the Ukrainian Armed Forces' authorities and the EU;

2) providing training to Ukrainian officers in the European Security and Defence College, as well as in the national institutions of the member states;

3) preparing and ensuring Ukraine's participation in common military training and multinational peace-keeping operations;

4) engaging Ukrainian Armed Forces in the formation of the EU's multinational tactical battle groups;

5) employing Ukraine's air transportation capabilities when peace-keeping operations led by the EU are carried out;

6) setting up Ukraine's cooperation with the security agencies and organs of the Union (the General Secretariat of the Council of the European Union, the European Union Military Staff, the European Defence Agency, the European Union Institute for Security Studies) [18, p. 19];

7) working together at bilateral, regional and international levels to prevent and combat terrorism in accordance with international law, international human rights standards, and refugee and humanitarian law;

8) tackling the root causes of migration, establishing joint management of migration flows, conducting preventive policy against illegal migration and trafficking in human beings, developing and implementing integrated border management [15].

Defence and security cooperation, both in terms of policy and practice, is a key link between the NATO, EU and Ukraine and holds great promise for success if the political will to act exists.

Bearing in mind the ultimate goal of joining the European defence and security system, Ukraine has been building its relationship with NATO – the organization bearing most of the responsibility when it comes to maintaining peace and security in the region and having all the military resources for that matter.

Relations between NATO and Ukraine date back to the early 1990s and have since developed into one of the most substantial of NATO's partnerships. A ground-breaking event in the history of Ukraine-NATO relations happened in 1997, when the parties signed the Charter on a Distinctive Partnership between the North Atlantic Treaty Organization and Ukraine. This document outlined the areas and the long-term goals for cooperation. When it comes to the foreign policy, those included:

- political and security related subjects, in particular the development of Euro-Atlantic security and stability, including the security of Ukraine;
- conflict prevention, crisis management, peace support, conflict resolution and humanitarian operations, taking into account the roles of the United Nations and the OSCE in this field;
- the political and defence aspects of nuclear, biological and chemical non-proliferation;
- disarmament and arms control issues, including those related to the Treaty on Conventional Armed Forces in Europe (CFE Treaty), the Open Skies Treaty and confidence and security building measures in the 1994 Vienna Document;
- arms exports and related technology transfers;
- combatting drug-trafficking and terrorism [19].

Moreover, in 1994, Ukraine joined NATO's "Partnership for Peace" program to develop closer relations with the Organisation, implement jointly defined priorities and eventually lead the partnering country closer to the membership. The political cooperation and dialogue happens on the level of highest Ukrainian officials and Organisation representatives, as well as through the NATO – Ukraine Commission.

The external cooperation between NATO and Ukraine is outlined in Annual National Programme for NATO – Ukraine cooperation within the framework of Working plans of NATO. Armed Forces of Ukraine have been involved in a number of Alliance's projects and initiatives that are aimed at increasing their operational and defence capabilities.

Since 2004, the Armed Forces of Ukraine are taking part in Operational Capability Concept, which was created to improve the level of interoperability between the units of partner states that are participating in NATO "Partnership for Peace" program and NATO member-states. The goal of this concept is to enhance operational capabilities of the partnering states through the use of leading armies' standards in training and combat work.

A number of units of the Armed Forces of Ukraine are declared to participate in the project; these units are trained by NATO standards and are appropriately

assessed. The program allows such units to participate in NATO-led operations and training exercises, and to get involved in operational duty in multinational military forces of high readiness (led by NATO, EU, and UN).

Since 2008, the Ukrainian military are participating in NATO Air Situational Data Exchange Program, which was launched in 2001 with the aim to cooperate in battling air terrorism. The program provides the data exchange mechanism on air situation in the western and southern regions of Poland, Romania, Slovakia, Turkey, Hungary and Ukraine, and over the Black Sea region.

In 2012, the Armed Forces of Ukraine joined the Connected Forces Initiative, the main aim of which is to improve interoperability and increase the ability of NATO's and partners' militaries to work together when performing tasks in multinational operations [20].

Since 2014, in the wake of the Russia-Ukraine conflict, cooperation has been intensified in critical areas.

The 2014 NATO Wales Summit declaration stated that 'Russia's aggressive actions against Ukraine have fundamentally challenged our vision of a Europe whole, free, and at peace, [with] long-term consequences'. NATO took another step to reassure allies and partners in central and eastern Europe, as well as deter Russian aggression, and adopted the Readiness Action Plan. It includes tripling the Response Force, creating a Very High Readiness Joint Task Force and boosting presence in eastern Europe.

NATO has been standing up for Ukraine's territorial integrity and contributing to the peace-building process. The Organisation continually stressed Russia's 'significant responsibility' to implement the 2015 Minsk peace agreements (negotiated by Ukraine, Russia, France and Germany). Following the April 2016 NATO-Russia Council, NATO Secretary-General Jens Stoltenberg stated that all Council members agreed on the need for a 'full and rapid implementation' of the agreements, including full access for international monitors.

Making an emphasis on the constant ceasefire violations and impediments to the work of OSCE observers, Stoltenberg urged Russia 'to stop supporting the militants, and withdraw its forces and military equipment from Ukrainian territory' [21, p.2].

It's impossible not to mention that Ukraine's willingness to join NATO has been gradually increasing since the start of its relationship with the Organisation and reached its peak after the development of the armed conflict on the territory of our country. On December 23<sup>rd</sup>, 2014 the Ukrainian Parliament voted to drop the country's non-aligned status and work towards NATO membership [22]. However, despite the long-lasting participation of our country in the "Partnership for Peace" program, which served as the transition stage for many Eastern European countries that joined NATO after the fall of the Soviet Union, the Organisation's officials were clear that it is not ready to consider accepting Ukraine as one of its members.

There're multiple formal reasons why the membership isn't accessible for our country at the moment. The primary one is that such membership would ultimately 'trigger' the state's collective self-defence obligation Article 5 of the North Atlantic

Treaty contains. And that would mean that most of Europe, Canada and the United States had to engage in a military action against Russia.

The financial factors and the ongoing conflict within the Ukrainian society regarding the participation in NATO don't help the state officials to reach the membership goal.

***The Ukrainian factor in shaping Europe's security space at the current stage***

As a natural part of Central and Eastern Europe, Ukraine should be focused both on creating a stable, friendly external environment, which will allow it to adequately react to political and economic threats to the national security, and implementing a crucial internal program designed to transform the country into an open, democratic, prosperous society with a market-oriented economy.

Ensuring that the external factors affecting national security remain stable is a major priority of Ukraine's foreign policy, which is reasonably difficult due to the fact that our country is located in the so-called "belt of instability". At the same time, Ukraine's success in maintaining that stability influences not only the country alone, but also impacts the political and security climate on the entire European continent. Why is that?

The Ukrainian crisis has put the EU and Russia on an increasing collision course – a course that neither side wanted nor foresaw. As Ulrich Speck has noted, the EU never intended to get into a geopolitical confrontation with Russia; rather, it "sleepwalked" into it. Now, the European leaders understand that the geopolitical stakes are too high for either side to easily back down. For the EU, there're two important interests to focus on: first, the stabilization of the instability zone and turmoil on its Eastern periphery, and second, the respect for the principle that European borders cannot be changed by force [23, p. 24–25].

Russia's aggression against Ukraine and prolonged military actions happening on our country's territory automatically meant that a huge hole in the EU security and defence system was forming. And since the EU and the US 'missed' the signal Russia sent back in 2008 when its armed forces intruded Georgia and didn't develop a united political course regarding Russia, the EU had to express a stronger reaction this time around. And it did. Multiple times, the Unions officials and the representatives of the member states expressed their disturbance with the events unveiling in Ukraine, as well as took action in form of sanctions against Russia. The High Representative Federica Mogherini announced that the EU is going to put a hold on its cooperation with the Russian Federation in 2014. In that same year, the Secretary General of NATO made a historical statement that the Organisation and Russia weren't partners anymore.

After the crisis in our country and observing Russia's demonstration of power multiple times (let's just mention the aircrafts violating the borders of the EU countries and the alleged cyber-attacks), European countries had to review most of the aspects of their security policies, from cybersecurity to the military budgets and capacities, as well as general political courses, relationships with Russia and other international partners. They had to revise their approach to ensuring stability in

the region and consider deeper integration in the matters relating to the common security and defence.

The decision establishing PESCO was adopted by the Council on December 11th, 2017. It is based on Article 42(6) of the Treaty on European Union, which provides that the member states with military capacities fulfilling the higher criteria and which made more binding commitments in the sphere of military cooperation and security should establish permanent structured cooperation within the EU [24]. Essentially, PESCO is a Treaty-based framework and process to deepen defence cooperation amongst EU Member States who are capable and willing to do so. The aim of this integration is to jointly develop defence capabilities and make them available for EU military operations. This will thus enhance the EU's capacity as an international security partner, also contributing to protection of Europeans and maximise the effectiveness of defence spending [25]. The countries agreed to increase their defence budgets, defence investment expenditure, efforts in the cooperation on cyber defence, capability development and the deployability of the forces.

The Council will be responsible for overseeing the policy and adopting decisions or recommendations providing strategic direction and guidance, ensuring the fulfilment of the more binding commitments the states have taken upon themselves, assessing the contributions of member states and updating their commitments. According to the decision, each participating member state should provide the Union with a plan for national contributions and the military capacities developed within the PESCO framework will remain within their sphere of influence [24].

Despite the positive changes in the EU's security and defence policy and the moves toward closer integration in that field, it would be ignorant if we ignored the fact that the events in Ukraine led to yet another split among the EU member states, especially when the conflict in Ukraine was only evolving and there was still hope that diplomatic means and gestures could convince Russia to stop the aggression and reverse its adverse effects. A lot of effort was put into the adoption of the aforementioned decision. The fact that the states were having a bit of an argument when imposing sanctions should not be forgotten as well. And, even the need to develop a military capacity outside NATO which is driven by the desire of the EU states to be able to react to certain events without having to coordinate its actions with the US or Canada is alarming to a certain extent.

It's worth to mention a different comment made by Jan Techau. In one of his articles he mentioned, that the crisis over Ukraine is indeed, as many other scholars and political commentators suggest, about the future of the political and security order in Europe. But contrary to what many of them claim, the changed it implied and the consequences it will cause are much less about rules, architecture, and all the other abstractions the analysts discuss. It is more about who is willing to put the military might and the full diplomatic force on the line to defend Western and Central Europe. Shortly, Techau makes the point that the Ukraine crisis is about the division of powers and the redefinition of the United States' role in Europe. He thinks that due to the events that happened in Ukraine and its conflict with Russia,

Europeans and Americans are in the midst of negotiating who should be in charge of security in Europe at a time of strategic scarcity [26].

While one may not entirely agree with this opinion, it's difficult to deny that the Ukrainian crisis confirmed the fragility of the European security system. It turned into the biggest challenge since the end of the Cold War, changed the security situation throughout the entire continent and shook the balance of political powers that existed at the time of its beginning. Therefore, European countries are now forced not only to find the way to restore the stability and ensure proper security, but also to participate in the geopolitical games – the division of control spheres.

And, most foreign and national scholars believe that it were the disintegration and reintegration processes taking place on the European continent in the past 20 years that aggravated old and gave rise to new threats and challenges, caused instability and emergence of areas of active, “frozen” and potential conflicts, including in and around Ukraine. Now, our country is turning into a buffer zone, a small coin in the big geopolitical game. This process was facilitated not only by the lack of the state leadership's strategic vision, political will and ability to unite society, but also by the not always productive pliability of the West in relations with Russia.

When it comes to the future of the European security challenges, it seems reasonable to suggest the following possibilities of its development:

1. European countries should concentrate their united efforts on building a fast-response security and defence system, which could be put in action by the decision, adopted by a super-national intuition, but not a collective decision of all EU member states. It will decrease the reaction time, make the Union stronger in face of external threats and allow to build improved military capabilities due to the use application of collective resources. The obligation to protect member states in case of the acts of aggression is rather important in this regard.

2. Develop a comprehensive crisis-management strategy, which would allow to prevent the conflicts on the Union's borders or at least the aggravation of security crises at the early stages of their development, averting the emergence of conflict zones and lasting confrontations.

3. Increase the role of the EU institutions in combating hybrid and cyber threats, terrorism, strengthening border control and energy security.

4. Despite the intention to achieve closer integration in the common security sphere, maintain close transatlantic coordination within NATO, as well as between the EU and the United States in the field of internal security, which opens up possibilities to address military, civil and policing aspects under a single political roof. This is particularly important due to the fact that the financial scope of EU member states in the fields of security and defence will remain limited for the foreseeable future.

5. Establish the energy union and the security and defence union under the auspices of the EU to complement NATO and promote better protection of Europe against various forms of aggression, be able to deploy large-scale missions abroad, including operations against terrorist groups, naval expeditions and active

confronting cyber-attacks, and to have monitoring and evaluation of security risks, planning for emergencies systematically carried out.

**Conclusion.** Thus, in this article we looked through the basics of the EU's Common Security and Defence Policy, as well as Ukraine's involvement in it. We analysed the framework of our country's cooperation with the Union and its member states on security and defence matters, evaluated the assistance the EU provides when it comes to the reform of the Ukrainian security sector. It became evident that Ukraine changed the security climate in Europe dramatically. The events happening in our country forced the EU members to rethink the framework of their security cooperation and take a step closer to the establishment of an independent army and, probably, to the creation of a security union. However, they will have to eliminate their disagreements regarding the common security policy and work on their defence systems not to fail restore and maintain peace and stability in the region.

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**Міжнародно-правове співробітництво України і Європейського Союзу у будівництві сучасної системи європейської безпеки**

*На шляху до європейської інтеграції Україна стикається з серйозними проблемами у сфері безпеки. Російська агресія по відношенню до України є ключовою проблемою з точки зору забезпе-*

чення безпеки в Європі. Оскільки Україна в сучасних умовах неспроможна забезпечити свій суверенітет і територіальну цілісність, вона вимушена активізувати співробітництво з міжнародними організаціями, насамперед з Європейським Союзом і НАТО в сфері безпеки.

За майже сімдесятирічний період розвитку інтеграційного процесу ЄС перетворився на одного з світових економічних лідерів. Однак його потенціал як глобального політичного і військового гравця на світовій арені викликає сумніви. Європейський Союз у сучасних умовах можна розглядати скоріше як неформальну організацію колективної безпеки і оборони. Намагаючись змінити цю ситуацію, ЄС вдається до певних кроків, які мають суттєво посилити його вплив у питаннях забезпечення безпеки принаймні в Європі. Одним з пріоритетів ЄС в цьому напрямі є активізація відносин з сусідами Союзу на Сході (реалізація програми «Східне партнерство»), зокрема з Україною, з метою створення на основі принципів ЄС простору процвітання та добросусідства. Протистояння між Росією і Україною обумовило зміщення акцентів співробітництва сторін з економіки у сферу безпеки. З 2014 р. ЄС з метою надання допомоги Україні в питанні реалізації реформи сектора безпеки проводить стратегічні консультації та надає підтримку конкретних реформ у цій сфері на основі правових стандартів Євросоюзу. Крім того, відповідно до проекту Угоди про асоціацію передбачалося співробітництво України з ЄС в сфері безпеки та оборони. Однак через позицію Нідерландів, яка відмовлялася ратифікувати Угоду, Європейська рада у грудні 2017 р. ухвалила документ, який відкрив шлях до завершення ратифікації Угоди. Хоча окремі експерти вважають, що ухвалене рішення нічого не змінює в Угоді про асоціацію і не обмежує Україну в співробітництві і зближенні з ЄС, у ньому були зафіксовані неприємні для України моменти. Так, підтвердження співпраці ЄС з Україною в сфері безпеки супроводжується уточненням стосовно відсутності у Союзу зобов'язань щодо того, що ЄС чи держави-члени повинні забезпечити гарантії колективної безпеки або іншу військову допомогу або підтримку Україні; визнання метою Угоди про асоціацію встановлення більш тісних і тривалих відносин між Україною і ЄС не означає надання статусу кандидата на вступ до Євросоюзу, а також не передбачає жодних зобов'язань присвоєння такого статусу Україні в майбутньому. Разом з тим слід визнати, що у разі, якщо Україна досягне суттєвого прогресу на шляху вступу до ЄС, то питання про її членство в Європейському Союзі може бути розглянуте. Тоді Україна зможе повною мірою отримати гарантії своєї безпеки.

**Ключові слова:** європейська інтеграція; політика безпеки; зовнішня політика; Україна; Європейський Союз; НАТО.

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