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REGIONAL SECURITY ON THE EXAMPLE OF NATO: LEGAL ASPECT

The article analyzes the development and current state of NATO's regulatory and legal framework in the security sphere. Directions for finalizing the domestic legal framework in the specified area are determined. It is justified to make changes to the Law of Ukraine "On the National Security of Ukraine" and the Strategy on the National Security of Ukraine, in particular, the provisions that determine the process of strategic planning and its information and analytical support.

Keywords: *state policy, legal support; national security, Ukraine, NATO.*

Formulation of the problem. Taking into account the chosen European vector of Ukraine's development and common goals in the security sphere, we consider it appropriate to consider the construction of public administration in the sphere of ensuring the national security of NATO member countries. Yes, today NATO is a functioning security system. Taking into account the results of which and taking into account the chosen line of formation of the security policy, they form a certain status of a center of power, which is able not only to ensure its own security, but can actively participate in solving global problems that arise before the world.

Analysis of recent research and publications. Issues of researching legal aspects of "national security", "state security", "external security", etc. is the subject of

scientists V. Bakumenko, S. Dombrovska, O. Kravchuk, V. Moroz, G. Ortina, A. Pomazy-Ponomarenko, O. Radchenko, V. Sadkovo, G. Sytnyk, V. Sychenko, V. Torychny, A. Khaletska and others. At the same time, in recent years, the influence of external factors on the security system around the world has been increasing, and the main destabilizing factor for our state is external aggression against it. The latter has such a devastating effect on the state of socio-economic functioning of Ukraine that it creates a significant negative impact not only on the main partners of our country (EU and NATO), but also on the whole world. Considering the fact that Ukraine is a candidate for joining the EU and general European integration aspirations.

Presenting main material. Historically, the North Atlantic Treaty Organization (NATO) became the first international organization involved in UN peacekeeping missions. How NATO's collective security system has powerful armed forces that can be activated in the event of a threat to the security of member states or the emergence of regions of instability in Europe, which is a significant advantage over other alliances. Considering Ukraine's Euro-Atlantic course, the analysis of the legal basis of NATO's formation and activities is a necessary condition for the qualitative adaptation of legislation to the Alliance's standards.

The term NATO and the expression "The North Atlantic Treaty Organization" (NATO) appeared only two years after the formation of the Alliance. It was used in the Agreement on the Status of the North Atlantic Treaty Organization, national representatives, signed in Ottawa. It was in this document that the issues related to the organization's practical activities were settled (granting the organization status, legal force, the issue of privileges and immunities of the organization itself and its officials, the procedure for resolving disputes, etc.). At the same time, it is especially emphasized that the agreement does not apply to the military component of NATO.

Thus, the Alliance initially had the appearance of a political and legal phenomenon, rather than an organization. But in the early 1950s, a system of political and military administration was developed, a joint command was formed, military training grounds were created, weapons were standardized, and it was fully presented as a regional

organization (according to the Washington Treaty, NATO's area of control is any part of Europe or North America, as well as islands under the jurisdiction of NATO countries) [1].

Over time, the Alliance expanded its influence to other regions. NATO members pledged to "unite their efforts for collective defense, preservation of peace and security", adhering to the UN Charter, to develop economic cooperation, to protect "the freedom, common heritage and civilization of their peoples, based on the principles of democracy, individual freedom and sovereignty rights".

In general, NATO is an organization of military cooperation, the task of which is to create an Alliance between member states to ensure collective defense, implementing the relevant provisions, Art. 51 of the United Nations Charter. By concluding the North Atlantic Treaty, member states undertook to maintain and develop both individually and collectively their defense capabilities, providing a basis for collective military planning. The agreement confirms individual rights and international obligations of member states in accordance with the UN Charter. It obliges each country to assume a certain share of the risk and responsibility associated with the system of collective security, and at the same time gives each of them the right to enjoy the benefits of this system. The treaty also requires member states to refrain from entering into any international obligations that conflict with it. Ukraine should also be ready to fulfill such obligations. First of all, there is a need to improve the domestic legal framework in the security sphere. This especially applies to the field of planning, information and analytical support of the security sphere and the need to observe the principle of legal succession during the formation of a legal mechanism.

The current specific goals and directions of NATO's activities were laid down by the Strategic Concept of the North Atlantic Alliance, approved by the heads of state/government at the meeting of the North Atlantic Council in Washington on April 23-24, 1999. Based on the principles of the 1949 Treaty on the inseparability of Europe and North America. The main directions of NATO's activity in the Euro-Atlantic region at the moment are the resolution of crises and the development of partnership relations with

states that are not members of NATO, including in the light of the expansion of the Alliance.

Arms control, disarmament and non-proliferation of weapons of mass destruction are also an important component of NATO's modern activities. In the same document, the sources and causes of local or regional instability in the Euro-Atlantic region and its periphery were named for the first time, such as "ethnic and religious strife, territorial disputes", etc. [2].

The North Atlantic Council is the main body of the organization, which includes representatives from each member state. The Council can meet at the level of permanent representatives of NATO member states, foreign ministers, defense ministers of member states, or heads of state or government. The Council is chaired by the Secretary General of NATO, who performs the functions of coordinator and organizer of meetings. At its meetings, the North Atlantic Council can consider any question that concerns the management of the organization. All decisions are made by consensus.

The next most important NATO body is the Military Planning Committee, which meets as part of permanent representatives of the member states and at least twice a year as part of the ministers of defense of the member states. It is within its framework that most issues regarding collective defense are resolved. In the same composition and in the same order as the Military Planning Committee, the Nuclear Planning Group conducts its work, which considers surveys related to the deployment of nuclear weapons, ensuring security during their basing, exercising control over their non-proliferation, etc. These bodies are entrusted with the most important functions related to decision-making and the implementation of Alliance policy. The decisions taken by each of these bodies have the same status and reflect the agreed policy of the member states, regardless of the level at which they are taken.

The main mechanism that enables the NATO consultation and decision-making process is based on this committee structure, which ensures that each member state is represented at all levels and in all areas of NATO activity. These bodies, a number of committees responsible for various spheres of activity of the organization and the General

Secretary form the political structure of the organization. NATO's military structure is not provided for in the Treaty and is formed on the basis of decisions of the North Atlantic Council. Meetings are held at the level of military representatives of NATO member states. The committee directs the practical military measures of the organization, puts forward proposals for improving collective defense and is accountable in its activities to the bodies of the political structure of NATO. The Military Committee reports directly to the two NATO Supreme Commanders - the Supreme Allied Commander Europe and the Supreme Allied Commander Atlantic. The Military Committee is assisted in its activities by the International Military Staff.

The main function of the Military Committee is to develop guidelines and recommendations on military policy and strategy. It also issues military directives to NATO's strategic commands. In addition, the Committee annually prepares a document on the long-term assessment of the military power and potential of countries and regions that may pose a potential threat to NATO interests, and in times of crisis, tension or war is responsible for advising the North Atlantic Council and the Military Planning Committee on the military situation, represents them recommendations on the use of military force, implementation of action plans in a special situation and development of appropriate rules for the use of force.

The International Military Staff is responsible for planning and evaluating policy on military matters and making relevant recommendations for consideration by the Military Committee. He is also entrusted with the functions of monitoring the proper practical implementation of the policy and decisions of the Military Committee. The headquarters includes military personnel sent by member states, who in the future act in the common interests of the Alliance and acquire the status of employees of the organization, and not of national armed forces. Commanders of strategic commands are responsible for the general direction of activity in the field of military management of the Alliance forces in the respective areas of responsibility before the military committee. Each has NATO representatives who assist commanders in ensuring close coordination with the political secretariat and military staff at NATO headquarters.

Crisis management is the most important component of NATO's activities. The security and defense mechanisms developed within NATO allowed the Alliance to offer its assistance to the OSCE and the UN in the implementation of peacekeeping operations by these organizations. NATO's crisis management activities include both military and peaceful, non-military methods. Alliance operations are no different in this regard. It is appropriate to classify NATO operations based on the legal basis of their conduct: those operations that are conducted on the basis of Art. 5 of the North Atlantic Treaty for the implementation of collective self-defense measures, and all others, which are called peacekeeping operations in the Alliance's documents (at the same time, as in the UN, both military and non-military settlement mechanisms are used).

Military planning is the basis of NATO's activity in the field of crisis management and military operations of the Alliance. It is carried out on the basis of principles common to the entire system of collective security. Political solidarity between participating countries, development of cooperation and strengthening of ties between them in all spheres of interaction, if it serves their common or individual interests, distribution of roles and responsibilities and recognition of mutual obligations, creation of joint enterprises to support the armed forces in the proper state in order to support the strategy and policy of the Alliance. These general principles are defined in the declaration on the development strategy.

When determining the scope and nature of their contributions to collective security, member states fully retain their sovereignty and freedom of action. But when making individual decisions, in particular regarding the definition of the goals and objectives of national defense, planning in the field of national security, etc., they must take into account the needs of the entire Alliance in those areas, as well as take into account the methodology and procedure for determining the needs of NATO in the armed forces, necessary for implementation of the organization's policy.

Special planning objectives for the armed forces of each participating country, as well as its possible contribution to the activities of the Alliance, are reflected in the ministerial directive (ministerial guidance). The starting point for the development of such

goals is the needs of NATO. Based on the developed goals for each country and countries, the "force goals" (force goals) of the Alliance are drawn up, approved by the Military Committee and containing the units available to the joint command, as well as based on the available armed forces, the strategies for the development of the military planning of the Alliance. They are usually for four years, but can be changed due to a change in the situation.

In addition, an important step in the relations between the participating countries is the "Agreement between the parties to the North Atlantic Treaty on the status of their armed forces", which settled the main administrative, criminal and civil legal problems arising from the placement of military contingents and accompanying civil services in the state, which accepts In this agreement, the conceptual apparatus was developed in detail, the administrative side of the entry of servicemen and their family members was regulated, the issue of customs control was detailed, and some aspects of the further stay of servicemen and their family members on the territory of the host state were considered.

In particular, after the termination of service in the armed forces of the sending state, the issue of criminal and civil jurisdiction of the host and sending states in relation to the armed forces and civil services, as well as the procedure for resolving disputes that arise, and even some taxation issues are considered. This agreement was taken into account in the development of similar acts by other associations, including the similar Agreement on the Status of Forces adopted within the framework of the European Union.

As an international organization, NATO influenced Western European integration in the military-political sphere, the development of techniques and methods of coordinating the military policy of Western European states, the practice of joint armed forces, etc. Work on standardization is carried out in many different directions. At the same time, the key role in ensuring this direction is played by the NATO Agency for Standardization, created in 1995 to coordinate policy directions and programs in the field of standardization in the field of military equipment, as well as technical and operational fields. Its purpose is to introduce the principles of standardization into the planning process in the Alliance.

In this case, it is only a coordinating function in the field of standardization, the Agency does not have sufficient powers to seriously influence the functioning of national arms markets. The carried out standardization of weapons is still the basis of the development of the arms market in Europe. Decisions in this area are formalized in the form of international agreements on standardization (STANAG), which are subject to ratification by member states.

Given the results of the Alliance's activities, researchers most often consider NATO as "a leading institution in the field of building a transatlantic security community of unanimous democracies", which leads "states to joint military planning, international military management structures and establishes a comprehensive intergovernmental political process of politics and security" [3]. Thanks to the achieved successes, NATO claims a central role in the creation of a system of collective defense. However, taking into account modern realities, the Alliance is the largest international military-political organization in the world, which affects the functioning and development of other military-political associations.

On the basis of the above, it can be stated that international organizations and associations such as NATO and the EU have carried out serious work on creating a regulatory framework and developing mechanisms for ensuring international peace and security at both the global and regional levels. General principles aimed at maintaining peace and security were developed. The activities of international organizations contributed to the formation of the international legal framework, in particular regarding arms control and the joint fight against challenges and threats facing humanity, and also set the framework for the further development of cooperation in the field of security.

Various methods of interaction of national and international military formations were created, international legal practice of determining the legal status of military personnel during their stay on the territory of other states was established, forms of interaction between states and international organizations in the field of peacekeeping operations were developed, etc.

At the same time, it should be noted that many of the directions of military integration are developing faster in the political than in the legal sphere. An example of this can be the peacekeeping practice of the UN, which has deviated a little from certain provisions of the UN Charter due to the political differences that have arisen, and the peculiarities of the legal status and functioning of the OSCE, also caused by political differences between the participants, and the legal blurring of the foundations of NATO's activities. This is also evidenced by the uncertainty of the status of many NATO structures, disrespect for the fundamental acts of international law, in particular the UN Charter, which is sometimes manifested by some regional international organizations. A clear example of this is the possibility to conduct operations without a UN mandate within NATO.

However, all this in no way reduces the effectiveness of these organizations, in particular NATO. On the contrary, thanks to the activities of international organizations in the field of defense, the international community and, in particular, the leading European states, managed to create a reliable and effective security zone. The accumulated experience made it possible to significantly increase the security level of each country without the need to increase military power. Participation in the EU and NATO is an important external pillar for maintaining security. At the same time, and the need to improve the legal framework of the Alliance member countries. However, such changes are caused by the need to maintain a general high security level and do not reduce the identity of the nation, but on the contrary stimulate it to develop, which is one of the greatest advantages of NATO, in our opinion.

In Ukraine, the process of legislative transformation began with aggressive actions by neighbors. Our country's accession to NATO and the EU will increase the overall security level of Eastern Europe. However, the accession must be preceded by the improvement of the legal mechanism of Ukraine. The issue is particularly acute in the field of strategic planning in the field of security and its information and analytical support, because the implementation of these issues differs to a large extent from the adopted EU standards. That is why, in order to create the necessary conditions for joining

the Alliance, the Law of Ukraine "On the National Security of Ukraine" and the National Security Strategy of Ukraine need to be improved, which will take into account the provisions of NATO in the specified areas, which will allow to gradually integrate the national legislation to the relevant standards and become a full member of the Alliance.

References:

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