

ВІЙСЬКОВА ТЕХНІКА І ТЕХНОЛОГІЇ ПОДВІЙНОГО ПРИЗНАЧЕННЯ

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ESTABLISHMENT OF BORDER SECURITY AS A COMPONENT OF NATIONAL SECURITY OF UKRAINE

An analysis of recent scientific publications and special literature on national security issues shows that approaches to the methodological aspects of research in this area are currently in place. The problem of delimitation of certain components of national security, in particular border security, remains relevant. However, its key concepts are not clearly defined, which complicates the definition of the subject of research, accurate analysis and preparation of appropriate recommendations for its implementation. As a result, the issue of border security is currently not deeply studied, in particular, insufficient attention is paid to geopolitical realities, external and internal factors that affect its state. This can be confirmed by a number of scientific publications that demonstrate simplified views of the state border. It is perceived simply as a physical line of demarcation of the territory of states, draws conclusions about the "blurring" of borders between European states and questions the need to protect them in the era of globalization. At the same time, the competence and tasks of the border institution are limited only to checking the documents of travelers across the border at checkpoints and control of its area outside them.

Taking into account the main trends and consequences of deep transformations of geopolitical and geoeconomic space, today there is a need for thorough research in the field of border security of Ukraine as a component of national security, as well as defining a clear place and role of its guarantee. functions, especially with the emergence of new types of threats, in particular: the temporary occupation by the Russian Federation of part of Ukraine - the Autonomous Republic of Crimea and the city of Sevastopol, Russia's incitement to armed conflict in the eastern regions of Ukraine, the threat of its spread through the territory of our state, but also aimed at destroying the system of world and regional security and the principles of international law.

We consider it necessary to substantiate the structure and content of the border security model as the basis for further development of the State Border Guard Service of Ukraine, which is the basis for the formation and implementation of modern European border policy, including bringing Ukrainian border legislation to European law.

Key words: risk, threat, national security, border security, border security model.

Introduction. For Ukraine, the issue of border security, given the course of Euro-Atlantic integration, and one of the main requirements for the accession of new countries to the Schengen Union is to ensure border security, is certainly relevant and a priority. Thus, the recent enlargement of the European Union, the geopolitical position of Ukraine determine the fact that the borders of our country play an important and universally recognized role in shaping the system of European security. It should be noted that the interests of Ukraine and the European Community in the management of common borders, of course, coincide. This is to ensure reliable protection of long sections of the state border of Ukraine; unimpeded legal crossing of the border by citizens and vehicles at checkpoints along with a high level of control procedures; proper management of migration flows; effective counteraction to the manifestations of organized cross-border crime.

Formulation of the problem. Our state supports the creation of a fundamentally new system of European security, which is based on non-power (political, economic, social, energy, environmental, information, etc.) aspects. Thus, it is necessary to substantiate the structure and content of the model of border security, which is the basis for the formation and implementation of modern border policy

of the European model, in particular, bringing border legislation of Ukraine to European law; ensuring the readiness of human resources; technical re-equipment; achieving the current state of state border infrastructure; information integration; qualitatively new level of cross-border cooperation. Analysis of recent research and publications.

Analysis of research and publications. According to the analysis of the theoretical foundations of the study of the problem of national security of Ukraine, to date, there are well-established approaches to the methodological aspects of research in this area. Basic concepts such as "risk", "challenge", "threat", "security", "danger", "national security", etc. are defined [1]. At the same time, the problem of delimitation of certain components of the national security system remains relevant, in particular the selection and theoretical understanding of such an element as border security [2, 3]. The key concepts of border security have not yet been clearly defined. This complicates the definition of the subject of research, its accurate analysis and preparation of relevant recommendations [4, 5]. Therefore, given the main trends and consequences of deep transformations of the geopolitical and geoeconomic space of the end of the last and the beginning of the present century, there is a need for thorough research in the field of border security. Based on the official definition of national security, given in the Law of Ukraine "On Fundamentals of National Security of Ukraine" [2], the official point of view adopted in scientific circulation [6, 7], border security can be defined as the protection of vital interests of the individual, society and the state in its border area, in which society, state and individual are not harmed, but on the contrary, create conditions for their interests related to freedom of movement across the state border [5], offenses are promptly detected and stopped, threats to national security at the border are countered and systematic activities are carried out to eliminate the causes of their occurrence.

Thus, border security must be considered an integral part of national security. It should include the following elements: scientific theory, concept, policy, strategy and tactics, a set of state and public institutions and organizations that ensure border security, means of ensuring it. The purpose of the article is to reveal the structure and content of the border security model as the basis for further development of the State Border Guard Service of Ukraine, which is the basis for the formation and implementation of modern European border policy.

Mane part. In our opinion, the formation and functioning of the border security system is based on certain laws. This is primarily the dependence of its construction on the nature of threats, and efficiency and effectiveness - on the economic potential of the state. The real perception and analysis of threats and risks, their correct classification and assessment are a must. The border security system must be flexible, change quickly depending on external and internal factors, their magnitude and dynamics of change. The formation and effective implementation of border policy is crucial in achieving the appropriate level of border security. It should be noted that in 2002, in pursuance of the decision of the National Security and Defense Council of Ukraine, an interdepartmental working group developed a draft Concept (basics) of border policy and security of Ukraine [8]. The concept proposed to consider border policy as a set of measures aimed at ensuring the sovereignty, inviolability and integrity of the territory, the implementation and protection of national interests and security of the state in its border area. It was determined that it is implemented through purposeful and coordinated activities of public authorities and local governments in accordance with their powers and responsibilities in this area. For some reason, the concept was not approved. However, after the adoption of the Law "On the Fundamentals of National Security of Ukraine" and the approval by the Presidential Decree of the National Security Strategy of Ukraine, the proposed approaches need further study and development in scientific and theoretical terms. To this end, it is important to analyze the approaches to the formation and implementation of border policy, building the border security system of Ukraine in 1991–2008, which allows us to draw the following conclusions [9]: first, with Ukraine's independence, its border policy was aimed at ensuring territorial integrity, creating its own border security system, organizing border protection around the perimeter (about 7,000 km, of which 1,300 km is a sea area) and protection exclusive (maritime) economic zone (about 82 thousand sq. km); secondly, the formation of the border security system was influenced by a number of factors, including: Ukraine's location in the east of the united Europe and the passage of

Eurasian transport corridors through its territory; the presence of "frozen" conflicts in the regions bordering Ukraine; illegal migration and smuggling activities that have become organized across borders; the absence of any border infrastructure on two thirds of the border (more than 4.5 thousand km), which were not defined in the legal contract and were not protected, the need for significant resources for its development, etc. thirdly, the process of formation and implementation of border policy in this period can be divided into four stages [9]: the first – 1991–1993; the second – 1994–1999; the third – 2000–2005; the fourth – 2006–2015. This division is made in view of the adoption and implementation of relevant regulations, concepts and programs (state, target, etc.), which determined the main directions of the formation of border security and the mechanism of their implementation. At the first stage, the main efforts were aimed at determining (establishing) the legal status and ensuring the inviolability of the state border, developing a basic legal basis in the field of border security, approaches to creating a national border institution and building border infrastructure. The key to the formation of the border security system at that time were the first official acts: "Declaration of State Sovereignty of Ukraine", "Act of Independence of Ukraine", Laws "On Succession of Ukraine" and "On the State Border of Ukraine", which determined that the USSR, which separates the territory of Ukraine from other states, and the border between the USSR and BSSR, RSFSR, RM as of July 16, 1990 is the state border of Ukraine, it is inviolable and any border violations are decisively stopped [10]. Depending on the existing conditions and potential threats, the share of border security in the national security system changes. During this period, it was particularly large and had significant political significance. At the end of 1993, state approaches to border development were developed and reflected in the Comprehensive Program approved by the President of Ukraine [11]. It was implemented during the second stage. At the same time, the basic regularity in the field of border security is clearly traced, namely: resolving the contradictions between threats on the one hand and the economic potential of the state on the other. That is why the main forces and resources were aimed at building the Ukrainian-Moldovan border. This decision was influenced by the Transnistrian conflict and, consequently, the threats that arose in this area [12].

At the same time, on the border with Russia and Belarus (until 1998) the main efforts were aimed at carrying out control functions in temporarily equipped checkpoints and operational cover of the "green border". The analysis of the third stage allows us to define it as a stage of active reforms. The implementation of state policy in the field of border security was carried out through the adoption of the second program [13] and a number of legislative acts. They not only identified measures to improve legal regulation, but also stimulated serious reforms of the main institution that implements border policy. During this period, the border agency demonstrates unprecedented openness of action and strategic planning. An example of this is a number of international conferences, starting with the first in Brussels (2002), public discussion of the draft basic law on the State Border Guard Service of Ukraine, attracting the help of international experts and more. This Law and other normative legal acts, adopted in 2003, created a legal basis for reforming the border institution from military to law enforcement [13 - 15]. Thus, the analysis of the third stage allows us to draw the following conclusions: First, it is currently impossible to use old methods effectively in a rapidly changing world. Despite the fact that external threats have acquired mostly non-military forms, they are no less painful for society and national security. These conclusions were made by the leadership of the border agency, after which its reform began, which was preceded by an understanding of the need for profound change and a thorough study of European experience. Secondly, at the third stage a number of transformations were successfully carried out, which affected all spheres of activity of the border agency: powers, structure, systems of staffing and training, forms and methods of service. Significant steps have been taken to develop the border infrastructure, technical re-equipment, and establish cooperation with the state authorities of the border regions, including the arrangement of the border. Third, the demarcation of the first new section of the border (Ukrainian-Moldovan) and its marking unilaterally in other non-demarcated areas has begun. Fourth, border security measures have acquired a new quality at the international level, both bilaterally and multilaterally. In particular, a number of joint projects with the EU and the US are being successfully implemented. A new form of cooperation related to the activities of the European Commission Mission on the Ukrainian-Moldovan border has

been introduced. The fourth stage began in 2006 after the President of Ukraine approved the Concept of Development of the State Border Guard Service of Ukraine for the period up to 2015. In developing the provisions of the Concept, the Government approves the State Targeted Law Enforcement Program "Arrangement and Reconstruction of the State Border of Ukraine" for the period up to 2015 (state customer and main executor of the State Border Guard Service of Ukraine). These strategic documents envisage not only significant changes in the organization of the border department, construction of a modern integrated border protection system and protection of Ukraine's sovereign rights in its exclusive (maritime) economic zone, but also improvement of the border security system as a whole [15, 16]. Based on the analysis of the first four years of the fourth stage (2006-2009), evaluation of the results of actions and effectiveness of border security policy, the following conclusions can be drawn:

First, there is every reason to assess actions in the field of border security as progressive, balanced and appropriate. They included a range of activities: legislative and regulatory regulation; contractual and legal registration of the border; conclusion of international treaties and agreements; development of the border institution (structural changes; reorganization of the management system; introduction of risk management and criminal analysis systems; reform of the Maritime Guard; transition to full staffing on a contract basis; reform of the training system; optimization of the logistics system; technical re-equipment of border units according to law enforcement needs etc). Secondly, the level of protection of national interests at the state border is further increased, in particular: measures to implement the provisions of the Schengen Borders Code [17], streamlining checkpoints and visa liberalization have contributed to the growth of passenger and transport flows; There is a steady trend to increase the effectiveness of combating modern threats – arms smuggling, drug trafficking, illegal migration. Thus, according to joint estimates with the border services of neighboring EU countries in 2004 - 2009, there has been a gradual decline in the activity of illegal migration on the border of Ukraine with the European Union. This trend is strengthened by strengthening the protection of the common border with the EU, eastern and northern areas, cooperation with other law enforcement agencies to detect and stop organized criminal groups that smuggle people across the border, preventive measures to prevent potential migrants to Ukraine, strict implementation of readmission agreements, expulsion of foreign offenders outside Ukraine. Third, the development of approaches to improving border security continued at the highest state level in the framework of the Comprehensive Security Sector Review and the development of the draft Conceptual Framework for Law Enforcement Reform. The analysis of more than three years of work shows state support for the initiatives of the border agency, its approaches to the development of the border security system. Fourth, an adequate level of border security is supported by joint action on at least both sides of the border. Adherence to this principle is especially characteristic of the fourth stage. Examples include measures to establish joint controls at checkpoints, joint patrols at the Green Border and the Danube, the establishment of joint consultation points, the development of cooperation between operational bodies and information exchange, joint operations, including in the framework of the European Agencies, management of operational cooperation at the external borders of EU member states (FRONTEX). Fifth, the development of approaches to the development of the border security system (short, medium and long term) should take into account the experience of new EU member states in preparing for accession to the European Union and accession to the Schengen Agreement. In particular, this process involves the development of a joint strategy to build the future external border of the community - the implementation of which is regularly monitored by the evaluation mission. Not only border institutions are subject to this assessment, but also all government agencies related to border security. During the assessment, special attention is paid to the consolidation and clear delineation of tasks related to the protection of national interests at the border; fulfillment of international obligations in the field of border security; creation of simple but effective departmental and interdepartmental mechanisms of interaction. In some cases, the assessment mission's findings that the candidate country was not ready to protect the new external border became an obstacle to the decision to join the EU. In general, the policy of the European Union in the field of border security is quite flexible, promptly modernized in the light of existing and potential threats,

aimed at continuous development, the use of the latest technology and information technology. It provides for close cooperation at national level in the Member States and throughout the EU, in particular through FRONTEX, as well as with third countries on a bilateral and multilateral basis. In recent years, the EU has developed a number of concepts for action in the field of border security, which are mandatory both in the Community and in each Member State (including candidate countries). A number of concepts have already been implemented (reflected in the relevant regulations, instructions, recommendations, etc.), and others are under implementation. They concern, in particular, integrated border management; risk management systems, criminal analysis, technical surveillance; European patrol network; national focal points; information collection centers; information systems and technologies etc.

The main EU document in this area is the Instruction on the Integrated Border Management System (IPM). It must ensure a balance between effective border protection, prevention of modern threats and maintaining the openness of borders for legitimate cross-border activities and travelers. This Instruction identifies three levels of IPM implementation (development): 1. Interdepartmental cooperation within the national services responsible for border management tasks at the vertical and horizontal levels. 2. Interagency cooperation and coordination between different national services responsible for specific border management tasks at the border. 3. International cooperation, in particular, bilateral cooperation with neighboring countries and multilateral cooperation. The key areas of focus within these three levels are the legal and regulatory framework, the institutional system, procedures, human resources, education and training, information and communication exchange, infrastructure and equipment. The practice of European countries involves the development of a national strategic action plan in the field of border management with a number of measures at all three levels above. Given the perspective, the experience of European countries needs to be carefully studied, as the Ukrainian situation can be assessed as unprecedented. Unlike, for example, Poland, Slovakia, Hungary and Romania, which jointly guard the EU's new eastern land border of about 2,000 km, Ukraine's land border, which could become the EU's external border after Ukraine's accession, is 1.5 times larger. In addition, it is a new, unregulated border. Its construction is not yet complete, especially at checkpoints. It is also necessary to take into account the factors that affect and will have an impact on the state of border security. In particular, external factors include: the presence of 1,400 km of common border with the EU, the accession of Poland, Slovakia and Hungary to the Schengen Agreement and the future accession of Romania; measures for the development of international transport corridors passing through Ukraine; holding the European Football Championship in Ukraine and Poland in 2012; activity of European structures on monitoring (evaluation) of the effectiveness of protection of Ukrainian borders, in particular the Ukrainian-Moldovan one; the entry into force of a readmission agreement with the EU in the near future; incomplete legal registration of the border with Belarus and Russia, the central part of the border with Moldova, delimitation of exclusive (maritime) economic zones with Romania and Russia; unresolved Transnistrian conflict; projected activity of cross-border (transnational) criminal groups on human smuggling, trafficking in drugs and other contraband items, economic smuggling, etc. The internal factors include: unresolved (including legal) a number of issues in the field of migration management, anti-smuggling, etc.; lack of material resources for the arrangement of the border, construction of checkpoints across the border (including for small border traffic), renewal of the ship and boat composition of the Marine Guard, border aviation; unresolved issues regarding the allocation of land for the development of border infrastructure; a large set of tasks that need to be done in the framework of Ukraine's development as a maritime state; the need for significant reforms to achieve ambitious goals for Ukraine's integration into the European Union.

Conclusions. Taking into account these and other factors in security, migration, economic, environmental and other spheres, depending on specific conditions, the priorities of Ukraine's border policy should be differentiated, their hierarchy, range of subjects and objects and their functions, the role of adjacent territories within positive cross-border interaction. These are crucial state tasks that require theoretical elaboration, systematic research, and the search for ways to resolve the problems and contradictions that exist in this area, which we will consider in the future.

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СТАНОВЛЕННЯ ПРИКОРДОННОЇ БЕЗПЕКИ ЯК СКЛАДОВОЇ НАЦІОНАЛЬНОЇ БЕЗПЕКИ УКРАЇНИ

Аналіз останніх наукових публікацій та спеціальної літератури щодо проблематики в галузі національної безпеки показує, що на сьогодні усталені підходи до методологічних аспектів дослідження у цій сфері. Актуальною залишається проблема розмежування окремих складових національної безпеки, зокрема прикордонної. Разом з тим її ключові поняття чітко не окреслені, що ускладнює визначення предмету дослідження, проведення точного аналізу та підготовку відповідних рекомендацій стосовно її реалізації. Як наслідок, питання прикордонної безпеки на разі глибоко не вивчені, зокрема не достатньо враховуються геополітичні реалії, зовнішні та

внутрішні фактори, які впливають на її стан. Підтвердженням цьому може слугувати низка наукових публікацій, що демонструють спрощені погляди на державний кордон. Його сприймають просто як фізичну лінію розмежування території держав, роблять висновки щодо „розмиття” кордонів між європейськими державами і піддають сумніву необхідність їх охорони в епоху глобалізації. Водночас компетенція та завдання прикордонної інституції обмежуються лише перевіркою документів у подорожуючих через кордон в пунктах пропуску та контролі його ділянки поза ними.

Беручи до уваги основні тенденції і наслідки глибинних трансформацій геополітичного та гео економічного простору, на сьогодні виникла потреба у проведенні ґрунтовних досліджень у сфері забезпечення прикордонної безпеки України, як складової національної безпеки, а також визначення чіткого місця і ролі суб'єктів її гарантування в ході реалізації зазначеної функції, особливо з появою нових видів загроз, зокрема: тимчасова окупація Російською Федерацією частини території України - Автономної Республіки Крим і міста Севастополя, розпалювання Росією збройного конфлікту в східних регіонах України, що обумовлюють не лише дестабілізацію політичної та економічної ситуації в Україні, розвиток тероризму та загрозу його поширення територією нашої держави, але й спрямованні на руйнування системи світової та регіональної безпеки і принципів міжнародного права.

Необхідним вважаємо – обґрунтування структури та змісту моделі прикордонної безпеки, як основи подальшого розвитку Державної прикордонної служби України, що є основою формування та реалізації сучасної прикордонної політики європейського зразка, зокрема приведення прикордонного законодавства України до норм європейського права.

Ключові слова: ризик, загроза, національна безпека, прикордонна безпека, модель прикордонної безпеки.

