

ПРАВОВІ ЗАСАДИ НАЦІОНАЛЬНОЇ БЕЗПЕКИ УКРАЇНИ



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NATIONAL SECURITY STRATEGY OF UKRAINE: HISTORY OF BELATED REFORMS

Among the scientific issues facing the Ukrainian legal community at the present stage, problems in the field of national security law is of particular relevance and practical importance. It is caused, first of all, by the need for systematic reform of the security and defense sector of Ukraine, which is aimed at ensuring the

the constitutional order, sovereignty, territorial integrity of Ukraine in the conditions of armed aggression. Of course, researches in that sphere should not be limited by certain subject directions in the development and resolution of complex problems in particular of national security law. Since independence, there has been no systematic assessment of direct or indirect influence of the national security doctrine on legal regulation of the security sphere in Ukraine. As a result of ignoring the issue on identifying potential opponents of Ukraine and threats caused by them, government, while making security policy, was largely driven by subjective considerations, ignoring existing and potential threats to national security. As a result, it was impossible to properly assess the consequences of political decisions taken in the field of national security.

The article studies the origin, content and political significance of national security doctrine for the formation of relevant legislation in the field of security and defense of Ukraine.

Keywords: national security; strategy; paradigm; national interests; threaten; challenges; aggression; Russian-Ukrainian conflict; Ukraine.

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Стратегія національної безпеки України: історія запізнiлих реформ

Серед наукових питань, що постають перед українською юридичною спільнотою на сучасному етапі, особливо актуальними і практично значимими є проблеми у сфері права національної безпеки. Це обумовлено насамперед необхідністю системного реформування сектору безпеки і оборони України, яке здійснюється задля забезпечення захисту конституційного ладу, суверенітету, територіальної цілісності України в умовах збройної агресії. Звісно, дослідження в цій сфері не повинні обмежуватись окремими предметними напрямками в розробленні та вирішенні комплексних проблем, зокрема права національної безпеки. З моменту здобуття незалежності систематичне оцінювання прямого чи опосередкованого впливу доктрини національної безпеки на правове регулювання сфери безпеки в Україні не проводилося. В наслідок ігнорування питання щодо визначення потенційних противників України і загроз, які від них походять, влада при виробленні безпекової політики керувалася здебільшого суб'єктивними чинниками, ігноруючи існуючі і потенційні виклики національній безпеці. У результаті не було змоги належним чином оцінити наслідки політичних рішень, що приймались у сфері національної безпеки.

У статті досліджуються походження, зміст і політична значущість доктрини національної безпеки для формування відповідного законодавства у сфері безпеки і оборони України.

Ключові слова: національна безпека; стратегія; парадигма, національний інтерес; загрози; виклики; збройна агресія; російсько-український конфлікт; Україна.

Problem setting. The Russian-Ukrainian conflict, as well as set in the Constitution Ukraine's aspirations for membership in the EU and NATO, symbolizes the crisis of the old national security paradigm inherent its methodological settings, which were connected with the attitude of the previous stages of state-building. This crisis necessitates the development of a new paradigm for national security as a theoretical basis for the formation of a new National Security Strategy, which must overcome artificial barriers between internal and external security, defense and diplomacy, energy policy, migration and more. The renewal of the domestic paradigm requires analysis of foreign paradigms of both allies and opponents of

Ukraine; identifying threats and challenges to national security, both those that exist today and those that may arise in the future; defining ways to modernize national security components (economic, military, information, environmental, etc.). Changing the paradigm will lead to significant changes in the criteria that determine the direction of meaningful updating of the National Security Strategy, methods and ways of solving its tasks, which should provide for the following forms of deepening of cooperation of Ukraine with other subjects of international law in the fields of security and defense: strengthening of cooperation between Ukraine and the EU in the defense sphere in accordance with the Association Agreement; closer cooperation between Ukraine and NATO, in particular the acquisition of the status of the US main ally outside NATO; development and approval of the Concept of Foreign Policy of Ukraine; gaining EU and NATO membership.

Analysis of recent research and publications. Domestic scientists have been involved in the development of national security issues in Ukraine since 1991. These studies have been carried out mainly by philosophers, political scientists and specialists in public administration (V. Gorbulin [1], O. Vlasyuk [2], O. Danilian [3], O. Dzoban [4], Lipkan [5], O. Litvinenko [1], G. Novitsky [6] and others). Among the lawyers, these issues were raised in the works of employees of research institutes within the National Academy of Legal Sciences of Ukraine, in particular V. Pylypchuk [7] and V. Nastyuk [8]. Among the scientific works of domestic lawyers, most of the works are devoted to the research of particular components of national security (economic, environmental, information, etc.), while complex monographic studies of national security are almost never conducted. The attention of modern foreign authors is focused primarily on the problem of updating the paradigm and strategies of national security systems, the prospects of creating a European regional security system, the correlation of national systems with regional and international security systems, improving the collective security system (first of all within NATO).

Statement of the article objective. The purpose of the article is to find scientific approaches to updating the national paradigm of national security and formulating proposals for its reflection at the legislative level. This is not just about solving the current challenges of national security in the face of Russian aggression. The renewal of the national paradigm of national security must also take into account the need for tackling more global challenges. There is an assumption that in the future, globalization and regional integration will change the structure of national security of states. A global system of new challenges will increasingly require collective actions. Therefore, traditionally state-oriented approaches to security planning will be poorly adapted to such a burden. That is still the reason why states' response to new threats should entail a change in the architecture of their national security institutions, taking into account that their ensuring will be achieved through joint action at both national, regional and international levels.

Presentation of the main body of the article. Since independence and until the middle 1990s, Ukraine, due to its cultural and economic ties with Russia, was

perceived mainly through the «Russian prism» by the West. Many in Ukraine and abroad believed that Ukraine could not become a sovereign state or would be formally sovereign, but at the same time its foreign policy positions would be subordinated to the policies of Moscow [9, p. 448]. As a consequence, Ukraine was considered as a possible strategic partner of Russia [10]. As a result of such an attitude, Ukraine was paid limited attention by the West, and therefore a lack of resources allocated to it to overcome the difficulties of the transition period, especially in comparison with Poland, Hungary, the Czech Republic and Slovakia. Lacking serious support from the US and the European Union, Ukraine was forced to carefully choose its foreign policy vector. The passivity of Ukraine's foreign policy was due primarily to the desire to get the balance between Russia and the West [9, p. 447]. Ukraine's implementation of multi-vector policies with a focus on economic relations has led to accusations of the inability of the Ukrainian government to clearly define its foreign policy priorities.

The situation was complicated by the nuclear weapons factor: after the collapse of the USSR, a powerful nuclear arsenal remained in the territory of Ukraine, which it could not control (Kiev could only count on blocking missile launch without its consent). Under these conditions, nuclear disarmament was considered by the Government of Ukraine as a possible means of getting out of Moscow's control and establishing relations with the West.

In the early 1990s, the United States and the West generally considered relations with Ukraine primarily through the lens of nuclear disarmament. American and European politicians did not understand Ukraine's geopolitical value for European security ensuring. Thus Ukraine faced with the agreed Russian-US stance on nuclear disarmament [11].

Foreign politics exchange began in the mid-1990s, when Ukraine found itself between two military-political structures: NATO and the Collective Security Treaty Organization (CSTO). Both organizations sought to include Ukraine in their orbit. It caused a problem of choice: either to adhere to one of the military structures, or to maintain non-aligned status in accordance with the Declaration of State Sovereignty. The nature of the international system (unipolar, bipolar or multipolar) is a critical factor affecting the foreign policy of states [12, p. 445]. In the conditions of 1990s, when the US-led unipolar model was adopted, Ukraine opted for NATO cooperation.

In 1993, the Verkhovna Rada of Ukraine adopted a Decree «On the Basic Directions of Ukraine's Foreign Policy» [13], stating that, given the geopolitical position of Ukraine, its declared intention to become a neutral and non-aligned state should be adapted to new conditions and cannot be an obstacle for its participation in the pan-European security structure. The inclusion of NATO in the concept of a «pan-European security structure» was an example of a broad interpretation of this category: the Recommendations of the Parliamentary Hearings on Relations and Cooperation of Ukraine with NATO stated that the North Atlantic Treaty Organization serves as the heart of new pan-European security architecture [14]. At the same time, the ideas of the President of Poland L. Valesa on the creation of the

European «NATO-Bis» security structures [15, pp. 113–124] and the President of Ukraine L. Kravchuk on the formation of the «Baltic-Black Sea Belt» [16, p. 160] have received no support from NATO and the EU.

After long and difficult negotiations, President L. Kravchuk, in view of the threat of international isolation of Ukraine, signed a joint statement on January 14, 1994 in Moscow with the Presidents of the United States and the Russian Federation «On the Elimination of Nuclear Weapons in the Territory of Ukraine». The Statement set out Ukraine's international commitments to obtain non-nuclear status. This made it possible to withdraw Ukraine from international isolation and further intensify its relations with NATO.

In 1994, Ukraine was the first of the former USSR republics to join NATO's Partnership for Peace program. The Charter of Special Partnership between Ukraine and the North Atlantic Treaty Organization (1997) became the legal basis for Ukraine's cooperation with NATO. Although the Charter did not contain provisions on the prospects for Ukraine's NATO membership, such cooperation was considered by the Ukrainian government as an effective guarantee of its sovereignty, territorial integrity and national security.

Adaptation of Ukraine's foreign policy to new conditions was difficult and inconsistent. The process of adopting the general concept of Ukraine's foreign policy was slowed down; The Verkhovna Rada limited itself by adopting separate laws, in particular the Law on the Basics of Ukraine's National Security, which specified its relations with the European Union and NATO. However, the question of developing a national security doctrine was not raised at all.

The national security doctrine is a basic document for planning the development of the national security system of developed countries, which is based on a specific paradigm. Due to the formation of the national security doctrine, the activity of the state in the field of security ceases to be haphazard and fragmented. National security policy is implemented in accordance with the strategy, as a specially designed official document, which is based on the national security doctrine (a set of interconnected ideas in the field of tendencies management, real and predicted, to protect the permanent interests of society and the state). The development of the national security strategy takes into account the diplomatic, economic, demographic, scientific, technical and military potential of the state [17, pp. 4–5].

The absence of a national security doctrine is partly explained by the fact that since Ukraine's independence, no clear national security paradigm has emerged as a set of methods and principles for security policy research; scientific substantiation of national priorities; philosophical and worldview approaches to national security [18]. Among the scientific studies on national security, only about the paradigm of national economic security before the beginning of the Russian-Ukrainian conflict could be found separate articles [19]. But they were mostly devoted to stating the problem rather than revealing its contents.

The government began to develop the National Security Strategy only in 2007 [20]. Significantly, the Russian-Georgian conflict did not cause the revision of the

Strategy. In June 2012, a new version of the National Security Strategy «Ukraine in a Changing World» was adopted [21], which rightly stated that the 2007 Strategy did not become a guiding document for the practical activity of public authorities; there was a neglect of the needs of strategic development of society and the state, as a result of which increased threats to national security, weakened the ability of Ukraine to protect its national interests. Among the threats to the national interests and national security of Ukraine were quite right mentioned: the escalation of conflicts in the Black Sea-Caspian region; increased militarization of the region; the unresolved issue of the demarcation of the line of the state border of the Black Sea and the Sea of Azov and Kerch Strait, absence of demarcation of Ukraine-Russia state border; the presence of unresolved issues related to the temporary presence of the Black Sea Fleet of Russia in the territory of Ukraine. The interpretation of these threats gave reasons to recognize that Russia's policy poses a certain threat to Ukraine's national security or at least poses a challenge to its national interests. Nevertheless, the Strategy ignored the issue of potential adversaries. Moreover, adhering to the principle of multi-vectoring in foreign policy, the Ukrainian authorities highlighted the deepening of the strategic partnership with the European Union, Russia, the USA and China as one of the main tasks of the national security policy in the foreign policy sphere, as well as sought to develop common with Moscow approaches in formulating a new pan-European collective security system. The authors of the Strategy ignored the fact that the implementation of the latter objective was contrary to Ukraine's intention to integrate into the European and Euro-Atlantic security structures.

On March 12, 2013, the National Security and Defense Council adopted a decision «On urgent measures for European integration of Ukraine» [22]. Thus, Ukraine preferred relations with the EU over relations with the Customs Union. However, on November 21, 2013, the Cabinet of Ministers issued a Decree No. 905-r «Question on the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on another» [23]. The adoption of this Decree meant another correction of Ukraine's foreign policy: the signing of the Association Agreement between the European Union and Ukraine, which was scheduled for November 28, was thwarted.

The Decree of the Cabinet of Ministers No. 905-r was canceled after the Revolution of Dignity by the new decree of the Government of Ukraine dated March 2, 2014 No. 113-r. [24]. This meant that Ukraine's main foreign policy priority was once again joining the EU and NATO, which was achieved through the signing of the Association Agreement between Ukraine and the EU in 2014. The Association Agreement has been fully implemented since 1 September 2017.

In the conditions of aggravation of the Russian-Ukrainian conflict, on May 26, 2015, the President of Ukraine approved by his decree the Strategy of Sustainable Development «Ukraine 2020» [25] and subsequently implemented the decision of the National Security and Defense Council «On the National Security Strategy of Ukraine» [26] (in 2015, the US and Russia updated their own National Security

Strategies). The adoption of the new version of the Strategy should have shown that the security situation for Ukraine has changed dramatically, which necessitates a change in approaches to its provision. Subsequently, in June 2018, a new Law on National Security of Ukraine was adopted [27], the main innovation of which was the introduction of civil control.

The action of both Strategies was calculated for the period up to 2020. The main directions of the national security policy were: renewing the territorial integrity of the state, creation of an effective security and defense sector, increasing the defense capability, reforming and development of intelligence, counterintelligence and law enforcement agencies, provision of special NATO partnership, ensuring of the national security in foreign policy. Assessing the results of the implementation of the Strategies on the eve of the expiration of their validity, it should be acknowledged that the main task - the renewing of the territorial integrity of Ukraine has not been achieved, and the approaches to the implementation of other areas of national security policy have changed after the victory in the election of President of Ukraine V. Zelenskyi. It should be noted that the renewal of the national security legislation both during the presidency of P. Poroshenko and V. Zelenskyi occurs spontaneously. For example, in October, the head of the Security Service of Ukraine submitted to the President a new version of the Law «On Security Service of Ukraine». Members of the relevant parliamentary committees, ambassadors of the G-7 countries, heads of the EU Delegation in Ukraine and the NATO Delegation in Ukraine, the EU Advisory Mission on Civil Sector Reform also viewed the project. Subsequently, the draft law was transmitted to the National Security and Defense Council and the National Institute for Strategic Studies, which concludes that the document was developed without relying on national security doctrine.

As evidenced by world experience, the development of a national security doctrine and the subsequent adoption of a National Security Strategy, which defines a system of official views on the place and role of the state in the modern world, its vital national values, forces, means and methods of counteracting threats, is of a crucial importance for ensuring the sovereignty of the state, because according to its provisions is developing:

- a) doctrines, strategies, separate concepts of individual areas of national security;
- b) laws of Ukraine, the norms of which regulate relations on the implementation of the relevant component of national security;
- c) programs that detail the activities of national security entities in a particular conditions.

The analysis of national security strategies (doctrines, concepts) of the leading countries of the world leads to the conclusion that the doctrinal vision of national security implies the separation of a number of structural elements [28]:

1. Fundamental national interests. They directly affect the sovereignty and territorial integrity of the state, and are therefore a condition for the existence of the state as an independent and self-sufficient subject of international law. National interests in the foreign policy sphere were defined in 1993 in the Verkhovna Rada

Resolution «On the Main Directions of the Foreign Policy of Ukraine» (expired in 2010).

There have always been problems in defining a hierarchy of national interests in Ukraine, despite the fact that their allocation is necessary for ensuring high efficiency of state policy. Only in 2003 the priorities of national interests were specified in Art. 6 of the Law «On Fundamentals of National Security of Ukraine». But at the same time, the developed hierarchy of national security priorities ignored the fact that Ukraine is an independent and self-sufficient subject of international relations, not an appendage to some external center [29, p. 81]. The mistakes made by the political leadership of the state in the process of defining the hierarchy of national interests led to objections at the level of the Military Doctrine of the 1993 and 2004 model doctrines the possibility of a large-scale conflict in Central and Eastern Europe. And this was despite the fact that in the mentioned period, the political leadership of both Russia and the US stated only a decrease in the probability of its appearance, but not its exclusion.

In today's conditions, the priorities of national interests have not been revised in comparison with item 11 of Art. 3 of the Law «On the Fundamentals of National Security of Ukraine» 2003 («integration of Ukraine into the European political, economic, security, legal space, membership in the European Union and the North Atlantic Treaty Organization, development of equal mutually beneficial relations with other states») [30] and the Strategy of the Integration of Ukraine into the European Union 1998 (expired in 2015), which stated in its preamble: «Ukraine's national interests need to establish Ukraine as a powerful European state, fully-fledged member of the EU» [31], but only acquired the imperative fixing at the level of the Constitution: «the implementation of the strategic course of the state for the acquisition of full Ukraine membership in the European Union and in the North Atlantic Treaty Organization» [32].

2. List of potential opponents (enemies) of the state. In the modern world, as such enemies are traditionally recognized: separate states or their unions; military-political, religious, separatist, extremist, and other (drug cartels, illegal weapons and human trafficking organizations, pirates, cybercrime (hackers), etc.) groups or individuals. This list is set as complete and detailed as possible in the US National Security Strategy [33]. The list of opponents also contains programs (strategies) of Japan and Russia [34; 35]. Ukraine has traditionally not personified at the level of the Strategy its enemies [20; 21]. In the new National Security Strategy, Ukraine departed from this rule, recognizing aggressive actions by Russia as the main threat for national security [26].

In recent decades, there has been a shift towards collective defense and multilateral national security measures in many regions of the world. The desire to avoid inter-state conflicts and the enormous cost of defense spendings contribute to the strengthening of joint defense activities, international military cooperation and coordination. This tendency is also evident in Ukraine, which although joined the European integration process and established a special partnership relations with

NATO. In the end, due to the inconsistency of the state leadership in the choice of foreign policy vector (Ukraine recognized both its strategic partners at the same time both the USA and Russia, despite the fact that in some key issues the latter had diametrically opposite interests [36, p. 67], creating by that significant inconvenience for its strategic partners, that is why they regarded it as the most unknown in their long-term forecasts [37, p. 71]), it was useless to expect positive results.

3. Identification of potential threats to the state. Universal to all countries is the military threat and terrorism. At the same time, in modern conditions there is a diversification of security threats, an increasing of non-military threats, which leads to the transformation of the security structure.

It should be noted that the approaches to identifying threats to the state outlined in the 2015 Strategy are significantly different from the approaches embodied in the 2007 and 2012 Strategies. Thus, in the previous editions of the Strategy, among the goals of the implementation of the Strategy, the protection of the interests of the state took the last place, giving way to the creation of favorable conditions for ensuring the interests of citizens and society. The main threats to national security were considered to be internal ones. These are: insufficient efficiency of state power; threats to economic security; threats to energy security; insufficient level of scientific- technological development; socio-demographic crisis; the presence of dangerous environmental and man-made challenges and threats, etc. Accordingly, external threats were perceived as secondary, rather potential, than real. At the same time, they posed a threat to global international stability, while Ukraine's security sphere was only adversely affected. This approach to the vision of threats was not only enshrined in the Strategy – it was also supported by experts, who considered the threat to territorial integrity to be illusory, thus conflicting issues with some countries regarding the demarcation of borders, economic zones, shelves should be «taken more quietly, building relations with the foreign environment in a more positive way» [38–39].

In 2006, in a survey of alternative models of ensuring national security of Ukraine, less than half of the experts considered that there was a threat of annexation of part of the territory of Ukraine by another state; escalation of internal contradictions into open conflicts with the use of force [40, p. 42]. And although in 2008 Ukrainian and foreign experts within the NATO-Ukraine Partnership Network noted that in the conditions of the birth of the multipolar world (after the Russian-Georgian conflict) and the formation of a new center of influence - the Russian Federation – along the borders of Ukraine, external threats should include: the growing aggressiveness of Russia's policies aimed at expanding areas of influence in the post-Soviet space with the possible use of force against its neighbors; weakening the effectiveness of international law and the effectiveness of international institutions and, accordingly, reducing Ukraine's external security guarantees; aggravation of the situation in the zones of «frozen» conflicts and attempts of external intervention in order to create new conflict zones as a means of interfering in the internal affairs of sovereign states, including Ukraine [41–42],

this did not lead to a review of Ukraine's national security threats at the Strategy level [43, p. 3–22].

This fact is explained first of all by the fact that in accordance with the Verkhovna Rada Resolution «On the Main Directions of Ukraine's Foreign Policy», each border state was recognized as a strategic partner of Ukraine [44]. Under these conditions, there is an unresolved conflict in the Transnistrian region of the Republic of Moldova; the unresolved issue of the demarcation of the Black Sea and Azov Sea waters and the Kerch Strait, the absence of demarcation of the Ukrainian state border with the Russian Federation, the Republic of Belarus and the Republic of Moldova; the presence of unresolved issues related to the temporary presence of the Russian Black Sea Fleet in the territory of Ukraine, the imperfection of the legal basis in this sphere, all that were considered not as threats, but as external challenges to the national security of Ukraine.

It should be noted that Ukraine's position on identifying external threats to national security, as well as identifying strategic partners, was to a certain extent driven by geopolitical considerations, as well as by key players in the international arena, in particular the United States. Thus, in 2000, in the process of discussion within the framework of the National Security Program of Ukraine, proposed by the School of State Administration of John Kennedy Harvard University's, Sh. Garnett, has suggested an idea supported many western experts that Russia is stronger than any of its neighbors in the post-Soviet space, but in fact it is so weak that it cannot affect several post-Soviet states at the same time so it isn't able to influence them for a long time because of its inability to maintain their strategic power [45, p. 16]. Due to the contradiction between strategic understanding and strategic misinformation about what was happening in the CIS, many western experts believed that, first, Ukraine should not be a NATO member, since Russia would consider it as a hostile act and, second, it must cooperate with Russia. Ukraine, as a secondary regional state, which is a partner of the United States in ensuring an effective balance of power in Eurasia, was tasked with hindering Russia's enlargement process and its returning to superpower status [46, p. 10]. It is significant that during this period Ukraine did not expect the final choice of the vector of its development should appear in about 10 years. At the same time Z. Brzezinski said on this occasion that this choice would be difficult for the political elite who used to «sit on two chairs». As a consequence, such a decision may, as a last resort, involve the military forces, which is the «state institute that can do (and probable have to do) what the military in Turkey and Brazil did at one time» [47, p. 15]. It should be admitted that Z. Brzezinski was mistaken only in the choice of the subject, since it was not the army and special services that became the driving force in the events of February 2014, which led to the removal from power of V. Yanukovych and his team and, consequently, to the change of the foreign policy development vector of the state, which led to revision of the National Security Strategy of Ukraine.

In the National Security Strategy of Ukraine 2015, the interests of the state became a priority. The Strategy introduces a division into external and internal

threats, as well as a certain hierarchy of threats, among which special emphasis is placed on Russia's aggressive actions (external threat), which are treated broadly: military aggression, occupation of territory, trade and economic war, information and psychological war. The recognition of the possibility of using military force as a major threat is explained by the fact that confrontation with Russia is considered as a long-term factor of Ukraine's foreign and domestic policy. As a consequence, the other threats that are attributed to the internal block are derived from it. Developers of the Strategy included to Internal threats: inefficiency of the national security and defense system; corruption and inefficient state administration system; economic crisis, depletion of financial resources of the state, reduction of living standards of the population; threats to energy security; threats to information security; threats to cybersecurity and security of information resources; threats to environmental safety; threats to the security of critical infrastructure.

4. Certain target units that are developed and implemented by the higher authorities, empowered to develop national security policies, as well as other subjects (both state and non-state) of national security.

Some countries that position themselves as global or regional leaders (at present they are the United States, Russia, France, Great Britain, China) also recognize the mission of the state at a particular historical stage (it is still the doctrine reflecting national interests in their specific understanding by the higher authorities) [48]. The realization of such a mission is not only rational in nature – one of the goals of its realization is glory, which is the recognition of one's superiority by other nations [49, p. 38].

It should be noted that the state has a key role in national security ensuring. However, it should not be forgotten that national security is a matter of the whole society, not just of the state, which is really only an instrument (albeit a fundamental one) in its hands [50, p. 245]. This provision follows from Art. 17 of the Constitution [51], which states that the protection of the sovereignty and territorial integrity of Ukraine, ensuring its economical and informational security is also a matter of the entire Ukrainian people (as well as from the norms of the laws of Ukraine) [52]. Therefore, the mechanism of ensuring the national security of Ukraine requires the active participation of both state institutions and civil society structures, interconnected by common tasks being solved by their inherent methods, forces and means.

Conclusions. Summarizing all of the abovementioned, it is necessary to point out the following conclusions.

The strategic goals of Ukraine's foreign policy include: European and Euro-Atlantic integration; strategic partnerships with the United States of America and the European Union; active engagement with the UN and other international organizations. Ukraine has named EU membership and NATO membership as top priorities. Which of those two seems more important for Ukraine? Admittedly, Ukraine's current interests are not about returning to non-aligned politics and not about trying to achieve NATO membership (it is not realistic today). Ukraine

should initiate the introduction of a collective security mechanism at the pan-European level, in which an immediate and tangible set of punitive sanctions must be used against the offender. Regarding the priority of EU or NATO membership, determining which organization is more important for ensuring Ukraine's national security. There is no competition between the European and Euro-Atlantic dimensions of Ukraine's strategic course towards Europe. The NATO-Ukraine Distinctive Partnership is an inalienable part of Ukraine's strategic course towards EU membership. The Ukraine, NATO and the EU work together actively on solving a problem of ensuring Ukraine's sovereignty, territorial integrity and national security, as well as its maintenance of peace and stability in in the commin Euro-Atlantic home. A sovereign, independent and stable Ukraine is the key to Euro-Atlantic security. Priority is being given to supporting a comprehensive reform of the security and defense area of Ukraine, which is vital for enhancing its ability to defend itself.

Security and Defense Sector reforming in Ukraine is a long-term process looking to deliver long-term results. In 2015–2019, Ukraine has undertaken in-depth structural reforms in some key sectors of security and defense. Today the Ukrainian army is able to defend the sovereignty and territorial integrity of the state. However, together with NATO and the EU, Ukraine can perform it more effectively in the defense of the eastern flank of Europe. So Ukraine can contribute to NATO's collective security.

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Стратегия национальной безопасности Украины: история запоздалых реформ

Среди научных вопросов, стоящих перед украинским юридическим сообществом на современном этапе, особенно актуальными и практически значимыми являются проблемы в сфере права национальной безопасности. Это обусловлено прежде всего необходимостью системного реформирования сектора безопасности и обороны Украины, которое осуществляется для обеспечения защиты конституционного строя, суверенитета, территориальной целостности Украины в условиях вооруженной агрессии. Исследования в этой сфере не должны ограничиваться отдельными предметными направлениями в разработке и решении комплексных проблем, в частности права национальной безопасности. С момента обретения независимости систематического оценивания прямого или косвенного влияния доктрины национальной безопасности на правовое регулирование сферы безопасности в Украине не проводилось. В результате игнорирования вопросов определения потенциальных противников Украины и угроз, которые от них исходят, власть в процессе формирования политики безопасности руководствовалась в основном субъективными факторами, игнорируя существующие и потенциальные вызовы национальной безопасности. В результате не было возможности должным образом оценить последствия политических решений, которые принимались в сфере национальной безопасности.

В статье исследуются происхождение, содержание и политическая значимость доктрины национальной безопасности для формирования соответствующего законодательства в сфере безопасности и обороны Украины.

Ключевые слова: национальная безопасность; стратегия, парадигма; национальный интерес; угрозы; вызовы; вооруженная агрессия; российско-украинский конфликт; Украина.

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