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(Eds.)**

**ДЕМОКРАТИЧНИЙ ЦИВІЛЬНИЙ КОНТРОЛЬ
ТА ВОЄННА КРИЗА В УКРАЇНІ:
ЗАКОНОДАВЧІ АСПЕКТИ**

**DEMOCRATIC CIVILIAN CONTROL
AND MILITARY CRISIS IN UKRAINE:
LEGISLATIVE ASPECTS**



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Preface

Philipp Fluri

Deputy Director DCAF

Internal conflict situations could easily be used as a reason for delaying necessary legal and structural reforms across a country's security sector. However, Ukraine's political leadership is not among those who use conflict to drag their feet, or to find easy excuses for inaction on the legislative front, as this timely commented collection of newly passed legislative acts shows.

Un-contradictory democratically legitimate legislation is one of the prerequisites for the rule of law. Abidance by such laws by all public and private actors, and the willingness and ability to enforce them are further such prerequisites. We understand that further structural reforms and adaptations are to follow soon.

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) was founded in the year 2000 as a Swiss foreign and security policy initiative with the help of twenty like-minded states, among them Ukraine. Ever since then Ukraine has been both a very active and receptive partner for the cooperation with DCAF. The Centre takes pride in making yet another updated collection of laws available to a larger domestic and international audience.

Geneva, February 2016

Preface

Velentyn Badrack,

Director of the Center for Army, Conversion and Disarmament Studies

Perhaps it is no exaggeration to claim that democratic world has to deal with a specific Ukrainian phenomenon. On the one hand, the existing processes in the country leave no doubt – Ukraine goes to an open, democratic, balanced society with the values and traditions inherent in the Western community. On the other hand, in Ukraine moving the cleaning process is quite difficult, when confronted with the remnants of old phenomena like corruption, promotion of the interests of specific groups with the use of administrative resources, staff lobbying based on loyalty and family relationships etc.

Ukraine is devotedly learning democracy. Global incentives for this were the Revolution of Dignity and Russia's war against the Ukrainian statehood and independence resulting in the temporary occupation of the territories of Crimea and Donbas. It is important to emphasize that the security sector of Ukraine, which has long been controlled by the Russian leadership, needs special attention and vigilance on the part of society. In this context, further strengthening the legal framework of democratic civilian control, taking into account the lessons of the Revolution of Dignity and armed conflict in eastern Ukraine, is essential.

The involvement of non-governmental experts, activists and professionals from civil society in discussion of important documents and concepts is becoming a new trend in the functioning of Ukrainian security structures. Center for Army, Conversion and Disarmament Studies pays constant attention to this issue, particularly in the framework of fruitful cooperation with the DCAF.

Analytical report

Democratic Civilian Control and Military Crisis in Ukraine: Legislative Aspects

In February 2014, the Ukrainian people, protesting against the dictatorial rule of the former President of Ukraine (and Supreme Commander-in-Chief of the Armed Forces) Viktor Yanukovich, forced him to escape to Russia, leaving behind a disoriented and weakened military, and law enforcement structures in virtual disarray. Scared by the prospect of democratic protests spreading from Ukraine to the Russian Federation, Russia's authoritarian leadership took advantage of Ukraine's temporary weakness and occupied Crimea. Russia also threatened the occupation of the vast and largely undefended territories of the Ukrainian East and South – from the industrial centre Kharkiv in the north to Odessa's strategic seaport in the south. In April 2014, soon after occupying Crimea, armed pro-Russian separatists and Russian mercenaries engaged Ukrainian troops in the Donetsk and Luhansk regions bordering Russia.

In response, Ukraine took continuous efforts to build up its military, which had two major simultaneous missions: to deter Russia from a full-scale invasion and to restore control over regions controlled by separatists. Initial measures of Ukrainian security structures were aimed at the quickest possible mobilisation, reinforcement and rearmament. Among many things, this required immediate updating of certain legislative aspects of their operation and maintenance. Early steps in the area of legislative amendments were naturally related to the most urgent issues: specifying the role of the Ukrainian military in anti-terrorist operations, improving mobilisation capacities, strengthening the provisions for social support to military personnel, and reintroducing certain judicial control measures in the form of military procurator office, among others. These and some other initial measures directly related to legislative aspects of democratic civilian control issue were collected in the early 2015 DCAF publication, "The Security Sector Legislation of Ukraine, 2012-2014 Updates".

However, through all of 2015, Russia continued its aggressive military build-up in occupied territories of the Ukrainian southeast, escalated sabotage activities against Ukraine and intensified provision of armaments, ammunition and manpower to separatists. Further aggravation and prolongation of crises, especially due to undeclared deployment of regular Russian troops and their direct involvement in combat on the side of

separatists from the middle of 2014 and all of 2015 necessitated Ukraine's building more fundamental resistance.

Consequential efforts to increase Ukraine's security sector resilience while under Russian military and terrorist attacks required more systemic approaches to national security and defence, including legislative aspects. Correspondingly, in 2015, this necessitated adoption of new high-level conceptual documents like the National Security Strategy of Ukraine and the Military Doctrine of Ukraine, adoption of new and updating some existing legislation in the areas regulating nationwide processes of coordination and control in the security sector, exercising administrative control in the territories adjacent to the conflict zone, and strengthening control mechanisms for the war period through stipulating the important details of the legal regime for periods of martial law. On several occasions, attempts were made to update a number of laws providing more specific frameworks for democratic civilian control and security governance, improving the process of defence planning, as well as regulating responsibilities and activities of the Armed Forces and other security structures, first of all in the area of defence.

1. Improving control instruments (Appendix I)

At the end of 2014, after targeting the most urgent, mostly operational, issues of defending Ukraine and struggling with Russo-terrorist aggression, the next legislative amendments in Ukraine's security sector were related to administrative issues. These issues included improvement of strategic level coordination and control in the security sector itself, elaboration of the process of initiation and administration of the likely scenario of martial law implementation for the entire nation, and establishment of the special administration regime on the terrorism endangered territories in the form of military-civilian administrations.

In December 2014, after the start of Russian aggression, nationwide systemic legislative improvements in the security sector were related to the functions of the National Security and Defence Council of Ukraine (NSDC) and its staff. Ukraine's NSDC as a constitutional body is responsible for coordination and control of executive branch activity in the sphere of national security and defence, and plays an important role in formulating national security policy in the broadest sense, in security sector reform, and in exercising democratic civilian control over security structures. The NSDC of Ukraine was established in 1992 as the National Security Council, but redesigned in 1996 as the National Security and Defence Council after adoption of the Constitution of Ukraine.

Pursuant to the Constitution, NSDC is a coordinating body on national security and defence issues under the President, which "coordinates and controls the activity of executive bodies in the domain of national security and defence". The NSDC is headed by the President and incorporates, *ex officio*, the Prime Minister, the NSDC Secretary, the Minister of Defence, the Head of the Security Service of Ukraine, the Minister of Internal Affairs,

and the Minister of Foreign Affairs. The Chairman of the Verkhovna Rada may attend the NSDC meeting. The President determines the composition of the Council, and the body's decisions go into effect by presidential decrees. As a matter of practice, the NSDC may also include the Minister of Economic Development and Trade, the Minister of Finance, the Minister of Justice, the Head of the State Border Service, and other officials.

In 1997, functions and competences of the NSDC were specified by the Law of Ukraine **"On the National Security and Defence Council of Ukraine"**. Its key functions include the submission of proposals to the President for the implementation of fundamentals of home and foreign policy in the domain of national security and defence, coordination and control of executive bodies' activity in the domain of national security and defence in peacetime, wartime, in a state of emergency, and in crisis situations threatening Ukraine's national security. In effect, the NSDC competencies are applied to all aspects of the viability of society and, correspondingly, to the state bodies ensuring such viability.

According to the Law, the NSDC Secretary is in charge of organising its work and implementing the Council's decisions. To perform this mission, the Secretary has powers granted by same Law. The NSDC Staff renders everyday information, as well as analytical and organisational support for the NSDC. According to the Law, "The Staff of the National Security and Defence Council of Ukraine reports to the Secretary of the National Security and Defence Council of Ukraine. The functions, structure, and the number of personnel of the Staff of the National Security and Defence Council of Ukraine are determined by the President of Ukraine". The NSDC Staff employs mostly civilian experts, although there are many active and retired military and law enforcement officers.

In terms of NSDC practices, it can be said that this body potentially has a rather strong influence, but only within the limits of presidential instructions. However, one of the lessons of the anti-terrorist operation proved that an increased workload of the President suggests the need for further specifying and improving the functions of the overall security sector apparatus under the President, and the NSDC functions in particular. For this purpose, in December 2014, Ukrainian Parliament adopted relevant amendments to the Law "On the National Security and Defence Council of Ukraine".

These amendments stipulated measures aimed at refining the NSDC competencies regarding such functions as adoption of decisions on immediate crisis resolution measures to avert the threats to the national security of Ukraine, coordination and control of executive authorities' activity in the sphere of preventing corruption, ensuring public safety, and fighting security-related crime. Specific authorities of the Secretary were rewritten in the way to have clear personal responsibility for coordination of security sector elements. Compulsory consideration of the draft defence budget by the NSDC was added. Compatibility with changes in Constitution was achieved for the case of unexpected resignation or absence of the President in the way of nominating the Chairman of the Verkhovna Rada as acting Head of the NSDC, instead of the previously stipulating the Prime Minister of Ukraine for this temporary function.

The next systemic legislative improvement in Ukraine's security sector was made through amending the Law of Ukraine **"On the Legal Regime of Martial Law"**. In 2014, the situation in Ukraine was generally characterised by the progressively deteriorating security environment and corresponding struggle to improve readiness of military units fighting against illegal military formations of separatists and mercenaries, as well as against invading Russian regular detachments under less specific and often contradictory legal frameworks. Many observers, experts and even decision-makers insisted on introducing the Martial Law regime in the country or, at least, in some regions of Ukraine in order to provide necessary legal foundations required for administrative, mobilisation and operational measures necessary to curtail the aggressive actions of Russo-separatist forces.

On the other hand, opponents of the introduction of Martial Law rightly pointed out the lack of clarity of roles, missions and responsibilities of administrative and military bodies in the relevant legislature, and they demanded more active measures to introduce amendments as necessary precondition for Martial Law introduction. Despite clear signs of military aggression spreading into Ukraine from Russia, the Martial Law [non]introduction controversy was not resolved until the spring of 2015, which for a year kept the country hostage to the very likely risk of chaos of emergency governance in the country in the very probable case of uncontrolled escalation of combat actions.

Finally, after two months of deliberation, in May 2015, the Verkhovna Rada adopted amendments to the existing law "in view of the present-day armed conflicts and the experience of conducting the anti-terrorist operation in the East of the State".

This law determines the contents of the legal regime of Martial Law, order of its introduction and termination, legal grounds of activity of state authorities, military command, military administrations, local self-government bodies, enterprises, institutions and organisations under Martial Law, guarantees of civil and human rights and freedoms, and rights and legal interests of legal entities. Pursuant to the law, Martial Law is a special legal regime that can be introduced in Ukraine or within specific territories in case of armed aggression or threat of an offensive by another state, danger to Ukraine's independence and its territorial integrity. The law states that the NSDC must submit its proposal on introducing Martial Law across Ukraine or in just certain regions of the country. The President considers this proposal and, if it is approved, appeals to the Verkhovna Rada for its endorsement.

The amended version of the law stipulates an increase in the number of measures to be introduced when Martial Law is in effect, and describes their content in detail. The introduced amendments are aimed at more effectively regulating the introduction and cancellation of the state of Martial Law, and more effective implementation of the authority of the military command and the state agencies under Martial Law. It will also regulate military administrations, i.e., interim state agencies to be established by the President in the areas subject to the Martial Law to ensure the implementation of the Constitution and laws of

Ukraine. Such administrations shall be established in one or several population centres (i.e., villages, settlements, and cities) where the respective councils fail to perform their duties vested in them by the legislation, including due to actual voluntary dissolution or self-removal from performance of their duties or actual non-performance of the same.

In particular, the law offers more specified authority of the established military administrations. They now have the powers for introduction of local taxes and duties pursuant to the Tax Code of Ukraine, if a respective council fails to make a decision on the issue, establishment of tariffs for households and utilities, transport and other services according to procedure and within limits set forth by the legislation. Military administrations will even be supposed to manage the municipal property owned by the respective territorial community, except decisions on alienation, including through privatisation of municipal property or its lease for more than one year. The law stipulates that in case the property is expropriated from legal entities or individuals survived after cancellation of Martial Law, the former owner or a person authorised by such owner is entitled to demand judicially return of such property on terms specified by the law. Former owners of property expropriated due to Martial Law are entitled to claim allocation of other property, if possible.

It shall also be noted that, according to the law, introduction of Martial Law involves labour duty for the working age population; prohibits meetings and gatherings, and activities of certain political parties; introduces media regulation and curfew; and limits the freedom of movement for citizens.

Overall, passing the law “On the Legal Regime of Martial Law” in the time of Russian military aggression against Ukraine is seen as a necessary step to allow Ukrainian authorities more effective reaction to emerging threats. However, the urgency of its introduction did not allow for effective regulation of all important aspects of the legal regime of Martial Law. Therefore, in certain instances implementation of this law is still to be supported by relevant decisions of the Cabinet of Ministers and the General Staff of the Armed Forces. Some Ukrainian experts also argue that unless the legislation is improved, in the case of the introduction of Martial Law, confusion between different military administrations, local civilian administrations and earlier established military-civilian administrations might happen rather regularly.

The latter [military-civilian] administrations’ phenomenon appeared as a result of earlier (February 2015) adoption of a unique new Law of Ukraine **“On Military-Civilian Administrations”**. During an anti-terrorist operation, Ukrainian military and security formations liberated a number of provinces in Donetsk and Luhansk regions, where local town and regional administrations often were incapable of performing their functions. Sometimes, due to separatist influences, fear, or other reasons, these administrations plainly avoided doing what they were expected to do. This threatened dire consequences to life and security of the local population, and the safety and supply routes of Ukrainian troops. In these circumstances, the NSDC called for establishment of military-civilian administrations to replace local councils in provinces of the Donetsk and Luhansk regions after they are liberated from terrorists.

The military-civilian administrations were supposed to ensure security and normalisation of the lives of the population, the rule of law, to provide support for security structures' participation in combating terrorist acts, and to prevent a humanitarian disaster in the area of the anti-terrorist operation. In February 2015, the Verkhovna Rada approved the law "On Military-Civilian Administrations", which provides for establishment of these administrations to replace local administrations in the Donetsk and Luhansk regions that have been liberated from terrorists. In particular, the administrations shall manage all public properties in the relevant territories (excluding issues involving alienation of public property through privatisation or rent for more than one year, and excluding alienation of community lands and renting plots for more than one year).

According to the law, military-civilian administrations could be created, if necessary, by the President of Ukraine. These administrations were to operate as a temporary government acting as part of the Anti-Terrorism Centre of the Security Service of Ukraine. General supervision over local military-civilian administrations' activity has been placed upon regional Donetsk and Luhansk military-civilian administrations. On issues of public order and safety, the latter have to be under the control of the Head of the Anti-Terrorism Centre.

The operations of military-civilian administrations ought to be financed with funds from the relevant local budgets. These administrations have to be manned by military personnel, as well as civilians who have economic experience and are capable of ensuring security and solving the humanitarian problems of the people living in the liberated territories.

It is important to note that all relevant powers were to be transferred to these administrations until the next local elections. The military-civilian administrations would exercise their powers until their operations are terminated on the opening day of the first session of the newly elected local council (or until the end of the anti-terrorist operation in the case of creation of regional or district civilian-military administrations to ensure public order and safety).

The law also stipulated that military-civilian administrations cease to be effective if the Martial Law or a state of war is introduced in Ukraine or individual regions of the country. While this law is supposed to expire one year after its pronouncement, it may be extended by order of the President, after approval by the Verkhovna Rada.

2. Formulating strategic guidance: the National Security Strategy and Military Doctrine (Appendix II)

After the fall of the dictatorial regime of the former President Viktor Yanukovich, the victory of the democratic, pro-Europe Revolution of Dignity, and the start of Russian "hybrid" aggression, it took more than a year to draft and adopt the new amended version of the **National Security Strategy of Ukraine** (May 2015) and the **Military Doctrine of Ukraine** four months later (September 2015). Development of these documents and their approval by the

President of Ukraine was to be implemented in accordance with requirements of Article 2 of the Law of Ukraine "On Fundamentals of National Security of Ukraine". These documents were to articulate the principles relating to determining aims for development of the military as well as providing guidelines for all security agencies in order to prevent and or neutralise implicit and explicit threats to the national interests of Ukraine. They were meant to become "indispensable documents for the establishment, execution and development of concrete programs covering all elements of state policy relating to national security".

Due to the fact that the preceding variants of these documents were approved by former President Yanukovych, in the new domestic political environment they could not serve the declared purposes. These former acts, for instance, removed integration into NATO from the country's security policy agenda, substituted it with the term of "constructive partnership" and determined Ukraine's non-aligned status. In reference to relations with Russia, the former National Security Strategy called for "formation of a new model of relations of strategic partnership between Ukraine and the Russian Federation on the basis of balancing national interests, increased dialogue on combating new challenges and threats to security, finding common approaches to the formation of a new European system of collective security". Besides, the former military doctrine practically disregarded military aggression against Ukraine, stating that aggression, "which may result in local or regional war, in the medium term is unlikely".

New documents naturally amended and even reversed the former approaches and guidance. The new National Security Strategy is focused on the creation of a new system of national security and defence, capable of safeguarding Ukraine's sovereignty and territorial integrity against the entire range of possible threats, namely acts of war. Priority is given to cooperation with NATO and the EU, while Russia is determined to be a source of aggression and threat. As indicated by the statement of the presidential press service:

In accordance with this strategy, the main directions of the state policy in the sphere of national security include restoration of territorial integrity within its internationally recognised state border of Ukraine, establishment of effective security and defence sector and increase of the country's defence, including through deepening of the military-industrial and military-technical cooperation with member states of the NATO and the EU and achievement of complete independence from Russia in matters of production of arms and military equipment.

The document also stipulates the need for reform and development of intelligence, counterintelligence and law enforcement agencies, as well as reforming state administration and achieving a new quality of anticorruption policy. The Strategy notes that the EU Association Agreement defines strategic guidelines for the system of political and socioeconomic reforms in Ukraine, and cooperation with the NATO promotes the establishment of democratic values in Ukraine, formation of a stable security environment, and is an important tool to support the reforms, particularly in the security and defence sectors, as well as providing joint counteractions to modern challenges and security threats.

Besides, the Strategy devotes ample attention to many regional and global security issues, declaring that Ukraine will promote the process of nuclear disarmament and will support initiatives to conclude “the universal international treaty on security guarantees, first of all to non-nuclear states, which would contain a clear-cut list of obligations and measures to be taken by the parties in case of its violation”. This statement is naturally linked to Ukraine’s unfortunate experience of putting too much trust in security assurances provided by the Budapest Memorandum signed in the wake of Ukraine’s accession to the treaty on non-proliferation of nuclear weapons, which appeared to be a totally ineffective mechanism to guarantee the sovereignty and territorial integrity of Ukraine.

In this context, the National Security Strategy also suggests a number of initiatives, like the urgent need to reform the UN Security Council, the policy of denuclearisation and demilitarisation of the Black Sea region, and a return to the regime of the renovated CFE Treaty. It also promotes regional-level efforts aimed at setting up an effective system of interaction in Central and Eastern Europe for the sake of security and stability.

As for the Military Doctrine of Ukraine, which was developed on the basis of the new Security Strategy, it declares that Ukraine wants to maintain friendly relations with all countries based on international agreements concluded on the basis of equality, non-interference in internal affairs, mutual respect for independence, sovereignty and territorial integrity. However, in comparison with the National Security Strategy, the new Military Doctrine went further, explicitly declaring Russia as a military adversary and re-stating the intention to seek NATO membership. As a “basic document for military planning and for development of concepts and state programs of reforming and developing the Armed Forces” the Military Doctrine’s major role is seen to set the principles and ways of conflict prevention and resolution, as well as to define how to use military force to protect “state sovereignty, territorial integrity and other vital national interests”.

Opposite the previous variant of this document, the new Military Doctrine speaks about the high probability of a large-scale use of military force against Ukraine and regards it as one of the main threats to national security. To that end, the Military Doctrine outlines military-political challenges that can transform into a threat of using military force against Ukraine. The first of them are Russia’s interference in the internal affairs of Ukraine, countering Ukrainians’ choice for deeper integration with Europe, and to the formation of a collective security system with participation of Ukraine.

Further on, the Military Doctrine stipulates scenarios that can endanger the military security of Ukraine. The main scenario is full-scale armed aggression of Russia against Ukraine with decisive military-political goals. To counter this threat, the new Military Doctrine envisages that the country’s military budget should be no less than three percent of GDP, with army training and new arms procurement as funding priorities. This seems to be the major part of the overall security sector spending, which the new National Security Strategy indicated as to be no less than five percent of GDP. Moreover, the new Military Doctrine: takes into account the increasing role of information and psychological operations; stresses the need to improve mobilisation and mobilisation preparation system, and increase substan-

tially the number of professionals in the structure of the Armed Forces of Ukraine and other military formations; defines measures to prepare a state for defence, necessary for restoration of state sovereignty and territorial integrity, as well as outlines tasks of Ukrainian defence and security potential development as a prerequisite to rebuff military aggression. The new Military Doctrine also indicates other threats posed by Russia. These include Russian military build-up in close proximity to Ukraine's state border, deployment of tactical nuclear weapons in Crimea, militarisation of temporarily occupied territories, the presence of the Russian military contingent in Transnistria, intensification of intelligence and sabotage activities by Russian special forces aimed to destabilise the internal situation in Ukraine. In broader terms, the new Military Doctrine expects the threats coming from the activity of illegal armed groups on Ukraine's territory aimed to destabilise internal social and political situation in the country, intimidate people, suppress their will to resist, disrupt the work of state authorities, local governance, industries, and infrastructure.

3. Amending key legislation for defence (Appendix III)

Russian military aggression naturally precipitated amendments in the number of laws regulating the wide spectrum of processes, authorities and activities in the area of defence of Ukraine. These amendments were continuously adopted in an ad hoc manner through all the period since the start of the conflict. This is related to the framework legislation like laws "On Fundamentals of National Security of Ukraine" and "On Democratic Civilian Control of State Military Organisation and Law Enforcement Bodies", as well as to more specific acts governing defence: laws "On Defence of Ukraine", "On the Armed Forces of Ukraine" and "On Management of Defence Planning". In some instances, broad radical reforms in defence governing legislation were proposed, but their adoption was mostly postponed.

In particular, an attempt was made to promptly introduce the NATO membership goal as a legally-bound objective in the law **"On Fundamentals of National Security of Ukraine"**. This proposal was grounded on the premises that NATO is the only effective collective security organisation in Europe, and since 1991, Ukraine was consistent in progressively developing cooperation with the Alliance. Besides, in 2005, in Vilnius, Ukraine, as a NATO special partner, was offered Intensive Dialogue with NATO; and, in 2008, in Bucharest, the NATO Summit Communiqué stipulated that Ukraine (and Georgia) will be NATO members in the future.

However, the draft law with such a direct move was not immediately adopted. Instead, more flexible amendments were introduced in Chapter 6, "National Priority Interests", of this law. These amendments specified one of the key interests as "The integration of Ukraine into the European political, economic, and legal space with the aim of acquiring membership in the European Union and in the Euro-Atlantic security zone; and developing mutually equitable and favourable relationships with other states that have a common interest in Ukraine". As for cooperation with NATO, the ultimately adopted amendment stipulates the priority of "deepening the cooperation with North Atlantic Treaty Organisation with the aim

of achieving criteria, necessary for acquiring membership in this organisation". The concept of the priority interest in "good-neighbourly relationship and strategic partnership with the Russian Federation and other countries of the Commonwealth of Independent States (CIS)" was plainly but decisively removed from the previous law.

Other amendments to the law "On Fundamentals of National Security of Ukraine" were adopted in reference to the clauses related to improving threat assessment and state secrets protection, amending the composition of the security sector of Ukraine, strengthening the struggle with corruption, improving protection of human rights and freedom of speech. More or less substantial amendments were essentially related to the issues of civil protection area. Here, after about 30 years since the Chernobyl nuclear disaster of 1986, amendments were inspired by the recognition of the possible consequences of escalation of the military conflict with neighbouring Russia. It once again reminded Ukraine, with its six nuclear power stations, many in densely-populated cities and with a great number of dangerous technological and infrastructure components, that both government and population shall always keep in mind the importance of having an effective and resilient system of population and infrastructure protection from any conceivable catastrophe.

Another framework law governing the security sector, "**On Democratic Civilian Control of State Military Organisation and Law Enforcement Bodies**", in contrast to the law "On Fundamentals of National Security of Ukraine", was not subject to many serious amendments. Despite numerous heated discussions in the expert community that having uniformed generals as minister of defence and his deputies does not exactly correspond to the basic criteria of democratic civilian control, even in time of war, this inconsistency did not inspire legislators to refine the law in the way this issue is normally stipulated in NATO democracies Ukraine aspires to become. For instance, in Title 10 U.S. Code, paragraph 113: *"There is a Secretary of Defense, who is the head of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate. A person may not be appointed as Secretary of Defense within seven years after relief from active duty as a commissioned officer of a regular component of an armed force"*.

A few small amendments to the mentioned law were related only to judicial control, refining the wording, for instance, of the article on the system of civilian control, which among other elements shall include: "Judicial and the Public Prosecutor's control, which shall be exercised in the manner, stipulated by the Constitution and the laws of Ukraine".

Besides, there were also a few amendments made in the so-called "sectoral" laws in defence sector: "On Defence of Ukraine" and "On the Armed Forces of Ukraine". In the Law of Ukraine "**On Defence of Ukraine**" the amendments were related to improving the system of civil protection as well. In particular, one of the key amendments requires that all peacetime civil protection activity shall be conducted in accordance with recently adopted (2013) Code of Civil Protection of Ukraine, while during the *special period* or in the process of preparation for it, all civil protection activity shall be conducted taking into account specifics covered by the legislation on defence, mobilisation and legal regime of the Martial Law.

Another important amendment to this law is aimed at broadening the sources of defence budgeting through introducing to legislation the experience of Ukrainian citizens' volunteer financial contribution to defence during the war. As a result of this amendment adoption, the law stipulates that "Supplementary financing of the needs of national defence can be provided by accepting the charitable endowments from physical and legal persons according to procedure established by the Cabinet of Ministers of Ukraine".

The same amendment is introduced to the Law of Ukraine **"On the Armed Forces of Ukraine"**. Besides, several amendments to this law provide more specific stipulation of different aspects of the broader antiterrorist mission of the Armed Forces of Ukraine. In particular, among many traditional requirements the law now requires the Armed Forces to operate in a much broader spectrum of authority and much more actively against terrorists. Relevant amendment stipulates that the Armed Forces are obliged: to provide during the antiterrorist operation for accomplishment of missions aimed at termination of activity of illegal militarised or armed formations (groups), terrorist organisations, organised groups and criminal organisations; to participate in apprehending of individuals, as well as neutralizing of individuals in situations, when their actions really threaten the life and health of hostages, participants of the antiterrorist operation and other persons.

Meanwhile, with regard to yet another "sectoral" law in defence sector – the Law of Ukraine **"On Management of Defence Planning"** – the intention was to introduce a fully modified version of this law. The draft of the new version of this law was developed in the Ministry of Defence of Ukraine, then submitted by the government for consideration of the Verkhovna Rada and, in June 2015, was successfully adopted there. Nevertheless, the adopted draft failed to become a new valid law, because the President of Ukraine did not sign it. Instead, the President returned the draft to the parliament with several serious comments requiring a substantial overhaul of the adopted bill.

In his response to parliament, the President indicated that he cannot agree with the narrow approach of the draft, where defence planning is limited to the competences of the Ministry of Defence. Indeed, such reaction could have been expected after the authors of the draft excluded the National Security Strategy from the list of guiding documents for long-term defence planning.

Besides, the draft was criticised for its "archaic" approach to defence planning. Reasons for such criticism were enough. First of all, the draft was criticised for the lack of provisions for legally required coordination of defence planning with planning processes of other elements of the Ukrainian security sector, especially in planning the budget. In addition, the authors failed to resolve the long-existing problem in defence planning when the Armed Forces reform and development programs were approved by the President, while budgeting of all the measures always was the prerogative of the Verkhovna Rada. More than that, this practice did not correspond to requirements of the legislature for planning in all other public sectors of Ukraine where reform programmes had to be approved by the parliament.

Conclusions

The Russian occupation of Crimea and anti-terrorist operations in Ukraine's south-eastern provinces, which started in early 2014, provided important experiences, which proved that basic aspects of democratic civilian control over the military are very important to observe and implement in substance, rather than in form.

Before the crisis, it was typical to say that, overall, Ukraine's defence and security guiding and planning documents were providing good general answers to the questions about external risks and threats, as well as on major possible scenarios, but there are still some problems for the top country's leadership in translating these analyses into timely and effective practical policy decisions. However, lessons learned from the crises have shown that problems existed not only in the leadership domain, but in security sector legislation as well.

As a result, hasty legislative process aimed at accommodation of new experience brought numerous amendments to existing laws and even led to the creation of new laws. Immediate amendments were made in foreign policy and security policy objectives excluding Russia from the list of trusted partners and moving this aggressor to the list of direct military threats to Ukraine. Civil-military relations and administration of the legal regime of Martial Law in the conflict area received more substantially-developed legislative frameworks.

By the end of 2015, the Ukrainian defence sector received clear strategic guidance through its new National Military Strategy or amended Military Doctrine. The critical importance of having an effective civil protection system found its reflection in numerous relevant amendments to different laws.

Besides, the unique experience of the antiterrorist operations necessitated introduction of new missions for the Armed Forces and recognition of the new ways of their support. Specific amendments stipulated broader roles and missions of the Armed Forces in preventing terrorist activity. Moreover, the widespread practice of public donations to the military led to legal recognition of charity endowments as an acceptable way of financing the needs of the Armed Forces.

Unsuccessful attempts to introduce radical changes to the laws "On Fundamentals of the National Security of Ukraine" and "On Management of Defence Planning" reminded that certain top headquarters in Ukrainian security sector should be transformed more quickly from the still-existing post-Soviet culture towards models corresponding with the Western norms and procedures of command and control.

Overall, lessons learned from the current crisis in Ukraine very vividly displayed the gaps in previously-existing legislation, and Ukraine addressed many of these problems. They also call for further efforts to repair the system of civilian control over the military in favour of brining the situation closer to democratic norms.

Appendix I

Law of Ukraine “On the National Security and Defence Council of Ukraine”

(Bulletin of the Verkhovna Rada, 1998, No. 35, p. 237)

With changes introduced under the Law of Ukraine No. 43-VIII від 25.12.2014
(Bulletin of the Verkhovna Rada, 2015, No. 4, art. 14)

This law defines the legal basis for the organisation and activities of the National Security and Defence Council of Ukraine including its composition, structure, competences and functions.

PART I. GENERAL PROVISIONS

Article 1. The National Security and Defence Council of Ukraine

In accordance with the Constitution of Ukraine, the National Security and Defence Council is a co-ordinating body for issues relating to national security and defence presided over by the President of Ukraine.

Article 2. The Legal Basis for the Activities of the National Security and Defence Council of Ukraine

1. The activity of the National Security and Defence Council of Ukraine is guided by the Constitution and laws of Ukraine, ratified international treaties agreed to be binding by the Verkhovna Rada and by Presidential decree.
2. Under this Law the National Security and Defense Council of Ukraine makes decision on approval of the Provision on the Staff of the National Security and Defense Council of Ukraine, which shall be enabled by decree of the President of Ukraine.
3. Procedures for functioning of the National Security and Defense Council of Ukraine are established by this Law and the Provision on the Staff of the National Security and Defense Council of Ukraine.

Article 3. The Functions of the National Security and Defence Council of Ukraine

1. The functions of the National Security and Defence Council of Ukraine include the following:

- 1) Submitting proposals to the President on the implementation of the fundamentals of foreign and domestic policy for national security and defence;
- 2) Coordinating and controlling the activities of the Executive within the sphere of national security and defence during peacetime;
- 3) Coordinating and controlling the activities of the Executive within the national security and defence sphere during martial law or a state of emergency and other crisis.

Article 4. *The Powers of the National Security and Defence Council of Ukraine*

1. In accordance with the functions defined by the Constitution of Ukraine and this law, the National Security and Defence Council of Ukraine:
 - 1) Develops and reviews questions in accordance with the Constitution and Laws of Ukraine, the National Security of Ukraine, the Military Doctrine of Ukraine, relating to national security and defence; and submits its proposals to the President of Ukraine on the following issues:
 - The strategic national interests of Ukraine, conceptual approaches and directions of ensuring national security and defence in the political, economic, social, military, scientific and technological, ecological, information and other spheres;
 - Drafts State Programmes, Doctrines, Laws of Ukraine, Acts of the President, Directives of the Supreme Commander-in Chief of the Armed Forces, International Treaties, other normative acts and documents relating to national security and defence;
 - Improves the system for national security and defence management; establishes, reorganises and dissolves Executive bodies;
 - Drafts Laws for the State Budget of Ukraine in relation to national security and defence;
 - Ensures the availability of adequate material, financial, personnel, organisational and other resources required for national security and defence;
 - Assesses the political, economic, social, military, scientific, technological, ecological, informational and other activities selected in accordance with the scale of potential or real threats to the national interests of Ukraine;
 - Commissions the Executive and scientific institutions to study concrete questions and to research topical issues relating to national security and defence;
 - Recruits, controls, inspects and supervises Executive units to exercise control over the timeliness and quality of the implementation of National Security and Defence Council decisions approved by the President;
 - Provides and controls the input and processes of necessary information, its preservation, confidentiality and use in the interests of national security, including its analysis in the light of State development and global trends in defining potential and real threats to the national interests of Ukraine;

- Declares a state of war; the total or partial mobilisation of troops; the introduction of martial law or a state of emergency (in full or in part); and announces ecological emergency zones;
 - Adopts decisions on urgent measures for managing crises threatening the national security of Ukraine;
- 2) Coordinates implementation of decisions adopted by the National Security and Defence Council of Ukraine, and enabled by decree of the President of Ukraine; monitors the national security and defence related activities of the Executive and submits relevant conclusions and proposals to the President;
 - 3) Recruits officials and experts from the Executive, public and scientific institutions, public and private enterprises and organisations for the analysis of information;
 - 4) Initiates the development of normative acts and documents on issues relating to national security and defence, processes data relating to the application and the results of their implementation;
 - 5) Coordinates and controls the transfer of Central and Local Executive authority and the national economy to special operations under martial law or a state of emergency;
 - 6) Coordinates and controls the activities of Local Self-Government within the limits of authority granted under martial law and or a state of emergency;
 - 7) Coordinates and controls the activities of the Executive aimed at rebuffing armed aggression and to ensure the defence and vitality of the population including the protection of life, health, constitutional rights, freedoms and legitimate interests of the citizen, the maintenance of public order under martial law or a state of emergency as well as during other national security crisis.
 - 8) Coordinates and controls the activities of the Executive aimed at fighting corruption, providing for public safety and struggle with criminality on the issues of national security and defence.

Note: Unders crisis it is understood the situation fraught with radical aggravation of differences, sharp destabilisation of the environment in any sphere of activity, any region or the whole country.

PART II. THE COMPOSITION AND STRUCTURE OF THE NATIONAL SECURITY AND DEFENCE COUNCIL OF UKRAINE

Article 5. *The Head of the National Security and Defence Council of Ukraine*

1. The Head of the National Security and Defence Council of Ukraine is the President of Ukraine.

2. In the event of a pre-term termination of Presidential authority in accordance with Articles 108, 109, 110 and 111 of the Constitution of Ukraine, the Prime Minister executes his or her duties as the Head of the National Security and Defence Council of Ukraine, for the period before fresh elections and the assumption of office by a new President.

Article 6. The Composition of the National Security and Defence Council of Ukraine

1. The President forms the personal composition of the National Security and Defence Council. The Prime Minister, the Minister of Defence, the Head of the Security Service, the Minister for Internal Affairs and the Minister for Foreign Affairs of Ukraine are ex officio members of the National Security and Defence Council.
2. The Heads of other Central Executive authorities can also be members of the National Security and Defence Council.

Article 7. The Secretary of the National Security and Defence Council of Ukraine

1. The Secretary to the National Security and Defence Council of Ukraine is appointed to and dismissed from office by the President of Ukraine and is directly accountable to him/her. The legal status of the Secretary of the National Security and Defence Council is that of a civil servant as defined by the President of Ukraine in accordance with the Law "On State Service".
2. The Secretary of the National Security and Defence Council ensures the organisation and the execution National Security and Defence Council decisions.
3. The Secretary of the National Security and Defence Council has under-Secretaries, who are appointed to and dismissed from office upon a submission by the President. Both civilians and servicemen can be appointed to the positions of the Secretary and or Undersecretary to the National Security and Defence Council.

Article 8. The Staff of the National Security and Defence Council of Ukraine

Employees who are managed by the Secretary of the National Security and Defence Council provide analytical and organisational support to the National Security and Defence Council. The functions, structure, and composition of staff at the National Security and Defence Council are defined by the President. The officials and employees of the National Security and Defence Council are all civil servants.

PART III. THE PROCEDURES FOR THE FUNCTIONING OF THE NATIONAL SECURITY AND DEFENCE COUNCIL OF UKRAINE

Article 9. The Meeting Arrangements for the National Security and Defence Council of Ukraine

Meetings held at the National Security and Defence Council provide the primary organisational arena for the Council's activities. Voting at these meetings is done by its

members, in person. The delegation of a duty to be present at a meeting of the National Security and Defence Council to other persons shall not be permitted. The Chairman of the Verkhovna Rada may take part in meetings held at the National Security and Defence Council. Other persons namely the Head of the National Security and Defence Council, the Heads of the Committees of the Verkhovna Rada, other Peoples Deputies of Ukraine, Heads of the Central Executive authority, who are not members of the National Security and Defence Council may be present at a aforementioned meeting subject to an invitation made by the National Security and Defence Council.

Article 10. *The Decisions of the National Security and Defence Council of Ukraine*

Decisions made by the National Security and Defence Council are adopted subject to agreement by no less than two-thirds of its voting members.

The Chairman of the Verkhovna Rada may express his/her opinion on an adopted decision that is recorded in the minutes of a meeting.

A Presidential Decree enables decisions adopted by the National Security and Defence Council.

Decisions by the National Security and Defence Council enabled by decrees of the President of Ukraine are mandatory for all Executive authorities.

Article 11. *The Authority of the Head of the National Security and Defence Council of Ukraine*

1. The Head of the National Security and Defence Council of Ukraine:
 - 1) Guides and supervises the activities of the National Security and Defence Council;
 - 2) Approves prospective and current plans for the activities of the National Security and Defence Council, as well as the dates and procedures for its meetings;
 - 3) Presides at National Security and Defence Council meetings;
 - 4) Entrusts the members of the National Security and Defence Council with tasks relating to the execution of the Council's functions;
 - 5) Receives current reports from the Secretary of the National Security and Defence Council on the execution of the Council's decisions; and where necessary, submits an issue on the execution of a National Security and Defence Council decision for consideration at a meeting;
 - 6) Approves the Provision on the Staff of the National Security and Defense Council of Ukraine, its organizational and personnel structures on the basis of proposal by the Secretary of the National Security and Defense Council of Ukraine;
 - 7) Executes other authority pre-determined by this Law.

Article 12. *The Authority of Members of the National Security and Defence Council of Ukraine*

1. Members of the National Security and Defence Council of Ukraine:
 - 1) Submit proposals to the National Security and Defence Council for consideration of issues within the Council's powers;
 - 2) Develop issues and take part in the consideration processes made by the National Security and Defence Council;
 - 3) Submit comments and proposals, and votes on the issues under consideration by the National Security and Defence Council;
 - 4) Express, where necessary personal opinions on draft decisions of the National Security and Defence Council;
 - 5) Take part in the planning of the National Security and Defence Council activities;
 - 6) Coordinate and control, within the limits of their official powers, the execution of National Security and Defence Council decisions.

Article 13. *The Authority of the Secretary and Under-Secretaries of the National Security and Defence Council of Ukraine*

1. The Secretary of the National Security and Defence Council of Ukraine:
 - 1) Develops proposals for the prospective and current planning of the National Security and Defence Council activities;
 - 2) Submits draft Acts of the President for enacting National Security and Defence Council decisions, including recommendations on the fundamental implementation of foreign and domestic policy for national security and defence to the President for consideration;
 - 3) Organises the work connected to the preparation of National Security and Defence Council meetings and the control over the execution of the decisions approved by it;
 - 4) Informs the President and members of the National Security and Defence Council on the processes of Council decision implementation;
 - 5) Coordinates the activities of the working and advisory bodies of the National Security and Defence Council;
 - 6) At the request of the Head of the National Security and Defence Council, represents the National Security and Defence Council at the Verkhovna Rada, when dealing with Executive authority and Local Self-Government bodies, political parties, public organisations, the mass media and international organisations.
 - 7) submits for approval to the Head of the National Security and Defense Council of Ukraine the Provision on the Staff of the National Security and Defense Council of Ukraine, staff structure and size;

- 8) during the period between sessions of the National Security and Defense Council of Ukraine, coordinates and controls the implementation of resolutions of the National Security and Defense Council of Ukraine by central and local executive authorities, law enforcement bodies, military formations in the sphere of state security, law enforcement, and fight against corruption, in the military sphere and the sphere of security of the state border of Ukraine, in the spheres of military-technical cooperation, foreign policy, domestic policy, information, economics, science and technology, as well as environmental, social, and humanitarian spheres, according to the resolutions of the National Security and Defense Council of Ukraine entered into force by decrees of the President of Ukraine;
- 9) organizes the work of the Supreme High Commander General Headquarters, in case the latter is created;
- 10) takes part in the review of proposed candidates for positions in state authorities whose activity is related to issues of national security and defense of Ukraine, and who are appointed by the President of Ukraine or by approval of the President of Ukraine; submits to the President of Ukraine proposals on appointment and dismissal of the command of military formations and law enforcement bodies within the scope of authority of the President of Ukraine;
- 11) submits to the President of Ukraine proposals on appointment of deputy Secretaries of the National Security and Defense Council of Ukraine and on the distribution of duties between them;
- 12) submits for review to the National Security and Defense Council of Ukraine proposals for the draft of the Law of Ukraine on the State Budget of Ukraine, for items related to funding of national security and defense.

Article 14. *The Working and Advisory Bodies of the National Security and Defence Council of Ukraine*

1. With the purpose of developing and solving complex inter-sectoral problems, ensuring scientific-analysis and forecasts in support of the activities of the National Security and Defence Council, decisions are made, subject to State Budget allocation, to create inter-departmental commissions and advisory bodies. The functions and authority of these bodies are determined by specific regulations subject to Presidential approval.

Article 15. *Financing the National Security and Defence Council of Ukraine*

1. Financing for the activities of the National Security and Defence Council is specifically provided for by the State Budget of Ukraine.

President of Ukraine L. KUCHMA

No. 183/98-BP of 15.03.1998

Law of Ukraine “On Military Civil Administrations”

No. 141-VIII of February 3, 2015, (*Bulletin of the Verkhovna Rada*, 2015, No. 13, art. 87)

With changes introduced under the Law of Ukraine No. 650-VIII of 17.07.2015 (*Bulletin of the Verkhovna Rada*, 2015, No. 40-41, art. 382)

This Law determines the organization, powers and the procedure for activities of military civil administrations which will be formed as the temporary compulsory measure with elements of military organization of management for the safety control and normalization of activity of the population around the area of anti-terrorist operation, and have no intention of change and/or cancellation of constitutionally consolidated right of territorial communities on local self-government.

Article 1. *Status and purpose of military civil administrations*

1. For exercising of powers of local executive bodies, local self-government bodies in the cases established by this Law, around the area of anti-terrorist operation military civil administrations can be formed.

Military civil administrations are temporary state power bodies in villages, settlements, the cities, districts and regions which operate as a part of the Anti-terrorist Center under Security Service of Ukraine. They are established for ensuring the implementation of the Constitution and the laws of Ukraine and aimed at precluding humanitarian catastrophe around the area of anti-terrorist operation, providing for the safety control and normalization of activity of the population, the law and order, participation in counteraction to subversive activities and acts of terrorism.

Military civil administrations of the district and the region are the temporary state power bodies, exercising in the corresponding territory powers of regional councils and/or public administrations and other power bodies, determined by this Law.

Military civil administrations of settlements are the temporary state power bodies, exercising in the corresponding territory power of village, settlement, city councils and/or executive bodies of the relevant councils and other power bodies, determined by this Law.

2. Military civil administrations are legal entities under the public law, which acquire the rights and obligations from the date of introduction of record about their state registration as legal entities in the Consolidated State Register of legal entities and physical persons entrepreneurs.

Samples of seals, forms and plates (signs) of military civil administrations adopted in accordance with the procedure, established by the Cabinet of Ministers of Ukraine.

Article 2. Legal basis for activities of military civil administrations

1. Military civil administrations in their activities are guided by the Constitution of Ukraine, the Law of Ukraine “On Fighting Terrorism”, this Law and other regulatory legal acts published according to them.

Article 3. Organization of military civil administrations

1. Military civil administrations will be formed in case of the need according to the decision of the President of Ukraine. Simultaneously with decision of the President of Ukraine on creation of military civil administrations the decision shall be made on the termination of powers of the relevant village, settlement, city, regional councils and/or executive bodies of the relevant councils, local public administrations and their officials.
2. Military civil administrations of settlements will be formed in one or several settlements (villages, settlements, the cities) in which village, settlement, city councils and/or their executive bodies do not perform duties assigned to them by the Constitution and the laws of Ukraine, including as a result of the self-dissolution or self-withdrawal from execution of their powers, or their actual failure to act. Abstain
3. In the district and region military civil administrations will be formed in case of not convocation of session of respectively district or regional council in established by the Law of Ukraine “On Local Self-government in Ukraine” terms or for organising the management in the sphere of providing the public order and safety.
4. Military civil administrations of settlements are created of the military personnel of the military formations organised according to the laws of Ukraine and personnel of law enforcement agencies, who serve in accordance with the procedure established by the legislation for accomplishment of tasks in the interests of defense of the state and its security while remaining on the military service, service in law enforcement agencies without exclusion from muster-rolls, and also civilian workers who have concluded the employment contract with the Anti-terrorist Center under Security Service of Ukraine.
5. In case of forming of district or regional military civil administrations, the military personnel of the military formations organised according to the law may be appointed to positions of government employees in such administrations and personnel of law enforcement agencies who serve in accordance with the procedure established by the legislation for accomplishment of tasks in the interests of defense of the state and its security while remaining on the military service, service in law enforcement agencies without exclusion from muster-rolls. According to the decision of the head of military civil administration, other persons having special knowledge and experience may be appointed without competitive selection.

6. The list of positions in military civil administrations of settlements to which military personnel of the military formations organised according to the law and personnel of law enforcement agencies are appointed, and also the list of positions in district and regional military civil administrations to which the military personnel of the military formations organised according to the law and personnel of law enforcement agencies are appointed, shall be approved by the President of Ukraine on the basis of proposals of the Head of the Anti-terrorist Center under Security Service of Ukraine.
7. Financing of activities of military civil administrations on exercising of powers of local government bodies is provided at the expense of the corresponding local budgets, while exercising of other functions is provided at the expense of the State Budget of Ukraine.
8. The structure and the staff positions of military civil administrations of settlements are approved by the Head of the Anti-terrorist Center under Security Service of Ukraine on the basis of proposals of the heads of the corresponding military civil administrations.
9. The general oversight of activities of military civil administrations of settlements and district military civil administrations is performed by the heads of the corresponding regional military civil administrations. The general oversight of activities of regional military civil administrations in the sphere of providing for the public order and safety is performed by the Head of the Anti-terrorist Center under Security Service of Ukraine.
10. The direct management of military civil administrations is performed by their heads.
11. Military civil administrations perform their functions until the termination of their activities in the opening day of the first session of newly elected relevant council, and in case of creation of district or regional military civil administrations for implementation of the mission in the sphere of providing for the public order and safety – until completion of anti-terrorist operation.
12. Powers of military civil administrations shall be exercised in accordance with the procedure, determined by the laws of Ukraine for exercising of powers of relevant organs of local self-government, taking into account the norms established by this Law.
13. Appointment of deputy heads of military civil administrations and division managers, approval of structure and the staff positions of military civil administrations is performed by the Head of the Anti-terrorist Center under Security Service of Ukraine on the basis of proposals of the heads of the corresponding military civil administrations without competitive selection.
14. Standard regulations on military civil administrations and the recommended list of structural subdivisions of military civil administrations are approved by the President of Ukraine.

15. Parliamentary oversight in the sphere of military civil relations is performed by the Verkhovna Rada of Ukraine.

Article 4. Powers of military civil administrations

1. Military civil administrations of settlements in the corresponding territory shall perform the following functions:
 - 1) Preparation and approval of programs of social and economic and cultural development of the corresponding administrative and territorial units, target programs on other questions of local self-government;
 - 2) Ensuring the balanced economic and social development of the corresponding territory, effective use of natural, labor and financial resources;
 - 3) Attraction on a contract basis the companies and the organizations irrespective of the form of ownership to participation in complex social and economic development of villages, settlements, the cities, coordination of this work in the corresponding territory;
 - 4) Placement on a contract basis orders for production, performance of works (services) necessary for the territorial community at the companies and the organizations;
 - 5) Preparation and approval of the local budget, modification of it; ensuring of implementation of the relevant budget;
 - 6) Establishment of rates of the local taxes and charges according to the Tax Code of Ukraine if there is no decision of the relevant council on these questions;
 - 7) Making decisions on provision according to the legislation of privileges on payment of the local taxes and charges if there is no decision of the relevant council on these questions;
 - 8) Establishment according to the procedure and the limits determined by the legislation, rates on household, municipal (except rates for heat energy, centralized water supply and the drainage system, conversion and dumping of household waste, service in centralized heating, service in centralized supply of cold water, service in centralized supply of hot water, service in water removal (with use of intra house systems) which are established by the national commission performing state regulation in the sphere of utilities), transport and other services;
 - 9) Attraction on a contract basis investments from the companies and the organizations irrespective of the form of ownership, located in the corresponding territory, funds of the population, and also budgetary funds for construction, development, repair and sharing of objects of the social and production infrastructure and on actions for preservation of environment;

- 10) Management of objects of housing and utility services, consumer, trade services, transport and the communication, the corresponding territorial infrastructure in the municipal property, ensuring their proper maintenance and effective operation, necessary level and quality service to the population;
- 11) Establishment for the companies and the organizations of the municipal property of the corresponding territorial communities, the size of the part of profit which is subject to transfer in the local budget;
- 12) Management of the municipal property of the corresponding territorial community (except for the solution of questions of alienation, including by privatization of municipal property and provision of municipal property in lease for the term of over one year);
- 13) Assistance to expansion of housing construction, provision to the citizens needing housing, the help in the housing construction; assistance to owners of apartments (houses) in their recovery in case of damage resulting from acts of terrorism, acts of sabotage; the organizations at the expense of own means and on the equity beginnings of construction, reconstruction and repair of objects of municipal services and welfare support, apartment houses, and also country roads; accomplishment or delegating on the competitive basis of the general construction organization (contract organization) of functions of the customer on construction, reconstruction and repair of housing, other objects of the social and production infrastructure of the municipal property;
- 14) Provision according to the law of town-planning conditions and restrictions on building on certain parcels of land;
- 15) Management of education, health care, culture, physical culture and sports by improving institutions which belong to territorial communities or are transferred to it, youth teenage organizations in the residence; organization of their material and financial support;
- 16) Support to municipal welfare institutions of the corresponding territorial communities, as well as the population with fuel, the electricity, gas and other energy supplies; providing water supply and sewage functioning; verification of compliance of drinking water with quality standards;
- 17) Provision at the expense of local budgets of funeral services in connection with burial of single citizens, veterans of war and labour, and also other categories of needy citizens; provision of burial support for citizens in other cases, stipulated by the legislation;
- 18) Assistance to the organization of the appeal of conscription of citizens for military and alternative (not military) service, and also for their mobilization, preparation of youth for service in the Armed Forces of Ukraine, organization of educational and special military duties; ensuring the companies and the organizations irrespective of

- the form of ownership, and also the population in fulfilling the orders of the military commissariate after the declaration of mobilization;
- 19) Reserving workplaces for persons liable for call-up at the companies and the organizations according to the legislation;
 - 20) Organization and participation in implementation of the actions connected with mobilization preparation and civil protection;
 - 21) Provision according to the legislation to military units, organizations, educational institutions of the Armed Forces of Ukraine of service premises and living space, other objects, and also household services; the verification of compliance of their use and provision of quality services;
 - 22) Assistance to the companies and the organizations being in the municipal property in production and deliveries for troops of the ordered products, services, energy resources;
 - 23) Implementation of requests for creation of proper conditions for operation of check points along the border of Ukraine;
 - 24) Assistance to the State Border Service of Ukraine in administration of corresponding border perimeter;
 - 25) Establishment of security regime at important objects of national economy of Ukraine which provide services for the population;
 - 26) Implementation of programs for military patriotic education of the population;
 - 27) Regulation according to the law of land relations (except for the alienation from the municipal property of the parcels of land and provision of such parcels of land in lease for the term of over one year);
 - 28) Provision according to the law of permits for special use of natural resources of local value for the term of no more than one year, and cancellation of such permissions;
 - 29) Designation of the territories and objects of natural and reserved fund of local value and other territories, subjects to special protection; submitting applications to the relevant state bodies on the announcement of the natural and other objects having ecological, historical, cultural or scientific value, nature sanctuaries, stories or cultures which are protected by the law;
 - 30) Creation according to the law at the expense of means of the local budget of organizations on provision of the free primary legal assistance, appointment and dismissal of the heads of these organizations, attraction of physical persons or legal entities of private legal services established by the law to provision of the free primary legal assistance;
 - 31) Assistance to activities of bodies of court, prosecutor's office, justice, security service, internal affairs, legal profession and Public marshal service of Ukraine;

- 32) Hearing of information from prosecutors and heads of law-enforcement bodies about the condition of legality, fight against crime, guards of the public order and results of activities in the corresponding territory;
- 33) Cancellation of acts of executive bodies of the relevant council which do not comply with Constitution, the laws of Ukraine, other acts of the legislation, the decisions of the relevant council accepted within its powers;
- 34) Organization according to the legislation of elections of public authorities, local self-government and the agricultural, settlement, city chairman within corresponding administrative and territorial unit;
- 35) Establishment according to the legislation of rules concerning the administration of the territory of the settlement, monitoring clean environment, trade in the markets, observance of silence in public places and imposing of administrative punishment for corresponding violations;
- 36) Making decisions in the limits determined by the law concerning disaster management, epidemics, epizootiya and imposing of administrative punishment for corresponding violations;
- 37) Limitation of the territories on which potentially dangerous events can be held in the conditions of presence of the civilian population with participation of personnel of the Armed Forces of Ukraine, other military formations and law enforcement agencies which use arms and the military technology;
- 38) Making decisions on early termination of powers of bodies of territorial self-governance of the population in the cases provided by this Law;
- 39) Giving consent on transfer of objects from state to the municipal property, and on acquisition of objects of state-owned property;
- 40) Creation according to the legislation of municipal rescue service; deciding on the number of employees in such service and its budget; providing logistics activities of municipal rescue services;
- 41) Ensuring centralized temporary storage of the archive documents which have been saved up in the course of documentation of office, labor or other legal relationship of legal entities and physical persons on the corresponding territory, and other archive documents not related to National Archive Fund;
- 42) Collection, transportation, utilization and neutralization of the household waste, neutralizations and dumpings of animal corpses;
- 43) Administration of settlements; organization of gardening, protection of green plantings and reservoirs, creation of places for citizens' vacation;
- 44) Organization of the local markets, fairs, assistance in development of all forms of trade;

- 45) Establishment of convenient for the population regime of public services, trade and public catering and the consumer services objects in the municipal property;
 - 46) Approval of routes and traffic schedules of local passenger transportation irrespective of the form of ownership, coordination of the transit of passenger transport in cases, stipulated by the legislation;
 - 47) Ensuring proper maintenance of cemeteries, other places of burial and their protection;
 - 48) Attraction on a contract basis of the companies and the organizations not related to the municipal property of the corresponding territorial communities, to participation in servicing of the population by automobiles and communication.
2. Military civil administrations of settlements exercise the delegated powers of executive bodies assigned to local government bodies by the laws of Ukraine.
 3. District and regional military civil administrations along with implementation of powers of local public administrations in the corresponding territory also perform powers on:
 - 1) Implementation according to the law of powers on the organization within the corresponding administrative and territorial unit of all-Ukrainian referenda and elections of public authorities and local self-government, provision of information on request of Central Electoral Commission about possibility of the organization and preparation according to the law of the corresponding elections in the separate territories;
 - 2) Preparation and approval of programs of social, economic and cultural development of the respective region and area, target programs on other questions, hearing of reports on their accomplishment;
 - 3) Preparation and approval of district and regional budgets, their modification, approval of reports on their implementation; distribution of the means transferred from the government budget in the form of grants, subventions respectively between district budgets, local budgets of the cities of regional level, villages, settlements, the cities of district level;
 - 4) Decision on the instructions for relevant councils (the corresponding military civil administrations of settlements) on the issues of lease, concession or on the security of objects of the municipal property which provide for needs of territorial communities and administered by regional councils, and acquisition of such objects in the procedure established by the law;
 - 5) Management of objects of common property in villages, settlements, the cities, regions within the cities administered by regional councils (except for alienation, including by privatization, such objects); appointment and release of their heads;

- 6) Decision according to the law on regulation of land relations (except for alienation from the municipal property of the parcels of land);
 - 7) Provision according to the law of permission for special use of natural resources of respectively district and regional level, and cancellation of such permission;
 - 8) Approval of instructions for use of sources of water supply intended for satisfaction of drinking, household and other requirements of the population, sanitary protection zones around sources of water supply, restriction or prohibition of use by the companies of drinking water in the industrial purposes;
 - 9) Making decision on designation of the territories and objects of natural and reserved fund of local level and other territories, subject to special protection; submitting proposals to the relevant state bodies on the announcement of the natural and other objects having ecological, historical, cultural or scientific value, monuments of history or culture as protected by the law;
 - 10) Making decisions in the limits determined by the law concerning disaster management, epidemics, epizootiya and on the administrative responsibility for their violation;
 - 11) Protection of important objects of national economy of Ukraine which provide services for the population;
 - 12) Making appeals to the court about recognition as unlawful the acts of local executive bodies, the companies and the organizations which limit the rights of territorial communities in the sphere of their common interests, as well as powers of regional councils and their bodies;
 - 13) Consent on transfer of objects from state-owned property to common property of territorial communities of villages, settlements, the cities and making decisions on acquisition of objects of state-owned property;
 - 14) Hearing of information from prosecutors and heads of law-enforcement bodies about the law and order situation, fighting crime, protection of the public order and other results of their activity on the corresponding territory;
 - 15) Establishment according to the procedure and the limits determined by the legislation, rates for housing-and-municipal services;
 - 16) Submitting proposals on change of the administrative-territorial structure according to procedure, determined by the law.
4. District and regional military civil administrations promote collection and transportation through the corresponding territory of humanitarian cargoes for the needs of peaceful population living in the territory, not under control Ukrainian power.

Article 5. Rights of military civil administrations

1. Military civil administrations in the corresponding territory in coordination with the Anti-terrorist Center under Security Service of Ukraine have the right to:
 - 1) Set restrictions on staying during the specified period of day on streets and in other public places without identification documents;
 - 2) Temporarily limit or forbid movement of vehicles and pedestrians on streets, roads and sites of the district;
 - 3) Organize verification of the identification documents of physical persons, and in case of need – examination of belongings, vehicles, luggage and cargoes, service premises and housing of citizens, except for restrictions established by the Constitution of Ukraine;
 - 4) Prohibit according to the procedure, determined by the Constitution and the laws of Ukraine, the activities of political parties and public associations;
 - 5) Monitor activity of the telecommunication companies and use local radio stations, the television centers and typographies for explanatory measures among the population, personnel of military formations and law enforcement agencies;
 - 6) Set restrictions on arms trade and trade of strong chemical and poisonous substances, alcoholic beverages and the substances made on the spirit basis;
 - 7) Collect from citizens for centralised storage their fire arms and the ammunition, other individual arms, as well as educational and military equipment from the companies and the organizations, explosive, radioactive substances and materials, strong chemical and poisonous substances;
 - 8) Establish procedure for use of storages, constructions and other objects for protection of the population, and their compliance with safety requirements;
 - 9) Organize evacuation of the population from dangerous places and regions and evacuation of the companies, organizations and material objects having important state, economic and cultural value;
 - 10) Provide the population in case of need with drinking water, food, necessities, drugs.

Article 6. Head of military civil administrations

1. District, regional military civil administrations are headed by the head appointed to the post and dismissed by the President of Ukraine on proposal of the Head of the Anti-terrorist Center under Security Service of Ukraine.
2. Military civil administrations of settlements are presided by the head appointed to the post and dismissed by the head of the corresponding regional military civil administration in coordination with the Head of the Anti-terrorist Center in case of Security Service of Ukraine.
3. Head of military civil administration:

- 1) Provides in the corresponding territory observance of the Constitution and the laws of Ukraine, implementation of the acts of the President of Ukraine and relevant executive bodies;
- 2) Will organize functioning of the corresponding military civil administration and coordinates their activities, bears the personal responsibility for exercising by military civil administration of its powers;
- 3) Appoints to positions and exempts from positions officials and workers of the corresponding military civil administrations;
- 4) Is the manager of budgetary funds;
- 5) Represents the corresponding military civil administration and the territorial community in the relations with state bodies, local government bodies, associations of citizens, the companies and the organizations irrespective of the form of ownership, citizens;
- 6) Takes a legal action concerning recognition of unlawful acts by local government bodies, local executive bodies, the companies and the organizations which limit the rights and interests of the territorial community;
- 7) Concludes according to the legislation on behalf of the territorial community corresponding agreements;
- 8) Issues orders within the limits of powers which have the same legal force, as the decision of the relevant council (councils). Drafts of orders of the head of military civil administrations which are regulatory legal acts, are subject to promulgation according to the procedure, provided by the Law of Ukraine "On Access to Public Information", except for cases of emergency situations and other urgent cases provided by the law when such drafts are published immediately after their preparation. Orders of the head of military civil administration can be appealed in the court;
- 9) Carries out personally reception of citizens and provides in the corresponding territory for compliance with law on responses to appeals of citizens and their associations.

Article 7. Final and transitional provisions

1. This Law becomes effective from the next day after the date of its publication.
2. This Law becomes invalid in one year from the date of its publication.

Effective period of this Law can be prolonged by decree of the President of Ukraine approved by the Verkhovna Rada of Ukraine.

This Law becomes invalid in case of introduction in Ukraine or in its separate districts of legal regime of the Martial Law or in case of declaration of the state of war.

3. Introduce in Article 7 of the Law of Ukraine "On Fighting Terrorism" (*Bulletin of the*

Verkhovna Rada of Ukraine, 2003, No. 25, p. 180) the following changes:

- 1) the second Part shall be supplemented with two sentences of the following content:
“As a part of the Anti-terrorist Center under Security Service of Ukraine military civil administrations – temporary state bodies created for implementation of the Constitution and the laws of Ukraine, the safety control and normalization of activity of the population, the law and order, participation in counteraction to subversive manifestations and acts of terrorism, precluding humanitarian catastrophe around the area of anti-terrorist operation. The organization, powers and the procedure for activities of military civil administrations are determined by the law”;
- 2) the tenth Part shall stipulate the following:
“The Anti-terrorist Center under Security Service of Ukraine is maintained at the expense of the means provided in the separate line of the State Budget of Ukraine, and also other sources provided by the laws of Ukraine”.

President of Ukraine P. POROSHENKO

No. 141-VIII of 03.02.2015

Law of Ukraine “On the Legal Regime of Martial Law”

(*Bulletin of the Verkhovna Rada*, 2015, No. 28, p. 250)

This law defines the content of the Martial Law legal regime (the procedure for its introduction and termination, the legal basis for the activities of State Executive, Local Self Government organs, the Military Command, military administrations, enterprises, institutions and organisations under Martial Law, the guarantees of human and freedoms as well as the rights and legitimate interests of all legal persons) and the responsibility for any violation or failure to observe Martial Law legislation.

PART I. GENERAL PROVISIONS

Article 1. *Definition of Martial Law*

1. Martial Law is a special legal regime that is introduced in Ukraine in case of an armed aggression or a threat of an attack, a threat to state sovereignty and territorial indivisibility of Ukraine. This rule involves granting the relevant State Executive, Local Self Government organs, the Military Command and military administrations, necessary powers to prevent threats, repel armed aggression and to guarantee national security, remove the threat of danger to national security of Ukraine and its territorial integrity. It also involves temporary, (threat determined) restrictions of human constitutional rights and freedoms as well as the rights and legitimate interests of all legal persons with an indication of the period of effectiveness for these restrictions.

Article 2. *The legal base of introduction of Martial Law*

1. The legal basis for the introduction of Martial Law is the Constitution of Ukraine, the present Law and other laws of Ukraine as well as Presidential Decrees approved by the Verkhovna Rada of Ukraine.

Article 3. *The Military Command*

1. The present Law gives the Military Command together with the State Executive, military administrations, the Council of Ministers of the Autonomous Republic of Crimea and Local Self Government organs the right to introduce and undertake legal measures under Martial Law. The Military Command consists of the following components:
 - The General Staff of the Armed Forces of Ukraine, the command of the services of the Armed Forces of Ukraine, headquarters of operational commands, commands of joint units and units of the Armed Forces;

- Headquarters of other military formations, created in accordance with the Laws of Ukraine.

Article 4. The Military Administrations

1. In territories where martial law has been declared, temporary state authorities – military administrations – can be created, in order to enforce the Constitution and laws of Ukraine, and provide for joint implementation with the military command of the measures entailed by the legal status of martial law, defense, civil protection, civil law and order, protection of civil rights, freedoms and lawful interests.
2. The decision to create a military administration is made by the President of Ukraine, by proposal of regional state administration or the military command.
3. Military administrations of population centers are created in one or several population centers (villages, townships, towns) where village, township or town councils and/or their executive bodies are not exercising the authority vested in them by the Constitution and laws of Ukraine, including due to actual self-dissolution or self-removal from authority, or actual failure to exercise such authority.

The military administration of a population center is headed by the head, appointed to and dismissed from their position by the President of Ukraine, by proposal of the General Staff of the Armed Forces of Ukraine or a respective regional state administration.

The structures and staffing tables of military administrations of population centers are approved by the head of the General Staff – the Supreme Commander of the Armed Forces of Ukraine, by proposal of the head of the appropriate military administration.

4. Military administrations in districts or regions are created in case a district or regional council, respectively, fails to hold a session within the timeframe established by the Law of Ukraine “On Local Self-Government in Ukraine”, or in order to carry out governance in the sphere of ensuring defense, civil order, and security. In case a decision is made to create a district or regional military administration, the district or regional council, respectively, assumes the status of a military administration, and the head of the district or regional council assumes the status of the head of the appropriate military administration.
5. Military administrations of population centers are staffed with military servicemen of military formations created according to the laws of Ukraine, members of private and officer corps of law enforcement bodies, and the civil protection service, who are dispatched to them according to the procedure established by the legislation, to carry out tasks in the interests of state security and defense, while continuing military service, or service in law enforcement bodies or civil protection bodies and divisions, without exclusion from the personnel list; as well as with employees who concluded a labor agreement with the General Staff of the Armed Forces of Ukraine.

In case a district or regional state administration assumes the status of a regional or regional military administration, respectively, posts of state officials in such administrations can be filled with military servicemen of military formations created according to the laws of Ukraine, members of private and officer corps of law enforcement bodies, and the civil protection service, who are dispatched to them according to the procedure established by the legislation, to carry out tasks in the interests of state security and defense, while continuing military service, or service in law enforcement bodies or civil protection bodies and divisions, without exclusion from the personnel list.

The list of posts in military administrations of population centers to be filled with military servicemen of military formations or members of private and officer corps of law enforcement bodies, as well as the list of posts that can be filled with military servicemen of military formations or members of private and officer corps of law enforcement bodies in district or regional military administrations, are approved by the President of Ukraine by proposal of the head of the General Staff – the Supreme Commander of the Armed Forces of Ukraine.

6. Financing of the activity of military administrations to exercise the authority of bodies of local self-government is carried out at the expense of respective state budgets, and financing of their other functions, at the expense of the State Budget of Ukraine.
7. Direction, coordination, and oversight of the activity of regional military administrations in the issues of ensuring defense, civil order and security, and of carrying out measures entailed by the legal status of martial law, are carried out by the General Staff of the Armed Forces of Ukraine, and in the other issues, by the Cabinet of Ministers of Ukraine, within the scope of its authority.
7. Direction, coordination, and oversight of the activity of district military administrations in the issues of ensuring defense, civil order and security, and of carrying out measures entailed by the legal status of martial law, are carried out by the General Staff of the Armed Forces of Ukraine and regional military administrations (if created), and in the other issues, by the Cabinet of Ministers of Ukraine and regional state administrations, within the scope of their authority.

General governance over the activity of military administrations of population centers is carried out by heads of appropriate district state administrations or heads of district military administrations (if created).

Direct governance of military administration is carried out by their heads.

8. Military administrations of population centers, as well as district and regional military administrations, created due to the failure of the district or regional council to hold a session within the timeframe established by the Law of Ukraine “On Local Self-Government in Ukraine”, exercise their authority until the day of the first meeting of the first session of the respective council elected after the martial law is no longer in effect. District or regional military administrations created to provide

governance in the sphere of ensuring defense, civil order and security exercise their authority until the martial law is no longer in effect.

Article 5. The Procedure for the Introduction of Martial Law

1. The National Security and Defence Council of Ukraine submits proposals to introduce Martial Law to the President of Ukraine.
2. In case the decision on expediency of introduction of Martial Law in Ukraine or separate territories of the country is made, the President of Ukraine issues Decree introducing Martial Law in Ukraine or separate territories of the country and immediately submits to the Verkhovna Rada of Ukraine request for its approval along with the relevant draft.
3. A Presidential Decree introducing Martial Law, approved by the Verkhovna Rada of Ukraine, is made public without delay through the mass media, or in any other method.
4. When Martial Law is introduced in Ukraine or separate territories of the country by Presidential Decree as stipulated by the Constitution of Ukraine and the Procedures of the Verkhovna Rada of Ukraine, it is subject to approval of the Verkhovna Rada of Ukraine within two days from an address made by the President.
5. When Martial Law is introduced in Ukraine or separate territories of the country by Presidential Decree, heads of State Executive and Local Self Government, the companies and the organizations of all forms of ownership shall help in immediate arrival of People's Deputies of Ukraine on meeting of the Verkhovna Rada of Ukraine and in implementation of their powers.
6. A Presidential Decree introducing Martial Law in Ukraine or separate territories of the country, approved by the Verkhovna Rada of Ukraine, is made public together with the Law on approval of such Presidential Decree and becomes effective simultaneously with entry into force of such Law.

Article 6. Presidential Decree for the Introduction of Martial Law

1. A Decree by the President of Ukraine on the introduction of Martial Law shall specify:
 - 1) A substantiation of the necessity for the introduction of Martial Law;
 - 2) A territorial boundary where Martial Law is introduced, a time of its introduction and its period of effectiveness;
 - 3) The responsibilities of the Military Command, military administrations, State Executive and Local Self Government organs regarding the introduction and execution of measures relating to Martial Law;
 - 4) The tasks to subjects of ensuring civil protection on transfer of unified state system of civil protection, its functional and territorial subsystems in readiness for accomplishment of their missions for the *special period*;

- 5) An exhaustive list of human and constitutional rights and freedoms that are to be provisionally restricted through the introduction of Martial Law and establishment of the period of effectiveness of these restrictions, as well as provisional restrictions on the rights and legitimate interests of legal persons with an indication of the period of effectiveness of these restrictions;
- 6) Other questions stipulated in the present Law.

Article 7. The Termination and Cancellation of Martial Law

1. Martial Law in Ukraine or separate territories of the country shall be terminated after the period of its effectiveness ends.
2. President of Ukraine may cancel Decree on introduction of Martial Law in Ukraine or separate territories of the country prior to the end of the period of its effectiveness after the elimination of the threat of attack or danger to independence of Ukraine, the territorial indivisibility of Ukraine, and this termination is to be made public without delay through the mass media.

Article 8. Measures of the legal regime of Martial Law

1. In Ukraine or in certain areas where Martial Law is introduced, Military Command, together with the military administration (in case of formation) may directly or through executive bodies of the Autonomous Republic of Crimea, Local Self Governments implement and exercise within temporary constraints of constitutional rights and freedoms of man and citizen, and the rights and legitimate interests of legal persons covered by Presidential Decree Ukraine on the introduction of martial law, the following measures of Martial Law:
 - 1) Place guards at vitally important national economy installations and objects providing for vital needs of population, as well as establish a special regime for their operation. The Cabinet of Ministers shall adopt the list of national economy installations and objects providing for vital needs of population and require the reinforced protection under Martial Law.
 - 2) Introduce civilian duty provided by capable citizens, not involved in contemporaneous defence activities, defence support activities and not reserved for enterprises, institutions and organizations during a mobilization period of Martial Law. Furthermore, civilian duty is required for defence works, resolving the consequences of natural disasters, accidents and other emergencies that emerged during Martial Law. Capable citizens can be called for public works to support the needs of the Armed Forces of Ukraine, other military formations, law enforcement bodies and civic protection forces, to provide for the needs of the national economy and systems providing for vital population needs. Generally, these works do not require special professional training. Persons, called for these public works, shall be granted the previously held occupations, or, in case such option is not available, similar job at the same enterprise or organization

provided they accept the offer. The Cabinet of Ministers shall adopt the regulations for organizing the public works under the Martial Law and provision of relevant compensation are determined by the Cabinet of Ministers of Ukraine.

- 3) Use the capacities and manpower resources of enterprises, institutions and organizations (both publicly and privately owned) for defence needs to change the system of their work, and to introduce other changes within production activity and working conditions in accordance with the labour legislation;
- 4) Forcefully alienate the private and community property, expropriate the property and assets of state enterprises and state commercial organizations for the needs of the state under Martial law. Corresponding legal documentation relating to these appropriations are to be issued at the time of legal confiscation;
- 5) Impose a curfew (a prohibition to be out on the streets during a designated time of the day without special passes or identity cards) and a special light screening regime;
- 6) Introduce a special entry-departure procedure, to restrict the freedom of movement of citizens, foreigners, stateless persons as well as their vehicles;
- 7) Examine individual's documents and, in case of necessity, their belongings, vehicles, luggage, cargo, office premises, dwellings, except within the limitations pre-determined by the Constitution of Ukraine;
- 8) Prohibit the peaceful rallies, meetings, marches and demonstrations and other mass gatherings;
- 9) Raise an issue, in accordance with procedures pre-determined by the Constitution and Laws of Ukraine, on the prohibition of the activity of political parties, public organizations, if it threatens the sovereignty, national security, independence, forceful change of Constitutional order, territorial indivisibility of the state, undermining its security, unlawful seizure of state power, propaganda of war, violence, instigation of interethnic, race and religious animosity, as well as threat to rights and freedoms and the health of the citizens of Ukraine;
- 10) Set the prohibition or restrictions on the choice of the place of stay or the residence for persons on the territories under martial law;
- 11) Exercise control over the activity of TV-radio enterprises, printing, publishing houses and other cultural and media enterprises, institutions and organizations; the use of local radio and TV broadcasting stations and printing presses for military needs and the carrying out of educational work among the military and the population; to prohibit the activity of transceiver radio stations of private or collective use and transmission of information over computer nets;
- 12) In case of a violation of the requirements or a failure to perform the measures prescribed by a legal regime of Martial Law, to seize telecommunication equipment, TV,

- video, audio equipment, computers and if the need arises, other technical communication means from enterprises, organizations and institutions (both publicly and privately owned) as well as from private citizens;
- 13) Prohibit the trade in arms, strong chemical and poisonous substances as well as alcoholic drinks and other substances produced with alcohol;
 - 14) Establish the special regime in the sphere of production and sale of medicines which contain drugs, psychotropic substances and precursors, other strong substances according to the list determined by the Cabinet of Ministers of Ukraine;
 - 15) Size fire arms, ammunition, cold steel arms from citizens; to seize military and military-training equipment, explosive, radioactive substances and materials, strong chemical and poisonous substances from enterprises, organizations and institutions;
 - 16) Prohibit conscripts and citizens liable for military service and placed on military or special register in Ministry of Defence of Ukraine, Security Service of Ukraine or Foreign Intelligence Service to change their place of residence without permission from the military commissar or from the head of the relevant body of the Security Service of Ukraine or Foreign Intelligence Service; limit the alternative (non-military) service;
 - 17) Introduce for physical and legal persons a military-billet duty system that billets military servicemen, personnel of law enforcement bodies and civil protection units, as well as facilitates the creation of quarter military units, sub-units and other related facilities;
 - 18) Establish procedures for the use of shelters and other installations for the protection of the civilian population and other defence needs;
 - 19) Evacuate civilian population as well as material assets of national and cultural importance from high risk areas in accordance with the list approved by the Cabinet of Ministers of Ukraine;
 - 20) Provide in case of necessity the civilian population with basic food, non-food goods and medicines;
 - 21) Dismiss the heads of the enterprises, organizations and institutions for their failure to fulfill their duties stipulated by present Law and appoint acting heads for the abovementioned enterprises, organizations and institutions.
 - 22) Take additional measures for strengthening protection of the state secret;
 - 23) Intern (compulsorily settle) citizens of the foreign state which threatens with attack, performs aggression against Ukraine;
 - 24) Perform compulsory evacuation of the detained persons held in temporary detention centers; the suspects and accused persons concerning whom the measure of restraint – the detention is applied, held in pre-trial detention centers; the transfer

of convicted persons serving such punishments as arrest, imprisonment on the definite term and the life imprisonment from jails and places of detention located in districts, close to areas of combat operations to the relevant organizations located in the safe areas.

2. In the areas of combat operations, introduction and implementation of measures of legal regime of Martial Law is assigned directly to the Military Command and military administrations (in case of their establishment).
3. Introduction and implementation of measures of legal regime of Martial Law is conducted according to the approved by the Cabinet of Ministers of Ukraine the standard plan of introduction and implementation measures of legal regime of Martial law in Ukraine or in its separate areas.

Article 9. Implementation by State Executive Bodies and Local Self Government Bodies of Their Authority under Martial Law

1. During Martial Law the President of Ukraine and the Verkhovna Rada of Ukraine operate only on the basis, within powers and according to procedures determined by the Constitution and the laws of Ukraine.
2. The Cabinet of Ministers of Ukraine, other public authorities, Military Command, the military administrations, the Verkhovna Rada of the Autonomous Republic of Crimea, Council of Ministers of the Autonomous Republic of Crimea, local Self Government bodies perform their powers provided by the Constitution of Ukraine, the present Law and other laws of Ukraine.

Article 10. Illegality of the Termination of State Executive Bodies, other State Organs under Martial Law

1. During Martial Law, the authority of the Verkhovna Rada, the Human Rights Ombudsman to the Verkhovna Rada, as well as the Courts, the Public Prosecutor's Office and State Investigation, Prosecution Organs organs conducting counterintelligence activity cannot be terminated.

Article 11. Activity of the President of Ukraine under Conditions of Martial Law

1. Under conditions of Martial Law, the President of Ukraine:
 - 1) Carries out general governance by implementing and carrying out measures entailed by the legal status of martial law;
 - 2) By proposal of the National Security and Defense Council of Ukraine, makes decisions to involve the Armed Forces of Ukraine, other military formations, and law enforcement bodies, in the implementation of measures entailed by the legal status of martial law;

- 3) Carries out strategic governance of the Armed Forces of Ukraine, other military formations, and law enforcement bodies, through the General Staff of the Armed Forces of Ukraine;
- 4) Determines the procedure for performance of military duty.
2. If the term of authority of the President of Ukraine expires while martial law is in effect, their authority shall be prolonged until the accession to the presidency of the newly elected President of Ukraine, elected after the martial law is no longer in effect.
3. The authority of the President of Ukraine provided for by the Constitution of Ukraine cannot be restricted under conditions of martial law.

Article 12. *The Activities of the Verkhovna Rada of Ukraine under Martial Law*

1. In the event of the introduction of Martial Law in Ukraine or in separate locations of the country, the Verkhovna works in a session mode.
2. Heads of State Executive and Local Self Government organs, enterprises, institutions and organisations (owned both publicly and privately) are obliged to assist the Peoples' Deputies during the immediate session of the Verkhovna Rada of Ukraine and in the fulfilment of their individual authority.
3. In the event that a term of the Verkhovna Rada of Ukraine comes to an end during Martial Law, its authority is extended until the day of the first sitting of the first session of the Verkhovna Rada of Ukraine elected after the termination of Martial Law.
4. Under Martial Law, the authorities of the Verkhovna Rada of Ukraine determined by the Constitution of Ukraine cannot be restricted.

Article 13. *Distinctiveness Relating to the Enforcement of Normative-Legal Acts under Martial Law*

1. The normative-legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea, decisions of the Council of Ministers for the Autonomous Republic of Crimea, decisions by Local Executive organs concerning human rights restricted under Martial Law, are provisionally inapplicable.

Article 14. *Authority of the General Staff of the Armed Forces of Ukraine*

1. The General Staff of the Armed Forces of Ukraine:
 - 1) Takes part in drafting a standard plan for implementing and providing for the legal status of martial law in Ukraine or its specific localities;
 - 2) Organizes for preparation and carries out governance of the Armed Forces of Ukraine, units, divisions, and bodies of other military formations and law enforcement bodies during their implementation of measures entailed by the legal status of martial law;

- 3) Organizes activity of military administrations, commands of branches of the Armed Forces of Ukraine, operational command authorities, and commands of military divisions and units of the Armed Forces of Ukraine in the territory where martial law has been implemented;
- 4) Drafts and submits for review to the National Security and Defense Council of Ukraine proposals on the involvement of other military formations and law enforcement bodies in the implementation of measures entailed by the legal status of martial law.

Article 15. Authority of Military Administrations

1. In their activities, military administrations are governed by the Constitution of Ukraine, laws of Ukraine “On the Defense of Ukraine”, “On Mobilization Preparation and Mobilization”, this Law, and other normative-legal acts. Military administrations exercise their authority according to the procedure determined by laws of Ukraine for the exercising of authority by respective local state administration and local self-government bodies, with consideration to the particulars established by this Law.
2. Military administrations of population centers in the respective territory exercise their authority to:
 - 1) Implement and carry out measures entailed by the legal status of martial law;
 - 2) Ensure efficient use of natural, labor, and financial resources;
 - 3) On a contractual basis, involve companies, institutions and organizations, irrespective of their property form, to participate in comprehensive socioeconomic development of villages, townships, and towns, and coordinate such work in the respective territory;
 - 4) On a contractual basis, place orders with companies, institutions and organizations for production of goods and performance of works (provision of services) required by the territorial community;
 - 5) Draft and approve the local budget, make amendments to it, and ensure execution of the appropriate budget;
 - 6) Set the rates of local taxes and fees according to the Tax Code of Ukraine, if decisions in these issues were not made by the appropriate council;
 - 7) Make decisions to provide tax and fee exemptions, according to the legislation, if decisions in these issues were not made by the appropriate council;
 - 8) Establish, according to the procedure and within the limits determined by the legislation, tariffs for household, municipal (except for the tariffs established by the national commission for state regulation in the sphere of energy and municipal services), transport, and other services;
 - 9) On a contractual basis, attract funds from companies, institutions and organizations located in the respective territory, irrespective of their property form, funds from

- the population, as well as budget funds, for construction, expansion, repair and maintenance, on a share basis, of social and industrial infrastructure objects, as well as for environmental protection measures;
- 10) Manage municipal, household, trade, transport, and communication facilities held in municipal ownership of respective territorial communities; ensure their due maintenance, effective use, and the appropriate degree and quality of service provision to the population;
 - 11) Determine the share of profits to be deducted to the local budget by companies, institutions and organizations held in municipal ownership of respective territorial communities;
 - 12) Manage the property held in municipal ownership of respective territorial communities (except for issues of alienation of municipal property, including through privatization, and of granting lease of municipal property for a period in excess of one year);
 - 13) Provide apartment (house) owners aid in rebuilding in case their homes are damaged due to combat, terrorist act, or sabotage; organize, at the expense of own funds and share funding, construction, reconstruction and repair of municipal and social facilities, residential houses, and routes of local importance; carry out, or delegate to a general construction organization (contractor organizations) selected through a competition, functions of project owner in construction, reconstruction and repair of residences, and other social and municipal infrastructure objects held in municipal ownership;
 - 14) Provide, according to the law, town-planning conditions and land development restrictions;
 - 15) Manage educational, health care, cultural, physical education, and sports institutions owned or held by territorial communities, as well as local teenage and youth institutions; organize for their material, technical, and financial support;
 - 16) Provide social and cultural facilities held in municipal ownership of respective territorial communities, as well as the population, with fuel, power, gas, and other energy carriers; address the issues of water supply, water disposal, and waste water purification; oversee drinking water quality;
 - 17) Address the issue of providing funeral services at the expense of local budgets in connection with burial of citizens living alone, veterans of war and labor, and other categories of financially disadvantaged citizens; provide aid for funeral in other cases provided for by the legislation;
 - 18) Facilitate the organization of induction of citizens into compulsory military and alternative (non-military) service, as well as their mobilization, preparation of young people for service in the Armed Forces of Ukraine, organization of training (testing)

- and specialized military exercises; ensure that the military commissar's order on mobilization is made known to companies, institutions and organization of all property forms, as well as to the population;
- 19) Reserve workplaces for persons liable for military service in companies, institutions and organizations, according to the legislation;
 - 20) Organize and participate in measures related to mobilization preparation and civil protection;
 - 21) Address, according to the legislation, issues related to provision of service premises, residential space, other objects, and municipal services to military units, institutions, and educational institutions of the Armed Forces of Ukraine; oversee the use of such objects and the provision of services;
 - 22) Facilitate the organization of production and supply of goods, services and energy resources ordered from companies and organizations in municipal ownership for the military;
 - 23) Take measures to create appropriate conditions for the functioning of checkpoints on the state border of Ukraine;
 - 24) Assist the State Border Guard Service of Ukraine in maintaining the appropriate state border regime;
 - 25) Establish increased security for important national economy objects and objects providing for life sustenance of the population
 - 26) Address, according to the law, issues of land relations regulation (except for issues of alienation of land plots from municipal ownership, and of granting lease of such land plots for a period in excess of one year);
 - 27) Address, according to the law, issues of providing permits for specialized use of natural resources of local importance, for a period not exceeding one year, and issues of canceling such permits;
 - 28) Create, according to the law and at the expense of the local budgets, institutions that provide free basic legal aid; appoint and dismiss heads of such institutions; involve, according to the procedure established by law, natural persons or legal entities under private law in providing free basic legal aid;
 - 29) Facilitate the work of the court, prosecutor bodies, justice bodies, security service, internal affairs bodies, public defender's office, and the State Criminal Enforcement Service of Ukraine;
 - 30) Hear out information from prosecutors and heads of internal affairs bodies on the state of law and order, crime prevention, protection of civil order, and the results of activity in the respective territory;
 - 31) Cancel acts of the executive bodies of the respective council that do not adhere to the Constitution, laws of Ukraine, other legislative acts, or resolutions of the respec-

tive council, made within the scope of its authority;

- 32) Establish, according to the legislations, regulations to ensure cleanliness and order in the population centers, regulations for market trade, and regulations for maintaining quiet in public places, the violation of which incurs administrative liability;
- 33) Within the scope determined by the law, make decisions in the issues of protection of the population and territories against emergencies, liquidate the consequences of emergencies, provide relief in case of natural disasters, epidemics, epizootics;
- 34) Make decisions on early termination of authority of the bodies of territorial citizen self-organization, in cases provided for by the law;
- 35) Create, according to the legislation, municipal emergency rescue services; address the issues of the staff numbers of such services and their upkeep expenses; develop and carry out measures to ensure material and technical support for the work of municipal emergency rescue services;
- 36) Provide for centralized temporary storage of archive documents collected in the course of documenting official, labor or other legal relations between legal entities and natural persons in the respective territory, and other archive documents not included in the National Archive Fund;
- 37) Address the issue of collection, transportation, utilization and neutralization of household waste; neutralization and burial of animal bodies;
- 38) Organize local markets;
- 39) Establish the working order of municipal, trade, public catering, and household services companies held in municipal ownership of respective territorial communities;
- 40) Approve routes and schedules of local passenger transport irrespective of its property form, coordinate these issues in respect of transit passenger transport in cases provided for by the legislation;
- 41) Provide for appropriate upkeep and security of cemeteries and other burial sites;
- 42) Involve companies, institutions and organizations not held in municipal ownership of respective territorial communities in providing transport and communication services to the population.

Military administrations of population centers exercise the delegated authority of executive authorities provided to bodies of local self-government by laws of Ukraine.

3. District and regional military administrations exercise in the respective territory, in addition to the authority of local state administrations, the authority to implement and carry out measures entailed by the legal status of martial law; district and regional military administrations created due to the failure of the district or regional council to hold a session within the timeframe established by the Law of Ukraine "On Local Self-Government in Ukraine", also exercise the authority to:

- 1) Draft and approve district and regional budgets, respectively, make amendments to them, approve budget execution reports; distribute funds provided from the state budget as subsidies and subventions between district budgets, local budgets of towns of regional subordination, villages, townships, and towns of district subordination, respectively;
 - 2) Manage objects jointly owned by the territorial communities of villages, townships, towns and city districts, and managed by district and regional councils (except for the issues of alienation of such objects, including through privatization); appoint and dismiss heads thereof;
 - 3) Address, according to the law, issues of land relations regulation (except for issues of alienation of land plots from municipal ownership);
 - 4) Address, according to the law, issues of providing permits for specialized use of natural resources of district or regional importance, respectively, and issues of cancelling such permits;
 - 5) Establish regulations for the use of water collection facilities intended for satisfying the drinking water, household, and other needs of the population, protective sanitary zones of water supply sources; restrict or prohibit the use of drinking water by companies for industrial purposes;
 - 6) Within the scope determined by the law, make decisions in the issues of protection of the population and territories against emergencies, liquidate the consequences of emergencies, provide relief in case of natural disasters, epidemics, epizootics;
 - 7) Establish increased security for important national economy objects and objects providing for life sustenance of the population;
 - 8) Make decisions to address the court to declare unlawful acts of bodies of local self-government, local executive authorities, companies, institutions, or organizations that restrict the rights of territorial communities in the sphere of their joint interest;
 - 9) Hear out information from prosecutors and heads of internal affairs bodies on the state of law and order, crime prevention, protection of civil order, and the results of activity in the respective territory;
 - 10) According to the procedure and limits established by the legislation, set tariffs for municipal services.
4. Head of a military administration:
- 1) Ensures adherence to the Constitution and laws of Ukraine, as well as acts of the President of Ukraine and appropriate executive authorities, in the respective territory;
 - 2) Organizes the work of the respective military administration and governs its activity; is personally responsible for the exercise by the military administration of authority vested in it;

- 3) Appoints and dismisses officers, officials, and other employees of the respective military administration;
- 4) Manages budget funds;
- 5) Represents the respective military administration and territorial community in relations with state authorities, bodies of local self-government, civil associations, companies, institutions and organizations of every property form, and citizens;
- 6) Addresses the court to declare unlawful acts of bodies of local self-government, local executive authorities, companies, institutions, or organizations that restrict the rights and interests of the territorial community;
- 7) Concludes agreements according to the legislation, on behalf of the territorial community and the respective military administration;
- 8) Within a scope of their authority, issues orders and instructions that have the equivalent legal power as resolutions of the respective council (councils). Orders issued within the scope of authority of local councils shall be made public, except for those containing restricted information;
- 9) Personally receives citizen visitors and ensures that the legislation on the review of addresses by citizens and civil associations is observed in the respective territory.

Article 16. *Participation of Military Formations and Law Enforcement Bodies in Measures of Legal Regime of Martial Law*

1. In accordance with decision by the National Security and Defence Council of Ukraine enacted by Decree of the President of Ukraine under established legal procedure, military formations formed according to the laws of Ukraine together with law enforcement bodies may be involved in the execution of the tasks aimed at implementation of measures of legal regime of Martial Law, according to their designation and specifics of activities.

Article 17. *Assisting the Activities of the Military Command and Military Administrations*

1. Ukrainian State Executive organs, the Verkhovna Rada of the Autonomous Republic of Crimea, the Council of Ministers of the Autonomous Republic of Crimea, Local Self Government organs, enterprises, organisations and institutions, citizen associations and private citizens are obliged to provide assistance to activity of the Military Command and military administrations during the introduction and execution of Martial Law.

Article 18. *The Interaction of the Military Command and military administrations with the State Executive under Martial Law*

1. The procedure for the co-operation between the Military Command and military administrations with Ministries, other Central State Executive regarding the main-

tenance of Martial Law, ensuring the security of citizens, the protection of national interests as well as the command or operational command over other military formations and law enforcement bodies, or their joint units, military units, institutions and organisations are pre-determined by the Commander-in-Chief of the Armed Forces of Ukraine.

Article 19. *The Guarantees of the Observance of the Legal Regime under Martial Law*

1. Under Martial Law, the following is prohibited:
 - The introduction of amendments to the Constitution of Ukraine;
 - The introduction of amendments to the Constitution of the Autonomous Republic of Crimea;
 - The conducting of presidential elections;
 - The conducting of elections for the Verkhovna Rada of Ukraine, the Verkhovna Rada of the Autonomous Republic of Crimea and Local-Self-Government organs;
 - The conducting of an all-Ukraine and or local referendums;
 - The organising of strikes, mass gatherings and strikes.
2. The Verkhovna Rada of Ukraine not later than in ninety days term from the date of the termination or cancellation of Martial Law, if the regular or extraordinary elections in relevant organs be carried out in the period on which Martial Law was introduced, makes the decision to conduct elections of deputies of the Verkhovna Rada of the Autonomous Republic of Crimea or local elections.

Article 20. *The Legal Status and the Restrictions on Human and Rights and Freedoms and the Rights and Legitimate Interests of Legal Entities under Martial Law*

1. The legal status and the restrictions on human rights and freedoms and the rights and the legitimate interests of legal entities under Martial Law are pre-determined in accordance with the Constitution of Ukraine, the present Law.
2. Under Martial Law, human rights and freedoms cited in Part 2 of Article 64 of the Constitution of Ukraine cannot be restricted.
3. Work of the persons, called for civil duty, shall correspond to such norms of labour, as minimal salary, minimal holidays and time to rest between the working shifts, maximal duration of working day, health protection etc. In case these persons do public works under the contract, their previous jobs and occupations (position) shall be provided for them after the end of the term of civil duty.

Article 21. *The Legal Status of Foreigners, Stateless Persons and Legal Entities of foreign countries under Martial Law*

1. The legal status of foreigners, stateless persons and legal entities of foreign states, situated in Ukraine while Martial Law is in effect, is pre-determined by the Constitu-

tion of Ukraine, the Laws of Ukraine and International Treaties, agreed to be binding by the Verkhovna Rada of Ukraine.

Article 22. *The Illegality of Using Martial Law for the Seizure of Power or the Violation of Human Rights and Freedoms, and or the Rights and Legitimate Interests of Legal Entities*

1. The introduction of Martial Law cannot be used as a justification for torture, cruel, inhumane or degrading treatment that violates a person's dignity. Any attempt to use Martial Law for the seizure of power entails legal liability.

Article 23. *The Indemnification of Damages Inflicted during Martial Law or return of survived property*

1. Forced alienation of the private or municipal property under conditions of legal regime of Martial Law, in case the preliminary full compensation of cost of such property was not performed, involves the following full recovery of its cost according to the procedure, determined by the law.
2. Forced alienation of the private citizen and legal entities property for the purposes of Martial Law are subject to subsequent and complete compensation to former owner or representative of the former owner in accordance with the procedure predetermined by law.
3. The former owner of property, forcefully alienated in connection with introduction and implementation of measures of the legal regime of Martial Law, can request as compensation the provision of the different property, if this is possible.

Article 24. *Informing the UN Secretary General and Foreign States of the Introduction of a Legal Regime of Martial Law*

1. In accordance with the International Pact on Civil and Political Rights, any introduction of Martial Law in Ukraine shall be immediately relayed and brought to the attention of all States and parties to this pact-through the UN Secretary General, of any restrictions on human rights and freedoms that are a departure from the responsibilities undertaken in this International Pact, as well as on the limits of these restrictions and the reasons for their introduction.
2. Any notification should also include information on the start date of any termination of the departure from the responsibilities undertaken by the ratification of the International Pact on Civil and Political Rights.
3. Should any limits of the departure from the responsibilities undertaken in the International Pact on Civil and Political Rights or the validity of the restrictions on human rights and freedoms change, the Ukraine must inform the UN Secretary General in accordance with the procedure established by Part I and Part II of this Article.

Article 25. *Liability for Violation of the Legal Regime of Martial Law*

1. Any person guilty of a violation of the requirements or a failure to carry out the measures prescribed by Martial Law are to be brought to account in accordance with law.

Article 26. The Administration of Justice under Martial Law

1. When Martial Law is in effect, the courts still exclusively administer justice in Ukraine. Courts created in accordance with the Constitution of Ukraine continue to function.
 2. The shortening or acceleration of judicial proceedings is strictly prohibited.
 3. In case of impossibility to function for the courts in the territory where Martial Law is introduced, the territorial cognizance of the legal cases considered in these courts can be changed by the laws of Ukraine, or in the procedure established by the law the location of courts is changed.
1. Establishment of extraordinary and special courts is prohibited.

Article 27. The Control over the Activity of Military Command, the State Executive and the Local Self Government

1. The control over the activities of Military Command of the State Executive and the State Local Government under Martial Law is carried out by the National Security and Defence Council of Ukraine.

Article 28. Final provisions

1. This Law enters into force from the next day after the date of publication.
Normative-legal acts adopted prior to validation of this Law are effective as long as they comply with the present Law.
2. Consider invalid the Law of Ukraine “On the Legal Regime of Martial Law” 1647-III, 06.04.2000; (Bulletins of the Verkhovna Rada, 2000, No. 28, art. 224; 2003, No. 27, p. 209; 2009, No. 19, p. 258; 2010, No. 12, p. 119; 2013, No. 15, art. 99; No. 21, art. 208; No. 41, art. 550; 2015, No. 16, art. 110).
3. Cabinet Ministers within one month since the day of coming into effectiveness is obliged:
 - To prepare and submit to the Verkhovna Rada of Ukraine a proposal on introduction of amendments to the Law “On transfer, forceful alienation and confiscation of property under the legal regime of Martial Law or emergency situation” that follow from the present Law;
 - To adopt normative-legal acts necessary for implementation of the present Law and to bring Cabinet’s decisions into conformity with the present Law; and
 - To ensure the bringing of the normative-legislative acts of Ministries, other Central and Local State Executive into conformity with the present Law

President of Ukraine P. POROSHENKO

No. 389-VIII of 12.05.2015

Appendix II

Decree of the President of Ukraine No. 287/2015 “On the Decision of the National Security and Defence Council of 6 May 2015 “On the National Security Strategy of Ukraine”

According to Article 107 of the Constitution of Ukraine I decree:

1. To introduce into effect the decision of the National Security and Defence Council of Ukraine of 6 May 2015 “On the National Security Strategy of Ukraine” (attached).
2. To approve the National Security Strategy of Ukraine (attached).
3. To recognize as such that no longer valid the following:
 - Decree of the President of Ukraine of 12 February 2007 No. 105 “On the National Security Strategy of Ukraine”;
 - article 2 of the Decree of the President of Ukraine of 8 June 2012 No. 389 “On decision of the National Security and Defence Council of Ukraine on June 8, 2012 “On a New Version of the National Security Strategy of Ukraine.”
4. Control over the implementation of the Decision of the National Security and Defence Council brought into force by this Decree to put to the secretary of National Security and Defence Council of Ukraine.
5. This Decree shall take effect on the date of publication.

President of Ukraine P. POROSHENKO

26 May 2015

DECISION
of the National Security and Defence Council of Ukraine of 06 May 2015
“On the National Security Strategy of Ukraine”

Having considered the draft of the National Security Strategy of Ukraine and preliminary results of a Comprehensive Review of Ukraine’s defence and security sector, the National Security and Defence Council of Ukraine has decided:

1. To approve the draft of the National Security Strategy of Ukraine and submit it to the President of Ukraine for his approval.
2. To recognize the activities of the Ministry of Defence of Ukraine aimed at carrying out the Comprehensive Review of Ukraine’s defence and security sector as insufficiently effective.
3. The Cabinet of Ministers of Ukraine:
 - 1) To complete by 30 May 2015 implementation of the activities of the Comprehensive Review of Ukraine’s defence and security sector;
 - 2) To develop and submit within one month according to the established procedure to the National Security and Defence Council of Ukraine the comprehensive proposals for reforming the components of the security and defence sector of Ukraine;
 - 3) To ensure engagement of public representatives in the preparation of the draft strategic documents on reforming the Armed Forces of Ukraine and other military units established under the laws of Ukraine and law enforcement agencies;
 - 4) To ensure in order to achieve a consistent re-equipment of the Armed Forces of Ukraine and other military units with new samples of weaponry and military equipment the development by 25 June 2015 of the Draft Concept of the State Target Program for the development of armaments and military equipment for the period of 2016-2020;
 - 5) To adopt within the three months the new edition of the Naval Doctrine of Ukraine;
 - 6) To take measures according to the established procedures to improve legislation in the sphere of security and defence of Ukraine in view of the new National Security Strategy of Ukraine;
 - 7) To prepare together with the National Institute for Strategic Studies and to submit appropriate proposals for a system of indicators of the state of national security.
4. The Ministry of Defence of Ukraine within one month to finalize with taking into consideration the comments of the NATO-Ukraine Joint Working Group on Defence Reform the drafts of the conceptual documents in the area of national security and defence.

Secretary of National Security and Defence Council of Ukraine O. TURCHYNOV

NATIONAL SECURITY STRATEGY OF UKRAINE

1. INITIAL PROVISIONS

The Dignity Revolution (November 2013 – February 2014) fought against the corrupt government, which under the pressure from outside made an attempt to revise the European civilization choice of the Ukrainian People, and opened up new opportunities for Ukraine to build a new system of relations between citizens, public and state based on the values of democracy and freedom.

The Russian Federation, striving to reverse the will of Ukrainian People for the European future, has occupied a part of the Ukrainian territory – the Autonomous Republic of Crimea and city of Sevastopol, and launched a military aggression against Ukraine in the Eastern regions attempting to undermine unity of the democratic international community, to revise the world order which was formed up upon the end of the World War II, and to violate fundamentals of international security and law, enabling unpunished use of force at the international arena.

A long-term nature of the threat going from Russia, as well as other radical changes of the external and internal security environment, brought about the need for a new model of national security, which is envisaged by this Strategy.

Ukraine's national security policy is based on the respect of the norms and principles of the international law. Ukraine will defend its fundamental values defined in the Constitution and Laws of Ukraine, i.e. independence, territorial integrity and state sovereignty, dignity, democracy, individual, human rights and freedoms, rule of law, welfare, peace and security. The protection of these values will be provided by the effective Armed Forces of Ukraine, other military formations established under the laws of Ukraine, intelligence, counter-intelligence and law enforcement structures, dynamic economic development of the state.

The National Security Strategy of Ukraine is targeted at the priorities of the national security state policy that are to be implemented by 2020, as well as reforms envisaged by the Association Agreement between the European Union and Ukraine, ratified by the Law of Ukraine No. 1678-VII of 16 September 2014 and by Strategy of the Sustainable Development "Ukraine 2020," approved by the Decree of the President of Ukraine No. 5 of 12 January 2015.

2. OBJECTIVES OF THE NATIONAL SECURITY

The key objectives of this Strategy are as follows:

- Minimization of threats to the state sovereignty, creation of conditions for restoration of territorial integrity of Ukraine within its internationally recognized

state borders, guaranteeing the future of Ukraine as a democratic, law-based and social state;

- Maintaining the human rights and freedoms of the citizens, acquisition of the new quality of the economic and human development, securing the integration of Ukraine into the European Union and forming conditions for accession to NATO.

In order to achieve these objectives it is necessary:

- To strengthen the Ukrainian state by ensuring sustainable socio-political and socio-economic development of Ukraine;
- To achieve a new quality of the state policies aimed at protection of the national interests in economic, social, humanitarian and other spheres, to implement the complex reform of the national security system, establishing the effective security and defence sector of Ukraine;
- To have a new foreign policy posture of Ukraine in the world in view of instability of the global security system.

3. CURRENT THREATS TO THE NATIONAL SECURITY OF UKRAINE

3.1. Aggressive actions of the Russian Federation, which are aimed at exhausting Ukrainian economy and undermining its social-political stability in order to dismantle the State of Ukraine and seize its territory, in particular:

- military aggression, direct participation of the regular military troops, advisers, instructors and mercenaries in combat activities on the territory of Ukraine;
- intelligence, subversive and insurgency activities aimed at instigation of ethnic, religious, and social hatred, separatism, terrorism; establishment and support (including military one) of the proxy quasi-state formations at the temporarily occupied territories of some areas in Luhansk and Donetsk Oblasts;
- temporary occupation of the territory of the Autonomous Republic of Crimea, city of Sevastopol, and further actions aimed at destabilisation of the situation in region of the Baltic, Black and Caspian Seas;
- build-up of military formations along the Ukrainian borders as well as within the temporarily occupied territory of Ukraine, including deployment of the tactical nuclear weapons in Crimea;
- blocking Ukraine's efforts aimed at countering the monopolisation of the strategic sector of economy by the Russian capital, and at abolishing the monopoly dependence on the supplies of critical raw materials, first and foremost on energy supplies;
- trade and economic war;

- informational-psychological warfare, humiliation of the Ukrainian language and culture, faking Ukrainian history, creating a distorted alternative informational picture of the world by the Russian Mass Media.

3.2. Inefficiency of the National Security and Defence System of Ukraine:

- not completed formation of the security and defence sector of Ukraine (hereafter – security and defence sector) as a single functional structure managed from the single centre;
- institutional weakness, lack of professionalism, structural imbalance of the security and defence sector institutions;
- lack of resources and inefficient use of available resources in the security and defence sector of Ukraine;
- absence of reliable external security guarantees for Ukraine;
- activities of the illegal military formations, rise of crime, illegal use of firearms.

3.3. Corruption and inefficient system of public administration:

- spreading of corruption and its rooting in all spheres of public administration;
- weak, dysfunctional, outdated model of public institutions, de-professionalization and degradation of civil service;
- subordination of the activities of the public institutions to corporate and private interests, which leads to violation of the rights, freedoms and legal interests of the citizens and economic entities.

3.4. Economic crisis, exhaustion of the financial resources dropping down living standards of population:

- monopolistic and oligarchic, low-tech, resource-intensive model of economic development;
- lack of clearly formulated strategic objectives, priorities and tasks for the social-economic, military-economic, and scientific-technical development of Ukraine, as well as of effective mechanisms for concentration of resources and efforts of the state institutions for their implementation;
- high level of “shadowing” and criminalization of the national economy, criminal and crony system of appropriation of public resources;
- malformed state regulation policy and corruption pressure put on business;
- excessive dependence of the national economy on external markets;
- inefficient management of state debt;
- decreasing welfare and soaring unemployment;
- activation of the migration of IDPs as a result of combat actions;

- devastation of the economic potential and destruction of the life-supporting infrastructure on the temporarily occupied territories, loss of their human potential; illegal removal of the local production facilities to the territory of Russia.

3.5. Energy security threats:

- distorted market mechanisms in energy sector;
- low level of diversification of fuels supplies and technologies;
- criminalization and corruptness of energy sector;
- ineffective energy efficiency policy.

3.6. Threats to informational security:

- conduction of the informational war against Ukraine;
- absence of the single communication policy of the state, low level of the society's media culture.

3.7. Cyber security and informational assets threats

- vulnerability of the critical infrastructure objects, public information assets to cyber-attacks;
- worn-out and obsolete system of protection of the state secrets and sensitive information.

3.8. Threats to critical infrastructure:

- substantial level of wear and tear of critical infrastructure facilities, systems and networks of Ukraine, insufficient level of their physical protection;
- insufficient level of critical infrastructure protection from terrorist attacks and insurgencies;
- inefficient management of the security of the critical infrastructure and life support systems.

3.9. Ecological security threats

- excessive anthropogenic impact and high level of technological load on the territory of Ukraine;
- negative consequences of the Chornobyl disaster;
- accumulation of substantial amounts of industrial and household wastes coupled with low level of their recycling, processing and disposal;
- improper status of the single state of civil protection and absence of the effective environmental monitoring system.

4. PRIORITIES OF THE NATIONAL SECURITY POLICY OF UKRAINE

4.1. *Restoration of territorial integrity of Ukraine*

Restoration of the territorial integrity of Ukraine and integrity of democratic institutions on its whole territory, reintegration of the temporarily occupied territories after their liberation is the strategic priority of the national security policy.

Premised on the priority of peaceful means, Ukraine shall use all available tools and means not contradictory to international law to protect its territorial integrity.

The key to national security and territorial integrity of Ukraine is powerful Armed Forces of Ukraine and other military formations established under laws of Ukraine equipped with modern weapons and military equipment, active foreign policy activities, effective intelligence, counter-intelligence and law-enforcement agencies.

4.2. *Establishment of an efficient defence and security sector*

Development of an efficient defence and security sector of Ukraine, which is to ensure proper and flexible response to threats rationally applying capabilities and resources, is a priority of the national security policy. Fulfilment of this task must allow for:

- complex improvement of the national legislation of Ukraine on defence and security, including the adoption of Law “On amending the Law “On the Fundamentals of the National Security of Ukraine” (new draft) in which the mechanisms of management of national defence and security sector to be defined, as well as defence and security sector’s structure and line-up, its system of management, coordination and cooperation of its bodies.
- centralised management of defence and security sector in peace time, in crisis situations threatening the national security of Ukraine and during special period, inter-agency coordination and interaction;
- coordination of concepts (programs) of reforming and development of Ukraine’s security and defence sector bodies and defence-industrial complex according to a single concept;
- improvement of a state system of strategic planning, creation of the unified system of monitoring, analysis, forecasting and decision-making in the area of national defence and security in order to ensure effective coordination and functioning of the system of the situational centres across all of the agencies of the security and defence sector of Ukraine;
- introduction of an integrated system of education, military and special training for the security sector and defence sector’s personnel, engaging lecturers, instructors from NATO and EU countries, forming a new security culture;

- improvement of fiscal policy in the national security and defence sector of Ukraine by the gradual increase of the ratio of expenditures of the security and defence sector on development, combat trainings and operational activities in accordance with practice of NATO member-states;
- targeted and pragmatic approach to identifying amounts of financial, material and technical resources needed for efficient functioning of the security and defence sector institutions and defence-industrial complex;
- professionalization of the security and defence sector of Ukraine, raise of the level of professionalism of personnel, effective motivation for proper implementation of assigned tasks, maximal but reasonable reduction of the service [supporting] bodies of the sector;
- qualitative improvement of the democratic civilian control over the security and defence sector, strengthening parliamentary oversight in this area;
- development of the system of military-patriotic education, the introduction of military training and civil protection courses in secondary, vocational schools and higher educational institutions.

4.3. Upgrading defence capability of the state

Ensuring readiness of the state, its economy and society to defence and repelling of armed aggression in all of its aspects (including hybrid warfare), and upgrading the defence capability of the state are the key priority of the national security policy.

The major tasks in this area are as follows:

- preparing the state to repel military aggression, increasing the capacity of state authorities, military and local government, defence forces, civil defence system, and defence industry to function in crisis situations threatening the national security, and during special period;
- reforming of defence force with a focus on the development of highly combat-ready units of the Armed Forces of Ukraine and other military formations established under laws of Ukraine, with a priority of their quality rather than quantity characteristics;
- reforming the system of mobilization training and mobilization, developing proper conditions for manning the Armed Forces of Ukraine and other military formations established under laws of Ukraine with trained staff, implementation of principle of extraterritoriality, creating of an electronic register of the citizens liable for military service;
- creating of a powerful, large, military-trained reserve assigned to designated military units ready for rapid deployment and capable of performing their assigned tasks;
- activation of training of the population and territory of the country for defence, improvement of the system of territorial defence;

- modernization and proactive development of Ukraine's defence industrial complex, optimization of its production facilities, production of weaponry and equipment competitive at the international arena, implementation of import substitution policy and setting up domestic production of critical components and materials;
- deepening defence-industrial and military-technical cooperation with other countries, first of all with the EU and NATO member-states, achieving full independence from Russia in production of arms and military equipment;
- supporting practically directed and perspective research in the area of national security and defence;
- utilizing bilateral and multilateral cooperation mechanisms with partner-states, first of all towards strengthening the defence capabilities of Ukraine, including receiving modern samples of weapons and equipment, facilitating removal of artificial restrictions in the area of military-technical cooperation.

The priority task is to reform Ukrainian Armed Forces in order to make them efficient, mobile, armed with modern weapons and special equipment, and, based on that, capable of defending the State.

In the mid-term perspective, the Armed Forces of Ukraine will be manned according to the principle of mixed¹ staffing with a gradual increase of professional component and creation of the highly mobile immediate reserve forces.

Reform of the Armed Forces of Ukraine shall envisage, in particular:

- revision of functions and tasks, structure and strength optimization, upgrading of personnel level, improvement of troops preparation system, equipping them with modern weaponry, military and special equipment;
- elimination of overlapping functions of the Ministry of Defence and General Staff of the Ukrainian Armed Forces, introduction of the centralized structure of defence management in the country;
- creation of the Joint Operational Headquarters as a body responsible for direct command of multi-service and interagency military groupings (forces);
- development of the Special Operations Forces of the Ukrainian Armed Forces according to NATO doctrines and standards;
- upgrading and development using modern technologies according to NATO standards of command system, intelligence, secure communications, intelligence, radio electronic warfare, securing operational access to the air and space intelligence data;

1 *Both contract and conscript – translator's remark*

- strengthening counterintelligence protection of the Armed Forces of Ukraine, bringing the system of military intelligence and counterintelligence in line with NATO standards;
- strengthening combat ability of missile and artillery units of Ukrainian Army, equipping them with domestically produced modern missile systems able to deter an aggressor;
- modernization of the aircraft fleet and air defence system of the Ukrainian Air Force, ensuring their ability for adequate response to military threats;
- formation of the naval capabilities of Ukraine corresponding to the existing threats, ensuring defence of the coastline, development of the infrastructure of bases of the Ukrainian Navy, as well as restoration of the naval bases in Crimea after the return of the temporarily occupied territory under Ukraine's control;
- reorganization of the logistical and medical support systems of the Armed Forces of Ukraine, introduction of computerized systems of accounting for materiel and other resources, bringing the amount of unexpendable stocks in line with real needs;
- improvement of military personnel policy, raising prestige of military service, upgrading financial support and social protection of military personnel and their families;
- reaching the highest level of interoperability of the Ukraine's Armed Forces with NATO Allied forces through implementation of Alliance's standards;
- strengthening military discipline and law order in the Armed Forces of Ukraine, establishment of Military police.

4.4. Reform and development of intelligence, counterintelligence and law-enforcement bodies

Reforming and development of intelligence, counterintelligence and law-enforcement bodies of Ukraine should be implemented based on the principles of adherence to the rule of law, raising patriotism and competence of personnel, departization, rational demilitarization, upgrading mechanisms of practical coordination and efficient interagency interaction, task distribution and elimination of duplication of functions, strengthening democratic civilian control and transparency.

Reform of the Security Service of Ukraine is aimed at creation of effective, dynamic, highly professional, special service equipped with modern material resources and technical means.

The efforts in this field to be focused on:

- counterintelligence activities;
- neutralization of separatist and extremist movements and organizations;
- protecting the state against terrorism, economic, information and cyber threats;

- state secrets protection;
- ensuring fast and efficient exchange of information among Ukraine and NATO and EU member-states based on mutual trust.

It is expedient that the majority of the law enforcement functions will be transferred from the Security Service to other law enforcement structures except for counteraction to crimes against fundamentals of the national security.

Reform of intelligence bodies of Ukraine is targeted at the priority development of Ukraine's intelligence capabilities, based on the coordinated functioning of the intelligence services. The National Intelligence Program shall be adopted, which will stipulate:

- focusing intelligence efforts on priority areas of the national security;
- expanding capabilities of human intelligence,
- ensuring the development of capabilities of the technical intelligence, electronic tapping and telecommunications monitoring as well as cyber intelligence, creation of the modern network of air and space surveillance on the basis of modern technical solutions;
- improving information and analytical work, as well as open-source intelligence;
- increasing coordination and interaction between intelligence bodies to ensure the preparation of the coherent intelligence assessments;
- strengthening intelligence cooperation with NATO Allies peer special services, in particular by taking measures to build mutual trust.

Reform of the Interior Ministry shall ensure the qualitative changes of personnel culture which are to raise level of public trust to law enforcement bodies, as well as relieving them from inappropriate control and permitting functions, increasing the level of trust of the citizens to law enforcement bodies, transformation of the Ministry into a civilian central executive authority responsible for formulation and implementation of the public policy in law enforcement, state border protection, migrations and civil protection.

The National Police as a central executive authority whose operations will be guided through the Interior Minister of Ukraine will perform functions aimed at combating crime, in particular organized crime, and maintaining public order. In order to maintain public order and investigate administrative cases local self-government authorities shall establish Municipal Police within limits of their own budgets.

Development of the National Guard of Ukraine as a military formation with law enforcement functions is aimed at raising its capabilities to maintain public security and physical protection of objects of critical infrastructure, to participate in protection and defence of the national borders, and to support the Armed Forces' operations in crisis situations threatening the national security and during special period.

Development of the State Border Guard Service as a law enforcement body is to provide the efficient implementation of protection and defence of the national borders

of Ukraine, as well as protection of Ukraine's sovereign rights in its exclusive (maritime) economic zone, which includes development of information, operational, technical and physical components, implementation of modern monitoring systems, creation of properly equipped mobile border guard units.

Development of the State Migration Service of Ukraine shall be aimed at realization of citizens' rights and freedoms, provision of high quality administrative services, effective control over migration processes, combating illegal migration, protection of the national labour market and facilitating of the introduction of the visa-free regime with the European Union.

Development of the State Emergencies Service of Ukraine shall envisage raising its capability to manage efficiently a single national system of civil protection, equipping civil protection forces with modern machinery, equipment and tools, optimization of units deployment, implementation of the single phone number public emergency assistance system, to prepare and to teach population on norms and behaviour for protection in emergencies.

According to the Criminal Procedural Code of Ukraine there must be created a National Investigation Bureau of Ukraine as a law enforcement body responsible for investigations. The reform of the Public prosecution authorities shall be completed in line with the EU standards.

4.5. Reforming the public administration system, new quality of the anti-corruption policy

Public administration shall be grounded on the principles of rule of law and equality of citizens before the law, honesty and transparency of public authorities, and its priority shall be the guaranteed protection of rights, freedoms and legitimate interests of people as well as national interests of Ukraine.

In this context the following tasks are to be fulfilled:

- cleaning public authorities from corrupt officials and foreign agents of special services, non-professional employees, political cronies, making impossible prevailing of individual and corporate interests over the national ones;
- reforming the institute of public service, formation of highly qualified, patriotic, politically neutral corps of public servants, as well as revising the system of personnel training, retraining and professional development, implementation of the modern ethical norms of public servants, military personnel, law enforcement officers;
- decentralization of the state functions and budgets;
- openness and transparency of public authorities, introduction of e-government.

The effective public administration requires the consistent anti-corruption policy, which shall include:

- limitation of state control and regulatory functions;
- motivation of public servants to devoted work;
- creation of conditions for unavoidability of punishment for acts of corruption.

It is essential that the following tasks are fulfilled:

- improving integrity screening procedure and establishing an efficient monitoring of lifestyle, incomes and expenses of public servants;
- ensuring transparent expenditures of the State and Local budgets;
- completing formation and supporting efficient work of the National Anticorruption Bureau and National Agency for Corruption Prevention, and ensuring cooperation between the National Anticorruption Bureau and State Investigation Bureau of Ukraine within the framework and tasks assigned by the legislation;
- enhancing active cooperation with international anticorruption organizations, in particular with Council of Europe's Group of States against Corruption (GRECO) and active promotion and implementation of best practices.

4.6. European Union integration

Sharing the values and strategic objectives common with the European Union, Ukraine regards integration into political and economic structures of the European Union as a key priority of its foreign and domestic policy. Ukraine will ensure the gradual convergence in foreign and defence policy and will develop cooperation in the framework of the EU's Common Security and Defence Policy for strengthening capabilities of the defence and security sector, as well as supporting international security and stability.

Creation of the key preconditions for Ukraine's EU accession is a priority, which is the important guarantee for democratic development, economic welfare and strengthening security. Ukraine's membership in NATO will contribute to improving the climate of trust and security in the region of the Eastern Europe and Black Sea.

4.7. Distinctive Partnership with NATO

Ukraine considers developing of distinctive partnership with NATO on the basis of the Charter on Distinctive Partnership signed on 9 July 1997, Declaration to Complement the Charter on a Distinctive Partnership NATO-Ukraine of 21 August 2009 and Annual National Programmes of NATO-Ukraine cooperation to be the priority of its security policy.

Cooperation with NATO contributes to strengthening of democratic values in Ukraine, establishing stable security environment, and is an important tool to support reforms, particularly in the defence and security sector, as well as it ensures a common response to modern security challenges and threats.

Based on long-term goals of joining the European security system, which is based on NATO, Ukraine will deepen cooperation with the Alliance to achieve the criteria required

for membership in this organization in the following areas:

- fostering political dialogue on democratic reforms and ensuring regional security;
- implementation of the short term and medium term measures to strengthen defence capabilities of Ukraine, including conduction of joint exercises;
- development of cooperation in security and defence planning, inter alia by conducting regularly comprehensive defence and security sector reviews, on the basis of which defence and security planning documents shall be updated;
- introduction of reforms in defence and security sector according to NATO standards;
- creation of the efficient crisis response mechanism to crisis situations threatening national security;
- participation in NATO-led peace-keeping and security operations;
- development of capabilities in preventing and countering terrorism, as well as joint fight against terrorism;
- implementation of NATO Building Integrity Initiative principles, coherence, transparency and reduction of corruption risks in security and defence sector;
- development of joint programs for Ukraine's security and defence sector personnel training, including Professional Development Programme;
- interaction in energy security, science and technology, and environmental protection.

The priority is reaching full interoperability of Ukraine's security and defence sector with relevant NATO Allies structures, what is to ensure the future accession of Ukraine to the Alliance in order to acquire effective guarantees of the state sovereignty and territorial integrity of Ukraine.

4.8. Provision of the national security in the foreign policy

Having renounced the non-bloc policy which has not ensured territorial integrity of the state, Ukraine in the medium term will be based on its own capabilities, and reserves a right to select systems of collective security and defence as means of ensuring the state sovereignty and territorial integrity of Ukraine.

The external security guarantees will be ensured through the development of allies network both with individual states and regional organizations and initiatives (by concluding agreements on common defence or military assistance), and with international security organizations (participating in collective security mechanisms).

The foreign policy of Ukraine concerning ensuring the state's national security will be based upon the European and Euro-Atlantic integration policy and will be executed at various levels – global, regional and sub-regional ones.

At the global level Ukraine regards deepening, on the basis of the Ukraine-USA Charter on Strategic Partnership of 19 December 2008, the strategic partnership with the USA

as the guarantor of the international security in the Euro-Atlantic area the key foreign policy priority.

Ukraine will seek to develop strategic interaction on the partnership basis with other states which are the key centres of influence, notably with the PRC. Ukraine will continue actively utilize such global formats as international organizations like UN, G-20, G-7, other mechanisms of strengthening peace and stability in the world, adherence to the norms of international law and fair resolution of conflicts.

Ukraine will promote the process of nuclear disarmament and will support initiatives to conclude the universal international treaty on security guarantees, first of all to non-nuclear states, which would contain a clear-cut list of obligations and measures to be taken by the parties in case of its violation, including in the context of applying sanctions against the violating state. Based on the Memorandum on Security Assurances, which was signed in the wake of Ukraine's accession to the Treaty on Non-proliferation of Nuclear Weapons (Budapest Memorandum), Ukraine seeks to create the effective mechanism which would guarantee her state sovereignty and territorial integrity.

Russian aggression against Ukraine has prompted the urgent need to reform the UN Security Council. That's why in the framework of the UN General Assembly the work will be focused on supporting such initiatives aimed at reforming the UN Security Council, which will ensure its adequate response to violations of the international law even if the offender is the permanent member of this body.

Regional level efforts will be aimed at setting up an efficient system of interaction in Central and Eastern Europe for the sake of security and stability. To this end the instruments and capabilities of the OSCE and the Council of Europe will be used first of all. Special attention will be given to setting up security mechanisms in the Black Sea region.

Ukraine together with other European allies will pursue the policy of denuclearization and demilitarization of the Black Sea region; will support return to the regime of the renovated CFE treaty; will actively participate in upgrading the existing and introducing new security initiatives aimed at strengthening stability and collective security in Europe.

At the sub-regional level, Ukraine will continue active use of available formats – the Weimar Triangle, the Visegrad Group, GUAM, CEI, BISEC and others – with the aim of protection of territorial integrity and sovereignty of the state, implementation of economic and energy projects and initiatives.

In order to be active at the foreign policy arena, the Ministry of Foreign Affairs of Ukraine should develop with the aim of creation of the European type foreign office supplied with all necessary resources and capabilities for effective promotion of the national interests of the state.

4.9. Provision of the economic security

The content of economic reforms is creation of conditions for overcoming poverty and too big wealth differentiation in the society, approximation of social standards to those of Central and Eastern European Countries – EU members, reaching economic criteria for Ukraine's EU accession

The key precondition for achieving the new quality for economic growth is ensuring of economic security through:

- deoligarchization, demonopolization and deregulation of the economy, protection of economic competition, simplification and streamlining of the taxation system, creation of favourable climate for business and conditions for fostered innovative development;
- effective use of mechanism of the special economic and other restrictive measures (sanctions), making impossible for the capital from aggressor country to control the strategic sectors of economy;
- setting up the best conditions in the Central and Eastern Europe for investors, attracting foreign investment into the key economy sectors, in particular into energy and transport, as a national security instrument;
- preparing the economy to Ukraine's repelling armed aggression;
- development of the defence-industrial complex as a powerful high-tech sector of economy able to play a leading role in its rapid modernization based on innovations;
- legal protection in international institutions of property interests of individuals and legal entities of Ukraine and Ukrainian State violated by Russia;
- raising resilience of Ukrainian economy to negative external influences, diversification of external markets, trade and financial flows;
- preservation and protection of infrastructure in crisis situations threatening to national security and during special period;
- efficient utilization of budget funds, international economic aid and international financial organizations' resources, effective national debt management;
- stabilization of the banking system, transparent monetary and credit policy and restoration of trust to the national financial institutions;
- systemic counteraction against organized economic crime and shadow economy on the basis of creation of tangible benefits for legal economic activities accompanied by consolidation of institutional capabilities of financial, fiscal, customs and law-enforcement authorities, detection of organized criminal groups' assets and their seizure.

4.10. Provision of the energy security

Priorities for the provision of the energy security of Ukraine are:

- reforming energy markets, ensuring transparency of business activities, competition in these markets and their monopolization, the integration of Ukraine's energy sector to the energy markets of the EU and European energy security system;
- raising energy efficiency and energy conservation;
- diversification of sources and routes of energy supply, overcoming of dependence on Russia in energy resource and technology supply, development of renewable energy and nuclear energy taking into account priorities of environmental, nuclear and radiological safety;
- creation of conditions for reliable energy supply and transit through the territory of Ukraine, protection of energy infrastructure from a terrorist threat;
- forming energy supply system of the national economy and society operative in a special period.

4.11. Provision of information security

The priority directions of Ukraine's information security policy are:

- ensuring advancing approach to information security policy based on asymmetric actions against all forms and manifestations of information aggression;
- establishing an integrated information system for evaluating threats and prompt responding to them;
- countering special information operations, public mentality manipulations and dissemination of distorted information, protection of national values and strengthening cohesion of the Ukrainian society;
- development and implementation of a coordinated information policy of government;
- detection of players in Ukrainian information and cyber space which were created or are used by Russia for information war against Ukraine, and disabling their insurgency activities;
- establishing and developing institutes responsible for information and psychological security using the best practices of the NATO Allies;
- improving professional training in the information security area, introduction of national media culture educational programs in cooperation with the civil society and business community;

4.12. Provision of cyber security and security of the informational assets

- development of information infrastructure of the state;
- setting up a system of cyber security, development of CERT network;
- cyber space monitoring in order to detect, prevent and neutralize cyber threats in time;

- building up the capabilities within the law-enforcement agencies to investigate cybercrimes;
- ensuring protection of critical infrastructure, state information resources from cyber-attacks, renouncing use of software, especially antimalware produced in Russia;
- reforming the system of protection of state secrets and other information with restricted access, protection of state information resources, e-government systems, technical and cryptographic protection of information taking into account the best NATO and EU practices;
- setting up a system of cyber defence personnel training for Ukraine's security and defence sector;
- development international cyber defence cooperation, boosting NATO-Ukraine cooperation, especially in the framework of the NATO Trust Fund on enhancing Ukraine's capabilities in cyber security.

4.13. Critical infrastructure security

Priorities for provision of the critical infrastructure security are:

- comprehensive improvement of legal framework for critical infrastructure protection, setting up a state system of its security management;
- strengthening critical infrastructure protection, especially energy and transport;
- setting up cooperation between participants of critical infrastructure protection, development of public-private partnership in the area of emergencies prevention and response;
- design and implementation of mechanisms for information exchange between public authorities, private sector and population on threats and risks to critical infrastructure and protection of sensitive information in this area;
- technogenic accidents prevention, prompt and efficient reaction to them, localisation and minimisation of consequences;
- development of international cooperation in this area

4.14. Provision of environmental security

The priorities for the state environmental security are:

- preservation of wild-life ecosystems, maintaining their cohesiveness and life support functions;
- introduction of an efficient environmental monitoring system;
- resource preservation, well-balanced management of natural resources;
- taking measures to ensure reduction of environmental pollution, control over air and water pollution sources, reduction of land pollution level and restoration of land fertility; cleaning territories from industrial and household waste;

- setting up a system of industrial and consumer waste processing and disposal;
- mitigation of Chernobyl disaster negative consequences;
- prevention of uncontrolled importing environmentally hazardous technologies, substances, materials, transgenic plants and disease agents into Ukraine.

Ukraine will take biosafety measures, preventing spread of dangerous infectious diseases and supporting international efforts in this area.

5. FINAL PROVISIONS

National Security Strategy of Ukraine is a legally binding document and serves as a basis for drafting other national security strategic planning documents – Concept of Security and Defence Sector Development, Military Security Strategy (Military Doctrine), Cyber Security Strategy, other sector strategies as well as state programs for security and defence bodies development.

Implementation of the National Security Strategy requires budget support for defence and security sector annually at the level not lower than 5% of GDP.

The National Security Strategy of Ukraine will be implemented on the basis of the national defence, security, economic and intellectual capacities using mechanisms of public-private partnership as well as engaging international advisory, financial, material and technical assistance.

Research and expert support for coordination and monitoring of work in the area of national security and defence is done by the National Institute of Strategic Studies with participation of leading Ukrainian research institutions, think tanks, and Civil Society organizations.

Upon the analysis of the implementation of this Strategy the National Security and Defence Council hears annual reports and takes decisions on the state of its implementation.

Head of the Presidential Administration of Ukraine B. LOZHKIN

Decree of the President of Ukraine No. 555/2015 “On the decision of the National Security and Defence Council of Ukraine of 24 September 2015 “On a New Version of the Military Doctrine of Ukraine”

Pursuant to Article 107 of the Constitution of Ukraine, Article 2 section two of the Law of Ukraine “On Fundamentals of National Security of Ukraine”, I hereby decree:

To enact the decision of the National Security and Defence Council of Ukraine of 24 September 2015 “On a New Version of the Military Doctrine of Ukraine” (attached).

1. To approve the Military Doctrine of Ukraine (attached).
2. To recognize as such that no longer valid the following:
 - Decree of the President of Ukraine of 15 June 2004 No. 648 “On Military Doctrine of Ukraine”;
 - article 2 of the Decree of the President of Ukraine of 15 July 2004 No. 800 “On decision of the National Security and Defence Council of Ukraine of 6 July 2004 “On Further Development of Relations with NATO Taking into Account the Results of Ukraine-NATO High Level Commission Meeting of 29 June 2004”;
 - article 1 of the Decree of the President of Ukraine of 21 April 2005 No. 702 “Issues of Military Doctrine of Ukraine”;
 - article 3 of the Decree of the President of Ukraine of 8 July 2009 No. 518 “On Amending Selected Decrees of the President of Ukraine”;
 - article 2 of the Decree of the President of Ukraine of 8 June 2012 No. 390 “On decision of the National Security and Defence Council of Ukraine of 8 June 2012 “On a New Version of the Military Doctrine of Ukraine”.
5. Ministry of Foreign Affairs of Ukraine, Ministry of Defence of Ukraine shall provide for information support to implementation of the Military Doctrine of Ukraine.
6. This Decree shall take effect on its promulgation date.

President of Ukraine P. POROSHENKO

24 September 2015

MILITARY DOCTRINE of UKRAINE (MILITARY SECURITY STRATEGY OF UKRAINE)

Temporary occupation by the Russian Federation of the part of Ukrainian territory – Autonomous Republic of Crimea and city of Sevastopol, mongering of the armed conflict in the East of Ukraine and destroying the global and regional security architecture and the principles of international law by Russia require revision and clarification of the doctrinal provisions of the development and implementation of the Ukraine's military policy.

I. GENERAL PROVISIONS

1. Ukraine's Military Doctrine (hereinafter – Military Doctrine) is an adopted by the state system of views on the reasons, essence and nature of modern military conflicts, principles and ways of their prevention, on preparing the state to a possible military conflict, as well as on the use of military force in order to protect the sovereignty, territorial integrity and other vital national interests.
2. The legal foundation of the Military Doctrine is the Constitution, Laws of Ukraine, National Security Strategy of Ukraine approved by the May 26, 2015 Decree # 287 of the President of Ukraine and international treaties the consent to the binding nature of which was given by the Verkhovna Rada (Parliament) of Ukraine.
3. The Military Doctrine is based on the results of the analysis and forecast of the military and political situation, principles of defence sufficiency and maintaining a non-nuclear status, high level of defence readiness, Systemic defence planning as well as the fundamentals of domestic and foreign policy approved by the Verkhovna Rada. The key provisions of the Military Doctrine derive from the National Security Strategy of Ukraine, develop its provisions in the areas of ensuring military security and aimed at blocking aggressive actions of the Russian Federation, fulfilment of criteria necessary for membership in the European Union and the North Atlantic Treaty Organisation, equal and mutually beneficial cooperation in the military, military-economic and military-technical areas with all interested partner states.
5. The presented below terms are used in the Military Doctrine in the following meanings:
 - Military policy of Ukraine – activities by the participants of the national security ensuring aimed at military conflict prevention, organization, development and preparation of Ukrainian Armed Forces, other military formations set up according to Ukrainian laws, special law-enforcement bodies, State Special Transportation Service, State Service of Special Communications and Information Protection for armed protection of the national interests;

- Military–political situation – a state of military-political relations at a certain moment (period) of time.
- Military-political relations – a set of intentions and actions by parties (states, coalitions of states, international corporations, political parties, social and political movements) aimed at satisfaction of their own interests using all available tools in political, military, economic and other spheres of life;
- Military conflict – a form of resolution of interstate or internal disputes with the use of military force by both parties; the major kinds of military conflict are war and armed conflict;
- Armed conflict – armed clash between states (international armed conflict, armed conflict on the state border) or between hostile parties within the borders of one state territory, as a rule under certain external support (internal armed conflict);
- Local war – a war between two or more states in which military hostilities are limited by the warring states territories and aimed at military-political objectives which mainly touch upon the interests of those states (territorial, political, economic etc.);
- Regional war – a war which covers a certain region (part of the continent) with participation of all or majority of regional states with the aim to reach certain military and political objectives which touch upon the interests of those states;
- Military-political challenge – intentions or actions of one of the parties of the military-political relations aimed at reaching its own objectives ignoring interests of another party with understanding of causing possible harm to them;
- Military-political risk – intentions or actions by one of the parties of the military and political relations which under certain conditions may harm the other party's national interests;
- A threat to use military force – intentions or actions by one of the parties of military-political relations which demonstrate readiness to use military force against another party in order to reach its own objectives;
- Defense industrial complex – a set of enterprises, establishments and organizations in industry and science which develop, manufacture, upgrade and utilize products of military use, provide services in the interests of defense for equipping and material support of the security and defense forces as well as delivery of military and dual-use products, rendering military services in the framework of cooperation of Ukraine with foreign states;
- Security and defence sector – a set of government executive bodies covered by a single authority, and military formations established in accordance with the Ukrainian legislation, special law-enforcement bodies, State Service of Special Communi-

cations and Information Protection of Ukraine, State Special Transportation Service whose functional activities according to the Constitution and Legislation of Ukraine are aimed at protection of the national interests from external and internal threats to the national security of Ukraine;

- Security forces – state law-enforcement and intelligence bodies, civil protection forces and general competence bodies which according to the Constitution and Laws are responsible for ensuring the national security of Ukraine;
- Defence forces – Armed Forces of Ukraine, State Service of Special Communications and Information Protection of Ukraine, State Special Transportation Service as well as other military formations set up according to the laws of Ukraine, law-enforcement and intelligence bodies, if they are engaged into the defence of the state;
- Defence forces capabilities – their ability to reach a necessary result when fulfilling defence tasks under certain conditions according to the identified scenarios and using available resources;
- Strategic communications – coordinated and proper use of the state communications capabilities – public diplomacy, public relations, military relations, information and psychological operations, measures aimed at promotion of the state's objectives.

II. SECURITY ENVIRONMENT (GLOBAL, REGIONAL AND NATIONAL ASPECTS) IN THE CONTEXT OF MILITARY SECURITY

6. The security environment around Ukraine is complex and dynamic. Due to the armed conflict in Ukraine, military-political instability in the Middle East, the struggle for influence over the world financial and energy flows, the global military-political instability is rising. The world's leading states increase their military spendings, stimulate the development of new weapon systems, and increase the intensity of exercises.
7. Formation and development of the global security situation takes place under the influence of the following key trends:
 - Increased contradictions between the leading world powers with regard to division of spheres of influence, increase of their aggressiveness, stubbornness, a desire to prevail in terms of military and strategic equilibrium, particularly the growing confrontation between the USA and RF;
 - Aggravation of the security situation in the Middle East and North Africa, growing religious extremism and spreading of radical Islamic ideas in Central Asia, contradictions between Asian-Pacific states concerning the possession of island territories;

- The crisis of the current and unclear foundations of a new international security system, weakening of the role played by the international security institutes, attempts to use military force beyond the existing mechanisms of the international security;
 - Shifting focus of armed conflicts to asymmetric use of military force in the form of illegal paramilitary formations, shifting emphasis in the course of armed conflicts to the comprehensive use of military and non-military instruments, in particular, economic, political, information-psychological and others, which principally changes the nature of war fighting;
 - Violations of peremptory norms and principles of international law embodied in the UN Charter, the 1975 CSCE Final Act and other international agreements;
 - Weaker legal limitations on use of military force beyond the country's own territory;
 - Global climate change, depletion of natural resources, all the more shortage of drinking water, food, increased migration and growing risks of large-scale natural and man-made disasters;
 - Growing scope of terrorism, piracy, and other phenomena related to use of armed violence.
7. Military-political situation in the region around Ukraine is developing under the influence of the following major trends:
- Spreading practice of special operations and provocations to create conflict situations;
 - Growing internal instability in the countries of the region caused by the interference of the other countries, as well as declining welfare of the population, ineffective governance, attempts by ethnic entities to solve their urgent problems separately;
 - Deep modernization of armed forces by the neighbouring states, more active research and development of arms and military equipment of the new generation with principally new fire, destruction, command and control capabilities;
 - Further militarization of the region, increased foreign military presence on the territories of the neighbouring countries;
 - Active destabilizing foreign and security policy of the Russian Federation towards its neighbours and international organizations, including NATO and the EU;
 - Refusal to fulfil or denial by the Russian Federation of its obligations taken according to the international agreements on arms control, confidence-building and security in the military sphere;
 - Modernization and upgrading of technical intelligence systems and complexes by special and intelligence services of foreign states, increase of their capabilities, attempts to get unauthorized access to the information infrastructure of Ukraine;

- Hampering the process of legal regulation and delimitation of state borders, and division of exclusive (maritime) economic zones and continental shelf between the regional states;
 - Information war of Russian Federation against Ukraine.
8. External political situation is not conducive to the settlement of the armed conflict in the east of Ukraine. Under these circumstances, Ukraine may count primarily on its own capabilities and on the support mainly from the USA, the EU and NATO Member-states, which consider preservation of independence and territorial integrity of Ukraine to be one of the determining factors of the global and regional stability.
9. The current military threats to Ukraine are as follows:
- Armed aggression and violation of the territorial integrity of Ukraine (temporary occupation by Russia of the Autonomous Republic of Crimea, city of Sevastopol and armed aggression on some territories of Donetsk and Luhansk oblasts), military build-up by the Russian Federation in the immediate vicinity of Ukraine's state borders, including potential possibility of deploying tactical nuclear weapon in Crimea;
 - Militarization by the Russian Federation of the temporarily occupied territories through the formation of new military units and formations, and supplying militants with military equipment and materiel;
 - Presence within the territory of Transnistria of the military contingent of the Russian Federation, which can be used for destabilisation of the situation in the south of Ukraine;
 - Build-up by the Russian Federation near the state border of Ukraine of the groupings of troops with significant offensive potential, creation of the new, expansion and modernization of existing bases, military infrastructure;
 - Activation of the intelligence and sabotage operations of other Russian Special services aimed at the destabilization of the internal social-political situation in Ukraine and also supporting of the illegal military formations in the East of Ukraine and creating preconditions for increasing the scale of aggression;
 - Activities of the illegal armed groups in Ukraine aimed at destabilizing the internal socio-political situation in Ukraine, intimidation of the population, depriving people of the will to resistance, disruption of public authorities, local governments, major industrial facilities and infrastructure;
 - Territorial claims to Ukraine by the Russian Federation and offences against its sovereignty and territorial integrity.
10. Military-political challenges, which potentially may turn into threat of using military force against Ukraine are:

- Direct interference into Ukraine's internal affairs by the Russian Federation aimed at disruption of the Constitutional order, territorial integrity and sovereignty of Ukraine, internal social-political stability of Ukraine, law and order;
- Prevention of realization of the European choice of Ukrainian people, participation of Ukraine in the design of the collective security system;
- Unresolved issue of the state border delimitation in the maritime zone of the Black and Azov Seas, not completed demarcation of the state border of Ukraine with Russian Federation, Republic of Belarus, and Republic of Moldova;
- Attempts by the Russian Federation to destabilize socio-political and economic situation in Ukraine and provoke separatist intentions on the territories densely populated by national minorities in Ukraine;
- Targeted information (information-psychological) influence using modern information technologies aimed at fostering negative international image of Ukraine and at destabilization of internal socio-political situation, ethnic and inter-confessional relations in Ukraine or some regions hereof and in areas densely populated by the national minorities;
- Actions of the Russian Federation aimed at complication and deceleration of the economic development of Ukraine;
- Proliferation of the weapon of mass destruction, spread of terrorism, organized crime, illicit trafficking in arms and munitions, illegal migration.

Given the trends of the military-political situation in the medium term the most likely military conflicts will be those with the use of enemy's own armed forces, as well as with the use of illegal armed groups supported by them, terrorist groups, mercenaries as a tool to achieve their own interests. The likelihood of such conflicts escalating into a war will increase.

11. Threats to Ukraine's military security may be realized according to the following scenarios:

- A full-scale armed aggression by the Russian Federation against Ukraine including land, air and space, and maritime operations with decisive military-political objectives;
- A separate special operation of the Russian Federation against Ukraine with use of some military units and/or formations, fire strikes, information, information-psychological operations (actions) together with use of non-military means, including those under the cover of peacekeepers in the absence of the decision taken by the United Nations Security Council;
- A blockade with the use of military force of the seaports, coastal or airspace of Ukraine, disruption of its communications by the Russian Federation;

- An armed conflict inside the country, instigated by the Russian Federation in an attempt to separate from Ukraine specific administrative and territorial entities in the Eastern and Southern regions, including with participation of illegitimate paramilitary and/or armed formations, terrorist groups in cooperation with political, non-governmental, ethnic, religious and any other organizations;
- armed conflict on the state border of Ukraine, including border incidents (provocations, clashes) with regular or irregular military formations of the Russian Federation, illegal paramilitary and/or armed formations, etc.;
- terrorist attacks on the territory of Ukraine or against the citizens of Ukraine, offences against life of government leaders or social activists, representatives of foreign states (caused with the aim to provoke war or international complications), sabotage (including critical infrastructure) as well as explosions, deliberate arson of the public offices, their seizure, kidnapping of citizens or taking hostages.

The threats to the military security of Ukraine, in case of their realisation, may lead to change of the constitutional order in Ukraine, further occupation of Ukraine or some of its territories, setting up direct or indirect control over Ukraine and loss of its state sovereignty and territorial integrity.

12. Ukraine's ability to response adequately to challenges and threats to military security is undermined by internal economic and social-political factors:
 - Economic crisis, violation of the national economy integrity as a result of temporary occupation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation and the activity of the Russia-supported illegal armed formations in some areas of Donetsk and Luhansk oblasts, limited state financial capabilities caused by the abovementioned factors;
 - Systemic security and defence reforms are imbalanced and incomplete; insufficient resources' provision for Defence Forces, and inefficient use of available resources;
 - Inefficiency of state management of the national security agents of Ukraine in military sphere, ineffectiveness of strategic targeted program planning of their development;
 - Insufficient level of combat readiness of Ukrainian Armed Forces, State Service of Special Communications and Information Protection, State Special Transportation Service and other military formations set up in accordance with the laws as well as special law-enforcement bodies, to wage a modern armed fight;
 - Low efficiency of state intelligence and counter-intelligence bodies;
 - Low level of coordination between public authorities and local self-governments, low level of competence of their employees with regard to the security and defence;

- Civil defence forces, their technical equipment do not correspond to the modern challenges;
- Insufficient and unprofessional efforts of the state authorities of Ukraine in countering the propaganda and information-psychological operations of the Russian Federation.

13. Military-economic and military-technical support of the military security of the state depends on the efficiency of the defence sector of the economy, which faces the following major problems:

- Low efficiency of military-technical and military-industrial policy realization, as well as inefficiency of military-technical cooperation policy, unresolved issues regarding defining the state customers for the development and implementation of state programs of reform and development;
- Lack of state regulation and support for research institutions and industrial enterprises of the military-industrial complex, which are of strategic importance for security, defence and economy of the state and forming the basis for the transition from the economy based on raw materials to its innovative development, meeting the needs of the Armed Forces of Ukraine, State Service of Special Communications and Information Protection, State Special Transportation Service and other military formations set up in accordance with the laws as well as special law-enforcement bodies in weapons, military and special equipment;
- Absence of closed cycles of national production of the most of the weapons systems and military equipment, low speed of military goods and dual use goods procurement diversification, disruption of the traditional cooperation of research and production structures;
- Critical physical and “moral” worn-out state of fixed assets, low efficiency of use of the research and industrial base, considerably energy inefficient production, technological gap with the leading countries of the world, bad financial and economic situation of most companies, low profitability of production, lack of working capital and lack of investment resources, and insufficient capacity of the internal market of defence products, which considerably hinders international sales;
- Critical situation with manning defence industries with highly-qualified workers, technical and engineering personnel.

III. THE OBJECTIVES AND KEY TASKS OF MILITARY POLICY

14. Ukraine seeks to maintain friendly relations with all countries of the world on the basis of treaties concluded on the basis of equality, non-interference in internal affairs, mutual respect for independence, sovereignty and territorial integrity.

15. The key objective of Ukraine's military policy is creating conditions for the restoration of the territorial integrity of Ukraine, its sovereignty and integrity within the state border of Ukraine.
16. Ukraine sees the following major objectives of military policy:
 - Repelling an armed aggression of the Russian Federation against Ukraine;
 - Ensuring Ukraine's defence capability at a level sufficient to prevent armed conflict, and, in the case of a military conflict sufficient for its localization and neutralization;
 - Participation of Ukraine in realization of the EU Common Security and Defence Policy;
 - Upgrading a system of military security of the state that would guarantee the reliable protection of the state from external and domestic threats, proper perception of Ukraine at the international level, and would correspond to criteria needed for membership of Ukraine in the European Union and NATO.
17. Based on the principles of domestic and foreign policy, as well as the nature of existing and potential threats to national security, the priorities of military policy of Ukraine in near and medium terms are defined as follows:
 - localization and neutralization within the shortest possible time the military and political crisis in the Eastern part of Ukraine, preventing its escalation into a large-scale armed aggression;
 - elimination of illegal armed groups and restoration of the full control over the state border of Ukraine;
 - Integration of volunteer military formations which were set up or organized themselves for protection of independence, sovereignty and territorial integrity of Ukraine, participated directly in the antiterrorist operation in Donetsk and Lugansk Oblasts. Their inclusion into the Armed Forces of Ukraine, Interior Ministry, National Guard, other legal military formations and law-enforcement bodies;
 - reform of the Armed Forces of Ukraine aimed at reaching the operational and technical interoperability with the armed forces of the NATO Allies;
 - upgrading the system of mobilization preparation and mobilization including setting up a military reserve of a proper number of well-trained personnel;
 - preservation of a mixed type of Armed Forces and other legally created formations manning with gradual increase of the share of professional troops in combat military units. Manning of non-combat military units and positions which are not decisive for combat readiness of military units will be done mainly with conscripts and mobilized personnel (in case the decision on mobilization is taken);
 - adherence to the principle of not engaging conscripts into combat;

- creation of unified system of imagery intelligence with relevant infrastructure of obtaining and processing information in a time mode close to real one;
- creation of the holistic security and defence sector as the main element of the military security system and integration of its components' capabilities for the timely and effective response to existing and potential threats;
- ensuring upgrading of the Defence Forces capabilities needed for the implementation of the military policy objectives;
- upgrading capabilities of the national military-industrial complex through the introduction of advanced defence technologies, creation of the maximum possible closed cycles of development and production of major armaments, military and specialized equipment, making use of the opportunities of military and technical cooperation with the countries-strategic partners of Ukraine;
- upgrading of the public information policy in the military field;
- prevention and efficient countering information-psychological influence by foreign states aimed at undermining defence capability, violation of sovereignty and territorial integrity of Ukraine, destabilization of internal socio-political situation, provoking ethnic and religious conflicts in Ukraine.
- ensuring the social security guarantees for military personnel, employees of the law enforcement agencies, participants of the Anti-terrorist operation in Donetsk and Lugansk Oblasts and their families;
- improvement of the system of democratic civilian control over the state's security and defence sector in line with the European standards;
- better coordination and upgrading of mechanisms of the consolidated development of the security and defence sector components and strengthening of their operational capabilities to ensure military security.

The identified goals and objectives of military policy correspond to the current state as well as to the medium-term forecast of the development of the military-political situation and can be adjusted according to changes in the security environment, the conditions of social and economic development of Ukraine, its Defence Forces capabilities.

18. After the restoration of the territorial integrity of Ukraine, the main goal of its military policy will be to prevent the emergence of new armed conflicts, systematic strengthening of defence capability of the state, upgrading its role and prestige in the international arena.

Ukraine will maintain such level of defence capabilities, which along with full use of the peaceful means of the settlement of international controversies corresponds to the level of military threats and, at the same time, does not deprive Ukraine of the military-strategic parity in relation to other countries of the regional environment.

19. Preparation of defence of Ukraine in its content, direction and scale is conducted in accordance with the Law of Ukraine "On Defence of Ukraine". Preparation of the Defence Forces of Ukraine is focused on defensive as well as the offensive and counter-offensive operations. All programs and plans of combat and operational training, combat statutes and guidelines of the Armed Forces of Ukraine shall be developed accordingly.
20. The main principle of engagement of Defence Forces in a military conflict is active defence aimed at defeating an enemy and coercing the enemy into the cessation of military (combat) actions. Particular attention shall be paid to the defence of the most important in operational and strategic terms frontiers and regions, areas, administrative, political and economic centres, assault-risky areas of the Black Sea and Azov Sea coastlines, communications.
21. Defence of Ukraine by Defence Forces operations shall be combined with territorial defence, the resistance movement on the temporarily occupied territories shall be organized. The basis of formation of the Territorial Defence Forces is the units of the Armed Forces of Ukraine and other military formations established in accordance with the laws of Ukraine, as well as special law-enforcement bodies.
22. During the implementation of defensive measures control bodies and forces of the single state system of civil protection respond to the consequences of the emergencies caused by the use of weapons, and protect population and territories from the effects of warfare.
23. Due to the existence in Ukraine and neighbouring states of environmentally hazardous facilities, and taking into account the possible use of weapons of mass destruction by the enemy in war, security and defence forces and population of Ukraine prepare to actions under the conditions of radioactive, chemical and bacteriological contamination, in the areas of large fires and floods.
24. Ukraine also does not exclude the option of resorting to military force for localization and liquidation of internal armed conflict in case of its occurrence. To liquidate the armed conflict inside the country Ukraine will engage the Armed Forces of Ukraine, other military formations established in accordance with the laws of Ukraine as well as special law-enforcement bodies, State Service of Special Communications and Information Protection, State Special Transportation Service in accordance with the Constitution of Ukraine and laws of Ukraine.
25. The decision on the use (engagement) of the Armed Forces of Ukraine and other military formations established in accordance with the laws of Ukraine as well as special law-enforcement bodies, State Service of Special Communications and Information Protection, State Special Transportation Service in case of external aggression, in-

ternal armed conflict or large-scale acts of terror shall be taken by the President of Ukraine in accordance with his powers.

26. The Armed Forces of Ukraine, other military formations established in accordance with the laws of Ukraine as well as special law-enforcement bodies, State Service of Special Communications and Information Protection, State Special Transportation Service shall also be prepared in accordance with the resolutions of the UN Security Council and international agreements of Ukraine to participate in international operations on supporting peace and security, humanitarian operations under the aegis of the authorised international organisations, counter-terrorism operations inside and outside the country, measures aimed at combating piracy, illegal proliferation of the weapon of mass destruction, fulfilment of other tasks stipulated in Ukrainian legislation.
27. A special direction of work is preparation of national (special) contingents for participation on behalf of Ukraine in organisations and activities related to international collective security and international military cooperation.
28. Ukraine will regard any other state (coalition of states) whose acts are defined by Ukrainian legislation as an armed aggression or fall under the international definition of aggression as its military adversary. Currently and for the medium term Ukraine deems the Russian Federation as a probable military adversary.

Ukraine will recognize a state (a coalition of states) as a potential military adversary if its actions or intentions have signs of a threat of using military force against Ukraine.

29. Under the current circumstances created by the aggressive actions of the Russian Federation in the Autonomous Republic of Crimea and its support of the separatist movements in the East of Ukraine, preparation of the state for the defence is being carried out simultaneously with the actual combat operations against illegal armed formations. While repelling aggression Ukraine continues to strengthen its defence capabilities by transferring the economy and the military and civil system of governance from peace to war footing, as well as by mobilization of additional resources.
30. The highest level of threat is a threat to state sovereignty and territorial integrity of Ukraine. The major threat is a probability of a full-scale armed aggression of the Russian Federation against Ukraine.

To liquidate (minimize) this threat, to repel armed aggression of the Russian Federation and to create conditions for the restoration of the territorial integrity, Ukraine requires full mobilization of all political, economic, military and social capabilities of the state and society. It implies an integrated planning, management and coordination of all components of security and defence sector, governmental and non-governmental organisations united by common goals.

31. Ukraine reserves the right in order to repel the armed aggression to use all possible forms, techniques and available means of armed struggle, as well as to strike against aggressor on its territory in compliance with the principles and norms of international law.
32. The following measures and actions will constitute the basis of Ukraine's crisis response for military threats and prevention of the escalation of the military conflicts:
 - Use of capabilities of the UN Security Council OSCE, EU, NATO and other international security organizations responsible for maintaining the international peace and security, involving a crisis consultation mechanism under the Distinctive Partnership Charter between Ukraine and NATO which was signed on July 9, 1997;
 - coordinated use of political and diplomatic, information and security instruments of the state to eliminate the destructive pressure of the aggressor on Ukraine and to force it to respect international law and its obligations;
 - active intelligence operations in the interests of strategic communications of Ukraine, counter-propaganda measures and information-psychological operations;
 - raising efficiency of information influence in the ATO area in Donetsk and Lugansk Oblasts and on the temporarily occupied territories as well as concentration of capabilities in order to effectively resist enemy's information and psychological operations against Ukraine;
 - timely introduction of martial law or a state of emergency in the country or in its certain areas, total or partial mobilization, full or partial deployment of the Armed Forces and other military formations established in accordance with the laws of Ukraine as well as special law-enforcement bodies, State Service of Special Communications and Information Protection, State Special Transportation Service and bringing them in readiness to implement their tasks;
 - implementation of measures of territorial defence and civil protection;
 - strengthening the protection of the state border of Ukraine;
 - localization and neutralization of armed conflict in order to prevent escalation;
 - coordination in line with the Law of actions of all public authorities, local governments and citizens in the interests of liquidation of military conflicts and repelling armed aggression;
 - transfer of the national economy, its individual branches, enterprises and communications to operations under the conditions of the special period.
33. The main aims of the use of military force by Ukraine are:
 - to repel armed aggression using all necessary capabilities, forms and methods of warfare, preventing escalation and spread of aggression to other regions of Ukraine,

inflicting defeat (losses) upon the aggressor and forcing him to abandon any further attempts to use military force, including the full restoration of the sovereignty and territorial integrity of Ukraine, as well as to provide guarantees regarding compensation for inflicted damages;

- in case of an armed conflict on the State border of Ukraine – to ensure the protection of the border, liquidating (localizing, neutralizing) armed conflict at an early stage and preventing it from escalating into a war;
- in case of an armed conflict within the State – to ensure liquidation (localization, neutralization) illegal armed formations, strengthening the protection of important public and critical infrastructure facilities along with demonstrating full readiness and determination to prevent another State (coalition of nations) from intervention in the internal affairs of Ukraine.

The use of military force by Ukraine and implementation of the measures of civil protection will take place in accordance with international humanitarian law.

34. Ukraine strategically revises the concept of defence taking into consideration the lessons learned in managing the current crisis, introduction of new methods of defence management based on the Euro-Atlantic experience and which meet a single criterion of high efficiency at reasonable costs. It envisages the establishment of the effective mechanism of design and implementation of the state military security policy, military-political, administrative and direct command and control of the Defence Forces. The priority tasks include the establishment of efficient management of the security and defence sector of the state.

The material base of a single system of security and defence sector of Ukraine will consist of the Main Situation Centre of the country, a network of departmental situational centres, Anti-terrorist Centre of the Security Service of Ukraine, the main Command and Control Centre of the State Border Service of Ukraine, similar units of other components of the security and defence sector, which will be upgraded in order to achieve a higher level of interaction.

36. Based on the priority of peaceful means of conflict resolution, Ukraine will use all possible means to protect its territorial integrity, which do not contradict the international law. Ukraine reserves the right to use military force for defence and to repel the armed aggression of the Russian Federation, in order to restore its territorial integrity within internationally recognized borders of Ukraine, and for liberation of temporarily occupied and temporarily uncontrolled territories.
37. The key objectives of creating conditions for the restoration of state sovereignty and territorial integrity are:
- comprehensive reform of the national security system to the level acceptable for membership in the European Union and NATO;

- establishment of an effective security and defence sector which will provide national defence capabilities sufficient for repelling an armed aggression;
 - development of the Armed Forces of Ukraine which will meet Western standards and will be interoperable with the armed forces of NATO Allies.
38. The total size of Defence Forces and the total number of conventional arms in peacetime can remain at the achieved level. The major efforts should be focused on raising the level of combat and operational preparation of troops (forces) combined with simultaneous radical upgrading of command and management system and quality characteristics of weapons and military equipment, including fundamentally new items developed on the basis of modern technologies.
 39. It is envisaged to extend the capabilities of the Main Situation Centre of Ukraine regarding coordination and control over the activities of executive authorities, law-enforcement agencies and military formations in the national security and defence area in peace time and during a special period including the martial law and state of emergency and crisis situations which threaten the national security of Ukraine.
 40. The Joint Intelligence Committee under the President will coordinate all intelligence structures' activities in the areas of their concern.
 41. In order to defeat the military enemy it is necessary to strengthen public information policy on the territories temporarily occupied by the enemy and the international arena.

The information component of military security will be ensured through implementation of an effective system of strategic communications measures into the security sector.

IV. SOCIO-POLITICAL, ECONOMIC AND OTHER ASPECTS OF DEFENCE POLICY MILITARY-POLITICAL AND MILITARY-STRATEGIC RESTRICTIONS

42. Ukraine today finds itself at the forefront of the world's fight against the aggressive policy of the Russian Federation. This demands the maximal accumulation of all political, military, diplomatic and economic tools and measures.

Compared to Russian Federation, economic, defence, human, information and other recourses of Ukraine are small. In view of the fact that Russian Federation has in its possession nuclear weapons and it abuses its status of the UN Security Council Permanent Member the international community's response to Russian aggression against Ukraine is also limited.

43. The armed conflict in the East of Ukraine revealed serious shortcomings of military-economic policy of our country, including chronic underfunding of the needs

of Defence Forces and inefficient use of allocated resources, absence of the state financial support for reforming and development of the defence-industrial complex. In the defence-industrial complex of Ukraine the problems caused, in particular, by the disruption of cooperative links with the Russian Federation and the loss of important enterprises located on the occupied territories of the Autonomous Republic of Crimea and in the East of Ukraine, are exacerbating. In the military-technical policy the problems remain the same, i.e. lack of modern means of warfare, unpreparedness of the repair facilities, and malfunction of weapons and military equipment.

44. The security and defence sector of Ukraine will be supported economically through making and implementation of a principally new common military and economic, military and technical and defence industry policy, the main priorities of which are:
 - Determining at the state level of long-term research and logistical needs of defence, ensuring creation, production, repair and modernization of the weaponry, military and special equipment and munitions for meeting the defence and security needs according to the nature and scope of threats to the state, goals, priorities and tasks of defence policy of the state;
 - Introduction of the strategic planning system for the development of the defence-industrial complex consistent with objectives, tasks and priorities of the state national security and defence policy, country's economic and social, scientific and technological development;
 - Formation of the balanced structure of military-industrial complex, determining the priorities of its reform and development, conducting rational reorganization and diversification, technological upgrading, ensuring maximum load capacity and improvement of research and production base of the defence sector of economy;
 - Ensuring deep integration of research and production, maintenance and development of basic and critical technologies, creating a state development fund for basic and critical technologies development and supporting innovations in the defence industry;
 - Introducing of a set of organizational, technical, economic, legal and other measures to reduce Ukraine's dependence on critical imports (goods, technologies and services), improving the efficiency of international research and technological cooperation, first of all with the EU and NATO countries;
 - providing financial rehabilitation of research institutions and industrial enterprises and their sustainable operations by implementing a set of measures and mechanisms for targeted state support and state protectionism for direct procurement from defence enterprises to meet the priority state needs under the framework of the state defence procurement;

- Improving the system of setting up and keeping mobilization stocks, system of development and maintaining of mobilization production facilities, formation and maintaining in a proper shape of a state material reserve;
 - Creating a system of continuous support of scientific institutions and industrial enterprises of the defence sector of economy providing it with information, analytical and other materials on world achievements in science, engineering and technology, the development of weapons, military and special equipment;
 - Development and adoption of interrelated regulatory legal acts on the restoration of the strategic role of the defence-industrial complex in the national security and defence system;
 - Creation of the state order system for the training of the working, technical and engineering personnel for meeting the needs of the defence industry, creation of favourable conditions for efficient functioning and development of research institutions, technological and engineering bureaus, enterprises and organizations of the defence industry;
 - Invariability of the equipping with modern samples of armaments, military and special equipment, in particular by their developing and producing within the domestic defence industrial system, including those commissioned by foreign licenses, development, commissioning and implementation of new technologies in cooperation with foreign partners, import of armaments and equipment, development and production of which in Ukraine is unreasonable or technologically impossible;
 - Upgrading the mechanisms of formation and control of spending on defence, optimizing budget expenditures and ensuring their rational distribution;
 - combating corruption in all its forms.
45. Development of economic and military potential and defence capabilities will take time and will demand radical reforms as envisaged by Strategy for Sustainable Development “Ukraine 2020”. To achieve her interests Ukraine develops its national economy, strengthens military power, participates in the maintenance of international security, and uses other non-military methods for conflict and crisis settlement, as well as military force if necessary.

V. WAYS TO ACHIEVE THE OBJECTIVES OF THE UKRAINE’S MILITARY POLICY

46. The decisive factor for strengthening military security is the reform of the Defence Forces. Reforming of the Armed Forces of Ukraine and other military formations established in accordance with the laws of Ukraine as well as special law-enforcement bodies, State Service of Special Communications and Information Protection, State

Special Transportation Service with further reforming is carried out in order to create efficient, mobile, equipped with modern weapons, military and special equipment Armed Forces of Ukraine and other military formations capable to ensure the defence of the state.

47. Formation of national defence capabilities will be implemented through:

- improving of legislation on defence of Ukraine, proper regulation of activities in the military sphere and adaptation of the basic defence legislative, conceptual and program documents to modern realities;
- improving interaction and coordination of governmental bodies and components of the security and defence sector both in peacetime and during the special period, in crisis situations, taking into account the characteristics of the modern armed struggle, in which not only traditional military operations (actions) but also a variety of non-military forces and means are widely used;
- creation and introduction of a unified communications strategy of the components of security and defence sector, the designation of a single body to coordinate and control its implementation;
- improving the system of crisis planning and defence management, command and control system, implementation of standards adopted by NATO Allies with the introduction of permanent readiness of command and control bodies to perform tasks, their regular exercises and training, and decentralized style of management;
- improving analytical capabilities and links at the state level along with the modernization of the system of military intelligence at the strategic and operational and tactical levels, approximation of the military intelligence and military counterintelligence system to NATO standards;
- specification of functions and tasks, revision of the structure and size of Defence Forces including the Armed Forces of Ukraine and their functional components, such as Immediate reaction forces, augmentation forces, reserve forces and combat alert forces;
- improving the basics of engagement and training of Defence Forces in the conditions of contemporary war;
- restoring military infrastructure, revising places of permanent station of units and detachments of Ukrainian Armed Forces and other components of the Defence Forces in view of permanent military presence in the East and South of Ukraine;
- developing in the framework of prospective system of security and defence sector management the command and control system of the Armed Forces of Ukraine, other military formations established in accordance with the laws of Ukraine as well as special law-enforcement bodies, which is to provide reliable command of troops

(forces) during the special period without restructuring or large-scale organizational measures, while the level of readiness of the Armed Forces should always be higher than the level of readiness of subordinate troops (forces). Improving the command and control system of the Armed Forces of Ukraine, other military formations shall be carried out as part of a prospective unified Command and Control system of security and defence sector;

- ensuring preventively the high level of combat readiness of personnel and combat coordination of military units, followed by the performance of real combat missions;
- priority development of the Special Operations Forces according to NATO standards;
- introduction of budget planning standards adopted by NATO in order to improve the efficiency of use of budget resources to ensure the full provision of the key capabilities of Defence Forces that determine their ability to win in an armed conflict;
- ensuring preparedness of the financial support system of the Defence Forces in the times of crisis, which shall include the formation and adjustment of financial procedures with consideration of the extra-budgetary funding sources, creation and effective management of reserves, effective anti-corruption measures;
- creating a single and efficient logistics and supply system for Defence Forces both in peacetime and wartime (special period) to maximize operational and qualitative support of Defence Forces through centralized procurement of materiel and equipment;
- creating the unified military personnel training system for Defence Forces with consideration for the experience of the Western military organisations, civil society sector and business;
- improvement of military education and training system, raising prestige of military service, upgrading financial support and social protection of military personnel and their families;
- modernization of the state system of mobilization training and mobilization based on the European approaches and taking into account the experience obtained in the formation of operational mobilization reserve of the first turn which will allow the rapid build-up of forces in crisis situation, with advanced envisaging the expenses for its creation;
- enhancing combat potential, recovery serviceability, life extension, modernization, creation of the new systems and harmonization of armament and military equipment of Land Forces and Air Force;
- restoration of the Navy potential of the state, optimizing the Navy of Ukraine, which

is to be prepared at the first stage to protect the coastline of the Black and Azov Sea, and exclusive (maritime) economic zone, as well as to participate in the international operations conducted by NATO and the EU;

- effective use of bilateral and multilateral cooperation with partners and allies in the military sphere, including by receiving military assistance from them;
- modernization of military healthcare system towards concentration on operational activities of conflict resolution and post-conflict settlement, with transferring maximum of supplies to civilian sector of the healthcare system;
- improving system of territorial defence, to ensure its effective functioning;
- improvement of a unified state system of civil defence, bringing it into compliance with the EU standards and ensuring its effective functioning and equipping with modern types of equipment and means of civil defence forces.

Drafting a comprehensive regulatory document on special information operations, having agreed definitions, identified responsible structural elements of public bodies and their tasks and powers in peace time and war time.

48. The standards of ethics for military servicemen shall be introduced, including the concept of the value of human life and health, primarily for personnel of combat units.
49. The size and structure of the Defence Forces and their components are determined based on the principle of correspondence to the security environment and the needs of defence of Ukraine, the need to repel the armed aggression of the Russian Federation and the prevention of the expected conflicts, taking into account the financial and economic capabilities of the state. Defence Forces of Ukraine will strive to maintain the major capabilities that will shape their ability to ensure the armed protection of Ukraine and repulse of the armed aggression in the east of the State.
50. The Armed Forces of Ukraine in cooperation with other components of the forces of the defence and security sector shall follow standards adopted in the EU and NATO Allies regarding their activities and distribution of key roles and major tasks. The leading role in ensuring the military security of Ukraine is performed by the Armed Forces of Ukraine.

Addressing the tasks of provision of the military security of Ukraine, its preparation for armed protection other components of the security and defence sector will play their own roles:

- Ministry of Foreign Affairs of Ukraine – providing diplomatic means of protecting and strengthening the independence, national sovereignty, security, territorial integrity and inviolability of borders of Ukraine, its national interests; diplomatic support for the process of implementation of tasks to ensure the military security of Ukraine, its

preparation for armed protection of the national interests;

- National Guard of Ukraine: participation in the territorial defence, protection of state borders and combating terrorism and illegal military or armed formations; maintaining public order and ensuring public security in conflict area; protection and defence of important state objects defined by the Cabinet of Ministers;
- State Border Guard Service: participation in cessation of the armed conflict at the state border, the fight against terrorism, stopping armed and other provocations at the state border, protection of border and sovereign rights of Ukraine in its exclusive (maritime) economic zone;
- Security Service of Ukraine: the fight against terrorism, counter-intelligence, countering subversive and insurgency activities of foreign special services, combating corruption and organized crime;
- Foreign Intelligence Service of Ukraine – obtaining intelligence information, taking special measures of influence and counter external threats to the national security of Ukraine in political, economic, military-technical, research-technological, information and ecological spheres, participation in combating terrorism, international organized crimes, illegal trade in arms and their manufacturing technology;
- Ministry of Interior: countering criminal unlawful encroachments, the maintenance of legal order and ensuring public security in conflict area; protection of important objects of national industry and infrastructure defined by the Cabinet of Ministers;
- State Emergency Service of Ukraine – direct management of the unified state civil defence system for emergencies for liquidation of consequences of emergencies caused by the use of weapons, and protection of population and territories from the effects of warfare;
- State Service of Special Communications and Information Protection of Ukraine – ensuring the functioning of government communications of the Supreme Commander-in-Chief of the Armed Forces of Ukraine with commanders of the Armed Forces of Ukraine and other military units, special law enforcement bodies during their stay in the command centres, ensuring cyber protection of critical infrastructure;
- State Special Transport Service – sustainable operation of transport;
- The State Protection Directorate – participation in territorial defence, the fight against terrorism, ensuring security of the officials and designated facilities.

The defence industry has the tasks of ensuring the creation, production, repair and modernization of armaments, military and special equipment and ammunition to meet the needs of security and defence in accordance with the objectives, priorities and tasks of the state defence policy.

51. The Armed Forces of Ukraine will cooperate with other components of the De-

fence Forces regarding the implementation of their tasks and shall avoid the duplication of functions and tasks of their structural units with those of the units of the other components of the Security and Defence Forces. The Armed Forces of Ukraine shall be engaged in the measures of the legal regime of martial law and state of emergency, combating terrorism and piracy, strengthening Ukraine's border protection, protection of Ukraine's sovereign rights in its exclusive (maritime) economic zone and continental shelf of Ukraine and their legal formalisation, combating the smuggling of weapons and narcotic drugs, psychotropic substances, their analogues or precursors in the open sea, the elimination of natural and man-made disasters, providing military assistance to other countries and shall participate in international military cooperation, joint operations with NATO.

52. In order to implement the objective of military security of Ukraine Defence Forces and their components will interact and coordinate activities among themselves and with other components of the security and defence sector, government agencies, local authorities, non-governmental organizations and associations, including volunteering groups, institutions and enterprises including the defence industry companies, citizens, the relevant entities of other states.

The level of interaction with other components of the Defence Forces and public authorities will be raised through the establishment of permanent and temporary inter-agency management bodies.

53. Ukraine's refusal from one of the most powerful in the world nuclear arsenal gives the right to hope for the assistance from international community in the development of conventional defence capabilities that will ensure military security for Ukraine including by the way of obtaining up-to-date technologies and joint development of advanced armament, creation of military alliances and obtaining foreign military assistance, participation in developing of regional missile defence systems.

External security will be guaranteed by setting up a network of ally relations both with individual states, organisations and initiatives (by way of concluding agreements on joint defence or military assistance), as well as with international security organizations (through participation in collective security mechanisms).

At the same time in the medium term Ukraine will base primarily upon its own means, and reserves a right to choose independently a way of guaranteeing state sovereignty and territorial integrity.

54. Ukraine believes that each state has the right to ensure its own security by integrating into such security structures that are fully consistent with its interests. Ukraine prioritizes participation in the improvement and development of the Euro-Atlantic

and European collective security system.

Having refused the non-bloc status Ukraine is working out new approaches to national security system giving priority to participation in upgrading and development of Euro-Atlantic and European collective security systems. To that end, Ukraine will integrate into European political, economic and legal space with the purpose of gaining membership in the European Union, as well as enhance cooperation with NATO in order to achieve the criteria required for membership in this organization.

55. The priority of enhancing cooperation with NATO is to achieve by 2020 full interoperability of Ukraine's Defence Forces with relevant forces of NATO Allies. Enhancing cooperation with NATO means:

- the development of multilateral relations within NATO's existing mechanisms, in particular such as common with EU Security and Defence Policy, the Charter of Distinctive Partnership between Ukraine and NATO, Partnership for Peace Programme, Operational Capabilities Concept, PARP and Mediterranean Dialogue;
- further development of bilateral relations between Ukraine and NATO Allies;
- reliable fulfilment of partnership obligations, taking the proportionate share of responsibility in joint operations with NATO;
- impartial and transparent analysis of reforms in the Armed Forces of Ukraine aimed at approaching to NATO standards and providing mobility of the Armed Forces of Ukraine and operational efficiency of their deployment;
- ensuring training of the personnel, technical compatibility of weapons, military and special equipment and interoperability of the Armed Forces of Ukraine with forces of the NATO Allies in the framework of Evaluation and Feedback Programme of OCC.

56. Ukraine will adhere to accepted in NATO countries principles of warfare:

- morality, which involves compliance (not exceeding) of the level of armed violence with human values and international humanitarian law norms, and its correspondence to the goal of combat;
- readiness, which is an advance ensuring the readiness of forces and capabilities to perform assigned tasks, corresponding to the combat situation;
- purpose – choosing and supporting the achievement of certain objectives (goal-setting approach), which means unity and uniqueness of the aim of fighting, the existence of which is the cornerstone of its success;
- security, which means continued support of operational environment to ensure the necessary freedom of action to achieve the goals;
- surprise resulting from the unpredictable actions which ensure the confusion of the

- enemy, his loss of operational, tactical balance and unity of command;
- concentration of efforts, which envisages critical, synchronized application of combined forces and means to achieve the main goal of combat actions;
 - efforts saving, which means smart use of existing capabilities with regard to the set goal aimed at avoiding their unnecessary excess;
 - flexibility which is the ability to quickly change the composition of forces and means, forms and methods of their combat employment according to changing circumstances of the security environment without losing combat capabilities;
 - cooperation which means joint coordinated efforts, forces and capabilities in order to maximize the full use of their capacity;
 - constancy, which involves the creation and use of capabilities that shall provide a continuous influence on the enemy, deprivation him of freedom of manoeuvre and opportunities to rebound his forces.
57. Ukraine shall adhere to the principles of administration and management adopted by the NATO Allies such as:
- one hundred per cent readiness of organizational structures and clear division of powers between organizational structures and officials;
 - a clear procedure of division and delegation of responsibilities in the shaping and implementation of decisions along the hierarchy of the management system, from decision-making by higher military-political leadership down to a single unit;
 - correspondence of functions, tasks and powers of structural components to their operative and tactical capabilities;
 - the effectiveness of leadership, its ability to address even non-standard tasks;
 - practical implementation of innovation management, elimination of bureaucracy and combating corruption.
58. Ukraine in a short and medium term, along with providing technical compatibility and interoperability of the Defence Forces with the Armed forces of NATO member countries, will carry out the transformation and adaptation to NATO standards of defence planning documents, operational and combat command and control system, regulations and military guidance, taking into account the experience of the antiterrorist operation in the Eastern part of Ukraine.
59. Enhancing cooperation with NATO and EU in the field of intelligence and countering aggressive policy of the Russian Federation, as well as of the international terrorist, religious-extremist and criminal organizations, combating cybercrimes, etc. requires assistance from the intelligence structures of NATO and the EU and their member states in reforming intelligence structures of Ukraine, using resources of the trust

funds to support reforms, opening access to information networks that contain intelligence information from various sources, including from the NATO Allies and EU member-states.

60. Enhancing cooperation with NATO, reliable fulfilment of partnership obligations, transformation and adaptation of defence planning operational and combat command and control documents, and achieving full interoperability of Ukraine Defence Forces with relevant forces of NATO Member-states shall ensure the implementation of the criteria needed for Ukraine's full membership in NATO.

VI. FUNDING THE DEFENCE NEEDS

61. The needs of defence of Ukraine will be financed from the State Budget of Ukraine, other funds allocated according to the law On the State Budget of Ukraine for a respective year.

Total allocations for defence shall comprise not less than three percent of the expected GDP for the respective year.

62. The priorities for the guaranteed funding of defence expenditures are defined as follows:

- intensive combat training of military units and components of the Defence Forces;
- fulfilment of the state defence procurement order taking into account the given priority of procurement and development of new armaments and military equipment;
- implementation of state targeted programs of reform and development of the military-industrial complex, development and introduction of new technologies, creating, expanding the inventory and volume of high-tech competitive products in the defence sector of economy;
- ensuring effective functioning of the intelligence agencies of Ukraine;
- realization of the social and legal guarantees for military servicemen and their families.

Funding strategic communications measures.

VII. RISK MANAGEMENT

63. In the interests of reducing risks in the military security of the state an integrated risk management system is established, as a part of defence planning system, functioning of which will be based on the systematic monitoring and evaluation of the implementation of plans (programs) of the development of the Defence Forces and their components.

64. The main means of risk management are:

- systematic analysis of the Defence Forces and their components development, its upgrading taking into consideration the resources available;
 - aiming efforts of the subjects of the defence planning at timely funding and monitoring of relevant programs within the state defence procurement order;
 - implementation of modern technologies of management in the interests of effective targeted use of defence resources, finding reliable sources of funding of the activities aimed at the development of relevant capabilities of troops (forces).
65. In a short term, the major efforts will be aimed introducing the comprehensive, systemic changes in the organization and functioning of the Defence Forces of Ukraine, in particular:
- taking into consideration the experience of the conflict in eastern Ukraine, the introduction of new methods of defence management, founded on the Euro-Atlantic experience and based on criterion of high efficiency at reasonable costs;
 - upgrading the legal framework on military defence and security, development of effective crisis response mechanisms, development of the operative and combat command and control system, decentralization of decision making process;
 - clarifying the role and tasks of the Defence Forces components at the strategic, operational and tactical levels, gradual improvement of organizational structures of Ukraine's Defence Force, optimization of personnel numbers and the number of weapons and military equipment;
 - ensuring the interoperability of the components of the Defence Forces of Ukraine, planned transition to the NATO standards (STANAG) in the organization, arming and training of troops (forces), as well as in the system of quick decision-making;
 - organization of joint training of defence forces to carry out their tasks, revising the approaches to training and education of personnel;
 - restoring proper operation and life extension, modernization, development of the new systems and standardization of armaments, military and special equipment;
 - revising the concept of budget planning and system of resources provision, radical improvement of military operations support.

Upon the solution of the urgent issues – repelling the armed aggression and completing the anti-terrorist operation in Donetsk and Luhansk Oblasts, and under favourable developments of the international situation, the military-political situation, and the availability of appropriate resources, additional measures to ensure adequate defence capability of the state shall be introduced.

VIII. FINAL PROVISIONS

66. Military Doctrine of Ukraine is the basis for the preparation and adoption of military-political military-strategic, military-economic and military-technical decisions, for the development of relevant concepts and programs.
67. Implementation of the Military Doctrine shall be provided by the President of Ukraine, the National Security and Defence Council of Ukraine, the Cabinet of Ministers of Ukraine, other governmental agencies according to the powers defined by the Constitution and laws of Ukraine.
68. The President of Ukraine in accordance with the Constitution and laws of Ukraine shall manage the activities of the national military security actors in terms of repelling the armed aggression against Ukraine, taking steps to prevent armed conflicts, in preparing the State for the defence and protection of its national interests.
69. The provisions of the Military Doctrine of Ukraine may be amended, as appropriate, taking into account changes in the military and political environment, the nature of the use of force against Ukraine, or the threat of force, and social and economic development of Ukraine.

Head of the Presidential Administration of Ukraine B. LOZHKIN

Appendix III

The Law of Ukraine “On Fundamentals of National Security of Ukraine”

No. 964-IV, 19.06.2003; (*Bulletin of the Verkhovna Rada*, 2003, No. 39, p. 351)

With changes introduced by Laws

No. 3200-IV of 15.12.2005, BVR, 2006, No. 14, p. 116;

No. 2411-VI of 01.07.2010, BVR, 2010, No. 40, p. 527

No. 4711-VI of 17.05.2012, BVR, 2013, No. 14, p. 89

No. 5286-VI of 18.09.2012, BVR, 2013, No. 38, p. 499

No. 221-VII of 18.04.2013, BVR, 2014, No. 10, p. 119

No. 1170-VII of 27.03.2014, BVR, 2014, No. 22, p. 816

No. 35-VIII of 23.12.2014, BVR, 2015, No. 4, p. 13

No. 186-VIII of 12.02.2015, BVR, 2015, No. 16, p. 110

No. 630-VIII of 16.07.2015, BVR, 2015, No. 39, p. 375}

In accordance with Article 92, paragraph 1, subparagraph 17 of the Constitution of Ukraine, the aforementioned law defines the fundamentals and interests of Ukrainian national state security policy, while guaranteeing society and the individual citizen protection from both internal and external threats.

Article 1. Definition of Terms

The terms used in this Law shall have the following meaning:

- National Security is the safeguarding of vital interests pertaining to the citizen and State of Ukraine that insure the sustainable development of society; through the timely detection, prevention and neutralization of implicit and explicit threats to national interests in the following areas: law enforcement activity, fighting corruption, border control and defence, migration policy, health protection, education and science, research and innovation policy, cultural development of the population, provision of freedom of speech and information security, social support and pensions, housing and utilities, financial market, property rights protection, stock exchange and share market, taxation budgeting and customs policy, trade and entrepreneurship, banking services, investment policy, auditing, monetary and currency policy, information protection, licensing, industry and agriculture, transportation and communication, information technologies, power generation

and energy saving, natural monopolies, exploitation of natural land and water resources, protection of environment and in other areas of the state governance in case of emerging negative tendencies having potential to provoke implicit and explicit threats to national interests;

- National Interests are natural resources, intellectual, cultural and sovereign property belonging to and recognised by the state and citizens of Ukraine; as well as the recognition of needs from both state and society that guarantee autonomy and progress in the development of Ukraine;
- Threats to National Security are clear and present factors that represent a danger to vital national interests of Ukraine;
- State Military Organisations are state and military agencies (generically referred to as Armed Forces hereinafter) created and democratically regulated in accordance with the Laws of Ukraine whose purpose is to defend the national interests of Ukraine against both internal and external threats;
- Law Enforcement Agencies are constitutionally assigned state organisations responsible for law enforcement.

Article 2. Legal Grounds for National Security

The Constitution and laws of Ukraine as well as international treaties and normative legislation subject to the agreement of parliament, the Verkhovna Rada, bind and provide a guarantee for the legal basis of the National Security of Ukraine.

Pursuant to this legal basis the President of Ukraine develops and approves the *Strategy of National Security* and *The Military Doctrine*; to include principles relating to the determining aims of military building as well as providing guidelines for agencies (under concrete circumstances), who with timely detection need to prevent and or neutralise implicit and explicit threats to the national interests of Ukraine.

The *Strategy of National Security of Ukraine* and the *Military Doctrine of Ukraine* are indispensable documents for the establishment, execution and development of concrete programs covering all elements of state policy relating to national security.

Article 3. Objects of National Security

Objects of National Security are:

- A person and citizen – his/her constitutional human rights and freedoms;
- Society and its spiritual, moral, ethical, cultural, historical, intellectual and material values, information media and environment as well as its natural resources;
- The state and its constitutionally ordered system, sovereignty, territorial integrity and inviolability.

Article 4. Subjects of National Security

Subjects of National Security are:

- The President of Ukraine;
- The Verkhovna Rada of Ukraine;
- The Cabinet of Ministers of Ukraine;
- The National Security and Defence Council of Ukraine;
- Ministries and other central organisations with Executive power;
- The National Bank of Ukraine;
- The Ukrainian general courts of jurisdiction;
- The Office of the Public Prosecutor of Ukraine;
- National Anticorruption Bureau of Ukraine;
- Local State Administrations and Local Self-Government Organisations;
- The Armed Forces of Ukraine, the Security Service of Ukraine, the Foreign Intelligence Service of Ukraine, the State Border Service of Ukraine and other Military Forces established in accordance with the Laws of Ukraine;
- Organs and units of civil protection;
- Citizens and Trade/Workers Unions of Ukraine.

Article 5. Principles of National Security

The main principles of National Security are:

- The priorities of human rights and freedoms;
- The rule of law;
- The priority of peaceful negotiations in conflict resolution;
- The timely detection and necessary action to prevent and or neutralise implicit and explicit threats to the national interests of Ukraine;
- The clear divisions of responsibility and coordination between all national security state bodies;
- The democratic and civil control of all State Organisations, Military and Armed Forces responsible for the National Security of Ukraine;
- The use of international security systems and collective international security doctrine in the interests of Ukraine;
- National Security in Ukraine is provided for by elaborate state policy in accordance with adopted doctrines, strategies, concepts and programs encapsulating political, socioeconomic, military, ecological, scientific and technological information.

National Security in Ukraine is determined and deployed relative to the time, scale and nature of threats to national interests.

Article 6. National Priority Interests

National Priority Interests of Ukraine include:

- The protection of constitutional, human and freedom rights of every citizen;
- The development of democratic civil society and state institutions;
- The protection of state sovereignty, territorial integrity, inviolability of state borders, and protection from external intrusion into the domestic affairs of Ukraine;
- The strengthening of political and social stability in society;
- The provision for the development and promotion of Ukrainian as the official state language in public life, while guaranteeing free development, use and protection of Russian and other National Minorities' languages used in Ukraine;
- The creation of a competitive, socially orientated market economy that will ensure a constantly increasing standard of living and quality of life for the people of Ukraine;
- The preservation and strengthening of scientific and technological potential and the introduction of an innovative model for development;
- The provision for ecologically sound and safe living conditions for citizens and society; the preservation of the environment and the rational use of natural resources;
- The development of spiritual, moral values, intellectual potential and physical health for the nation in creating favourable conditions for population growth;
- The integration of Ukraine into the European political, economic, and legal space with the aim of acquiring membership in the European Union and in the Euro-Atlantic security zone; and developing mutually equitable and favourable relationships with other states that have a common interest in Ukraine.

Article 7. Threats to National Interests and Security

Current concerns that threaten the national security and public stability of Ukraine are summarised accordingly:

- International Concerns:
 - Infringements on the state sovereignty of Ukraine, its territorial integrity, and territorial claims from other states;
 - Interference in the domestic affairs of Ukraine by foreign states;
 - Military and political instability, international, regional and local wars (conflicts) particularly concerning those close to sovereign Ukrainian borders.
- Internal State Security Concerns:
 - Subversive activity carried out by foreign intelligence services operating in Ukraine;

- Groups or individuals that threaten state sovereignty, the territorial integrity, economic, scientific, technical and defence potential of Ukraine as well as the rights and freedoms of its citizens;
- The spread of state corruption including the overlap of business, politics and organised crime;
- Criminal activities against the peace and security of humanity including the spread of international terrorism;
- The threat of use of nuclear powered and other weapons by terrorists on Ukrainian territory;
- The prospect of illegal arms imports, radioactive materials and illicit drugs;
- Attempts to create and sustain illegal paramilitary organisations that usurp official military and state bodies in the promotion of their individual causes;
- Manifestations of separatism and attempts to acquire nation-state sovereignty based on ethnicity in Ukraine.
- Military & Border Control Concerns:
 - Proliferation and supply of weapons of mass destruction;
 - Ineffectiveness of existing structures that ensure international security and global stability;
 - Illegal migration;
 - The possibility of the involvement of Ukraine in regional armed conflicts or confrontations with other states;
 - Military building by states close to Ukrainian borders that would contravene the current balance of forces;
 - A dangerous decrease in the supply of military hardware and new generation specialized equipment for the Armed Forces that could incapacitate military efficiency;
 - The slow implementation of reforms and insufficient funding of military programs and the Defence-Industrial Complex in Ukraine;
 - The accumulation of sizeable quantities of dated and ineffective military hardware;
 - Unclear legal statuses and insufficient infrastructure of Ukrainian borders;
 - Unsatisfactory levels of social security benefits and protection for military servicemen, ex- military servicemen and their families.
- Domestic Concerns:
 - Violation of the Constitution and the Laws of Ukraine; human rights infringements; electoral campaign veracity; State and Local Executive accountability; insufficient control of compliance and responsibility requirements as prescribed

by the Constitution and the correct implementation of the Laws of Ukraine;

- A possibility of interethnic and inter-confession conflicts, radicalization and manifestations of extremism in the activities of certain national minorities unions and religious communities;
- A threat of separatist trends and movements in Ukraine;
- Structural and functional imbalances of the socio-political system that facilitates a deficit in part, of the ability to sufficiently operate to threats to national security.
- Economic Concerns:
 - A significant reduction in GDP, investments and the innovation of scientific and technological research development;
 - The weakening of state regulation and control in market economics;
 - The instability of legal financial regulation and compliance including state financial policy as well as the absence of an effective programme for the prevention of a financial crisis and the increase of credit risks;
 - Lack of funding for problems affecting main industry and agricultural sectors and critical infrastructure installations;
 - Insufficient economic growth and related infrastructure deficits;
 - Critical national economy dependence on external markets and a low rate of internal market expansion;
 - Erratic exports structure mainly of raw materials and marginally with high added value products;
 - Critical levels of internal and external State debts and borrowing;
 - Alarming growth in foreign capital share holdings in the hub industries of the local economy;
 - Inadequate antimonopoly (anti-trust) State policy and regulation of local monopolies that thwart a competitive economic environment;
 - Critical food quotas and supply for the population;
 - Ineffective use of fuel and energy resources, insufficient rates of diversification for their supply and an absence of an effective energy-saving policy that in turn could induce a state energy security crisis;
 - The “Black” or “Shadow Economy”;
 - A predisposition in government policy favouring individual, corporate and regional economic interests over national priorities.
- Social and Humanitarian Concerns:
 - An inconsistency between national socio-economic reform programs and their results;

- Inefficient state policy in increasing individual earnings to overcome poverty and rising unemployment;
- Crisis in the healthcare and social security systems resulting in the deterioration of the population's health through the spread of drug abuse, alcoholism, and social disease;
- Aggravation of the demographic crisis;
- A reduction in access to education by the poor;
- Loss of socio-moral fabric and spirituality;
- Increase in child /adolescent vagrancy and homelessness.
- Science & Technology Concerns:
 - The Ukrainian science and technology sector lags behind the developed world;
 - There is a lack of impetus in state policy to stimulate innovatory activity;
 - Ukrainian science and technology products are not competitive;
 - There is a lack of infrastructure and exposure of the internal market for high-tech products to foreign interest much needed to assist local expansion;
 - There has been a reduction of internal demand for the training of scientific and technical personnel in engineering, technology and related enterprise. Unsatisfactory levels of remuneration for work in the science and technology industry has caused a drop in appeal also aggravated by inadequate protection for intellectual property rights;
 - There has been a "brain drain" of highly skilled manpower.
- In the sphere of civil protection:
 - Inadequate to modern challenges state of readiness of the Integrated State Civil Protection System, civil protection units and their technical equipment;
 - Significant antropogenic and technogenic overload of the territory of Ukraine, growing risks of developing the of technogenic and natural emergency situations;
 - Deterioration of technical conditions of hydrotechnical constructions in the cascade of water reservuars on Dneper river;
 - Failure to maintain proper technical condition of nuclear installations in Ukraine;
 - Danger of technogenic terrorism, particularly nuclear and biological ones.
- Ecological & Environmental Concerns:
 - There has been unreasonable and exhaustive use of natural resources, raw materials and minerals (both renewable and non-renewable);
 - The inability to overcome negative social and ecological consequences of the Chernobyl Disaster;
 - The deterioration of the ecological state of water basins and the intensification of

cross-border pollution problems as well as worsening water quality;

- The uncontrolled import into Ukraine of ecologically dangerous technologies, substances, materials and transgenic plants, pathogenic agents, plants and organisms dangerous to humans and animals; as well as the ecologically unjustified use of genetically modified plants, organisms, substances and derivative products;
- There is fruitless action to overcome the negative ecological consequences of military and other unsound ecological activity;
- Intensification of the impact of harmful genetic effects in populations of live organisms, in particular genetically modified organisms and biotechnologies;
- The existence of many dated, ineffective, toxic and ecologically dangerous waste disposal systems.
- Information Media Concerns:
 - Limitations to the freedom of speech and access to public information;
 - Mass media proliferation of violence, brutality and pornography;
 - Cyber crime and terrorism;
 - Leaking of state secret information or any other confidential information important for the needs and protection of national interests of society and the state;
 - Attempts to manipulate the public conscience by spreading propaganda.

Article 8. Core Directives of National Security Policy

Taking into account the internal geopolitical situation in Ukraine, all State organisations are to focus on the timely identification, prevention and neutralisation of real and potential threats to national security to help protect the sovereignty and territorial integrity of Ukraine.

Border security, the improvement of the economy and the guaranteeing of civil security including the constitutional and human rights of the citizen are at the heart of national security directives.

Fighting organised crime syndicates, improving governance, strengthening the rule of law, radically improving the local ecological situation while preserving social and political stability will strengthen and improve Ukraine's reputation in the world.

The Core Directives of the National Security Policy are the following:

- International Directives.
Ukrainian foreign policy must be developed with the purpose of:
 - Creating favourable foreign conditions for progressive economic and social development in Ukraine;
 - Preventing interference in domestic affairs of Ukraine and the elimination of claims

for its sovereignty and territorial integrity by other states;

- Deepening cooperation with North Atlantic Treaty Organisation with the goal of reaching the entry criteria;
- Preventing conflicts (with particular emphasis on neighbouring regions);
- Participating in international peacekeeping activities under the auspices of the UN, OSCE, NATO and other international security organisations;
- Participating in activities against international organised crime and terrorism groups, to counteract the proliferation and supply of nuclear and other weapons of mass destruction;
- Adapting Ukrainian Law to harmonise it with EU Law.

Internal State Security Directive:

- Reforming the law enforcement system to increase its efficiency by optimising and improving coordination between law enforcement Agencies, while improving financial, material, technical, organisational, legal, and personnel support;
- Concentrating resources on strengthening coordination between law enforcement and Counterintelligence Agencies to collectively fight organised crime and the drug trade;
- Participating in international co-operation to fight crime, terrorism, the drug trade and illegal migration;
- Introducing effective systems of control on the supply and use of defence products and technologies.

Military and Border Control Directive:

- Fast-tracking reform in the Armed Forces to maximise efficiency and the capability to react successfully to real or potential threats to Ukraine;
- Converting the Armed Forces to a contractually based manning system;
- Implementing state programs to modernise existing military hardware through the deployment and introduction of up-to-date military equipment;
- Enhancing control over the condition of armaments and the protection of military installations as well as the timely disposal of dated and surplus weapons;
- Introducing civil democratic controls of the Military and State law enforcement Agencies;
- Providing social protection for military and ex-servicemen and members of their families;
- Complying with agreements regarding the temporary stationing of the Black Sea Fleet of the Russian Federation on Ukraine territory;
- Fast-tracking the demarcation and delimitation of Ukrainian borders;

- Fighting organised local and international criminal groups, who operate in Ukraine and at crossing border points as well as in exclusive (maritime) economic zones;
- Enhancing trans-border co-operation with neighbouring states.

Domestic Directives:

- Protecting the Constitutional human rights and freedoms of a citizen;
- Protecting the Constitution to improve political power to strengthen democracy, the moral and spiritual foundations of society and to improve institutional efficiency;
- Establishing efficient judicial machinery to protect and enshrine constitutional human rights and fundamental freedoms;
- Establishing political stability, public peace and mutual understanding in society and preventing manifestations of extremism;
- Striving for transparency in the decision-making and public information activities of State organisations to improve and strengthen the peoples trust in institutional governance;
- Creating accountable and efficient autonomous Regional and Local Executives;
- Developing and improving the geo socio-economic and legal foundations of Ukraine to enhance spirituality, cultural ethnic tolerance and national stability;
- Providing for inter-religion stability and the prevention of religion based conflicts to particularly between distinct local churches who have specific influence in Ukraine.

Economic Directives:

- Creating favourable conditions for sustainable economic growth and a more competitive national economy;
- Fast-tracking infrastructural and institutional change in the national economy;
- Improving the investment climate and related processes;
- Stimulating development for scientific high-tech industries;
- Improving antimonopoly (anti-trust) policy and legislation; as well as creating efficient regulatory and compliance governance for existing monopolies;
- Overcoming “shadow” (black) economy problems by reforming the tax system to enhance finance and investment as well as restraining international capital outflow while reducing unquantifiable extra-bank cash circulation;
- Providing for an internal and external currency protection balance to encourage stability, protection for investor’s interests and financial markets growth;
- Implementing an even-handed policy of internal and external borrowing;
- Ensuring energy security and stability through the proper functioning of the fuel and energy complex, to include an active energy saving and diversification policy;
- Providing food supply security;

- Protecting the internal market from low-quality imports that could jeopardize national production markets, the health of citizens and or the environment;
- Enhancing Ukraine's participation in the international division of labour and developing its export potential for high-tech products; to facilitate full integration into the European Union and international economic system;
- Intensifying Ukraine's participation with international economic and financial organisations.

Science and Technology Directives:

- Increasing state support for the growth of science and technology as a priority and a basis for the creation of high technologies and economic transition; through the development of an effective system that encourages innovatory activity in Ukraine;
- Incrementally increasing budget expenditure for science and education, as well as creating conditions to attract further extra-budgetary funding for science and technology;
- Improving the socio-economic and political conditions of the scientific and technical elite;
- Providing the necessary conditions for the recognition and registration of intellectual property rights;
- Providing a suitable security level to enhance the development of industry, agriculture, military installations and engineering works.

In the sphere of civil protection:

- Providing for effective functioning of the Integrated State System of Civil Protection, equipment with modern types of civil protection equipment;
- Introduction of administrative, economic, engineer and other measures of reduction of the risk of emergencies under acceptable levels;
- Raising the levels of ecological, nuclear and radiation security to norms and standards in corresponding sphere, including the transformation of the object "Shelter (Ukryttia)" of Chernobyl NPS to ecologically safe system.

Ecological and Environmental Directives:

- Implementing actions that will guarantee the ecological security of nuclear powered installations and equipment, as well as providing reliable protection for the Ukrainian population and environment from radiation exposure; while minimizing the ongoing consequences of the Chernobyl disaster;
- Introducing modern, ecologically sound, energy saving technologies within industry by making more efficient use of natural resources and developing environmentally friendly waste processing and disposal systems;
- Improving the ecological condition of Ukraine's rivers with particular attention to

the Dnieper River basin, as well as improving the quality of available drinking water;

- Preventing pollution and improving the ecology of the Black and Azov Seas;
- Stabilising and improving the ecological and environmental conditions of cities and industrial zones particularly in the region of Donetsk-Prydniprovsky;
- Preventing illegal imports into Ukraine of ecologically dangerous technologies, substances, materials, and pathogenic agents dangerous to humans, animals, plants and organisms;
- Implementing actions to reduce the negative influence of global ecological (the Greenhouse Effect) problems on the Ukraine; while promoting Ukrainian participation in international ecological and environmental co-operation;

Social and Humanitarian Directives:

- Implementing actions to strengthen the social dimension of economic policy to improve the living standards of the Ukrainian population primarily through the increase and prompt payment of wages, guaranteed state social security protection and a reduction in unemployment;
- Creating conditions to help overcome poverty and excessive social strata division;
- Protecting and strengthening the demographic and labour potential of Ukraine;
- Creating effective social security and healthcare systems for the maintenance and regeneration of physical and moral health; and pursuing to eliminate endemic problems of alcoholism, drug abuse and other negative social phenomena;
- Implementing actions to eradicate homelessness and vagrancy among children and the youth;

Information and Media Directives:

- Creating and preserving the information sovereignty of Ukraine.
- Improving state media regulations and awareness through the creation of normative, legal and economic prerequisites to aid the development of national information infrastructure and resources, by introducing modern communication technologies to promote the truthful dissemination of information relating to Ukraine both nationally and internationally;
- Active involvement of the mass media in the fight against corruption, abuse of official power, and other phenomena that threaten national security;
- Protecting the constitutional rights of citizens to the freedom of speech and access to information; Preventing the unlawful interference and influence of State bodies, autonomous State organisations and their representatives into the activities of the mass media and journalists, prohibition of censorship, political discrimination in the sphere of information and the harassment of journalists for their political views,

performance of their functions and criticism;

- Implementing comprehensive activities to protect national information media from invading corporate media and information monopolies.

Article 9. Powers of the Subjects of National Security

In accordance with the Constitution and the Laws of Ukraine:

- The President of Ukraine, as the Head of State, guarantor of state sovereignty, territorial integrity, compliance with the Constitution, rights and freedoms of a citizen, Commander-in-Chief of the Armed Forces of Ukraine and Head of the National Security and Defence Council of Ukraine, carries out the general management of national security and defence;
- The Verkhovna Rada of Ukraine, within defined powers of the Constitution and the Laws of Ukraine, determines: the trends of internal and foreign policy, the fundamentals of national security, the adoption of national security legislation, the approval and decisions relating to “states of emergency”, martial law and troop mobilisation, the definitions and structures relating to the dimensions and functions of the Armed Forces;
- The National Security and Defence Council of Ukraine coordinates the activities of the Executive Authorities responsible for national security; and in turn submits to the President proposals for changes to National Security and Military Strategy taking into account the geopolitical situation of Ukraine;
- The Cabinet of Ministers of Ukraine, as the highest Executive body, guarantees state sovereignty and economic independence as well as enshrining measures to facilitate the protection of the rights and freedoms of an individual citizen, while ensuring the defence capability and national security of Ukraine is intact, as well as preserving public order and fighting criminal activity;
- The National Bank of Ukraine, in accordance with State monetary and credit regulation, determines and implements monetary and credit policy in the interests of national security of Ukraine;
- Ministries, other central executive authorities, the Security Service of Ukraine and the Foreign Intelligence Service of Ukraine within their constitutionally and legally defined, Presidential decreed and or Ministerial sanctioned powers: determine actions, concepts and programs for national security to ensure the preparedness for the use of force;
- Local State Administrations and Autonomous Organisations implement national security issues within their competences in accordance with the law;
- State Military Organisations guarantee the defence of Ukraine, and the protection of

its sovereignty, territorial integrity and inviolability of borders as well as countering any internal military threats;

- Organs and units of civil protection implement measures of protection for population and territories during the emergencies in peacetime and the *special period*;
- Law Enforcement Agencies fight criminal activity and counteract terrorism;
- Ukraine Courts of General Jurisdiction prosecute for crimes encroaching the national security of Ukraine;
- Office of the Public Prosecutor of Ukraine executes its powers within the national security framework in accordance with the Constitution and the Laws of Ukraine;
- Citizens of Ukraine fulfil their national interests through participating in elections, referendums and other forms of democracy. Elected State Authorities and Autonomous Local Executive voluntarily carry out their defined Constitutional and legal responsibilities to ensure national security that includes the alerting the general public and other State institutions (with the direct or indirect help of unions and citizens) to alert the general public to all dangerous phenomena affecting citizen rights, interests and personal security.

Article 10. Main Functions of National Security Subjects

The main functions of National Security Subjects are the following:

- To develop and periodically update the National Security Strategy and Military Doctrine of Ukraine to include doctrines, concepts and programs relating to national security as well as the planning and implementing of concrete actions to counteract and neutralize threats to the national interests of Ukraine;
- To create a normative-legal basis that facilitates a more effective national security system;
- To improve the organisational structure of the national security system by enlisting competent personnel, obtaining financial, material, technical and information support to regenerate the essential parts of this system;
- To prepare the Armed Forces adequately in their responsible use of national security powers;
- To constantly monitor the processes and arenas that influence national security namely socio-economics, ecology, science, technology, information media and the military; as well as observing religious and interethnic relations to anticipate and abate changes that potentially threaten national security;
- To systematically monitor all forms of international terrorism;
- To predict, detect and assess the causes and consequences of possible destabilising threats and conflicts;
- To develop scientifically proven proposals and recommendations on decision-mak-

ing to assist the protection of Ukrainian national interests;

- To prevent and eliminate destabilising threats and factors that encroach national interests;
- To localise, minimise and find resolutions for influential and potentially destabilising conflicts;
- To assess and determine the cost effectiveness of activities relating to national security;
- To participate in bilateral and multilateral military security co-operation in the national interest of Ukraine;
- To assist regular and operational activities conducted by international organisations and agreements.

Article 11. *Control over the Implementation of National Security Activities*

Control over the implementation of activities relating to national security are executed by the President of Ukraine, Verkhovna Rada, Cabinet of Ministers, the National Security and Defence Council of Ukraine in accordance with their individual powers defined by the Constitution and the Laws of Ukraine.

Article 12. *Final provisions*

This Law enters into force from the date of publication.

On enforcement and application of this Law, the National Security Concept (the foundations of state policy), approved by the Decree of the Verkhovna Rada of Ukraine on January 16, 1997, (*Bulletin of the Verkhovna Rada*, 1997 No. 10, p. 85; 2001 No. 9 p. 38) are consequently repealed and inapplicable.

President of Ukraine L. KUCHMA

No. 964-IV of 19.06.2003

Law of Ukraine “On Democratic Civilian Control of State Military Organisation and Law Enforcement Bodies”

No. 975-IV of 19.06.2003; *Bulletin of the Verkhovna Rada*, 2003, No. 46, p. 366.

With changes introduced by the Laws:

No. 4652-VI of 13.04.2012, BVR, 2013,

No. 21, p. 208 No. 5286-VI of 18.09.2012, BVR, 2013,

No. 38, p. 499 No. 245-VII of 16.05.2013, BVR, 2014, No. 12, p. 178

No. 1697-VII of 14.10.2014, BVR, 2015, No. 2-3, p. 12

With the purpose of protecting the national interests of Ukraine, this law sets about to consolidate and strengthen constitutional grounds for democratic civil-military relations; in the protection of human rights and freedoms in accordance with international commitments undertaken by Ukraine. This law determines the legal basis for the organisation and implementation of Democratic Civilian Control – (hereinafter, Civil Control) of the Armed Forces created in accordance with the laws of Ukraine and law enforcement bodies.

PART I. BASIC GROUNDS FOR DEMOCRATIC CIVILIAN CONTROL OF STATE MILITARY AND LAW ENFORCEMENT ORGANISATIONS

Article 1. *Definition of basic terms*

1. The terms used in this Law shall have the following meaning:
 - 1) Civil-military relations are the legal relations between society and the functions of State Military Organisations that consists of political, financial, economic, social and other processes for national security and defence.
 - 2) State Military Organisations are centrally managed and created by the Constitution and the Laws of Ukraine. These organisations activities are under Civil Control and are directed in accordance with the Constitution and Law for the protection of State interests from internal and external threats.
 - 3) The Civil Control of State Military and Law Enforcement Organisations is a set of legal, organisational and information measures that enshrine the adherence to the rule of law and transparency in the activities of all components of these organisations.
 - 4) Civil Control facilitates the functioning, discipline and strengthening of State and Military Organisations in accordance with protections under the Constitutions and Laws of Ukraine.

Article 2. Main Objectives of Civil Control

1. Civil Control should ensure:
 - A prioritised political approach to the issues of military development; the guidance of State Military and law enforcement Organisations activities directed at the implementation of domestic and foreign policy objectives for national security and defence. State Military and law enforcement Organisations activities aimed at developing civil society and strengthening Constitutional Law will facilitate functions of national security and strengthen public order.
 - Transparency in observing the legality of activities conducted by all components of State Military and law enforcement Organisations;
 - The maintenance of political stability in society, through the creation of conditions that prevent the use of the Armed Forces or other State Military and law enforcement Organisations for the purpose of restricting civil rights and Part II freedoms, overthrowing constitutional order, ousting or restricting activities and powers of State Organisations or in the interests of individuals, political parties or civic organisations;
 - The prevention of violations of constitutional rights and freedoms, the protection of the legal interests of citizens who serve in the Armed Forces and or other State Military and law enforcement Organisations, ex servicemen and members of their families created in accordance with the Laws of Ukraine;
 - That public opinion is accounted for and that proposals made by citizens and civic organisations during the development process and implementation of decisions regarding the activities of the Armed Forces and State Military and law enforcement Organisations for national security and defence are acknowledged to enhance of public order and the rule of law;
 - The allocation of sufficient funds from the State Budget in accordance with the law as well as its rational use for the maintenance and operations of State Military and law enforcement Organisations, and particularly for the reform of the Armed Forces;
 - The appropriate and functional use of State property assigned to the Armed Forces and other State Military and law enforcement Organisations;
 - That State Authorities and society are provided with timely, complete and reliable information on the activities and compliance of the Armed Forces and State Military and law enforcement Organisations within Ukrainian and International Law, relating to their performance in real military, political and criminogenic situations that assist State defence, security and strengthen public order.

Article 3. Legal Basis of Civil Control

1. The legal basis of Civil Control is the Constitution and Laws of Ukraine, as well as International treaties approved by the Verkhovna Rada of Ukraine.

Article 4. Principles that Facilitate Civil Control

1. Civil Control of State Military and law enforcement Organisations is carried out in accordance with the following principles:
 - The rule of law, the strict adherence to civil-military relations legislation and the controlled activities of the Armed Forces and State Military and law enforcement Organisations;
 - The divisions in the functions and responsibilities of the political leadership in State Military and law enforcement Organisations activities and the professional military management of the Armed Forces, avoiding duplication of specific functions;
 - The interaction and responsibility of State Authorities, the Armed Forces, the Military Management and law enforcement Organisations, that facilitate State defence policy, by timely, material and financial maintenance in enhancing the rule of law;
 - The eradication of political and ideological control. Decisions of political parties or public associations must not influence officials, responsible for security, defence and law enforcement in accordance with the current Law.
 - Transparency must exist in national security, defence expenditure and law enforcement activities; the disposal and destruction of armaments, as well as Frameworks for National Security Policy observations in the prevention and elimination of the consequences of emergency situations;
 - The activities of the Armed Forces and State Military and law enforcement Organisations are based on the principles of well-ordered central management;
 - The availability and freedom of information on the activities of the Armed Forces and State Military and law enforcement Organisations (provided it does not constitute a State secret, or a special feature determined by the law);
 - The responsibility of State officials in providing timely, complete and reliable information as well as responding to inquiries from citizens, civil associations and the mass media;
 - A legal defence for the rights of the organisations in charge of Civil Control.

Article 5. The Objects of Civil Control

1. The objectives of Civil Control for State defence, national security and law enforcement activities are:
 - Conformity of decisions made by State organisations on military and law enforcement issues aligned with the basic principles of domestic and foreign policy, International treaty commitments undertaken and approved by the Verkhovna Rada;

- The implementation of reform programmes for the Armed Forces and State Military and law enforcement Organisations; in particular the transition of the Armed Forces into a contractual manning system; while providing for social and professional adaptation of former or transferred reserve military servicemen in organising housing requirements; the conversion of former military installations;
- Military-political and technical co-operation with other states and intergovernmental unions; the development and manufacture of new weapons and military hardware, the conversion of defence enterprises and factories; the amortization and realisation of military property; the privatisation of enterprises managed by the Ministry of Defence as well as the development of other Central Executive State defence and national security programmes including the implementation of a human resources policy;
- Patriotic military education of the youth and the preparation of citizens for the defence of Ukraine;
- The import and export of weapons and military equipment;
- The adherence to Constitutional and legal provisions relating to the rights and freedoms of citizens serving in the Armed Forces and other State Military and law enforcement Organisations in offering social and legal protection to military conscripts, military servicemen, military servicemen transferred to the reserve and ex-servicemen including members of their families;
- The development, approval of expenditure determined by the Laws of Ukraine from the State Budget for defence, national security and law enforcement purposes;
- The development of financial provisions and the implementation of defence procurement plans for the preparation of mobilisation, the disposal and destruction of armaments and the prevention of emergency situations as well as the elimination of its consequences;
- The participation of Armed Forces units in international peace keeping and counter-terrorist operations, joint military exercises and sundry activities in the development of international military -technical co-operation;
- Adhering to the Laws of Ukraine when deciding to permit the stationing of foreign Armed Forces on Ukrainian soil;
- Adhering to the Laws of Ukraine when considering complaints and appeals by military servicemen, ex-servicemen and members of their families made against Military State Organisations and its officials.

Article 6. *The Systems and Organisations Involved in Civilian Control*

1. The system of Civil Control for the State Military and law enforcement Organisations consists of:

- Parliamentary control;
 - Presidential control;
 - Central Executive and Local Government control;
 - Judicial and the Public Prosecutor's control, which shall be exercised in the manner, stipulated by the Constitution and the laws of Ukraine;
 - Control by civil society.
2. The organisations involved in the Civilian Control of State Military and Law Enforcement Organisations are:
 - The Verkhovna Rada;
 - The Ombudsperson for Human Rights in the Verkhovna Rada;
 - The President of Ukraine;
 - The National Security and Defence Council of Ukraine;
 - The Cabinet of Ministers of Ukraine;
 - The Central and Local Executive within powers determined by legislation;
 - Local Self-Governing bodies within powers determined by legislation;
 - The Office of the Public Prosecutor;
 - The Judiciary;
 - Citizens of Ukraine and civil associations founded to support the Constitution and to assist in the exercise and defence of human rights and freedoms of citizens to safeguard individual political, economic, social and cultural interests;
 - The mass media.

Article 7. Peculiarities and Restrictions in exercising Civilian Control

1. The bodies involved in Civilian Control exercise their control within legal boundaries balanced against the issue of access to State Secret information where there are restrictions established by law for the protection of the strategic interests of the State, including the introduction of a "state of emergency" or martial law.
2. Operational and mobilisation commands undertaken by military officials of the Armed Forces and other State Military and law enforcement Organisations are exempt from Civilian Control.
3. The activities of the Security Service, Intelligence and Counterintelligence Services, and its operational departments as well as inter department investigation activities and prejudicial inquiry organisations that are carried out in accordance with the Laws of Ukraine "On the Security Service of Ukraine", "On Intelligence Services of Ukraine", "On Frameworks for National Security Policy Counterintelligence Activities", "On Operational-Investigation Activities", "On the The Military Law and Order

Service in the Armed Forces of Ukraine”, as well as the Criminal Code and supplementary Laws, are all exempt from Civilian Control;

PART II. PARLIAMENTARY CONTROL

Article 8. *Powers of the Verkhovna Rada in Exercising its Control of State Military and Law Enforcement Organisations*

1. The Verkhovna Rada fulfils its institutional and legislative function by exercising parliamentary control of State Military and law enforcement Organisations in accordance with the Constitution of Ukraine.
2. The Verkhovna Rada:
 - Determines the basic principles of domestic and foreign policy;
 - Determines the basis for national security, the organisation of the Armed Forces and the maintenance of public law and order;
 - Approves the general structure, size and functions of the Armed Forces as well as the Security Service of Ukraine in accordance with the Laws of Ukraine and the endorsement of the Ministry of Interior;
 - Determines the basis for the legal, social protection and pension provisions for military servicemen;
 - Approves the State Budget and determines expenditure allocation for defence, security and public order;
 - Considers and approves the State programs submitted by the Cabinet of Ministers on reform and development of the Armed Forces; on social issues and other State military, defence and security programs including the military-political/technical co-operation with other states and intergovernmental unions;
 - Deliberates on reports and accounts from the Cabinet of Ministers on the use of the State Budget and considers the practical position of budget allocation assigned for the provisions of national defence, state security and public order;
 - Debates the course of reform for the Armed Forces and other matters relating to the functioning of the State Military and law enforcement Organisations during the ‘Government of Ukraine Day’ and parliamentary hearings;
 - Determines the procedure for the preservation of State Secrets balanced against the citizens rights to access public information on the activities of State Military and law enforcement Organisations;
 - Determines Ukrainian State borders;
 - Determines the legalised regimes of martial law, “state of emergency” and ecological emergency declarations subject to Presidential approval;

- Declares the state of war and peace subject to Presidential Decree; it also approves decisions of the President to use the Armed Forces in defence of an armed aggression against Ukraine;
- Approves decisions on providing military assistance to other states; on sending units of the Armed Forces to foreign states, including the participation in peace keeping operations and counterterrorist activities as well as granting permission to foreign armed forces to be based on Ukrainian territory;
- Approves and binds Ukrainian ratification in International treaties including agreements directly related to State Military and law enforcement Organisations.

**Article 9. Powers of Parliamentary Committees
and Special Commissions in Exercising Civil Control**

1. In accordance with the Constitution and the Laws Ukraine, these committees:
 - Analyse the processes of implementation for laws and decrees approved by the Verkhovna Rada for national security and defence, the protection of public order and fight against crime. These committees make proposals in accordance with established procedure to the Verkhovna Rada, the President and the Cabinet of Ministers of Ukraine with reference to ways to resolve current problems and to eliminate potential causes;
 - Inform the public on their respective activities via the mass media;
2. The Verkhovna Rada, within its powers, may establish special ad hoc commissions for the study, preparation and preliminary consideration of particular issues relating to national security, defence and law enforcement. It may also establish impromptu investigation commissions, that function in accordance with law, to investigate issues of public interest.

Article 10. Powers of the People's Deputies of Ukraine in Exercising Civil Control

1. In accordance with the Constitution and the Laws Ukraine, the People's Deputies of Ukraine:
 - Have the right to legislate initiatives on the regulation of national security, defence and law enforcement activities;
 - Participate in debates concerning draft laws and other issues relating to national security, defence, law enforcement activities during parliamentary sessions, hearings and commissions held at the Verkhovna Rada and on Government of Ukraine Days;
 - Have the right to submit inquiries during parliamentary sessions of the Verkhovna Rada on national security and defence issues; on the fight against criminal activity within State Organisations and Local Autonomous Government, the Armed Forces and other State law enforcement Organisations; who are obliged to inform the People's Deputy on the results of pending inquiries.

Article 11. *Civil Control of the Adherence of Constitutional Rights and Freedoms of Military Servicemen*

1. The Ombudsman of the Verkhovna Rada for Human Rights (hereinafter, the Ombudsman), in accordance with his or her powers determined under the Constitution and the Laws of Ukraine:
 - Holds a self regulated position whom at the request of the Verkhovna Rada or at the request of a citizen or civil organisation opines on the state of constitutional rights and freedoms observances for conscripts, military servicemen, military servicemen transferred to the reserve or exempt from military service and members of their families;
 - Has the right to request and obtain documents, materials and explanations necessary to exercise his/her legal authority from Chiefs and other senior Frameworks for National Security Policy officials of the Armed Forces and other State Military and law enforcement Organisations while observing the strict legislative codes relating to state secrecy;
 - Has the right to call urgent meetings with officials of the Armed Forces and other State Military and law enforcement Organisations;
 - Has the right and purpose of fulfilling his/her functions without restraint and warning, i.e., attending meetings of military units and sub-units, as well as being present at joint meetings held between the Armed Forces and other State Military and law enforcement Organisations, when the issues relating to the purview of the Ombudsman are discussed.
2. The appointment of the Ombudsman and of his/her representative for the protection of military servicemen's rights and dismissal procedures is carried out in accordance with the following Law of Ukraine: "On the Ombudsman of the Verkhovna Rada of Ukraine for Human Rights".
3. The Ombudsman's annual report envelopes the observances of the constitutional rights and freedoms of military servicemen, it makes proposals on ways to enhance the rule of law, and eliminates deficiencies and violations in the activities of the components of State Military and law enforcement Organisations. The Ombudsman's report is made public.
4. The Ombudsman regularly informs the public through the media, of his/her activities and on the State observances of constitutional rights and freedoms of citizens in the Armed Forces and other State Military and law enforcement Organisations.

Article 12. *Civil Control of the Use of State Budget Expenditure Allocated for National Security, Defence and law enforcement Activities*

1. Control of the use of State Budget expenditure allocated for the needs of national security, defence and law enforcement activities is carried out by the Accounting

Chamber on behalf of the Verkhovna Rada in accordance with the Law “On the Accounting Chamber of Ukraine”, the “Budget Code of Ukraine” and miscellaneous Laws of Ukraine.

2. The Accounting Chamber produces an annual report on its activities and state of affairs to the Verkhovna Rada and regularly notifies the public via the media.

PART III. PRESIDENTIAL CONTROL

Article 13. *Presidential Powers Relating to the Exercise of Control of the State Military and Other law enforcement Organisations*

1. The President of Ukraine as the Head of State and the guarantor of State sovereignty, territorial indivisibility of Ukraine, the guardian of the Constitution of Ukraine-the rights and freedoms of a citizen and as the Commander-in-Chief of the Armed Forces in fulfilling his/her state functions in accordance with the Constitution and the Laws of Ukraine:
 - Submits for approval to the Verkhovna Rada proposals on the general structure, size and functions of the Armed Forces and the Security Service created in accordance with the Laws of Ukraine and Ministry for Internal Affairs policy;
 - Appoints, awards senior military ranks and dismisses the high command of the Armed Forces and other State Military and law enforcement Organisations;
 - Submits to the Verkhovna Rada declarations of war and makes the decision to use the Armed Forces in the event of an armed aggression against Ukraine;
 - Makes decisions in accordance with the law relating to the full or partial troop mobilisation and on the introduction of martial law (in full or in part) in the event of a threat of aggression or a threat to Ukrainian State sovereignty, subject to the approval of the Verkhovna Rada;
 - Makes decisions relating to a “State of Emergency” (in full or part) to combat ensuing ecological emergencies and decides on the participation and role of the Armed Forces subject to the approval by the Verkhovna Rada;
 - Takes measures to curb the activities of illegal paramilitary groups and to prevent the illegal use of the Armed Forces and other State Military and law enforcement Organisations for the restriction of civil rights and freedoms; or with the purpose of overthrowing the constitutional system, ousting or impeding democratic state functions;
 - Takes decisions subject to the approval of the Verkhovna Rada on providing military assistance to other states by sending units of the Armed Forces to another state including the participation in international peacekeeping operations, as well as on

the granting of permission to foreign armed forces to be based on Ukrainian territory or waters;

- Considers State programs relating to defence, national security and techno-political military co-operation between the Ukraine and foreign states as well as intergovernmental unions that are developed by the Cabinet of Ministers prior to its submission before the Verkhovna Rada.
2. The President of Ukraine exercises control of the Armed Forces and other State Military Organisations responsible for national security, defence and law enforcement through powers vested in him/her as the Chairperson of the National Security and Defence Council of Ukraine and if necessary through supporting institutions established in accordance with Article 106, Section One, paragraph 28 of the Constitution of Ukraine.

Article 14. *Powers of the National Security and Defence Council of Ukraine in Exercising Control of State Military Organisations*

1. The National Security and Defence Council of Ukraine (hereinafter, NSDCU) exercises control of State Military Organisations based on Constitutional powers defined by the Laws of Ukraine “On the National Security and Defence Council of Ukraine”.
2. Decisions of NSDCU are enforced by Presidential Decrees.
3. The NSDCU informs the public on its activities through the media.

PART IV. CIVILIAN CONTROL EXERCISED BY THE EXECUTIVE AND LOCAL SELF-GOVERNING ORGANISATIONS

Article 15. *Powers of the Cabinet of Ministers of Ukraine in Exercising Control*

1. The Cabinet of Ministers, through its constitutional powers, implements State domestic and foreign policies that ensure sovereignty, defence capability, national security, public order and the fight against criminal activity in accordance with the Constitution, Laws and Presidential Decrees. The Cabinet of Ministers also:
 - Develops and submits draft laws to the Verkhovna Rada on national security and defence, law enforcement activities within its powers and legislative control;
 - Defines expenditure allocations for national security, defence, and law enforcement activities, the fight against organised crime, terrorism, the protection of national borders, the guard service and conducts reprimands in accordance with current legislation. Defence Budget drafts (as a constituent part of the State Budget of Ukraine) are also considered by the Ministers after National Security and Defence Council deliberations;

- Provides for the implementation of the State Budget approved by the Verkhovna Rada to include expenditure allocations from the Budget for national security, defence and law enforcement purposes;
- Reports to the Verkhovna Rada on the implementation of the State Budget of Ukraine with reference to matters relating to national security, defence and law enforcement;
- Develops and submits draft State programmes relating to defence, national security and techno-political military co-operation between the Ukraine and foreign states as well as intergovernmental unions that are developed prior to its submission before the Verkhovna Rada;
- Develops and approves the State orders for military production manufacturing while controlling the execution, creation, maintenance and development of state mobilisation capacity; the creation, maintenance and updating of material bases for the mobilisation reserve, preparation and maintenance of transport and other equipment that would be utilised in case of a declaration of martial law or a state of emergency to be made available to the Armed Forces and other State Military and law enforcement Organisations in accordance with the law;
- Develops a draft periodic mobilisation plan that is submitted to the President for approval;
- Exercises control of the export of armaments and military equipment, strategic materials, technologies and dual-purpose products;
- Determines the terms of amortisation and realisation of the military and material assets of the mobilisation reserve, the expiry of periods of exploitation where renovations are needed, the rental agreements for military property; the control of economic activities of the Armed Forces and other State Military and law enforcement Organisations of Ukraine carried out in accordance with established law;
- Controls the performance of land, tax, economic, labour, housing and environment legislative protection for the Armed Forces and other State Military and law enforcement Organisations;
- Submits for Presidential consideration proposals on improving the organisational structure of State Military and law enforcement Organisations.

Article 16. *Powers of the Central Executive*

1. Ministries and the Central Executive that hold powers that control and manage Military and law enforcement Organisations:
 - Organise and implement laws and other normative-legal acts relating to national security, defence and law enforcement activities;

- Create the necessary conditions for other groups involved in Civil Control to fulfil their functions in accordance with law;
 - Provide objective and timely reports on the activities of the Military and law enforcement Organisations under their charge to the Verkhovna Rada, the President, the National Security and Defence Council and the Cabinet of Ministers of Ukraine;
 - Keep the general public informed on the issues mentioned above in accordance with the law;
2. Additional Central Executive organisations assist the Armed Forces and other State Military and law enforcement Organisations to fulfil their legal functions and provide material support to them in accordance with law.

Article 17. *Powers of the Verkhovna Rada of the Autonomous Republic of Crimea and the Council of Ministers of the Autonomous Republic of Crimea*

1. The Verkhovna Rada (Parliament) and the Council of Ministers of the Autonomous Republic of Crimea implement the Laws of Ukraine and other normative-legal acts on defence, the protection of public order and the fight against commercial and institutional organised crime while providing information to the general public on the above-mentioned issues in accordance with the present law.

Article 18. *Participation of the Local Self-Governing and Local State Administrations in Exercising Civilian Control*

1. Local Self-Governing and Local State Administrations within their Constitutional and legal powers:
 - Control and regulate pre-conscription military training and the selection of conscripts by Military Commissions for the military service;
 - Provide for the execution of legislation that enshrines the rights and social guarantees of conscripts, military servicemen and ex-military servicemen as well as members of their families;
 - Help the Armed Forces and other State Military and law enforcement Organisations in fulfilling their functions;
 - Have the right to participate in official report hearings for the management of the Armed Forces and other State Military and law enforcement Organisations concerning the implementation of legal and social protection for conscripts, military servicemen, ex-servicemen, pensioners and members of their families;
 - Control the compliance of legislation on land, tax, economic, labour, housing and environment protection matters relating to military bases and establishments of the Armed Forces and other State Military and law enforcement Organisations;

- Coordinate (with the purpose of providing for citizen security) plans for carrying out military training and other measures that may involve the participation or presence of a large number of people;
 - Develop operational plans and provide for interaction between Local Self-Governing and Local State Administrations during the execution of territorial defence tasks;
 - Obtain information from the management of military divisions and subdivisions of the Armed Forces on the threat or the scale of pollution levels caused by radioactive, poisonous or other dangerous substances resulting from disasters on military bases or caused by military equipment, as well as information on the available capacity, means and resources in a particular region for coordinated action in case of an emergency;
 - Inform the public through the media on matters relating to national security, defence and the fight against crime.
2. In order to fulfil these above-mentioned tasks, Local Councils may form Commissions for the varying issues of Civil Control, and Local State Administrations in turn may establish necessary departments.

PART V. CIVILIAN CONTROL OF THE MILITARY AND LAW ENFORCEMENT ORGANISATIONS OF THE STATE

Article 19. Participation of Citizens in Exercising Civilian Control

1. Citizens of Ukraine participate in exercising civilian control of the State Military and law enforcement Organisations through their representation and participation in public organisations or by personal appeal to the Ombudsman of the Verkhovna Rada (for example on the protection of military servicemen's rights) determined by the Constitution and the Law of Ukraine "On Citizens' Appeals".
2. Civil organisations, registered in accordance with the above-mentioned legislation, have the following rights under the Constitution and Laws of Ukraine:
 - To request and receive information, in accordance with established procedure (provided it does not constitute a State Secret) relating to the activities of the Armed Forces and other State Military and law enforcement Organisations, State Military Management Organisations and enterprise;
 - To carry out scientific-military, defence, national security development and issues relating to the fight against organised crime; and furthermore to consider researched results in creating civil funds, centres and expert groups for this common purpose;
 - To develop civil expertise in legislation drafting and decision making programs, presenting results and proposals for consideration by State organs during the pro-

cess of reform for the Armed Forces and other State Military and law enforcement Organisations;

- To participate in public discussions and open parliamentary hearings on issues of reform and activities of the Armed Forces and other State Military and law enforcement Organisations relating to the legal and social protection of military servicemen and members of their families;
 - To familiarise themselves with the conditions of service and every day life of military servicemen.
3. By having legal powers, citizens are afforded the right to make legislative proposals concerning military development, law enforcement activities, and social protection of military servicemen, pensioners and members of their families.

Article 20. *The Role of the Mass Media in Exercising Civilian Control*

1. As the mass media provide coverage on national security, defence and the fight against organised crime it also helps shape public opinion and subliminally promotes the public trust to Ukrainian National Security Agencies. This coverage helps to increase the level of public trust in the Armed Forces and other State Military and law enforcement Organisations by providing objective information on the service and every day life of military servicemen and events in the military life.
2. The mass media:
 - May request and obtain free of charge in accordance with established procedure from Military Management Organisations enterprises, and institutions that envelope State Military and law enforcement Organisations open information, documents and materials on issues within their powers. The Heads of these above mentioned establishments are obliged unreservedly to provide information.
 - May disseminate information received via newspapers and other press, radio, television, the internet or other prescribed methods in accordance with legislation on the preservation of State secrets;
 - May publish official responses to public enquiries and issues delivered by State Military Management Organisations;
 - In order to systematically inform the public on the activities of State Military and law enforcement Organisations, State Military Management Organisations regularly organise press conferences (announced in advance and posted on websites) to provide updated information. Furthermore, the “White Book” on the activities of the Armed Forces is published annually.

PART VI. GUARANTEES FOR THE IMPLEMENTATION OF CIVILIAN CONTROL OF STATE MILITARY AND LAW ENFORCEMENT ORGANISATIONS

Article 21. *Responsibilities of State Military Management Organisations, Officials of the Armed Forces and other State Military and law enforcement Organisations in Exercising Civilian Control*

1. In order to provide open information to the public on the activities of the State Military and law enforcement Organisations and to establish the necessary conditions for exercising Civilian Control the following points must be achieved:
 - Central and Local Executive responsible for the management of State Military Organisations, the provisions of public order and the fight against organised crime must assist those involved in Civil Control as defined in Law by obtaining the necessary information and support in order to fulfil individual functions;
 - The Ministry of Defence, the Ministry of Interior and other Central Executive State Military Management Organisations and its officials are obliged to consider the appeals from civil organisations, military servicemen and other citizens as well as media reports on alleged rights violations and the inappropriate fulfilment of legal responsibilities and functions by the aforementioned national security/defence organisations and its officials. Appellants and the media must be informed of the results of the considerations and measures taken by the aforementioned State bodies, determined in legal terms;
 - The management arm of the Armed Forces and other State Military and law enforcement Organisations must provide advanced warning to Local Self Governing organisations and Local State Administrations by way of information to the general public on activities that may affect the property or interest rights of local communities, including the possibility of threats to citizens lives or health;
 - A Deputy Head (State Secretary) of a Ministry or other Central Executive organisation in charge of public and press relations is responsible for notifying the public on the interactions between the Armed Forces and other State Military and law enforcement Organisations with the Verkhovna Rada, civil organisations and the mass media;
 - With the approval of the President, representatives of Central and Regional State Organisations may become members of Military Councils (within the operational sector) of the Armed Forces and other State Military and law enforcement Organisations;
 - The press service and public relations department within an Executive organisation provide the media with objectives and comprehensive information on the activities of the Armed Forces and other State Military and law enforcement Organisations.

Article 22. Responsibility for a Violation of Legislation on Civilian Control

1. Officials and citizens guilty of non-compliance or violations of the legislation relating to the “Civil Control of the Military Organisation and law enforcement Organisations” will be brought to account under the aforesaid legislation.

Article 23. Legal Defences for Civilian Control Issues

1. Courts that perform legal functions for State Military Organisations may take action against the acts of State Executive organs and Local Self Governance organs and their officials that supported crimes by military servicemen and or violations of rights and the legal interests of citizens.

Article 24. Supervision of the Adherence to Laws for Civilian Control

Compliance supervision of the Laws regarding the exercise of civilian control of State Military Organisation and Law Enforcement Bodies is performed in accordance with the Constitution and the Laws of Ukraine.

PART VII. FINAL PROVISIONS

1. This Law enters into force from the date of publication. Prior to this legislation being enacted, existing laws and normative-legal acts adopted before this aforementioned Law remain applicable, and do not conflict with this current Law.
2. The Cabinet of Ministers must submit to the Verkhovna Rada proposals on possible amendments to the Laws of Ukraine to comply with this current Law as well as and amendments for other normative-legal acts of the Executive within six months of this law being passed.

President of Ukraine L. KUCHMA

No. 975-IV of 19.06.2003

Law of Ukraine “On Defence of Ukraine”

No. 1932-XII, 06.12.1991; (*Bulletin of the Verkhovna Rada (BVR)*, 1992, No. 9, p. 106), Enacted by the Resolution of the Verkhovna Rada No. 1933-XII of 6.12.1991, BVR, 1992, No. 9, p. 107,

With amendments introduced by the laws

No. 3547-XII of 21.10.93, BVR, 1993, No. 44, p. 420;

No. 221/94-BP of 20.10.94, BVR, 1994, No. 45, p. 410;

No. 387/95-BP of 17.10.95, BVR, 1995, No. 38, p. 284;

in the wording of the Law No. 2020-III of 05.10.2000, BVR, 2000, No. 49, p. 420;

With amendments introduced by the laws

No. 662-IV of 03.04.2003, BVR, 2003, No. 27, p. 209;

No. 1003-IV of 19.06.2003, BVR, 2004, No. 2, p. 8

No. 3428-IV of 09.02.2006, BVR, 2006, No. 26, p. 215

No. 1014-V of 11.05.2007, BVR, 2007, No. 33, p. 442

No. 803-VI of 25.12.2008, BVR, 2009, No. 19, p. 258

No. 2526-VI of 21.09.2010, BVR, 2011, No. 4, p. 27

No. 5286-VI of 18.09.2012, BVR, 2013, No. 38, p. 499

No. 5404-VI of 02.10.2012, BVR, 2013, No. 41, p. 550

No. 1127-VII of 17.03.2014, BVR, 2014, No. 17, p. 595

No. 1190-VII of 08.04.2014, BVR, 2014, No. 23, p. 871

No. 1194-VII of 09.04.2014, BVR, 2014, No. 25, p. 890

No. 133-VIII of 03.02.2015, BVR, 2015, No. 13, p. 86

No. 186-VIII of 12.02.2015, BVR, 2015, No. 16, p. 110

This Law establishes a basis for the defence of Ukraine, as well as for the authorities of the State Executive, the main functions and tasks of the military management organisations, Local State Administrations, Local Self-Government organs; enterprises, institutions, organizations, and their respective officials as well as the rights and duties of the Ukrainian citizens in the defence sphere.

PART I. THE BASIS AND PREPARATION FOR UKRAINE STATE DEFENCE

Article 1. Definition of main terms

The terms used in this Law shall have the following meaning:

- The defence of Ukraine is a system of political, economic, social, military, scientific, technological, informational, legal, organizational and sundry measures undertaken by the State to ensure the preparation for the armed defence of Ukraine in case of an armed aggression or armed conflict;
- State defence capacity is the capacity of the Ukraine to defend itself in case of an armed aggression or armed conflict. It consists of material, spiritual, military, economic, social, moral and political defence elements and potential as well as the preparation of appropriate conditions for its fulfilment;
- An armed aggression is the use of force by a State or a group of States against Ukraine.
- Any of the following actions can be considered to be an armed aggression against Ukraine an invasion or aggression by the armed forces of a State or a group of States against Ukraine as well as the occupation or annexation (in full or in part) of Ukrainian territory;
- A blockade of ports, the coast or airspace, including disruptions to communications in Ukraine by the armed forces of a foreign State or group of States;
- An aggression by the armed forces of a State or a group of States against the Ukrainian land, sea, air or civil navy forces;
- The sending of armed groups of regular and irregular forces by a State or on its behalf that commit armed acts against Ukraine that are so serious that it can be equated to the actions listed in sub-paragraphs five-seven of the present article including the substantial participation of a third party State in such actions;
- Actions of a State (States) that allows their territory, placed at a third party State's disposal, to be used by this third party State (States) for committing acts listed in paragraphs five-eight of the present article;
- The use of the armed forces units of a State or a group of States stationed on the territory of Ukraine in accordance with international treaties against a third party State or a group of States; other term violations stipulated in international treaties as well as the illegal prolongation of armed forces units' stay in Ukraine after the contractual termination of aforementioned treaties;
- A special period is a period for the functioning of the State Executive, the Armed Forces and other State Military Organisation created in accordance with the laws of Ukraine, organs of Local Self-Government, Civil Defence Authorities and Civil Defence Forces, national economy industries, enterprises, institutions and organizations, that function from the moment when a decision to mobilize troops (ex-

cept for a special purpose mobilization) is announced or brought to the attention of the persons subject to concealed mobilization or from the moment of the introduction of martial law in Ukraine. This period includes the time from mobilization to the time of war and partially includes the period of reconstruction after the termination of military operations.

Martial law is a special legal regime introduced in Ukraine (in full or in part) in the case of an armed aggression, danger to the state independence or territorial indivisibility of Ukraine. Martial law grants powers to State Executive organs, the Military Command and organs of Local Self-Government necessary for averting threats and to ensure national security. Martial law also prescribes temporary (threat determined) restrictions over constitutional human rights and freedoms, as well as over the rights and legitimate interests of legal entities. A clear indication of the period of validity for such restrictions is to be provided also.

Military formation is the totality of military units, joint troops and their management organs created in accordance with the Laws of Ukraine, manned with military personnel intended for the defence, protection of sovereignty, state independence, national interests, territorial indivisibility and inviolability of Ukraine, in the case of an armed aggression, armed conflict or threat of aggression by means of conducting immediate war (combat) operations.

The armed forces unit of another state (hereinafter – Foreign Armed Forces) is a foreign State's military unit(s), that have land, naval, air or special forces, fixed or temporary structures, equipped with light weapons or heavy military equipment as agreed under the terms of the Treaty on Conventional Armed Forces in Europe (CFE), and are under the command of a person responsible to his or her State and the Laws of Ukraine for the conduct of their personnel, who are obliged to maintain internal discipline, observe the Laws of Ukraine, the norms of International Law and are sent to Ukraine with a concrete purpose defined by the International Treaty ratified by Ukraine.

The military command constitutes the General Staff of the Armed Forces, the command of the branches of the Armed Forces, the operational commands, the commands of the military units, joint units as well as other State Military Formations created in accordance with the Laws of Ukraine.

The Military Management organs include the Ministry of Defence and other Central Executive organs that manage State Military Organisations created in accordance with the Law. The General Staff of the Armed Forces, other staff, commands, administrations, both permanent and ad hoc organs of the Armed Forces and other State Military Organisations that manage (within the limits of their authority)- troops, joint units, military units, military education establishments, institutions and organizations, that belong to the administration of the abovementioned Central Executive organs; as well as the military commissariats that guarantee the observance of the legislation on general military

duty and military service, mobilization and training.

Article 2. *The fundamentals of Ukrainian defence*

The defence of Ukraine is based on the readiness and capability of the State Executive, all the State Military components, Local Self-Government organs, the Civil Defence of Ukraine, the preparation of the population and territory and the national economy's ability to function whenever necessary, from peace-time to martial law in order to repel or dissolve ensuing armed aggression or conflict.

The legal basis for State defence is the Constitution of Ukraine, the present Law, as well as other legislative acts and ratified international treaties, as approved by the Verkhovna Rada.

State defence is organised by submissions made by the Cabinet Ministers and approved by the President to decide the military-administrative division of Ukrainian territory.

In order to prevent armed aggression and armed conflict, the Ukraine ensures its national interests and implements its military policy, while observing responsible and co-operative conduct in the security sphere, including participation in international security systems and defence co-operation based on ratified international treaties in accordance with the procedures and conditions defined by Ukrainian legislation.

While defining the means of ensuring its own security in the process of State defence preparation and combat operations, the Ukraine observes the principles and norms of international law taking into account legitimate security interests of other States.

National defence is funded from the State Budget of Ukraine within the annually defined amounts as cited in the Law "On the State Budget of Ukraine", that provides for the proper execution of defence tasks, but this must not constitute more than three per cent of the gross domestic product (GDP).

Supplementary financing of the needs of national defence can be provided by accepting the charitable endowments from physical and legal persons according to procedure established by the Cabinet of Ministers of Ukraine.

Article 3. *Preparation for state defence*

The preparation for state defence during peacetime includes the:

- Prediction and assessment of military danger and threat;
- Carrying out intelligence and information-analytical measures in the interests of ensuring defence readiness of the State;
- Implementing of foreign policy measures aimed at the prevention or defence against an armed conflict or armed aggression;
- Formation and implementation of military, economic, technical and industrial

State policy;

- Improvement of the structure, task specification and functions of the Armed Forces and other State Military Organisations, ensuring an abundance of well trained personnel as well as the development, preparation and maintenance of appropriate levels of combat efficiency and mobilization readiness for State defence planning and troop deployment;
- Development of the Military-Industrial Complex, the creation of favourable conditions for the deployment of national economy industries to produce armaments, military equipment and munitions in necessary quantities;
- Provision of the Armed Forces, other State Military Organisations and Law-Enforcement organs created in accordance with the Laws of Ukraine, with trained personnel, armaments, military and other equipment provisions, clothing, other material as well as financial resources;
- Development of military-technical co-operation with other countries with the purpose of providing the Armed Forces, other State Military Organisations and Law-Enforcement organs created in accordance with the laws of Ukraine, with armaments, military equipment and munitions, that are not produced in Ukraine;
- Providing the Operational Rescue Service of civil protection for the special period with trained personnel, rescue and other equipment, food, clothing and other material and financial resources;
- Providing for readiness of the State Executive organs, organs of Local Self Government, unified system of civil protection during the special period;
- Preparation of the national economy, the territory, the State Executive, Military Command, Local Self Government organs and the population for actions needed during a special period;
- Creation of State materials and monetary funds reserves;
- Protection of Ukrainian State borders;
- Military-patriotic education of citizens, the preparation of the youth for military service in the Armed Forces; as well as enhancing the prestige and image of military service;
- Ensuring the development of military science and technological potential for the creation of highly efficient weaponry for combat;
- Protection of Ukrainian information space and its integration into global cyber and information space, the creation and development of information infrastructure;
- Assurance of open and democratic civil control of defence according to the procedures defined in law while observing the exceptions for the keeping of State secrets;
- Measures that influence State defence capability.

Article 4. Defending armed aggression against Ukraine

In the case of an armed aggression or any threat of an armed attack on Ukraine, the President takes a decision to mobilise and deploy the Armed Forces (in full or in part) and whether or not to introduce martial law or to deploy other State Military Organisations created in accordance with the Laws of Ukraine. The President submits a related proposal to the Verkhovna Rada for approval. The President may also submit a proposal for the declaration of a state of war to the Verkhovna Rada.

State Executive and Military Management Organs take appropriate measures to repel the aggression without waiting for a declaration of war. On the basis of a joint corresponding decision by the President and the Armed Forces along with other State Military Organisations combat operations may be initiated.

War is declared from the moment of a declaration of a state of war or from the actual start of combat operations.

**PART II. THE MAIN FUNCTIONS AND TASKS OF EXECUTIVE
AUTHORITY FOR MILITARY MANAGEMENT, LOCAL STATE
ADMINISTRATIONS, LOCAL SELF-GOVERNMENT, ENTERPRISES,
INSTITUTIONS AND ORGANIZATIONS INCLUDING OFFICIALS DUTIES,
UKRAINIAN CITIZENS RIGHTS AND DUTIES FOR STATE DEFENCE**

Article 5. The Verkhovna Rada of Ukraine

The Verkhovna Rada of Ukraine, within the authorities defined in the Constitution of Ukraine, exercise legislative regulation for state defence.

Article 6. The President of Ukraine

The President of Ukraine as the Supreme Commander-in-Chief of the Armed Forces exercises authority for state defence in accordance with the Constitution of Ukraine and the laws of Ukraine.

The President of Ukraine within Constitutionally defined authority issues decrees and regulations, as the Supreme Commander-in-Chief of the Armed Forces the President of Ukraine issues directives and orders for State defence.

Article 7. The National Security and Defence Council of Ukraine

The National Security and Defence Council of Ukraine coordinates and controls the activities of the Executive for state defence within the authority defined in the Constitution of Ukraine and the Law of Ukraine “On the National Security and Defence Council of Ukraine”.

Article 8. The Supreme Commander-in-Chief Headquarters

The strategic management for the Armed Forces, Law-Enforcement and other State Military Organisations are created under the Laws of Ukraine during a special period. The Supreme Commander-in-Chief Headquarters is the highest joint military management body responsible for state defence.

Proposals on the creation of the Supreme Commander-in-Chief Headquarters, including the composition of its personnel and maximum troop numbers, are submitted by the National Security and Defence Council for consideration by the President and are executed by Presidential decree. The regulations for the Supreme Commander-in-Chief Headquarters are approved by the President.

Article 9. Cabinet Ministers authority relating to state defence

The Cabinet Ministers of Ukraine:

- Ensure, within the limits of their authority, that State sovereignty, domestic and foreign policy and the implementation of the Constitution and the Laws of Ukraine as well as the acts of the President for State defence are applied;
- Determine, within financial constraints, defence expenditure from the Ukrainian State Budget relating to Parliamentary approved State defence activity;
- Organise the development and implementation of State Programmes for the development of the Armed Forces; other State Military Organisations and for the development of armaments, military equipment and other programmes for State defence;
- Take pre-determined legislative measures to form, place, finance and implement State defence procurement orders for: the purchase and delivery of provisions; the execution of works; the rendering of services for the needs of the Armed Forces and other State Military Organisations;
- Establish the procedure for transferring State assets to the Armed Forces and other State Military Organisations for their disposal, including land plots and waterways, other natural and energy resources, funds, property and services, the use of air and water space, sea and river ports, airports and aerodromes including landing strips, communication and radio-frequency resources, general communications, other State infrastructure, navigational, top geodesic, meteorological, hydrographic and other resources for the execution of geodesic and cartographical works necessary for the proper execution by the State for the designed functions and tasks both on a paid and free basis;
- Take national measures to ensure the stability of the national economic and public administrative installations in the time of war;
- Ensure the manning system of the Armed Forces, other State Military Organisations and Law-Enforcement Organisations is intact; take measures to prepare and carry out conscription of Ukrainian citizens for regular military service;

- Take legal prescribed measures to enable mobilisation training and mobilization, the creation of State material reserves and monetary funds to meet State defence needs;
- Organise and prepare the population for State defence;
- Settle matters relating to regulation activities for Local Military Management Organisations (military commissariats); pre-conscription and conscription military and technical training; keeping records of persons liable for military service and conscription; and carrying out military transport duty;
- Establish, in accordance with the law, procedures and the terms of fully compensate for private property alienated as a result of measures taken during martial law;
- Establish, reorganise and dissolve the Armed Forces and other State Military Organisations research institutes, military education institutions and military faculties within other higher education institutions;
- Ensure the rights for social and economic protection for military personnel, ex-servicemen and members of their families as well as members of the families of soldiers killed in combat or missing in action, wounded during military service or taken prisoner in the course of combat operations, war or during international peacekeeping operations;
- Regulate cases pre-determined by law on the economic activity of the Armed Forces and other State Military Organisations;
- Establish legal procedures for the manufacture and utilization of armaments, military equipment, and other property belonging to the Armed Forces, Law Enforcement Organisations and other State Military Organisations utilization of scrap metal produced by them;
- Ensure the implementation of legal measures for the civil defence of Ukraine by providing military assistance to foreign States, sending units of the Armed Forces to these states or admitting units of foreign forces to Ukraine, and participating in international peacekeeping operations;
- Establish in accordance with norms of international law procedures for treatment of war preasoners and interned persons during the special period;
- Control the implementation of defence laws, take other legal measures to ensure the defence capability of Ukraine; co-ordinate and control their implementation procedures and is responsible, within the limits of its authority, for ensuring State defence.

Article 10. Main functions of the Ukrainian Ministry of Defence

As the central organ of Executive power, The Ministry of Defence-(hereafter referred to as MOD) ensures the implementation of State defence policy, military operations, operation, combat and mobilization preparedness, combat efficiency and the adequate

preparation of the Armed Forces for the execution of their duties.

The Ministry of Defence for Ukraine:

- Takes part in the formulation and implementation of State policy and military development through the drafting of a “Concept on the Fundamentals of State Policy” on the national security of Ukraine, the Military Doctrine of Ukraine, and other legislative and normative acts relating to defence. The MOD ensures the implementation of the aforementioned policies by the Armed Forces in accordance with established procedures and co-ordinates the activities of the Executive and Local Self-Government Organisations in preparation for State defence;
- Carries out intelligence and information analysis in the interests of the national security and state defence; analyses the military-political situation and determines the level of military threat to the national security of Ukraine;
- Ensures the adequate combat efficiency, manning system, mobilization preparedness and training of the Armed Forces;
- Takes part in developing defence budgets; makes reports to the Cabinet Ministers on the projected use of allocated expenditure;
- Carries out the State Military personnel policy that ensures the development of military education and science; and the strengthening of public and legal order as well as personnel training;
- Takes part in ensuring that the national economy and state management adequately function during a special period, through planning for the mobilization training of local industries and Controls over the preparation of enterprises, organizations and institutions (both privately and publicly owned) for the execution of mobilization and special period tasks;
- Formulates state defence procurement for development, manufacture, delivery, maintenance, destruction and disposal of armaments, military equipment, military property and scrap metal; organises the execution of works and rendering of services as well as the supply of material equipment for the mobilization of the Armed Forces reserve in accordance with the needs, requirements and priorities determined by the General Staff of the Armed Forces;
- Manages the transfer of military property, the property of enterprises, organizations and institutions to the MOD for their control and management;
- Organizes the accumulation of armaments, military equipment and other material resources for the untouchable stocks and mobilization reserve; creates a reserve of military trained personnel;
- Ensures the manning system of the Armed Forces, State Military Organisations and Law-Enforcement Organisations; together with Ministries, the Central Executive, the Council of Ministers of the Autonomous Republic of Crimea, Local State Administra-

tions and Local Self-Government, are prepared to take measures to ready citizens for military service and that conscription or contractual enrolment measures are intact to assist procedures of mobilisation or demobilisation while guaranteeing protection of the rights and freedoms of military personnel;

- Provides social, economic and legal guarantees for conscripts, military servicemen and members of their families and employees of the Armed Forces including ex-servicemen and their families as well as personnel killed in combat, those missing in action, or those who have been seriously wounded during military service or taken prisoner in the course of war or participation in international peacekeeping operations;
- Ensures the implementation of democratic civil control over the Armed Forces;
- Carries out within the limits of its authority, international co-operation in military-political and technical spheres, as well as on the issues of civil-military relations with corresponding organs of foreign states and international organisations;
- Implements decisions on the participation of units of the Armed Forces in international peacekeeping operations and makes provisions for military assistance to other states by sending units of the Armed Forces to foreign states, as well as admitting and defining the terms for the stationing of foreign armed forces in Ukraine;
- Ensures the interaction of the Armed Forces with other state authorities, public organizations and citizen groups to execute powers cited in this legislation, and through other laws as well as Presidential and Ministerial decrees relating to State defence.

The President approves Regulations for the Ministry of Defence.

The procedures for the organization of intelligence activities in the interests of the State defence are pre-determined by law.

Article 11. *The main functions of the General Staff of the Armed Forces*

The General Staff of the Armed Forces is the main military body responsible for defence planning, directing the deployment of the Armed Forces, and coordinating control over the Execution State defence tasks through the Executive, Local Self-Government organs, other State Military Organisations and Law-Enforcement organs created in accordance with the Laws of Ukraine. These entire aforementioned State organs operate within predetermined legal limits cited by this law and other laws as well as by the normative-legal acts of the President, the Verkhovna Rada and Cabinet Ministers.

The General Staff of the Armed Forces becomes the working organ of the Supreme Commander-in-Chief Headquarters during a special period.

The General Staff of the Armed Forces:

- Predicts the development trends for the forms and methods of military operations and means of armed warfare;
- Takes part in the development and implementation of the State defence policy, military security strategy and predetermines the directions of Armed Forces development;
- Carries out strategic planning for the deployment of the Armed Forces, other State Military Organisations and Law-Enforcement organs created in accordance with the laws on State defence;
- Defines the requirements and controls the quality of the manning system, armaments, military equipment, material, technical, energy, financial, information resources, provisions, land and water resources, communication facilities, funds and property necessary for the adequate execution of tasks by the Armed Forces and other State Military Organisations;
- Carries out State defence management and ensures that public order in Ukraine is maintained during martial law within limits pre-determined by law;
- Takes part in the creation and controls the State management system during a special period;
- Brings to the attention and administers the Supreme Commander-in-Chief of the Armed Forces directives and orders relating to defence to the Armed Forces, Law-Enforcement organs and other State Military Organisations created in accordance with the law during a special period – as well notifying the Ministries, the Central Executive and Defence Councils of the Autonomous Republic of Crimea;
- Assists in the organization and control of a communication system that prepares Ukraine for State defence,
- Takes part in the development of State mobilization plans that controls the mobilization preparedness of the Executive, Local Self-Government organs, local industry, the economy, enterprises, institutions and organizations (both public and private) as well as executing mobilization tasks during a special period;
- Organises the strategic deployment of the Armed Forces and other State Military Organisations created in accordance with the laws of Ukraine, by ensuring their interaction with the Ministries, the Central Executive and the Defence Councils of the Autonomous Republic of Crimea during the execution of State defence tasks;
- Organises the use and control of air, water and information space during a special period;
- Executes control over the conditions of mobilization preparedness and combat efficiency by managing the State Military organs, joint units, units, institutions, Law-Enforcement organs and other State Military Organisations created in accordance with the laws of Ukraine that are assigned to military management during a special

period to execute the territorial defence tasks;

- Organizes the manning of the Armed Forces and State Military Organisations as well as Law-Enforcement organs, by the conscription of citizens into regular military service, training and special exercises in the pursuit of amassing military trained personnel;
- Carries out intelligence and information analysis activities in the interests and maintenance of combat preparedness and deployment of the Armed Forces; for each corresponding department within its structure;
- Organizes and prepares the Armed Forces to facilitate missions, to co-ordinate and control the training of State Military Organisations and Law-Enforcement organs created in accordance with the laws of Ukraine for the execution of the defence tasks;
- Organizes the use of the national communication system in the interests of defence, executes in accordance with the law the management and regulation of the use of radio-frequency resources selected for defence tasks;
- Organizes the use and means of State identification within State organisations, the Armed Forces as well as State Military Organisations created in accordance with the laws of Ukraine; organizes the use of these means in enterprises, institutions and organizations;
- Plans and executes control over all forms of military transportation during a special period, including transportation used by the Armed Forces during peacetime;
- Carries out within the limits of its authority, international military co-operation with foreign armed forces, takes part in international military-political and technical co-operation that ensures the training and participation of peacekeeping contingents and personnel of the Armed Forces in international peacekeeping operations;
- Permits in accordance with international disarmament and arms control agreements, international inspection activities in Ukraine and abroad;
- Collects and processes information and reports in accordance with the abovementioned agreements regardless of the objects of inspection;
- Executes sundry authority that follow from this law and other laws of Ukraine including Presidential decrees and Ministerial sanctions;
- The General Staff of the Armed Forces organizes its activities in accordance with Regulations approved by the President of Ukraine.

Article 12. *The tasks of other military formations and law-enforcement organisations created in accordance with the laws of Ukraine.*

Along with the Armed Forces of Ukraine in defence of Ukraine participate within limits of their authority other military formations established in accordance with the law of Ukraine, the State Special Transportation Service, the State Service for Special Commu-

nication and Information Protection of Ukraine and the relevant law enforcement organs.

The activities and management of other State Military Organisations and Law-Enforcement organs established in accordance with the law take part in State defence in relation to their authority.

Other military formations and law enforcement organs:

- jointly with the General Staff of the Armed Forces agree the programmes of development (in the part) that relates to State defence, as well as plans for the preparation of organs and the management of joint units and units designated to military management during a special period to execute territorial defence tasks;
- carry out, under the direction of the General Staff of the Armed Forces, the deployment planning for the management organs, joint units and units designated to the Armed Forces Military Management during a special period for the execution of territorial defence tasks and to provide the General Staff of the Armed Forces with the necessary activity information;
- jointly carry out with the Armed Forces training to prepare for joint defence actions, to take part in the creation of a unified management system and to ensure the overall support during a special period; agree with the General Staff of the Armed Forces on operative and strategic requirements for armaments, military equipment, military-technical property including quantitative and qualitative parameters with the Ministry of Defence in order to develop a State programme for the development of armaments and military equipment as part of a State defence procurement order;
- agree with the Ministry of Defence on military personnel training programmes and take measures to improve the military education system;
- assist in the preparation of Ukrainian citizens for military service, including the pre-conscript training of the youth, military-technical training of conscripts; and to ensure conscription to the regular military service, training (or control) and special exercises during mobilization as well as facilitating military-patriotic education for citizens;
- ensure the execution of appropriate measures for the preparation of the territorial State defence;
- take part in territorial defence missions and to promote the maintenance of the legal regime during martial law;
- help the Armed Forces to execute their missions by prioritising provisions and authority for State defence.

During a special period, the management organs of joint units and other State Military Organisations units are assigned to the corresponding military management organs of the pre-determined by the General Staff of the Armed Forces in accordance with es-

established procedure.

Article 13. *The activities of the Central and other Executive Organs for Defence*

Ministries, Central and other organs of Executive power, in co-operation with the Ministry of Defence within the limits of their authority:

- organise and ensure the implementation of State defence laws in support of the Armed Forces for the execution of their missions ensuring the appropriate provisions in all areas of activity;
- concur with the General Staff of the Armed Forces to ensure that measures for the development of communication systems, transport routes, and other areas of the State territorial infrastructure as well as the preparation of industries for State defence are intact and within the limits of their individual authority;
- ensure by request of the Ministry of Defence that additional organs of the Central Executive that manage State Military Organisations and Law Enforcement organs created in accordance with the law train reserve officers at higher education institutions for future Military Management;
- plan, organize and control the execution of measures for the mobilization training of the corresponding management organs, establishments, institutions and enterprises from representative industries of the national economy to create and maintain the reserves of material and financial resources pre-determined by the Cabinet;
- organize activities relating to military and patriotic education for citizens;
- provide assistance to public organizations in promoting activities that are aimed at strengthening State defence capability and patriotic military education;
- assist in the planning and implementing of State programmes for the development of the Armed Forces, other State Military Organisations and Law-Enforcement organs created in accordance with the law for the development of armaments and military equipment including other defence programmes;
- concur with the General Staff of the Armed Forces on the use of air, water and information space;
- organise the development and implementation of programmes for the creation of new military hardware as well as modernizing existing armaments, military equipment and property; organise the development of production capacity for achieving the aforementioned programme while gaining experience in science and technology to improve the defence industry productions;
- ensure the implementation of State defence procurement orders;
- ensure the implementation of the legislation of Ukraine for the social and economic protection of citizens during military service;
- execute other authorities within the defence sphere in accordance with legislation.

The functions of intelligence and information-analytical organisations activities for national security interests are pre-determined by Regulations approved by the President.

Article 14. *The state defence activities of the Council of Ministers and Local State Administrations for the Autonomous Republic of Crimea*

The Council of Ministers and Local State Administrations for the Autonomous Republic of Crimea who regulate the adherence of the Constitution, Presidential, Ministerial and Executive decrees, decisions and the laws of Ukraine by enterprises, institutions and organizations (both public and private), officials and citizens:

- organise and execute territorial defence missions;
- make decisions on the organization of civil defence and enable the execution of civil defence management organs for their proper function;
- organise the contractually based provisions for enterprises, institutions and organizations that utilise public services and resources; as well as the production and delivery of goods, electricity and heating to the Armed Forces and other State Military Organisations;
- provide, in accordance with law, housing and living quarters for the units, enterprises, institutions, organisations and higher education establishments for the Armed Forces and State Military Organisations both in the peacetime and wartime;
- organise the registration and preparation of citizens for military service, including the pre-conscription training of the youth, military-technical training and military-patriotic education of conscripts to ensure adequate call-up for regular military service, training, special exercises and or mobilization;
- organise mobilization training on a corresponding territory, including the control over the mobilization preparedness of enterprises, institutions and organizations that are part of villages, cities, city districts and are managed by District and Regional Councils or belong to the Autonomous Republic of Crimea or to enterprises, institutions and organizations that are involved in the implementation of mobilization activities in accordance with established procedure;
- ensure the rights to social, economic and legal protection for military servicemen and members of their families and employees of the Armed Forces including ex-servicemen and their families as well as personnel killed in combat, those missing in action, or those who have been seriously wounded during military service or taken prisoner in the course of war or participation in international peacekeeping operations;
- facilitate and execute additional powers for State defence in accordance with the law During a special period, the Autonomous Republic of Crimea and Regional Defence Councils is created by a decision made by the Council of Ministers for the Autonomous Republic of Crimea and Regional State Administrations, to manage and execute of defence measures in the Ukraine and other relevant territory. Cabinet

approves the Regulations for the Autonomous Republic of Crimea Defence and Regional Defence Councils.

Article 15. *The state defence activities of Local Self-Government organs*

The Executive organs of village and city councils provide the following aspects for state defence:

- the preparation of citizens for military service as well as general military training during wartime;
- the registration of citizens at call-up stations; the registration of all persons liable for military service and conscription;
- the conscription of citizens for regular military service;
- the training and special exercises for citizens;
- the organisation and participation in mobilization training, territorial and civil defence activities on the corresponding territory;
- the organisation of military reserves as well as reserves for a period of mobilization and wartime;
- the mobilization of human, transport and other resources during a special period;
- the control over the use and protection of land, water and other natural resources needed for defence in accordance with the legislation;
- making legally based decisions on the provisions for housing and living quarters for the units, enterprises, institutions, organisations and higher education establishments for the Armed Forces and State Military Organisations as well as controlling their use of public and other related services;
- the organisation of production and delivery to the Armed Forces of ordered goods, energy and other resources provided by communal enterprises and organizations;
- the assistance and maintenance of an adequate military regime in border zones and regions;
- facilitating measures relating to the patriotic-military education of citizens;
- the execution of other authority within the defence sphere and in accordance with the laws.

Article 16. *The tasks and duties of officials in enterprises, institutions and organizations relating to defence*

Public and private enterprises, institutions and other organizations:

- implement state defence procurement orders, including the facilitation of scientific research and the implementation of new developments for State defence; maintain mobilisation capacities and material resources for the mobilisation reserve;

- produce and deliver goods on a contractual basis, perform other works, provide public and services not included in the State defence procurement order for the Armed Forces, other State Military Organisations and Law-Enforcement organs in accordance with the law;
- facilitate mobilization training and actual mobilization;
- participate in and provide support to civil protection measures.

The officials of public and private enterprises, institutions and other organizations:

- perform duties pre-determined by state defence legislation;
- assist in the registration of citizens liable for military service and conscription, in their preparation for the military service, call-up for the regular military service, training and special exercises as well as during mobilization; create adequate conditions for employees who carrying out their military duty in accordance with legislation and take measures to ensure their patriotic-military education;
- take responsibility for the mobilization preparedness of enterprises, institutions and organizations, and the preservation of material resources for the mobilization reserve;
- ensure the manufacture and timely delivery to destination points of defence products as well as the performance of other works and service provisions in accordance with pre-determined terms.

Article 17. *Rights and duties of citizens within the defence sphere*

The defence of Ukraine is a constitutional duty for all citizens.

Male citizens of an appropriate age and state of health must perform military service, as must all female citizens with adequate professional training fulfil their military duty in accordance with legislation.

All citizens carry out military service, serve in the Military Reserve and fulfil their military duty as reservesists in accordance with the legislation.

All citizens who serve in the Military Reserve or carry out state military service in the Armed Forces shall wear military uniform while on duty and are conferred with lifetime military ranks. Law establishes the procedure for the stripping of ranks.

During the Martial Law, any compulsory seizure and or alienation of private citizen property is permitted, provided subsequent and complete compensation is effected for its value in accordance with procedure and within time bars established by the Cabinet.

Ukrainian citizens are legally permitted to establish public organizations to promote the strengthening of the state defence.

PART III. TERRITORIAL DEFENCE. CIVIL PROTECTION

Article 18. Territorial defence of Ukraine

The territorial defence of Ukraine is a system of national military and special measures taken during a special period with the following objectives:

- the protection and defence of State borders;
- the provision of conditions for adequate operation of the State Executive and Military Management organs as well as the strategic deployment of the Armed Forces;
- the protection and defence of important installations and communication facilities;
- the fight against subversion and foreign intelligence forces as well as other armed aggressors and or anti-state paramilitary groups;
- the protection of the population from the consequences of combat operations, emergencies and destruction caused by armed, terrorist and subversive attacks;
- the maintenance of the judicial regime during martial law.

The territorial defence of Ukraine is organized by the General Staff of the Armed Forces.

Territorial defence for the regions in the Autonomous Republic of Crimea and in the cities of Kyiv and Sevastopol is organised by the Head of the Council of Ministers for the Autonomous Republic of Crimea, Regional State Administrations and the Kyiv and Sevastopol City Administrations.

The Chief of the General Staff – Commander-in-Chief of the Armed Forces, is responsible for the management of State territorial defence.

The Armed Forces of Ukraine and other military formations created in accordance with the law as well as units of the State Special Transportation Service, the State Service for Special Communication and Information Protection of Ukraine and other relevant law-enforcement organs are involved in the execution of territorial defence tasks within the limits of their individual authority.

The main tasks and activities for the preparation of co-operative territorial defence, lies with the authority of the Cabinet Ministers, Ministries, Central Executive, the Council of Ministers for the Autonomous Republic of Crimea, Local State Administrations, Local Self-Government organs, and other State Military Organisations as defined by the Regulations on territorial defence as approved by the President.

Article 19. The Civil Protection of Ukraine

The Civil Protection of Ukraine in peace time shall be conducted in accordance with the Code of Civil Protection of Ukraine, while during the special period or in the process of preparation for it, all civil protection activity shall be conducted taking into account specifics covered by the legislation on defence, mobilization and legal regime of the Martial Law.

PART IV. LIABILITY FOR VIOLATIONS OF THE LEGISLATION ON THE DEFENCE OF UKRAINE

Article 20. Liability for a violation of legislation on defence

Officials and citizens guilty of violations of legislation and other normative-legal acts in the defence sphere, will be brought to account in accordance with the legislation.

PART V. FINAL PROVISIONS

1. This Law enters into force from the date of publication.
2. The Cabinet Ministers have to within six months of this law being enacted:
 - submit a proposal to the Verkhovna Rada introducing amendments to the laws of Ukraine that follow from this legislation;
 - develop and approve the normative-legislative acts pre-determined in this legislation;
 - bring all normative-legislative acts into conformity with this Law;
 - ensure the review and repeal of normative-legislative acts that contradict this Law to be effected by the relevant ministries and Central Executive.

President of Ukraine L. KRAVCHUCK

No. 1932-XII of 06.12.1991

Law of Ukraine “On the Armed Forces of Ukraine”

No. 1934-XII of 06.12.1991; (*Bulletin of the Verkhovna Rada* (BVR), 1992, No. 9, p. 108), Enacted by the Resolution of the Verkhovna Rada No. 1935-XII of 6.12.1991, (BVR), 1992, No. 9, p. 109),

With amendments introduced by the Law

No. 3548-XII of 21.10.93, BVR, 1993, No. 44, p. 421;

In the wording of the Law No. 2019-III of 05.10.2000, BVR, 2000, No. 48, p. 410;

With amendments introduced by the Laws

No. 1003-IV of 19.06.2003, BVR, 2004, No. 2, p. 8;

No. 1740-IV of 03.06.2004, BVR, 2004, No. 33-34, p. 405;

No. 2341-IV of 13.01.2005, BVR, 2005, No. 10, p. 188;

No. 328-V of 03.11.2006, BVR, 2006, No. 51, p. 519

No. 107-VI of 28.12.2007, BVR, 2008, No. 5-6, No. 7-8, p. 78 – (changes valid till 31 December, 2008) (Additionally, see Constitutional Court Decision No. 10-пн/2008 of 22.05.2008)

With amendments introduced by the Laws

No. 309-VI of 03.06.2008, BVR, 2008, No. 27-28, p. 253;

No. 803-VI of 25.12.2008, BVR, 2009, No. 19, p. 258;

No. 1256-VI of 14.04.2009, BVR, 2009, No. 36-37, p. 513;

No. 2526-VI of 21.09.2010, BVR, 2011, No. 4, p. 27;

No. 2592-VI of 07.10.2010, BVR, 2011, No. 10, p. 63;

No. 4026-VI of 15.11.2011 BVR, 2012, No. 25, p. 26.

No. 5286-VI of 18.09.2012, BVR, 2013, No. 38, p. 499;

No. 763-VII of 23.02.2014, BVR, 2014, No. 12, p. 189;

No. 1127-VII of 17.03.2014, BVR, 2014, No. 17, p. 595;

No. 1190-VII of 08.04.2014, BVR, 2014, No. 23, p. 871;

No. 1313-VII of 05.06.2014, BVR, 2014, No. 29, p. 946.

Taking into account the necessity to ensure its own military security and defence, being aware of its responsibility for the maintenance of international stability, Ukraine as a sovereign and independent, democratic, social, and legal State maintains its Armed Forces at an adequate level for combat readiness and efficiency.

This Law defines the functions and structures of the Armed Forces, its legal organisational principles, activity, deployment, leadership and management.

PART I. GENERAL PROVISIONS

Article 1. *Functions of the Armed Forces of Ukraine*

1. The Armed Forces is a military organisation responsible, in accordance with the Constitution of Ukraine, for the defence of Ukraine, her sovereignty, territorial indivisibility and inviolability.
2. The Armed Forces provide containment and defence from armed aggressions against Ukraine, protecting its airspace and underwater space within territorial maritime zones in cases envisioned by law, and participate in antiterrorist measures.
3. In accordance with the Law, the joint military formations, military units and subunits of the Armed Forces, can be deployed for the execution of tasks under martial law and a state of emergency, fighting terrorism and piracy, for the strengthening and protection of the Ukrainian state border and exclusive maritime economic zones including the Ukrainian continental shelf and process of its legal verification, counteract illegal transportation of weapons and drugs, dissolving of the consequences of natural and technogenic disasters, for providing military assistance to other states as well as taking part in international military co-operation and international peace-keeping operations on the basis of the International Treaties ratified by Ukraine in accordance with the procedures and terms pre-determined by Ukrainian law.
4. The military intelligence command and control bodies military intelligence units of the Armed Forces may be assigned a legal mission to collect intelligence data needed to prepare for defence of the state to provide for the readiness of the Armed Forces to defend the country.
5. The military command and control bodies ensure the mandatory fulfilment of the requirements of the Constitution of Ukraine that the Armed Forces cannot be used to restrict citizens' rights and freedoms or used with the intent to overthrow the constitutional order, subvert the organs of State power or obstruct their activity.
6. In emergency circumstances, orders or instructions of commanders and superiors cannot serve as grounds for unlawful actions towards the civilian population, their property and or the environment.
7. Military personnel guilty of issuing or executing alleged criminal orders or instructions are criminally liable.
8. This law envelops the rights and duties of military servicemen for the execution of actions, pre-determined by part four of this Article.

Article 1-1. *Authority to Use Weapons and Military Equipment in Peacetime*

1. The joint military formations, military units and subunits of the Armed Forces, including alert duty forces, are entitled to use weapons and military equipment in peacetime with the purpose of:

- Repelling the air strikes and underwater attacks aimed against important *State* infrastructure-this covered directly by the alert duty forces;
- Stopping of unlawful penetrations of Ukrainian airspace by military aircraft of other states that do not obey command signals sent by authorised interceptors (helicopters), or apply weapons over Ukrainian airspace;
- Stopping the unlawful actions of the aircraft in Ukrainian airspace if they are used with the aim of carrying out a terrorist attack;
- Forcing high-jacked (stolen) aircraft to land in Ukraine;
- Ensuring the execution by the Armed Forces of assigned missions to repel possible armed aggression against Ukraine, while providing for the inviolability of airspace and underwater space within the limits of maritime zone of Ukraine;
- Self defence in case of armed attack on them or its threat, as well as any other actions leading to inflicting significant material damage to objects under their protection either on the base, or in the area of their deployment;
- Providing for the execution by the joint military formations, military units and subunits of the Armed Forces of assigned missions when deployed in the area of counterterrorist operations, in case of terrorist attacks in the air space or maritime zone of Ukraine;
- Protecting from terrorist attacks objects and property of the Armed Forces, weapons of mass destruction, rocket and small arms, ammunition, explosive and poisonous substances, located in the military units or stored in established places;
- Providing during the antiterrorist operation for accomplishment of missions aimed at termination of activity of illegal militarized or armed formations (groups), terrorist organisations, organized groups and criminal organisations; to participate in apprehending of individuals, as well as neutralizing of individuals in situations, when their actions really threaten the life and health of hostages, participants of the antiterrorist operation and other persons;
- Ensuring the execution by the Armed Forces of assigned missions when deployed in the high seas in case of preventing the illegal transportation of arms and narcotics, psychotropic substances, their analogues and precursors.

When performing the assigned missions on strengthening the protection of the state border and sovereign rights of Ukraine in its exclusive (maritime) economic zone the joint military formations, military units and subunits of the Armed Forces have the right to:

- Keep, use and employ special equipment and weapons;
- Use and employ weapons, combat vehicles and special equipment in order and in cases as provided by the Article 21 of the Law of Ukraine “On of the State Border Service of Ukraine”.

2. Usage and employment of weapons and combat vehicles is allowed in case, when other measures proved to be ineffective or application of such measures are not possible.

Article 2. *The Legal Basis for the Activity of the Armed Forces*

1. The legal basis for the activities of the Armed Forces is the Constitution of Ukraine, this Law, the Laws of Ukraine “On Defence of Ukraine”, the regulations for the Armed Forces, other laws of Ukraine, Presidential Decrees, the Cabinet, and ratified international treaties, that regulate the defence activities and relations.

PART II. THE GENERAL STRUCTURE, NUMERICAL STRENGTH, AND DEPLOYMENT OF THE ARMED FORCES

Article 3. *The Structure of the Armed Forces of Ukraine*

1. The Ministry of Defence is the central body of executive power and military command and control, to which the Armed Forces are answerable.
2. The general structure of the Armed Forces is as follows:
 - The General Staff of the Armed Forces as the main body of command and control;
 - The branches of the Armed Forces: the Land Forces, the Air Forces, and the Navy;
 - Joint military formations, military units, military educational establishments, institutions and organisations that do not belong to the Armed Forces’ branches.
 - The Armed Forces consists of the bodies of military command and control, joint military formations, military units, military educational establishments, institutions and organisations.

Article 4. *Numerical Strength of the Armed Forces*

1. The Verkhovna Rada, upon a submission by the President, approves the numerical strength of the Armed Forces. The Cabinet approves the maximum numbers of personnel who make up the Central Staff of the Ministry of Defence.

Article 5. *Manning for the Armed Forces*

1. The personnel of the Armed Forces consist of military servicemen and civilian personnel who are citizens of Ukraine. Some positions in the Armed Forces can be manned by citizens carrying out alternative service in accordance with the procedure established by law. Citizens of Ukraine carry out military service, service in the Military Reserve and perform their military duty in the reserve in accordance with the law.
2. Citizens who serve in the Armed Forces take an oath of allegiance to the Ukrainian people, wear a military uniform while on military duty, and are conferred military

ranks for life by the law. Law establishes the procedures for the awarding and stripping of military ranks. Labour relations for Armed Forces employees are regulated by labour legislation.

Article 6. *The Deployment of the Armed Forces*

1. Military command and control, joint military formations, military units, military educational establishments, institutions and organisations of the Armed Forces are deployed on State territory or temporarily abroad in accordance with defence missions, the strategic plan on the deployment and tasks of the Armed Forces, taking into account the administrative and territorial divisions of Ukraine and the socio-economic conditions in the areas of deployment.
2. The plan on deployment of the Armed Forces is developed by the General Staff of the Armed Forces. It is submitted by the Ministry of Defence to the Cabinet for consensus and is ultimately approved by the President.
3. The redeployment of military units, as well as military educational establishments, institutions and Armed Forces organisations is carried out upon the decision of the Ministry of Defence with the consent of Cabinet. Redeployment of the joint military formations is carried out upon the decision of the President.

PART III. THE MANAGEMENT OF THE ARMED FORCES AND SUPPORT TO THEIR ACTIVITY

Article 7. *The President of Ukraine as the Supreme Commander-in-Chief of the Armed Forces*

1. The Armed Forces of Ukraine are headed by the President as the Supreme Commander-in-Chief within limits prescribed by the Constitution of Ukraine.
2. During a special period, the President may carry out the management of the Armed Forces and other military formations through the Headquarters of the Supreme Commander-in-Chief, the working body of which is the General Staff of the Armed Forces.

Article 8. *The Direct Management of the Armed Forces*

1. The Minister of Defence of Ukraine shall exercise political-military and administrative control over the Armed Forces of Ukraine, as well as other authority provided by legislation.
2. Political-military control over the Armed Forces of Ukraine concerns activity directed at providing for the realisation of the policy of the state in the Armed Forces, political and strategic goals in defence sector, principles and directions of the Armed Forces development;

3. Administrative control over the Armed Forces of Ukraine concerns activity directed at providing for the comprehensive support to the Armed Forces every day needs, their functioning and development within the limits of execution the key tasks of the policy of the state in defence sector;
4. Chief of the General Staff – Commander of the Armed Forces of Ukraine shall exercise the direct military control over the Armed Forces.
5. Direct military control concerns activity directed at fulfilling the measures of development of the Armed Forces, their technical equipment, training and comprehensive support, formulating the foundations for their application, as well as control over them.

Article 9. *The Authority of the Cabinet Ministers regarding the Armed Forces*

1. The Cabinet of Ministers of Ukraine:
 - Organises the development and implementation of National Programmes for the Armed Forces, weapons and defence equipment, other National Programmes concerning the Armed Forces, the State defence procurement on the purchase and delivery of goods, the execution of works, the providing of services to the Armed Forces, the creation of mobilisation reserves;
 - Ensures the provisions for the Armed Forces of weapons, defence equipment, energy, material and technical and other resources and property necessary for the effective execution of their assigned tasks and functions;
 - Ensures the manning of the Armed Forces, the mobilisation and operational deployment during a special period, makes arrangements for the preparation and conscription of citizens;
 - Establishes the procedures for providing State property at the disposal of the Armed Forces, including land, water and other natural resources, funds and property, the use of airspace and maritime zones, sea and river ports, airports, aerodromes, landing strips, communication facilities and radio-frequency resources, other State installations, navigational, topogeodesic, meteorological, hydrographic and other equipment for the execution of geodesic and cartographic works necessary for the proper execution by the Armed Forces of assigned tasks and functions both on a paid and free basis, pecuniary and all other forms of payment;
 - Establishes the procedures for providing maintenance and modernisation of weapons and defence equipment of the Armed Force;
 - Establishes the procedures for providing finances for the Armed Forces of Ukraine needs at the expence of charitable endowments from physical and legal persons and their appropriation for combat and mobilisation readiness, maintaining capability and functioning of the Armed Forces of Ukraine;

- Establishes the procedures for the use of weapons and defence equipment by the joint military formations, military units and subunits of the Armed Forces, including the alert duty units, in peacetime when executing the tasks pre-determined by part four of Article 1-1 of this Law;
- Ensures the right to social and economic protection of the soldiers and ex-service-men, members of their families, as well as the members of the families of soldiers, killed or who are missing in action, those who became invalids while on duty or were taken prisoners in the course of combat operations or during their participation in international peacekeeping operations;
- Regulates the economic activity of the Armed Forces;
- Controls, in accordance with the Constitution and the Laws of Ukraine, the activity of the Armed Forces, exercise other authorities to ensure the combat readiness, mobilisation preparedness, battle efficiency and functioning of the Armed Forces.

Article 10. *The Authority of the Ministry of Defence in Armed Forces Management*

1. The Ministry of Defence of Ukraine:

- Carries out military-political and administrative management of the Armed Forces;
- Implements State policy in the Armed Forces, develops the principles of development, determines the directions of development for the Armed Forces and their training in peace and wartime;
- Provides overall support for the Armed Forces, ensures their operation, combat readiness and mobilisation preparedness, preparation for their fulfilment of assigned tasks and their deployment, their manning and training, weapons provisions, maintenance and modernisation of defence equipment, material, financial and other resources and property in accordance with their needs defined by the General Staff of the Armed Forces and within the funds allocated by the State Budget, exercises control over the efficient use of resources and funding, organises the execution of works and providing of services in the interests of the Armed Forces;
- Carries out intelligence and information-analytical activities to ensure the fulfilment of tasks assigned to the Armed Forces;
- Interacts with the State Executive and civic organisations, exercises control over the observance of laws in the Armed Forces;
- Considers petitions and personal complaints on the issues that belong to the competence of the Ministry of Defence;
- Pursues, within the limits of its powers, international co-operation on the military-political, military-technical and other issues, as well as on civil-military relations with the relevant bodies of other states and international organisations;
- Exercises other authorities pre-determined by the law.

2. MOD Enterprises can carry out some types of Armed Forces activities in accordance with established procedure.
3. The Laws of Ukraine and the Regulations approved by the President define the organisation of the Ministry of Defence's activities.
4. The functions of the structural department of the Ministry of Defence that conducts intelligence and information-analytical activities in the interests of State defence and security are managed by the Regulations approved by the President.

PART IV. THE ACTIVITIES OF THE ARMED FORCES

Article 11. Principles of Armed Forces Activities

1. The activities of the Armed Forces are based on the following principles:
 - Allegiance to constitutional duty and military oath;
 - The rule of law, lawfulness, humanity, the respect of others and their constitutional rights and freedoms;
 - The transparency and candidness to democratic civil control;
 - The combination of undivided authority and collegiality in developing important decisions;
 - Conscription and a contractual manning system;
 - Constant combat readiness and mobilisation preparedness;
 - The preservation of State secrets;
 - The education of the military personnel in the patriotic and military traditions of Ukraine, the maintenance of military discipline;
 - Ensuring State funded social-economic and social-legal protection for citizens serving in the Armed Forces, as well as for members of their families;
 - Maintaining impartiality towards all political parties.

Article 12. The Main Components of Armed Forces Activities

1. The preparation of the Armed Forces for the fulfilment of pre-determined tasks by the Constitution of Ukraine, organisation and support for the implementation of these tasks, the maintenance of adequate combat readiness, mobilisation preparedness and combat efficiency, education and training, the protection of life and health of all personnel, ensuring the rule of law and military discipline in the Armed Forces is carried out by Military Management, Commanders and Chiefs of all ranks in accordance with the requirements of the Constitution of Ukraine and the laws of Ukraine, as well as other normative-legislative acts regulating relations in this sphere.

Article 13. Language of the Armed Forces

1. The official language for activities, proceedings and documentation in the Armed Forces is Ukrainian, the state language.

Article 14. Economic Activity in the Armed Forces

1. The Armed Forces are allowed to carry out economic activity in accordance with the Law.
2. Land, water and other natural resources as well as property assigned to all the State Military Organisations of the Armed Forces is State property, and belongs to the Armed Forces for operational management and is exempt from taxation.
3. Specifics of the legal regime of the Armed Forces property are regulated by the relevant law.

Article 15. Financing for the Armed Forces

1. The Armed Forces are financed from the State Budget.
2. Supplementary financing of the needs of national defence can be provided by accepting the charitable endowments from physical and legal persons according to procedure established by the Cabinet of Ministers of Ukraine.
3. The expenditure of the Ministry of Defence for the execution of tasks, that can be performed by the joint military organisations, military units and subunits of the Armed Forces determined in Part III of Article 1 of this Law, are financed by Cabinet from funds allocated in accordance with the procedure established by the law for the execution of these tasks or from additional income. Control over the implementation of the State Budget on financing for the Armed Forces is exercised in accordance with the law.

Article 16. Social care and legal protection of military personnel, reservists and conscripted personnel who have been called up for training duty; their families, civilian employees of the Armed Forces of Ukraine

1. The State ensures social care and legal protection of military personnel; reservists performing their military reserve duty; and conscripted personnel called up for a training assembly (capability exercise) or special duty; their family members, civil employees of the Ukrainian Armed Forces, as well as families of members of military personnel, reservists and members of conscripted personnel who have been killed (died), missing, or disabled in the conduct of their service duties, or injured while in captivity at the time of hostilities (war), martial law or emergency rule, or while performing military service under a military cooperation program in a foreign country, or service in international operations under the auspices of international peace support and security forces.

2. Social care and legal protection of military personnel, reservists performing their duty in the Military Reserve; conscripted personnel called up for a training assembly (capability exercise) or special duty; and their families will be provided in accordance with the Law of Ukraine “On Social Care and Legal Protection of Military Personnel and their Families”, and other legal regulatory acts”;
3. Social protection of Armed Forces employees is ensured on general conditions accorded in Labour legislation, civil service legislation and other normative-legal acts.

Article 17. *The Restriction on Political Activity in the Armed Forces*

1. Military personnel must withdraw from political party and trade union membership for their period of service. Military personnel can be members of public organisations (except for organisations whose statutory provisions contradict the principles of Armed Forces activity), and they may take part in the activities of these organisations during their free time, when they are considered to be free of their service duties.
2. The organisation and participation in strikes by military personnel shall not be permitted.
3. Military servicemen and Armed Forces, reservists performing their service duties in the Military Reserve *and* employees can have their freedom of movement, free choice of place of residence, right to freely leave the Ukraine, as well as their right to collect and disseminate information restricted, in accordance with the law.
4. The employees of the Ministry of Defence and reservists performing their service duties in the Military Reserve shall withdraw from political parties membership for their period of work in the Armed Forces.
5. The function of trade union rights for employees, who have concluded work contracts with the Armed Forces, are determined in accordance with the Laws of Ukraine “On Trade Unions, their Rights and Guarantees of Their Activities”.
6. The organisation and participation in strikes by Armed Forces employees shall not be permitted.
7. Every military serviceman and reservist has the guaranteed right to practice any religion or to practice none.
8. Soldiers and reservists may perform individual or collective religious rites and ceremonial rituals; and conduct religious activities in observance with their Constitutional rights.

Article 18. *The Control and Liability for the Implementation of this Law*

1. The State Executive, prescribed by the Laws of Ukraine, is responsible for the control over the implementation of this Law.

2. Any oversight over the observance of these laws in the Armed Forces and civil democratic control over the activities of the Armed Forces are exercised in accordance with the statute.

PART V. FINAL PROVISIONS

1. This Law enters into force from the date of publication, except for Article 16, which enters into force as of 2001.
2. The Cabinet of Ministers must within six months after this Law enters into force:
 - Submit to the Verkhovna Rada proposals on introducing amendments to the laws following on from this Law;
 - Bring their normative-legislative acts into conformity with the present Law;
 - Ensure that normative-legislative acts of the Ministries and other central executive organs conform to the present Law.

President of Ukraine L. KRAVCHUCK

No. 1934-XII of 06.12.1991

Law of Ukraine “On Management of Defence Planning”

No. 2198-IV of 18.11.2004 (*Bulletin of the Verkhovna Rada*, 2005, No. 4, p. 97)

This law defines the tasks, principles, contents and procedures of defence planning including the coordination of actions by State organisations.

Article 1. Definition of terms

1. The terms used in this Law shall have the following meaning:
 - 1) National Security Strategy of Ukraine is a comprehensive long-term programme of practical actions with a common purpose of safeguarding vital Ukrainian interests pertaining to citizen and state from external and internal threats. The National Security Strategy of Ukraine is a basis for comprehensive state planning for defence and national security;
 - 2) Military Security Strategy is a component of the National Security Strategy of Ukraine, that determines ways of prevention and neutralization of real and potential threats to the national military security of Ukraine;
 - 3) Strategic Planning is a function of government that determines the goals, tasks, priorities and actions required to fulfil military defence state policy;
 - 4) The Strategic Defence Bulletin is chronological documentation on the reform and development of the Armed Forces and other Military organisations of Ukraine (summarised as the Armed Forces hereinafter);
 - 5) Defence Planning is a component within the system of strategic planning and the management of state defence resources prescribed by law. The purpose of defence planning is to maintain an essential level of defence through the development of the Armed Forces in view of real and potential military threats that could endanger state economic resources;
 - 6) Defence Planning Directive is a document that determines the main indices of defence planning;
 - 7) State Programs for the Development of the Armed Forces are developed by the Central Executive. The Executive manages military development through programs that determine long-term practical/technical goals as well as organisational and socio-economic activity taking into account the main indices of materials, finance and human resources (summarised hereinafter as State Resources). State programs can include multifactor target programs;
 - 8) Main Indices for Defence Planning primarily include planned responsibilities for military development in peace and wartime; enveloping prioritised goals, a list of basic defence programs, analysis of estimated trends and patterns in the development of the military. Projected defence needs are calculated in terms of available State Resources contrasted with goals and sundry data relating to its terms of development, coordination and approval;
 - 9) Defence Budget is expenditure allocated by the State Budget of Ukraine for defence spending.

Article 2. Subjects and objects of defence planning

1. Within the powers provided for under the Constitution and the Laws of Ukraine the subjects of defence planning are:
 - The Verkhovna Rada (Parliament) of Ukraine;
 - The President of Ukraine;
 - The Cabinet of Ministers of Ukraine;
 - The National Security and Defence Council of Ukraine;
 - The Central Executive that manage the Armed Forces of Ukraine;
 - The Joint Chiefs of Staff of the Armed Forces of Ukraine;
 - Local State Administrations and Local Self-governing Organisations;
 - Government Commissions, Inter-Branch and Departmental Working Groups.
2. The objects of defence planning are:
 - The Armed Forces of Ukraine;
 - The Central Executive, as well as enterprises, institutions and organisations, whose activity can influence the defence capacity of the State.

Article 3. Main principles of defence planning

1. Defence Planning is carried out to ensure that both prospective and current plans, State Programs and the actions of national security State Organisations conform to the fundamentals of state defence policy through the:
 - Application of a programmed target plan to ensure the optimal and most effective use of State Resources;
 - Systematic and parallel processes for defence planning enshrining collective decision-making;
 - Impartiality and responsibility of the Subjects of Defence in defining the basic indices of defence planning;
 - Continuity of defence planning management;
 - Timely and sufficient actions aimed at the protection of national interests from external and internal military threats;
 - Provision of informative state organised plans and programs to envelope technical and scientific methods for the effective use of State Resources;
 - Establishment of the democratic civil control of the Armed Forces in Ukraine.

Article 4. Primary goals and types of defence planning

1. Primary goals for defence planning are:
 - The regular state policy based assessments of real and potential military threats; the defining of the interrelation between goals and tasks for the development of the Armed Forces of Ukraine;
 - Reviews of perspective and current plans for development of the Armed Forces based on programmed target plans;
 - The manufacture, maintenance and the efficient management of appropriate State Resources to ensure the development of the Armed Forces;

- The introduction of a market economy and defence products to attract international defence industry investments.
- 2. Defence planning is divided into long, medium and short-term planning. Crucial documents for defence planning include:
 - Legislative acts on national security and defence, conceptual documents on social and economic development;
 - Official National Security Strategy and Military Security Strategy of Ukraine;
 - The Military Doctrine of Ukraine;
 - The State Programme for the Development of State Military Organisations;
 - The tasks of the Armed Forces of Ukraine;
 - The Strategic Defence Bulletin;
 - The State Programme for the Development of Arms and Military Technical Equipment;
 - The State Programme for the Reform and Development of an Industrial Defence Complex.

Article 5. *Long-term defence planning*

1. Long-term defence planning is carried out with a current purpose defined by the state defence policy while simultaneously providing a fundamental legal basis for medium and short-term defence planning.
2. Long-term defence State Programs are structured on a period of twelve years. In fulfilling long-term defence planning:
3. The National Security and Defence Council of Ukraine within its constitutional legal powers and on the basis of the National Security Strategy, submits proposals to the President relating to Military Security Strategy. Updates to these proposals are provided whenever required. General plan concepts are also supplied to highlight the activities and programs of the Armed Forces and Military Doctrine relating to national security and defence.
4. The Verkhovna Rada further develops consequent legislative bills.
5. The President of Ukraine, by addressing the Verkhovna Rada with a message on the internal and external situation in Ukraine helps determine the National Security Strategy of Ukraine and when necessary submits cases and proposals to amend and change laws relating to national security and defence.
6. The Ukrainian Cabinet of Ministers create macroeconomic indices for the development of the national economy, including the Industrial Defence Complex as well as State Resources needed for defence; determined by allocated expenditure from the State Budget. The Cabinet also develops large-scale procurement proposals on defence to include strategic State planning, mobilisation preparedness and territorial readiness in case of military threat. These draft concepts and State Programs for the development of the Armed Forces are submitted to the National Security and Defence Council of Ukraine for approval.
7. The Central Executive that manages the Armed Forces, also produce State Programme drafts for military development and submit these for approval in accordance with law. Long-term defence planning is a basis for medium and short-term planning.

Article 6. Medium-term defence planning

1. Medium-term defence planning defines technical-organisational and socio-economic measures that facilitate the maintenance of a necessary level of state defence capacity at any given time.
2. Medium-term state defence programs are structured on a period of six years.
3. In fulfilling medium-term defence planning:
 - 1) The Cabinet of Ministers of Ukraine approve the main defence goals of the Central Executive that comprise of concepts, programmed target plans and State Budget calculations in light of large-scale defence procurement.
 - 2) The Central Executive that manages the Armed Forces is sanctioned by the President of Ukraine to develop concepts and draft State Programs concerning the Armed Forces and to submit these proposals for approval in accordance with the law.
 - 3) The Ministry of Defence joined with the Central Executive issue directives and normative documents on defence planning. Whenever necessary, the Central Executive also submits plans and schedules for state implementation of programs for the development and the provision of resources for the Armed Forces to the Cabinet of Ministers for approval.

Article 7. Short-term defence planning

1. Short-term defence planning covers annual maintenance plans for the Armed Forces structured on a two-year period framework. This planning cements essential details for the proper development of State Programs for the Armed Forces in accordance with established procedure.
2. In fulfilling short-term defence planning:
 - 1) The National Security and Defence Council of Ukraine tenders and considers drafts of new legal articles linked to national security and State Budget defence expenditure.
 - 2) The Council also submits proposals on State Resources and sundry actions relating to national security and defence to the President.
 - 3) The Cabinet of Ministers update and project defence expenditure to be allocated from the State Budget of Ukraine using a two-year forecast balanced against state defence procurement.
 - 4) This forecast is submitted to the Verkhovna Rada for approval, and expenditure on national defence is calculated for the proceeding fiscal year to match decisions affirmed by the National Security and Defence Council; that ultimately implements State Programs for the development of the Armed Forces.
 - 5) The Central Executive manages, maintains and develops plans for the Armed Forces. The Central Executive also collates a series of documents on state defence procurement for the proceeding fiscal year as well as submitting draft law proposals relating to the State Budget.
 - 6) The Head of the resultant Central Executive organisation in charge approves short-term plans of maintenance and development for the Armed Forces.

Article 8. Coordination of actions and control of defence planning

1. Coordinated actions and control of defence planning are carried out by the National Security and Defence Council of Ukraine.
2. The Accounting Chamber controls and regulates finance from the State Budget and in turn allocates funds for state defence on behalf of the Verkhovna Rada.
3. The Cabinet of Ministers produce, control and implement State Programs for the development for the Armed Forces.
4. The Central Executive that manages the Armed Forces annually submits to the Cabinet of Ministers, reports on state defence planning including budget issues and the implementation of State Programs.
5. The Cabinet of Ministers have executive power to create governmental commissions and inter branch/departmental working groups to develop a common ground for deploying defence planning tasks; to effect coordination and partnerships between Central and Local Executive.

Article 9. Defence reviews

1. A Defence Review is a procedural assessment on the condition and preparedness of the Armed Forces to execute defence tasks. As a result of this assessment, the Strategic Defence Bulletin is developed, and direct action for strengthening state defence capability is taken.
2. A decision to conduct a Defence Review is made by the National Security and Defence Council; sanctioned by Presidential decree.
3. The Cabinet of Ministers organises and control the processes of Defence Reviews carried out by the Central Executive and other relevant state authorities.
4. The National Security and Defence Council are responsible for the development of the Strategic Defence Bulletin that is submitted to the President of Ukraine for approval.

Article 10. Final provisions

1. This Law comes into force on the date of publication.
2. The Cabinet of Ministers of Ukraine are obliged to:
 - Ensure the development and introduction of a methodical budget and financing system to assist defence and strategic planning;
 - Submit a proposal within three months of the application of this Law to the Verkhovna Rada to facilitate compliance of the existing Laws of Ukraine with current Laws;
 - Bring about all normative-legislative acts into conformity with the current Law;
 - Review and guarantee abrogation through Ministerial and other Central Executive authority any normative-legislative act that contradicts the current Law.

President of Ukraine L. KUCHMA
No. 2198-IV of 18.11.2004