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MANAGEMENT SUBSYSTEM OF UKRAINIAN NATIONAL SECURITY SYSTEM – STRUCTURE AND FUNCTIONS

In this article, management of national security was considered in system approach. Legal basis, structure and tasks of separate elements of management subsystem of national security system of Ukraine were also presented. All transformations of security environment in Ukraine were also taken into account, as well as on-going process of inside changes, which have a significant influence on overall national security system of Ukraine.

Key words: *managing security, national security management system, Ukraine*

INTRODUCTION

The main aim of this article is to make an overview of structures and tasks of management subsystem of national security system of Ukraine. The author endeavours to answer to the following research questions: 1) What structure is national security management subsystem of Ukraine based on? 2) How were functions and tasks of its separate elements determined?

MANAGEMENT OF NATIONAL SECURITY IN SYSTEM APPROACH

National security, as a still shaped and sustained assurance of continuance and free development of a country, is nowadays viewed most of all as a process [5, p.255]. Its character is changeable and is influenced by inside as well as outside factors. In that way of understanding the concept, security is also the main priority and the highest obligation of a nation and its authorities [6, p. 14-23].

State as a security subject, creates and sustains a national security system, by which it constructs a level of assurance of continuance and freedom of development. Based on Polish theories, national security system is defined as “internally coordinated set of organizing, human and material elements, directed at counteraction to any and all sorts of dangers, especially political, economic, ecologic, cultural, informative and societal” [7, p. 137]. Investigating its structure and purpose, it is often indicated at certain organizing logic, according to which one can distinguish management subsystem and a set of executive subsystems inside of the system. Executive subsystems, are however divided into operation subsystems (defense and protection) and supporting subsystems (social and economic). This organizing logic was adopted among others under The Strategic Review of National Security of the Republic of Poland in 2012, as a result “The White Book of National Security” [1, p. 36] was published.

Management subsystem is the most crucial element of every national security system. It is “a totality of authorities and administration responsible for national security tasks implementation, which are sharing information and remaining in legally established competency relations, along with its supporting apparatus [...] and essential infrastructure” [11, p.55]. Essential tasks of management subsystem are 1) threats monitoring, 2) multivariate prevention of threats inception, 3) removal of threats’ results and 4) national defense management [1, p. 37-42]. Further purposes of management subsystem would be also creating a common for the whole security system view of internal and external environment, setting out strategic aims and determining line of their’ realization. It plays a key role in transformation process and in modernization of national security system, while recognizing modernization deficits.

MANAGEMENT IN NATIONAL SECURITY SYSTEM OF UKRAINE

Legal basis and political and strategic functioning of national security system of Ukraine consists mainly of: The constitution of Ukraine (28th June 1996) [18], Act of grounds for national

security of Ukraine (19th June 2003) [15], Act of internal and external politics principle (1st July 2010) [13], and also National Security Strategy of Ukraine (26th May 2015) [27], Military Doctrine of Ukraine (2nd September of 2015) [25], and last but not least Concept of Security Sector and Defense of Ukraine Development (4th March 2016) [26]. These recalled legal acts and strategy documents let to identify the skeletal structure of national security system of Ukraine, its subsystem, tasks of individual elements and its role in modernization of the system process. It allows also to deeply analyze the national security management subsystem.

Management subsystem consists of chief public authorities (legislative, executive and judicial), National Security and Defense Council of Ukraine, network of central offices and local units of government, special inter-ministerial bodies and civil society institutions. Political background of management subsystem constitutes party system, reflection of which is system of parliamentary factions.

The legislative power - Verkhovna Rada of Ukraine

The legislative power is exercised by unicameral parliament – Verkhovna Rada of Ukraine. It consists of 450 people’s deputies. It is elected for 5-year term of office by mixed electoral system – the first half of the composition comes from proportional elections and the second half from elections in single-member districts. Verkhovna Rada enacts enactments in the range of directions of national politics, also has key function in forming government, it acts as a controlling faculty and approves government’s program. It adopts the state-budget. Moreover, it can begin impeachment procedure (presidential deposition) [10, p.135-136]. Verkhovna Rada of Ukraine, in its constitution rights, determines essential assumptions of internal and external politics, shapes legislative in range of security and defense, and also approves international agreements. Ukrainian parliament, at the request of President, introduces state of war and concludes peace treaties, decides on the introduction of martial law or state of emergency and moreover decides about launching the partial or total mobilization [19, p. 33-34]. Verkhovna Rada decides also about granting military assistance to any other country, issuing military troops for warfare on external grounds and about admission of troops from foreign country on Ukrainian territories. Parliament specifies overall structure, number and tasks of the armed forces, Security Service of Ukraine, other military or police formations and Ministry of Internal Affairs. At the President’s request, it can appoint candidates for: the Prime Minister, defense Minister, Foreign Minister and head of the Security Service of Ukraine; moreover agrees to appoint a candidate of Attorney General chosen by the President. Verkhovna Rada of Ukraine accepts annual President’s statements about internal and external national state [2, p.565-567].

The executive power – the President and The Cabinet of Ministers of Ukraine

The executive power is exercised by the President and The Cabinet of Ministers. The President as a head of state is its guarantor of national sovereignty, and territorial integrity; the guardian of the Constitution, the rights and freedoms of a man and citizen. The President represents Ukraine in international relations. He appoints and withdraws heads of diplomatic missions of Ukraine abroad and other international organizations, and approves credentials from diplomatic representatives of other countries. The President of Ukraine is the supreme head of the armed forces and chairman of the National Security and Defense of Ukraine, which forms a platform of interinstitutional discussion about national defense and security issues [2, p. 570-574]. He appoints senior military commanders, gives the military ranks, orders and decorations. Has an essential role in appointing the heads of the Ministry of Defense, Ministry of Foreign Affairs and the Security Service of Ukraine (counterintelligence status), which is directly under the head of state [17]. The President presents annual statement about internal and external national state to the Parliament, and creates official view of national security environment of Ukraine. The President supervises the activities of foreign intelligence by, created in 30th of January 2015, Combined Committee Affairs. Intelligence activities which operates with the presidential administration. At the request of the Prime Minister, he appoints

heads of central offices and heads of local state administrations [12, p. 140; 21]. He can issue decrees and regulation on the basis of the Constitution and laws.

In realization of his constitutional responsibilities, the President of Ukraine consults the National Institute for Strategic Studies, analytical center which operates by the presidential administration, which prepares analyses and professional evaluations concerning international life, national security and its social and economic development.

The Cabinet of Ministers conducts economic politics, internal and external. It is responsible for internal security. It develops and implements the budget. The Cabinet is accountable to the Verkhovna Rada of Ukraine. The Cabinet of Ministers as an organ accountable to the Verkhovna Rada of Ukraine and the President, has the executive role in national security politics [10, p. 136-137]. According to the Constitution, the government ensures the sovereignty and independence of the State, especially economic; realizes internal and external politics; leads financial, investing and tax politics. The Cabinet also is responsible for social security of citizens, ensuring the sustainable development of the country, as well as the maintenance of public order, public safety and combating crime [2, p.574-577]. The government of Ukraine through the Ministry of Internal Affairs, supervises the activities of the National Police [14]. Ministries and central administration offices ensures execution of the constitutional laws, acts and presidential decrees, and also any other legal acts, strategy documents and national programs. The government administration is obliged to sustain forces and means of the national security system of Ukraine [19, p.34].

The judicial power

The judicial power is exercised by The Constitutional Court and the courts of law (general). The Constitutional Court consists of eighteen judges appointed for nine years: three by the President, three by the Verkhovna Rada and three by congress of judges of Ukraine. The Constitutional Court decides on the conformity of laws, international agreements and other acts with the Constitution and establishes official interpretation of its regulations. The most important of its general courts is the Supreme Court, which composition is chosen by the Verkhovna Rada. The Supreme Court shall review the judgments of the lower courts, only in special cases resolves in civil and criminal matters [10, p. 138].

The Council of National Security and Defense of Ukraine

A special position in management subsystem has the Council of National Security and Defense of Ukraine. Its activity is established by the Constitution and The Law on the Council of National Security and Defense of Ukraine (5th March 1998) [16]. The Council has coordinating and controlling function in consideration to bodies of executive power (Cabinet of Ministers of Ukraine and the government) in the range of defense and security. The Council's regulations after they are legitimated by the President, are binding for the government and the state administration. The Council consists of the following offices: the President (as the chairman), the Prime Minister, Minister of Foreign Affairs, Minister of Defense, Minister of Internal Affairs and the head of the Security Service of Ukraine. The head of the Verkhovna Rada can attend in its meetings [20, p.457-459]. The President decides about the vast majority of the composition, which makes him especially responsible for national security and defense issues. The role of a back office has NSDC apparatus, which e.g. conducts analyses.

Alongside the Council of National Security and Defense of Ukraine functions the Military Office. Its purpose is to discuss proposals associated with usage of the forces and State measures to repulse armed aggression; strategic development of the army, training, mobilization and using forces in combat operations. The Military Office organizes cooperation between all national institutions especially under particular threat of war, manages military mobilization of economy, and also determines material, mobilization and organization necessities of the national defense. The Military Office consists of members of the NSDC, and also the chief of the General Staff of armed forces, the

head of the State Border Service, commander of the National Guard, the head of presidential administration and (if the President agrees), the head of the Verkhovna Rada [24].

Interministerial Coordination and Advisory Bodies

Management subsystem includes also the Interministerial Coordination for Defense Industry and the Interministerial Commission for Military and Technical Cooperation Politics and Export Control [23]. These commissions operate alongside presidential administration. They consist of representatives of: parliament commissions, presidential administration, National Institute for Strategic Studies, Main Directorate of Intelligence of the Ministry of Defence, The National Space Agency and the state-owned arms “Ukroboronprom” and other private armed companies. The purpose of the commission is to coordinate state politics in terms of international military and technical cooperation, acquisition and sale of armament systems and military equipment, and also arms industry development.

Local authorities in managing security

An administrative division of Ukraine includes 26 districts and the Autonomic Republic of Crimea. Districts are divided into areas. District structures of administration function in districts and they are subordinate to central authorities. Local authority is executed by territorial autonomy – district and area councils, and also city and village councils [2, p. 552-553]. The councils are chosen in local elections for 5 years cadency. Their purpose is to conduct economic, social, cultural and educational politics in a certain region [10, p. 139]. Specific structure of local authorities exists in ARC. There is a separate constitution, representative body – the Supreme Council of ARC and executive body – the Ministerial Council of ARC. Its autonomy includes: separate economic, cultural and social politics. Mejlis of the Crimean Tatar People is an external organization which is operant on ARC territories. It is a legal representative body which is not recognized by central authorities, but respected by Crimean Tatars community [10, p. 139-140]. The purpose of local authorities in security management is manly supportive. It consists in integration of local societies around the national security issue.

The civil society in security system

The Constitution of Ukraine indicates on responsibility of the whole Ukrainian nation for defense of national sovereignty, independence and territorial integrity of Ukraine, and also assurance of ecological, economic and information safety. Civil society institutions, i.e. non-governmental organization, foundations, voluntary associations, religious associations, cultural and educational relations, mass media, had shown a significant potential in management subsystem of national security system of Ukraine, while so-called revolution of dignity, social and political transformations the late 2013-2014, but also during the active phase of Ukrainian-Russian conflict in 2014-2015 [19, p. 34-35]. Existence of such a highly developed network of organizations and social associations secured continuity of realization of defense and security functions in time of a deep political and organization crisis, which happened as a result of revolutionary events in February 2014. Efficient operating of social activist in such spheres as social, medical or material security, lets to concentrate tools and public measures in the most priority, critic places of the system.

Partial system as a background of security management

The partial system of Ukraine is dominated by oligarchy influence, representatives of post-Soviet political and economic elite, who after acquiring the privatized public property in the 90's, have significantly enriched themselves and had taken control in almost every sphere of economy, mass media and politics [8, p. 91-92]. The partial system of Ukraine is a multiparty system. Ukrainian

parties are unsustainable. Their main characteristics are institutional weakness and lack of solid social ground. Parties are highly personalized – focused around one leader (at the same time he is often a leader of oligarchy group so-called “clan”), not around ideology or a reform plan [4, p. 2]. Election basis of Ukrainian parties also is characterized by its locality. Support for one party is the highest in region in which a certain leader has the highest influence, often secluded to that one region of the country. The fundamental change inside of the partial system is precluded by the lack of regular citizens and civil organizations to financial and media support, which are restricted to oligarchy groups [9].

In the Verkhovna Rada in VIII cadency (after elections in 2014), eight partial fractions functions: 1) Petro Poroshenko’s Bloc (143 deputies), 2) People’s Front (80 deputies), 3) Opposition Bloc (43 deputies), 4) „Samopomich” Union (26 deputies), 5) „Revival” Party (23 deputies), 6) Radical Party (21 deputies), 7) All-Ukraine “Fatherland” Union (21 deputies), 8) “Will of Nation” Party (19 deputies). Also 46 deputies who do not belong to any fraction works in the parliament [3].

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Дроздинський Т., Підсистема управління національною системою безпеки України – структура та функції

В даній статті було розглянуто управління національною безпекою використовуючи системний підхід. Були також представлені законодавча основа, структура та завдання окремих елементів підсистеми управління національної системи безпеки України. Було також взято до уваги всі трансформації безпекового середовища в Україні, а також поточний процес внутрішніх змін, котрі мають значний вплив на національну систему безпеки України в цілому.

Ключові слова: управління безпекою, національна система управління безпекою, Україна

Дроздинский Т., Подсистема управления национальной системой безопасности Украины – структура и функции

В данной статье было рассмотрено управление национальной безопасностью, используя системный подход. Были также представлены законодательная основа, структура и задания отдельных элементов подсистемы управления национальной системы безопасности Украины. Были также приняты во внимание все трансформации среды безопасности в Украине, а также текущий процесс внутренних изменений, которые оказывают значительное влияние на национальную систему безопасности Украины в целом.

Ключевые слова: управление безопасностью, национальная система управления безопасностью, Украина