

CHAPTER 6

PREPAREDNESS OF THE SYSTEM OF THE MIA OF UKRAINE FOR THE TERRITORIAL DEFENSE MISSION UNDER HYBRID THREATS

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INTRODUCTION

Nowadays, the majority of leading international and domestic experts and analysts argue that in the course of the insidious neo-imperial «hybrid policy,» the Russian Federation has unleashed and now continues the so-called «hybrid warfare» against Ukraine, which combines, on the one hand, aggressive hostilities under the cover of illegal armed groups, inconspicuous, hidden support of such armed formations by the aggressor state; on the other hand, the use of a wide range of political, economic, advocacy and public outreach activities, leading to, as a rule, the hybrid warfare and accompanying it throughout hostilities.

Russia's hybrid aggression against Ukraine developed into an active phase in early 2014, although Russia began to conduct the subversive activity against our state immediately after the proclamation of Ukraine's independence in 1991. However, during this rather long period neither Ukraine nor the countries of the Transatlantic Partnership (NATO-EU) have conducted thorough studies to analyses and evaluate the conclusions and lessons of this hybrid warfare, which would enable to develop the security and defense sector of both individual states and coalitions of countries in the context of «new generation warfare.» For example, the issues of the essence and content of «hybrid warfare» and «hybrid threats,» as well as counteracting these phenomena as the latest types of global confrontation, are under the focus in the works of domestic scientists and experts such as T. Andriievskyi, S. Borshchevskyi, K. Brychuk, O. Vlasiuk, M. Honchar, V. Horbulin, R. Dodonov, A. Yermolaiev, O. Kresin, M. Lepskyi, E. Libanova, O. Liashenko, V. Martyniuk, Yu. Mikhieiev, M. Pohrebinskyi, K. Savchuk, O. Stoiko, H. Cherniavskyi and others. However, scientists do not focus comprehensively on the administrative and legal aspects of the territorial defense mission of Ukraine under hybrid threats.

6.1. The territorial defense mission of Ukraine under hybrid threats

Famous American military theorist Frank Hoffman argues that the modern era wars are characterized by the process of hybridization, which involves traditional forms of warfare, irregular conflicts, cyberwar, organized crime, terrorism, and so on¹. Thus, foreign experts interpret the hybrid warfare as: 1) undeclared clandestine hostilities in which the opposing party attacks State structures and the regular army of the enemy with the help of local rebels and separatists, supported by weapons and finance from abroad and from some internal structures (oligarchs, organized crime, nationalist and pseudo-religious organizations); 2) use of usual, irregular and asymmetric actions in combination with information and psychological manipulations, political and ideological conflict. Meanwhile, other experts use the term «hybrid» in order to reflect the potential threat from the regular and irregular armed forces and do not consider the hybrid warfare as a new form of warfare, but rather as a synonym for a full spectrum conflict². It stands to reason that the U.S. Department of Defense has proposed using the term «full spectrum operation» instead of the term «hybrid warfare»³.

The hybrid warfare is preceded by a long and complex preparation, including hybrid threats, which are challenges for the State. These threats include the creation of political and social movements that sympathize with the future aggressor; its setting up a favourable information field; propaganda; sabotage, deliberate infliction of damage, subversion and terror; aggressor's imposition of own historical, cultural, ideological values (that is, all that is aimed to incline the population towards the aggressor by means of so-called «soft power»), etc.

In practice, any threat may be hybrid if it is not limited to one form and measure of warfare. For example, the European Union classifies the areas of response to such threats into the information, energy, transport and infrastructure, space, military, health and food security, cyberspace, financial sector, industry, public or social dimension. In addition, the criterion for the conceptual delimitation of the two terms «hybrid threats» and «hybrid warfare/conflict» is the fact of State sovereignty violation,

¹ Hoffman F. G. Hybrid threats: Reconceptualizing the evolving character of modern conflict. *Strategic Forum*, no. 240, April 2009. Institute for National Strategic Studies National Defense University. Retrieved from <http://www.ndu.edu/inss>.

² Mikhieiev Yu.I., Cherniavskiy H.P., Turchenko Yu.V., Pinchuk O.I. Definitzii poniattia "hibrydna viina" [Definitions of the concept of "hybrid warfare"]. Retrieved from <http://miljournals.knu.ua/index.php/zbirnik/article/view/140/126> (Accessed 25 March 2019). (in Ukrainian)

³ Cox D. What if the Hybrid Warfare / Dan G. Cox. Retrieved from <http://www.e-ir.info/2013/02/13>.

such as the border crossing by armed or subversion units, further seizure of strategically important objects, killing of military personnel of a country suffering from aggression, etc.

The Ukrainian legislation provides no definitions of «hybrid warfare» and «hybrid threats.» However, these terms are used in official documents of our state. Therefore, according to clause 4.3. of the National Security Strategy of Ukraine, approved by the Decree of the President of Ukraine no. 287/2015 of May 26, 2015, the key priority of the national security policy is to ensure the preparedness of the State, its economy and society to defend and deter foreign aggression in all forms and manifestations (in particular in the form of hybrid warfare), raising the defence level of the State⁴. The general part of the Strategy for the Development of the Ministry of Internal Affairs until 2020, approved by the Decree of the Cabinet of Ministers of Ukraine no. 1023-r of November 15, 2017, also provides for that modern challenges and threats, first of all hybrid, are due to the complex of socio-demographic, economic, political, legal, psychological and technological factors, and require a systemic response, adequate transformation of the national security sector, in particular the Ministry of Internal Affairs⁵.

An integral part of the state measures, implemented within the framework of national security and defense of Ukraine and directly aimed at protecting Ukraine's national interests from external and internal threats, is measures for preparation and conduct of territorial defense. In the course of the territorial defense mission, the national security subjects, defined by the legislation of Ukraine, organic to the State Military Organization (the security and defense sector), carry out a complex of measures aimed at transferring its units to functioning in the context of a special period. Preparation for territorial defense is an integral part of State preparation for defense and is divided into preparation in peacetime and in a special period, including the introduction of martial law in Ukraine or its separate areas. Measures for the preparation and conduct of territorial defense are

⁴ Pro rishennia Rady natsionalnoi bezpeky i oborony Ukrainy vid 6 travnia 2015 roku "Pro Stratehiiu natsionalnoi bezpeky Ukrainy" [On the decision of the National Security and Defense Council of Ukraine of May 6, 2015 "On the Strategy of National Security of Ukraine"] (Decree of the President of Ukraine no. 877/15 of May 26, 2015). *Ofitsiynyi visnyk Ukrainy [Official Bulletin of Ukraine]*, no. 43, 2015. Art. 1353. (in Ukrainian)

⁵ Pro skhvalennia Stratehii rozvytku orhaniv systemy Ministerstva vnutrishnikh sprav na period do 2020 roku [On approving the Strategy for the Development of the Ministry of Internal Affairs until 2020] (Decree of the Cabinet of Ministers of Ukraine no. 1023-r of November 15, 2017). *Ofitsiynyi visnyk Ukrainy [Official Bulletin of Ukraine]*, no. 23, 2018. Art. 808. (in Ukrainian)

implemented throughout Ukraine or in its separate areas, except zones/areas of warfare and territories recognized by acts of the Verkhovna Rada of Ukraine as temporarily occupied territories of Ukraine.

Today the legal framework for the implementation of territorial defense of Ukraine is the Constitution of Ukraine; the Law of Ukraine «On the Defense of Ukraine» no. 1932– XII of December 6, 1991; the Law of Ukraine «On National Security of Ukraine» no. 2469-VIII of June 21, 2018; the National Security Strategy of Ukraine, approved by the Decree of the President of Ukraine no. 287 of May 26, 2015; the Military Doctrine of Ukraine, approved by Decree of the President of Ukraine no. 555 of September 24, 2015; the Concept of development of the security and defence sector of Ukraine, approved by the Decree of the President of Ukraine no. 92/2016 of March 14, 2016; Regulations on territorial defense of Ukraine, approved by the Decree of the President of Ukraine no. 406/2016 of September 23, 2016; international legal acts on security and defense issues, ratified by Ukraine in accordance with the procedure established by law, as well as other legal regulations of State bodies and decisions of local self-government bodies on these issues.

However, the current legal regulation of territorial defense of Ukraine is limited to Article 18 of the Law of Ukraine «On Defense of Ukraine» and the Regulation on Territorial Defense of Ukraine, approved by the Decree of the President of Ukraine no. 406/2016 of September 23, 2016. Moreover, in accordance with paragraph 17 of the first part of Article 92 of the Basic Law of Ukraine, the fundamentals of national security, the formation of the Armed Forces of Ukraine and ensuring public order shall be determined exclusively by laws of Ukraine⁶. However, Section II of the Legislative Reform Support Plan in Ukraine, approved by the Resolution of Verkhovna Rada of Ukraine no. 509-VIII of June 4, 2015, provides for the adoption of the relevant Law of Ukraine «On Territorial Defense of Ukraine»⁷. Meanwhile, the Draft Law «On Territorial Defense of Ukraine» no. 2411a of July 17, 2015, has not yet been adopted by the legislative body of Ukraine and remains at the stage of legislative drafting activity (moreover, on February 21, 2017, it was withdrawn at all). Moreover, issues related to the subject of legal regulation of the draft law in

⁶ Konstytutsiia Ukrainy [The Constitution of Ukraine] (No. 254k/96-VR of 28 June 1996). *Vidomosti Verkhovnoii Rady Ukrainy* [Bulletin of the Verkhovna Rada of Ukraine], no.30, 1996. Art. 141. (in Ukrainian)

⁷ Pro Plan zakonodavchoho zabezpechennia reform v Ukraini [On the Legislative Reform Support Plan in Ukraine] (Resolution of Verkhovna Rada of Ukraine no. 509-VIII of June 4, 2015). *Ofitsiynyi visnyk Ukrainy* [Official Bulletin of Ukraine], no. 52, 2015. Art. 1668. (in Ukrainian)

accordance with the Explanatory Note thereto are regulated by the Constitution of Ukraine, the laws of Ukraine «On Defense of Ukraine,» «On Military Duty and Military Service,» «On Mobilization Preparation and Mobilization,» «On the Armed Forces of Ukraine,» «On the National Guard of Ukraine,» «On the State Border of Ukraine,» etc.⁸

Therefore, the legal framework on territorial defense in Ukraine consists of numerous legal regulations of various levels that are connected and coordinated with each other insufficiently, are contradictory and lack a clear mechanism for their implementation, and also contain concepts and terms, that do not have unambiguous understanding and interpretation for their practical application. Meanwhile, a unified legislative act on this topical issue has not been adopted and a comprehensive solution to the problem issues of territorial defense in Ukraine has not been found.

Therefore, today the issue of preparedness of the forces and assets, involved in the territorial defence mission of Ukraine under hybrid threats, is defined in some way in the Law of Ukraine «On Defence of Ukraine» no. 1932-XII of December 6, 1991 and the Regulation on Territorial Defence of Ukraine, approved by the Decree of the President of Ukraine no. 406/2016 of September 23, 2016.

For example, Article 18 of the Law defines the territorial defence of Ukraine as a system of nationwide military and special measures carried out in a special period in order to:

- protect and defend the State border;
- ensure the reliable functioning of State authorities, military management bodies, strategic (operational) deployment of troops (forces);
- protect and defend important objects and communications;
- combat subversion and reconnaissance forces, other aggressor's armed formations and anti-state illegal armed groups;
- maintain the legal regime of martial law.

Within the framework of their powers, the Armed Forces of Ukraine, other military formations, formed in accordance with the laws of Ukraine, the National Police, the units of the State Special Transport Service, the State Service for Special Communications and Information Protection, and the relevant law enforcement bodies of Ukraine are involved in the territorial defence mission.

⁸ Poiasniuvalna Zapyska do proektu Zakonu Ukrainy "Pro terytorialnu oboronu Ukrainy" [Explanatory Note to the Draft Law of Ukraine "On Territorial Defence of Ukraine"]. Retrieved from http://search.ligazakon.ua/l_doc2.nsf/link1/GH1UZ68A.html (Accessed February 1, 2019). (in Ukrainian)

The key objectives, measures for the preparation and conduct of territorial defence, powers of the Cabinet of Ministers of Ukraine, ministries, other central executive bodies, the Council of Ministers of the Autonomous Republic of Crimea, local State administrations, local self-government bodies, military formations and the basis for their interaction are determined by the Regulation on Territorial Defence of Ukraine, approved by the President of Ukraine⁹.

However, the analysis of the Regulation has shown that the issue of combat (special) employment of forces and assets, involved in the territorial defence mission, is not considered properly in this document, despite modern trend to the joint use of forces and means in territorial defence in armed confrontation leading to the most effective mission implementation.

Therefore, the territorial defence participation of military, militia and civilian formations, law enforcement bodies, other bodies of public authority and organizations, joint training of military formations and law enforcement bodies for actions in crisis situations (including during a special period), centralized command and control of these State formations (forces), balanced military-civil relations and other territorial defence issues should be decided on the basis of a systematic approach at the interagency level within the framework of a single State program, aimed at proposing ways to comply the system of territorial defence of Ukraine with modern requirements and capabilities of the State. The most important area of State's defence capability support is the development of fundamentally new approaches to territorial defence organization and the improvement of the system of management of forces and means involved in the territorial defence mission.

6.2. Organizational and legal support of the Ministry of Internal Affairs of Ukraine for combating hybrid threats and ways of its improvement

One of the key factors in ensuring Ukraine's security and defence under hybrid threats is the preparedness of forces and means of executive power and military formations, directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Internal Affairs, to the

⁹ Pro oboronu Ukrainy [On Defence of Ukraine] (Law of Ukraine no. 1932-XII of December 6, 1991). *Vidomosti Verkhovnoi Rady Ukrainy [Bulletin of the Verkhovna Rada of Ukraine]*, no. 9, 1992. Art. 106. (in Ukrainian)

territorial defence mission. The role of the Ministry of Internal Affairs of Ukraine in combating contemporary challenges and threats is to ensure the development of a safe living environment, as the basis of security throughout Ukraine, as well as a modern system of internal security, as a factor deterring the further spread of external aggression. In addition, the powers of central executive bodies, directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Internal Affairs of Ukraine (except for the State Migration Service of Ukraine and the State Emergency Service of Ukraine), as well as the National Guard of Ukraine (hereinafter – the bodies of the MIA), concerning the preparation and conduct of territorial defence are:

- participation in territorial defence planning;
- participation in establishing territorial defence management system;
- combat subversion and reconnaissance forces, other aggressor's armed formations and anti-state illegal armed groups, in cooperation with the Armed Forces of Ukraine, other bodies of the MIA, the State Special Transport Service, the Security Service of Ukraine;
- participation in territorial defence training, ensuring participation of subordinate territorial bodies, forces and means.

Moreover, the structural units of the MIA of Ukraine (namely, the National Police, the National Guard and the State Border Guard Service of Ukraine) are in charge of special missions of territorial defence of Ukraine in accordance with their authority. For example, the National Police ensures public safety and public order protection in public places, regulates traffic and controls the observance of the Road Traffic Rules by its participants, contributes to ensuring, in accordance with the law, the legal regime of martial law if it is declared throughout Ukraine or in a particular area, etc.; the National Guard engages in activities related to the cessation of armed conflicts and other provocations at the State border, protects important State facilities, special cargoes, provides protection of State authorities, participates in the implementation of the legal regime of martial law, etc.; the State Border Guard Service protects the State border on land, sea, rivers, lakes and other reservoirs, ensures compliance with the State border regime and frontier regime, participates in the implementation of the legal regime of martial law in controlled border areas, and so on.

Ministries (including the MIA of Ukraine) and other central executive authorities:

– ensure the implementation of laws and other legal regulations on territorial defence; coordinate with the General Staff of the Armed Forces of Ukraine and provide, in accordance with the scope of their powers, the implementation of activities relating to preparation of communication system, transport, other infrastructure objects for territorial defence in the relevant area of management and the national economy;

– plan, organize and control the implementation of territorial defence activities within their competence during the mobilization preparation and transfer of management bodies to functioning in a special period, enterprises, institutions and organizations subordinate to them, involved in mobilization missions (orders);

– engage in training on territorial defence.

Territorial defence authorities interact with the State Emergency Service of Ukraine and its local bodies in the course of:

1) territorial defence preparation on:

– coordination of plans for civil protection in a special period with of territorial defence plans, plans for participation in territorial defence;

– formation of a territorial defence management system;

– assessment of factors affecting the implementation of activities relating to preparation and management of territorial defence;

2) territorial defence relating to the exchange of information on:

– ground, air, radiation, chemical, biological conditions;

– emergency situations and elimination of their consequences;

– performing missions of civil protection in territorial defence zones, where the legal regime of martial law has been introduced.

The analysis of the powers of the MIA's structural elements regarding participation in territorial defence indicates that the powers of the Ministry of Internal Affairs of Ukraine in this matter are not defined and regulated properly, although according to paragraph 2 of Article 12 of the Law of Ukraine «On National Security of Ukraine» no. 2469-VIII of June 21, 2018, the MIA of Ukraine is a part of the security and defence sector of the State¹⁰. Moreover, the Concept for the Development of the Security and Defence Sector, approved by the Decree of the President of Ukraine no. 92/2016 of March 14, 2016, provides for the improvement of the territorial defence system in order to form an active reserve of the Armed Forces of Ukraine, the introduction of a practical model of interaction between

¹⁰ Pro natsionalnu bezpeku Ukrainy [On National Security of Ukraine] (Law of Ukraine no. 2469-VIII of June 21, 2018). *Ofitsiyni visnyk Ukrainy [Official Bulletin of Ukraine]*, no. 55, 2018. Art. 1903. (in Ukrainian)

territorial defence units with State armed formations, and in accordance with paragraph 3.3 of this Concept, the MIA of Ukraine is the main body in the system of central executive authorities at present, ensuring the formation of the State policy in activities of the central executive bodies under its control¹¹, which are direct territorial defence missions.

It should be noted that in public safety and civil protection of Ukraine, the effectiveness of the territorial defence mission under hybrid threats depends on many external and internal factors in the activities of the MIA bodies involved in the mission. First of all, the factors directly affecting the missions under hybrid threats include: the preparedness of the forces and means of the MIA to carry out objective set; organization of training required for these bodies; ensuring effective interaction at all levels between these bodies, as well as other forces involved in the territorial defence mission; proper organization and tactics of these forces; their comprehensive logistical and financial support, etc.

However, evidently since 1991, Ukraine has not been paying enough attention to strengthening its own security, considering that the surrounding states are potentially friendly and do not pose serious threats to its security. As a result, every year the security system of our State weakened, which was manifested not only in the inability of the Armed Forces to perform their duties, but also in weakening the State system in general and its separate security components, such as the forces and means of the MIA of Ukraine.

Since hybrid aggression is carried out from both outside and within the country-victim, the law enforcement bodies of the State, suffering from the aggressor country, should play a key role in counteracting such aggression. However, in the run-up of the active phase of hybrid aggression of Russia, Ukraine had a significantly degraded law enforcement system, that is, the performance of Ukrainian law-enforcement bodies was characterized by a low professionalism, facts of corruption, impunity, mutual cover-up, cooperation with criminality, the presence of foreign special services agents within their ranks and the like. The general situation in the Ukrainian State did not contribute to the presence of professional, competent, moral and responsible personnel in

¹¹ Pro rishennia Rady natsionalnoi bezpeky i oborony Ukrainy vid 4 bereznia 2016 roku "Pro Kontseptsiiu rozvytku sektoru bezpeky i oborony Ukrainy" [On the decision of the National Security and Defence Council of Ukraine of March 4, 2016 "On the Concept of development of the security and defence sector of Ukraine"] (Decree of the President of Ukraine no. 92/2016 of March 14, 2016). *Ofitsiynyi visnyk Ukrainy [Official Bulletin of Ukraine]*, no. 23, 2016. Art. 898. (in Ukrainian)

the law-enforcement system. The low level of financial and logistical support prompted law enforcement officers to seek additional incomes, leading to corruption, protection racket, illegal activity promotion. The majority (56.8%) of Ukrainian experts argues that corrupt security forces are the first important factor of Russia's aggression against Ukraine¹².

The law enforcement bodies of Ukraine, including the MIA's bodies, often took care of not protecting community, but ensuring exclusively their own interests, as well as the interests of authorities, the oligarchy, and criminality. Frequently, the media reported on the brutal massacre of people at police stations, prostitution protection by uniformed services, drug trafficking, gambling business, illegal mining of raw materials and precious minerals, raider hunts of successful enterprises. The impunity, caused by the mutual cover-up and corruption, has contributed to the transformation of law enforcement bodies in Ukraine, subject to provide and maintain order in the State, to punitive bodies of persecution and intimidation¹³.

Therefore, the level of faith of Ukrainian society in law enforcement bodies decreased sharply. According to a survey carried out by the sociological group, «Rating,» at the end of December 2011, only about 10% of the polled believed that the police was quite credible. According to the majority of respondents, the Ukrainian police ineffective performance was due to corruption (64%), low moral standards of law enforcement officers (39%), distrust of the population (39%), dependence on higher authorities (34%) and low level of training (31%)¹⁴. The situation worsened and, according to the Institute of Sociology of the National Academy of Sciences of Ukraine, in 2013, only 1% of Ukrainian citizens fully trusted the police¹⁵.

¹² Sprianiannia rozbudovi mozhlivostei Ukrainy harantuvaty bezpeku suspilstva v umovakh hibrydnykh zahroz. Rezultaty ekspertnoho opytuvannia [Facilitating the development of Ukraine's capabilities to guarantee the security of society under hybrid threats. Results of the expert survey]. Retrieved from https://geostrategy.org.ua/images/Дослідження_українською.pdf (Accessed February 21, 2019). (in Ukrainian)

¹³ Hibrydni zahrozy Ukraini i suspilna bezpeka. Dosvid YeS i Skhidnoho partnerstva. Analytychnyi dokument [Hybrid threats to Ukraine and public safety. The experience of the EU and the Eastern Partnership. Analytical Paper]. Retrieved from https://www.civic-synergy.org.ua/wp-content/uploads/.../blok_XXI-end_0202.pdf (Accessed February 23, 2019). (in Ukrainian)

¹⁴ Pravoohoronnii orhany Ukrainy: dovira ta otsinky naseleennia, problemy vnutrishnoi bezpeky ta hotovnist do spivpratsi [Law-enforcement bodies of Ukraine: Trust and estimation of the population, problems of internal security and readiness for cooperation]. Retrieved from http://ratinggroup.ua/research/ukraine/pravoohran_organ_y_ukrainy_doverie_i_ocenki_naseleniya_problemy_vnu trenney_bezopasnos_i_gotovnost_k_s.html (Accessed February 25, 2019). (in Ukrainian)

¹⁵ Kobzar H. Militsii ne doviriailut. Cherez zhorstokist ta bezkarnist? [They do not trust the militia. Due to cruelty and impunity?] Retrieved from <http://khp.org/index.php?id=1367864828> (Accessed February 25, 2019). (in Ukrainian)

Under current external aggression against Ukraine, the requirements to the law-enforcement system, including the MIA's bodies, are extremely high. Because in the course of armed aggression, the Russian Federation also uses criminal structures to create additional threats to the security of society and destabilization of Ukraine, and these threats must be countered by law enforcement bodies.

The key objectives of the MIA's bodies, such as maintaining public security and order, ensuring the protection of human rights and freedoms, social and State interests, combating crime, include also certain missions for these bodies in the current conditions. The most important of these missions are the radical reformation of law enforcement bodies in order to transform them into a socially oriented structure and to eradicate the negative inheritance of the Soviet authoritarian system. This reform requires significant increase in the level of professionalism and responsibility of employees, which will ensure the restoration of public faith in the law-enforcement system, will enable closer interaction with citizens. The reform should also include the achievement of an adequate level of material and financial support for law enforcement personnel, which will give them a decent place and role in a democratic society. Therefore, due to the reform of the law enforcement system one of its main functions must be realised, that is, the modern law-enforcement system should become one of the truly reliable pillars of the integrity and stability of the State and the safety of its citizens.

At the same time, Russia's aggression against Ukraine has revealed that the arsenal of the actions taken, both external and internal, aimed at the destruction of Ukrainian statehood, is very broad. Therefore, currently the new functions of the MIA's bodies should be the activity renewed to ensure the integrity and stability of the State, as well as protection against new threats and the ability to respond to the latest challenges.

CONCLUSIONS

1. Since according to the Constitution of Ukraine, the fundamentals of national security, formation of the Armed Forces of Ukraine and ensuring public order shall be determined exclusively by laws of Ukraine, the current legal framework on territorial defence issues in Ukraine consists of numerous legal regulations of various levels that are connected and coordinated with each other insufficiently, are contradictory and lack a clear mechanism for their implementation, the adoption of a unified legislative act to regulate issues on preparation and implementation of

territorial defence in Ukraine and to solve comprehensively the problem issues in this sphere (in particular, regarding the territorial defence troops (forces) status definition in the structure of the Armed Forces of Ukraine, the mechanisms for involving these troops (forces) in the territorial defence mission and their weapon employment, etc.) are required.

2. Employment of troops (forces), involved in the territorial defence mission of Ukraine, their joint training for actions in crisis situations (including during a special period), centralized command and control of these State formations (forces), balanced military-civil relations and other territorial defence issues should be decided on the basis of a systematic approach at the interagency level within the framework of *a single State program*, aimed at proposing ways to comply the system of territorial defence of Ukraine with modern requirements and capabilities of the State (including economy).

3. Today a number of unresolved issues and contradictions regarding the definition of the concept of «territorial defence,» organization of the preparation and conduct of this phenomenon, definition of its place in the general system of State defence, organization of the implementation of territorial defence activities during joint forces operations in the east of Ukraine, and especially regarding the correlation with basic concepts of the security and defence sector such as «national security system,» «State military organization,» «security and defence sector,» «military formations,» «uniformed services,» «law enforcement bodies,» «special period,» «special conditions,» «antiterrorist operation,» «stabilization, specific actions,» «special operations on own territory,» «resistance movement operations in temporarily occupied territories,» etc., which have no unequivocal interpretation either in the legislation of Ukraine in general or in the regulatory framework of the relevant ministries and departments of our State. However, these concepts should be the basis for the principles of State military security and for management of its ensuring. Therefore, the regulatory framework for systematic interpretation of these concepts should be improved; accordingly, appropriate proposals in drafting a new law on the territorial defence of Ukraine should be made, as well as the Law of Ukraine «On Defence of Ukraine» should be amended and the Regulation on Territorial Defence of Ukraine should be revised substantially.

4. The Regulation on Territorial Defence of Ukraine does not mention the State Emergency Service of Ukraine in the list of bodies and formations involved in the territorial defence mission, although the vast

majority of structural units of this service are actually close to the military formations, have the appropriate material and technical base and necessary experience, such as rescue operations, as well as the personnel has special ranks.

5. The regulatory framework of Ukraine on territorial defence preparation and conduct does not provide the clear task list for the bodies and formations involved in the implementation of its missions (especially regarding the Ministry of Internal Affairs of Ukraine and the State Emergency Service of Ukraine). The list of these tasks is subject to the legislative definition for the territorial defence of Ukraine in general and to the adjustment for each of their practical performers separately, including for the Ministry of Internal Affairs of Ukraine and the SES of Ukraine.

6. In Ukraine, the regulatory framework for the organization of material and technical support for territorial defence bodies and units is absent. Moreover, in the course of territorial defence preparation and conduct, a significant part of transport and road support functions should be performed by the relevant ministries and departments of Ukraine, with which the Ministry of Internal Affairs of Ukraine will have to interact in a special period. Considering that the basis of territorial defence is the organization of close interaction between military formations, law enforcement bodies, other State bodies and local self-government bodies, branches of the national economy in the course of a wide range of measures within their competence, this implies a clear coordination of actions with them by the MIA of Ukraine in accordance with the tasks, place, time and way of action, forces and means involved. Management of forces and means of logistics must be carried out in a single system ensuring territorial defence, in close cooperation with local authorities, as well as with the SSU, the MIA of Ukraine and other units involved in territorial defence. However, it should be noted that in Ukraine the legal framework for financing measures of territorial defence of local significance is also absent as the relevant Draft Law of Ukraine no. 8132 of March 15, 2018 on this issue has not been adopted by the Verkhovna Rada of Ukraine as of today.

7. Due to the lack of generally accepted views on the organization and support of interaction and coordination between ministries and departments on conducting special operations, as well as fundamental theoretical developments on these issues, special operational plans for conducting special operations in accordance with the territorial defence mission (including combating aggressor's subversion and reconnaissance forces,

and anti-State illegal armed groups on its own territory) should be developed, together with the Ministry of Defence of Ukraine, as part of the special operational plans of the MIA of Ukraine by type of «Hrim [Thunder],» «Syrena [Siren],» «Zaruchnyk [Hostage],» etc.; accordingly, the common system for managing these operations should be formed.

8. In order to carry out the basic training of civilian specialists on defence and mobilization activities, referred to as the concept of territorial defence, relevant agreements between the educational institutions of the MIA of Ukraine and educational institutions of other bodies and services, involved in the territorial defence mission, should be concluded to organize joint training, using the training base of military educational institutions and educational institutions of the MIA, and to develop uniform training programs for such specialists.

9. It is urgent to improve the unified communications systems, especially the protected ones, and a uniform system of continuous communication for command and control between the Ministry of Internal Affairs of Ukraine and the MIA's bodies and territorial defence local units. Therefore, communication systems on tactical command and control operational levels should be unified, as well as the problem of limited staffing resources for organizing communication (their incompatibility or overall absence) should be eliminated.

10. The experience of Poland is noteworthy with regard to forming territorial defence forces (TDF) that conduct not only traditional anti-crisis response, disaster management and search and rescue operations, but also joint activities in cooperation with the regular troops of the Armed Forces of the Republic of Poland, independent anti-diversion and anti-missile operations, as well as other non-traditional operations, reception of Allied Forces of NATO member states in certain areas of their deployment, strengthening and protection of non-military structures, favourable information field establishment and counter-propaganda.

11. The personnel recruitment territorial defence units should be carried out on a mixed basis, involving both volunteers willing to serve in the territorial defence forces and persons selected specially by the military commissariats with participation of the relevant bodies of the SSU and the MIA of Ukraine. The positive experience of the Baltic States (in particular, Estonia) should be considered in staffing territorial defence units, such as giving preference to the members of military-patriotic organizations, aimed at ensuring homeland protection, which will greatly enhance the effective performance.

12. At the legislative level, the system of financial and material incentives for persons involved in territorial defence units requires improvement, taking into account the positive international experience. For example, in the Republic of Poland, each person liable for military service, trained in territorial defence forces, receives more than extra 160 euros per month, and in some other countries, such persons are granted additional leave or an increase in annual paid leave. This extra financing is carried out both from the State budget and from local budgets of the zones and districts of territorial defence.

13. The regular officers, who are in the military service should be assigned to command and control of territorial defence units, educated relevantly and skilful in practice of the troops (forces) in modern conditions, specificities of territorial defence activities, and capable to coordinate, as soon as possible, these units and get them to ready to perform tasks.

14. To reform radically the MIA's bodies, to increase their material and financial support, training, practicing and preparedness to mission performance (including in the context of hybrid threats), to ensure the restoration of public faith in these bodies by closer interaction with citizens and local communities. Due to the MIA reformation, one of its main objectives should be fulfilled, that is, formation of a modern law enforcement system, which will ensure the integrity and stability of the State, protection against new threats and the ability to respond to the latest challenges, safety of its citizens and provision of high-quality law enforcement services within the limits stipulated by law.

15. To enhance responsibility of the MIA's public officials for corruption and unlawful actions to prevent transformation of these bodies to punitive structures relating to society, while for corruption and crimes in the security and defence sector of Ukraine, to provide for responsibility as for betrayal of the Motherland.

SUMMARY

The article studies the issues of organizational and legal support of the MIA regarding preparation and conduct of the territorial defense mission under hybrid threats. The author reveals that in the modern world «hybrid warfare» and «hybrid threats» are considered as the new types of global confrontation with corresponding specificities. The study determines that the Ukrainian legislation provides no definitions of these phenomena; however, these terms are used in official documents of our State.

The article proves that an integral part of the State measures, implemented within the framework of national security and defence of Ukraine and directly aimed at protecting Ukraine's national interests from external and internal threats, is measures for preparation and conduct of territorial defence. The author emphasises that the most important area of State's defence capability support is the development of fundamentally new approaches to territorial defence organization and the improvement of the system of management of forces and means involved in the territorial defence mission. The author argues that territorial defence issues should be decided on the basis of a systematic approach at the interagency level within the framework of a single State program.

The study states that one of the key factors in ensuring Ukraine's security and defence under hybrid threats is the preparedness of forces and means of the bodies of the Ministry of Internal Affairs, to the territorial defence mission. The analysis proves that under these conditions, the effectiveness of the territorial defence mission in the sphere of public safety and civil protection of Ukraine depends on many external and internal factors in the activities of the MIA's authorised bodies. In conclusions of the article, the author presents propositions and recommendations on the issues of enhancing preparedness of the forces and means of the MIA of Ukraine to the territorial defence mission under hybrid threats.

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